



# **PLANNING PROPOSAL**

Amendments to Warringah Local Environmental Plan 2011

## **Rezoning of land within the Manly Warringah War Memorial State Park from R2 (Low Density Residential) to RE1 (Public Recreation)**

September 2020 (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 and 17 December 2019 to rezone certain land located within the Manly Warringah War Memorial State Park from R2 (Low Density Residential) to RE1 (Public Recreation) 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
DPIE	The NSW Department of Planning, Industry & Environment
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
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, Industry & Environment
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 three (3) lots are located within the south-west boundary of the Manly Warringah War Memorial State Park (State Park). They 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 Sydney Water operational reservoir followed by low density residential to the South.



Figure 1 Location of the Subject Land

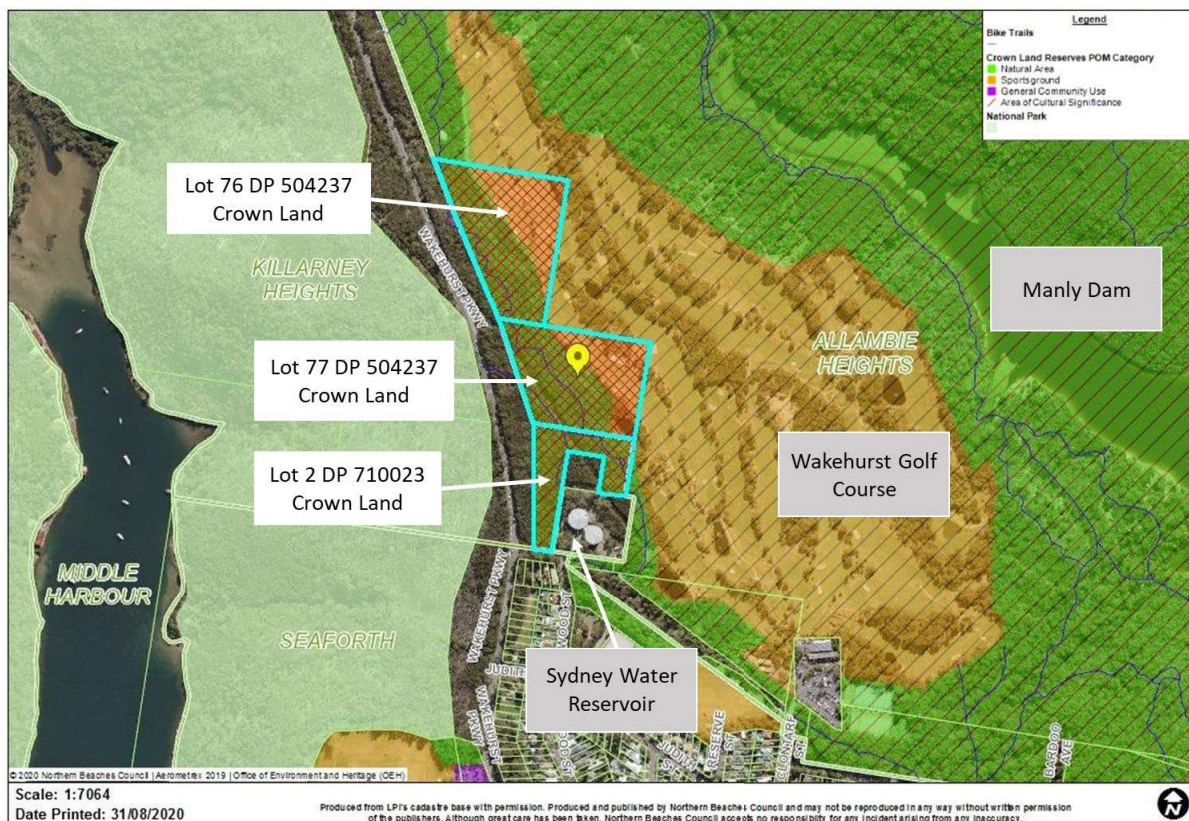


## 1.2 Description of the Subject Site and Surrounding Land

The three (3) lots that are the subject of this Planning Proposal have a total area of approximately 8.97ha and are included within the Manly Warringah War Memorial State Park. The land is owned by Crown Land and managed by the Manly Warringah War Memorial Park (R68892) Reserve Trust. Northern Beaches Council manages the affairs of the Trust and carries out day-to-day management of the Park on behalf of the Trust under provisions of the Crown Land Management Act 2016. The Park is managed in accordance with the Manly Warringah War Memorial Park Plan of Management (POM).

This Land:

- Supports important recreational values, forming part of the Manly Dam Mountain Bike Track loop and the Wakehurst Golf Course
- Contains important core habitat for local native species including threatened species
- Contains bushland that protects the water quality of the Manly Dam Catchment
- Contributes to the cultural and aesthetic values of the State Park including to maintain the Park's undeveloped bushland skyline, as seen from internal vantage points and use areas.
- Functions as an important wildlife corridor, connecting Manly Dam to the adjoining Garigal National Park and as one of only two north-south links within the Manly Dam Reserve
- Contains landfill under the eastern flat areas of the Wakehurst Golf Course
- Is identified as being in close proximity to Aboriginal Heritage
- Is identified as Bush Fire Prone Land
- Is identified as Land Slip Risk Map-Area A under WLEP2011
- Is currently zoned R2 (Low Density Residential) under WLEP2011



**Figure 2 Subject Lots within Manly Warringah War Memorial State Park and adjoining Garigal National Park**

## **Part 1 – Intended Outcomes**

To amend the Warringah LEP 2011 with regard to the three (3) Crown Land lots (Lots 76 DP 504237, 77 DP 504237 and Lot 2 DP 710023) to support a range of recreational land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the Manly Warringa War Memorial State Park.

## **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
  - Lot 77 DP 504237
  - Lot 2 DP 710023
- 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

#### 1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

NO

This Planning Proposal resulted from a Councillor Notice of Motion on 27 November 2018, which highlighted the important function of this bushland in protecting the natural environment of the Manly Dam Catchment and providing for Recreation including the golf course, mountain bike trail and walking. The Notice of Motion sought to correct what is considered to be an anomaly in Warringah LEP 2011 and ensure that the future land use is consistent with the protection and management of the Manly Warringah War Memorial State Park.

The Notice of Motion follows a marketing campaign by Sydney Water to sell their Surplus Bushland Site (Lot 1 DP 710023) for development in 2015, which was put on hold due to pressure from the community.

On 27 November 2018, Council resolved as follows:

*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 835123 - with water tower (reservoir).*

#### **Background from Councillor Candy Bingham from the Notice of Motion:**

*These parcels of land are within the boundaries of the Manly Warringah War Memorial Park Plan of Management.*

*The land includes bushland and part of the Wakehurst Golf Course, and a section is traversed by the circuit trail for cycling and walking within the Memorial Park.*

*In addition, the bushland area protects the Manly Dam Catchment and is part of a wildlife corridor. It also contributes to the scenic amenity of the Park.*

*The land has an important function in protecting the natural environment of the Manly Dam Catchment and providing for recreation.*

*Rezoning the parcels of land to RE1 would be consistent with the former County Open Space zoning and with the current zoning of the adjoining Manly Warringah War Memorial Park.*

*The rezoning proposal would correct what is now seen as an anomaly in WLEP2011, and ensure that the future land use is consistent with the protection and management of the Manly Warringah War Memorial Park.*

## **Historic Zoning of the Lots**

The historic zoning of the three lots are outlined as follows:

### *Warringah Local Environmental Plan 1985 (WLEP1985)*

Under WLEP1985:

- The three Crown Land Lots 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.

### *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 three Crown Land lots.
- The three (3) 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.

### *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. Accordingly, in making WLEP2011, all of these lots were zoned R2 Low Density Residential.
- Similar to WLEP2000, the three Crown Land Lots were included within the Manly Dam Conservation Area 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 three Crown Land lots to RE1 (Public Recreation) consistent with the values of the State Park. 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.

## **Manly Warringah War Memorial Park Plan of Management (2014)**

The Council Adopted Plan of Management identifies these lots as part of the Bushland Zone with the following Management Intent:

*To maintain the greater majority of the Park as natural bushland and a scenic landscape, protecting communities and species of high conservation value, while providing for sustainable dispersed recreational and educational uses without significant impact on natural systems.*

Primary Management Objectives include:

- To protect communities and species legislated as having high conservation value.
- To maintain and enhance the natural systems, biodiversity, habitat, and scenic values of a large natural bushland area.
- To provide sustainable opportunities for dispersed track-based recreational, community and educational uses without significant impact on natural systems.
- To provide for visitor safety.

Secondary management objectives:

- To maintain links to adjacent or nearby natural areas.
- To assist in managing water quality in Manly Dam.
- To accommodate occasional “special use” recreational, community and or educational activities, with prior approval.
- To assist in maintaining the Park’s undeveloped bushland skyline, as seen from internal vantage points and use areas.

**Consideration:**

It is recommended that RE1 zoning would best support the management intent and objectives for these lots outlined in the Manly Warringah War Memorial Plan of Management (2014).

**Other Policies, Plans, Reports and Databases that provide further justification**

- Towards 2040: Local Strategic Planning Statements
- SHAPE 2028 Northern Beaches Council Community Strategic Plan (2018)
- Identified Aboriginal sites within proximity of subject sites
- 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
- Native Vegetation DCP Mapping, former Warringah Council
- Manly Dam Ongoing Comprehensive Species List Project by Northern Beaches Council, 2018
- Biodiversity Assessment of nearby Sydney Water Land (Sydney Water, 2018)
- Connected Corridors for Biodiversity Project by Southern Sydney Regional Organisation of Councils, December 2016
- BioNet Threatened Species Records, OEH 2018

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

YES

The Planning Proposal to rezone the land to RE1 Public Recreation is the best means of achieving the objectives to maintain the use of the land for public open space and recreational purposes and to better protect and enhance the natural environment and the values of the land.

These three (3) Crown Land owned lots are included within the Boundary of the Manly Warringah War Memorial State Park. Rezoning these lots as RE1 Public Recreation will support consistency with adjoining lots and the State Park.

## Section B – Relationship to Strategic Planning Framework

### 3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a) Does the proposal have strategic merit?

YES

#### 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. This Planning Proposal is informed by the Plan’s vision for the Eastern Harbour City and aligns with the Directions of the Plan. In particular, this Planning Proposal satisfies a range of Objectives as follows:

- **Objective 25 - The coast and waterways are protected and healthier** - The Planning Proposal is consistent with this Objective on the basis that the subject land is native vegetation and the proposed Public Recreation zone protects the biodiversity in an around the land and enhances sustainability and livability in the management of public lands.
- **Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced** - The Planning Proposal is consistent with this Objective on the basis that biodiversity values of the land are recognised under the proposed Public Recreation zone, landscape-scale biodiversity conservation, the restoration of bushland is supported, and urban bushland is better managed as green infrastructure.
- **Objective 28 – Scenic and cultural landscapes are protected** - The Planning Proposal is consistent with this Objective on the basis that the scenic and cultural landscape values of the subject land have been considered and are supported.
- **Objective 30 – Urban Tree Canopy is increased** - The Planning Proposal is consistent with this Objective on the basis that the proposed Public Recreation zone provides for maximizing the urban tree canopy and enhancing the amenity of the public domain.
- **Objective 31 – Public open space is accessible, protected and enhanced** - The Planning Proposal is consistent with this Objective on the basis that the subject land is part of the network of public open space and the proposed Public Recreation zone represent the optimal use of the land that is accessible, protected and enhanced.
- **Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycling paths** - The Planning Proposal is consistent with this Objective on the basis that the proposed zoning of the subject land for open space purposes appropriately refined zoning for the local delivery of the Greater Sydney Green Grid in terms of the bushland and corridor values of the land.

#### 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**

The Planning Proposal is consistent with this Planning Priority on the basis that the subject land is within the Manly Lagoon Catchment and the proposed Public Recreation zone supports the protection and improvement of the health and enjoyment of land within the Waterways catchment.

- **Planning Priority N16 – Protecting and enhancing bushland and biodiversity**

The Planning Proposal is consistent with this Planning Priority on the basis that the proposed rezoning of land involves areas of native vegetation with better opportunities to protect and enhance connected bushland corridors and endangered ecological communities.

- **Planning Priority N17 – Protecting and enhancing scenic and cultural landscapes**

The Planning Proposal is consistent with this Planning Priority on the basis that the scenic and cultural landscape values of the subject land have been considered and supported by the zoning of the land to RE1 Public Recreation in the LEP.

- **Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid Connections**

The Planning Proposal is consistent with this Planning Priority on the basis that the proposed zoning of the subject land for open space purposes appropriately refines the local delivery of the North District Green Grid in terms of the bushland and corridor values of the land.

- **Planning Priority N20 – Delivering high quality open space**

The Planning Proposal is consistent with this Planning Priority on the basis that the zoning of the land RE1 Public Recreation delivers high quality open space near Manly Creek, Manly Vale.

**b) Does the proposal have site-specific merit?**

**YES**

The Manly Warringah War Memorial Plan of Management (2014) includes this site as part of the Bushland Management zone. The management intent and objectives for this zone reflect the historic and ongoing use of the site which are best supported by a RE1 Public Recreation zone.

Historic and ongoing uses and values include:

- Recreation activities:
  - Wakehurst Golf Course – a challenging public golf course (Par 72) set in a unique bushland environment supports a strong community and successful club.
  - Manly Dam Mountain Bike Track Loop – is the closest mountain bike trail to the Sydney CBD, making it popular for beginners to advanced riders. The Northern Beaches has a strong mountain biking community, which proactively lobbies to develop and maintain sustainable mountain biking trails.
  - Walking tracks – These lots support bushwalking activity and enjoyment of the bushland environment.



- **Environmental Values** – (further explained in Part C section 7)
  - The subject sites contain important core habitat for local native species including many threatened species.
  - The bushland is mapped as “native vegetation” under Warringah Development Control Plan E5 Native Vegetation.
  - The land functions as an important wildlife corridor connecting Manly Dam to Garigal National Park.
  - Contains bushland that protects the water quality of the Manly Dam Catchment
- **Cultural and aesthetic values of the State Park** including to
  - Maintain the Park’s undeveloped bushland skyline, as seen from internal vantage points and use areas. This undeveloped skyline gives users of the park the feeling of having completely escaped the city, providing relief from the urban environment.
  - War Memorial & social gatherings - The subject sites are at the top of the ridgeline along the western boundary of the state park and are highly visible from within the park, including the war memorial in section 1. As such, residential development of these sites would significantly affect the social and cultural values of the War Memorial and the picnic areas where family and social groups congregate for picnics.
  - Aboriginal Heritage – the subject lots are identified as being in close proximity to aboriginal Heritage.
- **Hazards**
  - Bush Fire Prone Land - The three subject sites are identified on 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. This land is in close proximity to Garigal National Park and dense bushland of the State Park. RE1 zoning on this site 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 parks boundaries.

#### 4. Will the Planning Proposal give effect to Council’s endorsed Local Strategic Planning Statement, or another endorsed local strategy or strategic plan?

##### Q4 (a) Compliance with Towards 2040 - Local Strategic Planning Statement (LSPS)

Yes – the Planning Proposal give effect to Council’s endorsed Local Strategic Planning Statement.

The Local Strategic Planning Statement (LSPS) sets our land use vision, and planning principles, priorities, and actions for the next 20 years.

Towards 2040 came into effect on the 26 March 2020. Towards 2040 was made by the Chief Executive Officer under delegated authority based on Council’s resolution 25 February 2020 and a letter of support from the Greater Sydney Commission (GSC) for consistency with the Greater Sydney Region Plan and North District Plan.

**Table 2 Consistency with Local Strategic Planning Statements**

Priority		Applicable	Consistent
<b>Direction: Landscape</b>			
1	Healthy and valued coast and waterways	Yes	Yes
2	Protected and enhanced bushland and biodiversity	Yes	Yes

3	Protected scenic and cultural landscapes	Yes	Yes
4	Protected Metropolitan Rural area	No	n/a
5	Greener urban environments	No	n/a
6	High quality open space for recreation	Yes	Yes
<b>Direction: Efficiency</b>			
7	A low-carbon community, with high energy, water and waste efficiency	No	No
<b>Direction: Resilience</b>			
8	Greater community resilience to natural hazards and climate change	Yes	Yes
<b>Direction: Infrastructure and collaboration</b>			
9	Infrastructure delivered with employment and housing growth	No	No
<b>Direction: People</b>			
10	World-class education facilities, including a university	No	n/a
11	Community facilities and services that meet changing community needs	Yes	Yes
12	An inclusive, health, safe and socially connected community	Yes	Yes
13	Strong engagement and cooperation with Aboriginal communities	Yes	Yes
14	An artistic, creative and innovative culture	No	n/a
<b>Direction: Housing</b>			
15	Housing supply, choice and affordability in the right locations	No	n/a
16	Access to quality social and affordable housing	No	n/a
<b>Direction: Great places</b>			
17	Centres and neighbourhoods designed to reflect local character and lifestyle	No	n/a
18	Protected, conserved and celebrated heritage	Yes	Yes
<b>Direction: Connectivity</b>			
19	Frequent and efficient regional public transport connections	No	n/a
20	Sustainable local transport networks	No	n/a
21	Road space and facilities to match changing community needs	No	n/a
<b>Direction: Jobs and skills</b>			
22	Jobs that match the skills and needs of the community	No	n/a
23	Frenchs Forest as a sustainable health and education precinct	No	n/a
24	Brookvale as an employment and innovation centre	No	n/a
25	Dee Why as a thriving cosmopolitan centre by the sea	No	n/a
26	Manly as Sydney's premier seaside destination	No	n/a
27	Mona Vale as the contemporary, urban heart of the north	No	n/a
28	Safeguarded employment lands	No	n/a
29	A thriving, sustainable tourism economy	Yes	Yes
30	A diverse night-time economy	No	n/a

The Planning Proposal is consistent with the following priorities contained in Towards 2040.

- **Priority 1 - Healthy and valued coast and waterways** - The Planning Proposal will protect and enhance the ecological condition of the catchments, waterways and their riparian areas. It will support the water quality of Manly Dam and downstream waterways and beaches. Rezoning the subject land will conserve watercourses and will restore them to their natural state while avoiding negative impacts of residential development within the catchment including fertiliser use.
- **Priority 2 - Protected and enhanced bushland and biodiversity** - The Planning Proposal will conserve and restore threatened species habitat and will retain native

vegetation and maintain ecological functions in wildlife corridors.

- **Priority 3 - Protected scenic and cultural landscapes** - The Planning Proposal will enhance and protect views of scenic and cultural landscapes from public areas.
- **Priority 6 - High quality open space for recreation** - The Planning Proposal will improve the provision, diversity and quality of open space for recreation, and will use open space to connect people to nature. Rezoning of subject properties will ensure new open space contributes to, connects and enhances the local green grid. Further, it will ensure access to natural open space and waterways is sustainable so that these areas are preserved for the future.
- **Priority 8 – Adapted to the impacts of natural and urban hazards and climate change** - The planning proposal minimises risk to life and property from bush fire by reducing potential for incompatible development on land that is identified as bush fire prone. This proposal minimises adverse impacts from development in environmentally sensitive areas.
- **Priority 11 – Community facilities and services that meet changing community needs** - The Planning Proposal supports the ongoing use of this land for recreation purposes including the public golf course and Mountain bike trail. By removing the possibility of residential development this proposal will help to maintain the bushland environment and the relief from urban areas provided by the park. Spaces to ‘escape’ and ‘un-plug’ modern urban life are increasingly recognised for mental and physical health benefits. Map 14 identifies a range of picnic areas and the golf course within the Manly Warringah War Memorial State Park.
- **Priority 12 – An inclusive, healthy, safe and socially connected community** - The mountain bike trail and walking are both low cost activities open to the general public. Maintaining the bushland setting of these lots supports the amenity for the inclusive, accessible picnic areas within the Manly Warringah War Memorial State Park. These spaces cater to social interaction and cultural pursuits including the War Memorial at section 1.
- **Priority 13 – Strong engagement and cooperation with Aboriginal Communities** - The proposal the rezone these lots to RE1 Public Recreation will help to protect aboriginal heritage within close proximity of these lots.
- **Priority 18 – Protected, conserved and celebrated Heritage** - The Planning Proposal applies to three crown land lots that are located within the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011. This proposal will help to protect ongoing heritage values.
- **Priority 29 – A thriving, sustainable tourism economy** - This planning proposal protects future opportunities to support sustainable nature based and Aboriginal culture-based tourism that respects the environment. Map 32 identifies the State Park as an opportunity for nature based tourism. Further, the mountain bike trail attracts niche, higher spend visitation to the area, which compliments the tourism offering in Manly by expanding the diversity of experience on offer and assisting with spreading tourism activity across the Northern Beaches.

#### **Q4 (b) Northern Beaches Community Strategic Plan 2017-2028 ‘SHAPE 2028’**

Yes – this Planning Proposal gives effect to Council’s adopted Northern Beaches Community Strategic Plan ‘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 Community Strategic Plan defines our community's vision and sets a direction for everything we must do over the next 10 years with our future planning, budgets and actions.

Relevant Goals and Strategies:

- **Goal 1 Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations** - The Planning Proposal is consistent with this Goal on the basis that the land subject for rezoning is bushland and the proposed Public Recreation zone protects and ensures sustainable use of the land for present and future generations.
- **Goal 2 Our environment and community are resilient to natural hazards and climate change** - The Planning Proposal is consistent with this Goal on the basis that the proposed zoning will provide for protection and restoration of local biodiversity and bushland; improve ecological conditions in Manly Creek and recognise and protect the cultural and heritage value of the land. This proposal reduces the likelihood of development on bush fire prone land.
- **Goal 3 Our community is well supported in protecting the environment** - The Planning Proposal is consistent with this Goal on the basis that the proposed Public Recreation zone encourages the community to protect the environment. The site of the proposal is associated with well-established community participation and education programs including local community groups involved in restoring the natural environment through community participation and volunteering.
- **Goal 5 Our built environment is developed in line with best practice sustainability principles** - The Planning Proposal is consistent with this Goal on the basis that the proposed Public Recreation zone ensures integrated land use planning - balancing the environmental, social and economic needs of present and future generations. The proposed rezoning also aligns with associated strategy under the Community Strategic Plan to create greener and resilient urban environments by improving tree cover and native vegetation.

**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is considered consistent with applicable State Environmental Planning Policies (as shown in Table 1), namely:

- **SEPP19 Bushland in Urban Areas** – The Planning Proposal is consistent with SEPP 19 -Bushland in Urban Areas on the basis that bushland within the urban area is being protected and preserved bushland because of:
  - its value to the community as part of the natural heritage,
  - its aesthetic value, and
  - Its value as a recreational, educational and scientific resource.
- **SEPP (Koala Habitat Protection) 2019** – The subject lots are identified as a site investigation area for Koala Plans of Management. No Plan of management exists for the subject sites and it is not included in the Koala Development Application Map.

Council needs to be satisfied that the land is not core koala habitat to grant consent to a development application for consent to carry out development on the land.

This Planning Proposal is consistent with the aims of this Planning Policy as it is seeking to remove R2 (Low Density Residential) zoning and replace it with RE1 (Public Recreation Zoning), to protect the ecological values of these subject sites. Further, this land is owned by Crown Land, is within a State Park and is managed by Northern Beaches Council in accordance with the Manly Warringah War Memorial Park Plan of Management (2014). The Plan of Management clearly identifies management intent of protecting communities and species of high conservation value, while providing for sustainable dispersed recreational and educational uses without significant impact on natural systems.

Therefore this planning proposal is consistent with the aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

- **SEPP (Infrastructure) 2007** – the aim of this policy is to facilitate the effective delivery of infrastructure across the state by simplifying the process for providing infrastructure such as hospitals, roads, railways, emergency services, water supply and electricity delivery.

The Planning Proposal is consistent with SEPP (Infrastructure) 2007 on the basis that the proposed Public Recreational zone will continue to facilitate the effective delivery of infrastructure and the provision of services.

- **SEPP (Vegetation in Non-Rural Areas) 2017** - The Planning Proposal is consistent with SEPP (Vegetation in Non-Rural Areas) 2007 on the basis that the proposed Public Recreational zone will continue to preserve trees and other vegetation. It will protect the biodiversity values of trees and other vegetation in non-rural areas of the State but with particular regard to the land the subject of the Planning Proposal.
- **SEPP No 55 – Remediation of Land** – This SEPP applies as areas of the subject site have previously been used for landfill (under the golf course), a purpose referred to in Table 1. A Preliminary Contamination Investigation has been undertaken by Cardno and is attached to this Planning Proposal. Works to remediate the subject site are underway in accordance with the recommendations of the Preliminary Contamination Investigation. Northern Beaches Council will consider the findings of this investigation at its meeting on 29 September 2020 alongside this Planning Proposal.

**Table 3 Compliance with State Environmental Planning Policies (SEPPs)**

SEPPs (as at September 2020)	Applicable	Consistent
<u>State Environmental Planning Policy (Aboriginal Land) 2019</u>	No	
<u>State Environmental Planning Policy (Activation Precincts) 2020</u>	No	
<u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u>	No	
<u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u>	No	
<u>State Environmental Planning Policy (Coastal Management) 2018</u>	No	
<u>State Environmental Planning Policy (Concurrences and Consents) 2018</u>	No	



<u>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</u>	No	
<u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>	No	
<u>State Environmental Planning Policy (Gosford City Centre) 2018</u>	No	
<u>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</u>	No	
<u>State Environmental Planning Policy (Infrastructure) 2007</u>	Yes	Yes
<u>State Environmental Planning Policy (Koala Habitat Protection) 2019</u>	Yes	Yes
<u>State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007</u>	No	
<u>State Environmental Planning Policy (Kurnell Peninsula) 1989</u>	No	
<u>State Environmental Planning Policy (Major Infrastructure Corridors) 2020</u>	No	
<u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u>	No	
<u>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</u>	No	
<u>State Environmental Planning Policy (Primary Production and Rural Development) 2019</u>	No	
<u>State Environmental Planning Policy (State and Regional Development) 2011</u>	No	
<u>State Environmental Planning Policy (State Significant Precincts) 2005</u>	No	
<u>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</u>	No	
<u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u>	No	
<u>State Environmental Planning Policy (Three Ports) 2013</u>	No	
<u>State Environmental Planning Policy (Urban Renewal) 2010</u>	No	
<u>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</u>	Yes	Yes
<u>State Environmental Planning Policy (Western Sydney Employment Area) 2009</u>	No	
<u>State Environmental Planning Policy (Western Sydney Parklands) 2009</u>	No	
<u>State Environmental Planning Policy No 19—Bushland in Urban Areas</u>	Yes	Yes
<u>State Environmental Planning Policy No 21—Caravan Parks</u>	No	
<u>State Environmental Planning Policy No 33—Hazardous and Offensive Development</u>	No	
<u>State Environmental Planning Policy No 36—Manufactured Home Estates</u>	No	

<u>State Environmental Planning Policy No 47—Moore Park Showground</u>	No	
<u>State Environmental Planning Policy No 50—Canal Estate Development</u>	No	
<u>State Environmental Planning Policy No 55—Remediation of Land</u>	Yes	Yes
<u>State Environmental Planning Policy No 64—Advertising and Signage</u>	No	
<u>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</u>	No	
<u>State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)</u>	No	

## 6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal is consistent with applicable Ministerial Directions (as shown in Table 4) including:

- 2.1 Environment Protection Zones** – While this land is identified as R2 (Low Density Residential) in Warringah LEP 2011, it is included within the Manly dam Heritage Conservation Area under WLEP2011. This proposal strengthens the environmental protection standards that apply to this land by minimising chances of development that is inconsistent with environmental protection objectives by reducing permitted uses and removing development standards from the subject site.
- 2.3 Heritage Conservation** – This planning proposal is for land included within the Manly Dam Heritage Conservation Area under WLEP2011 and the subject site is in close proximity to Aboriginal Heritage. This Planning Proposal seeks to reduce the likelihood of damage to this heritage by significantly reducing the range of permitted uses with an RE1 zone and by removing development standards on the subject sites. RE1 zoning reflects the existing uses on the site and is consistent with the broader park, which is managed in accordance with the Manly Warringah War Memorial Park Plan of Management (2014) which recognises and conserves heritage significance across the park.
- 2.6 Remediation of Contaminated Land** – Portions of the subject site under Wakehurst Golf Course are known to have a history of landfill activity and this Planning Proposal is seeking to support public recreation activities reflecting the existing uses. A Preliminary Contamination Investigation has been undertaken by Cardno in accordance with the contaminated land planning guidelines and is attached to this Planning Proposal. The investigation found stockpiles of fly-tipped builders rubble on the edge of Kirkwood St and on an old fire trail with historic access from Wakehurst Parkway which has now been gated by TfNSW. Non-friable asbestos was identified within the fly-tipped rubble. Works to remediate the subject site have already commenced in accordance with the recommendations of the Preliminary Contamination Investigation to make the site suitable for public recreation use. Northern Beaches Council will consider the findings of this investigation at its meeting on 29 September 2020 alongside this Planning Proposal.
- 3.4 Integrating Land Use and Transport** - This direction applies as the planning proposal will alter zones or provisions relating to urban land, including land zoned for residential purposes. Having regard to the minor nature of the changes proposed, the Proposal is not considered to be inconsistent with this Direction.
- 4.4 Planning for Bushfire Protection** - 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 is 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. Consultation with the Commissioner of the NSW Rural Fire Service following receipt of Gateway determination under section 56 of the Act will be required before we undertake community consultation.

- **6.1 Approval and Referral Requirements** – The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Planning Proposal is consistent with the terms of this direction as follows
  - Provisions that require concurrence, consultation or referral of Das to a Minister or public authority are minimised
  - 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.
  - No development is identified as designated development.
- **6.2 Reserving Land for Public Purposes** – Crown Land NSW, as the owners of the lands subject to this Planning Proposal is supportive of this proposal as per the letter provided in Attachment 1. The land is already in public ownership for a public purpose and is already used for public recreation activities.
- **6.3 Site Specific Provisions** – The Planning Proposal does not seek to allow a particular development proposal under the terms of the Direction.
- **7.1 Implementation of a Plan for Growing Sydney** – This Planning Proposal is consistent with the NSW Government's Greater Sydney Region Plan "A Metropolis of Three Cities – Connecting People" published on 18 March 2018, as outlined in Part 3, Section B of this report.

However, this Planning Proposal is likely to be inconsistent with certain Ministerial Directions, namely:

- **Residential Zones 3.1** – This direction applies as the Planning Proposal affects land within an existing residential zone – Zone R2 Low Density Residential. The Planning Proposal is inconsistent with the requirements of this Ministerial Directions, 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 (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal are of minor significance.

The provisions of the Planning Proposal that are inconsistent are considered to be of minor significance with the following reasons:

- While the land is subject to an existing residential zone, the Planning Proposal supports and fully justifies a future zone that is not a residential zone in which residential development is not permitted or proposed to be permitted.
- The R2 Low Density Residential Zone of this site under WLEP2011 is considered to be an anomaly as explained in Part 3, section A of this report and given the long history of these bushland sites as various forms of reserved land and open space.
- The Planning Proposal is confined to 3 parcels of Crown Land which are included within the Manly Warringah War Memorial State Park and managed under the Manly Warringah War Memorial Park Plan of Management (2014). This proposal is consistent with the values and management objectives for the state park.
- The provisions of a variety and choice of housing types and the existing and future housing needs will not be effected by the Planning Proposal.

- The subject site is unsuitable for provision of housing given it is identified as Bush Fire Prone Land and does not contain adequate services to support residential development.
- The environmental studies and strategies identified in this report provide detailed support for the proposed non-residential zoning of the land.
- The Planning Proposal seeks to minimise the impact of residential development on the environment by rezoning the land to Zone RE1 Public Recreation, consistent with the remainder of the Public Reserve and consistent with the ecological, scientific, cultural and aesthetic values of the land.
- Council's Local Strategic Planning Statement, *Towards 2040*, and future Housing Strategy outline how Council will meet our housing targets.

**Table 4 Compliance with Ministerial Directions**

Directions (as at September 2020)		Applicable	Consistent
<b>1</b>	<b>Employment and Resources</b>		
1.1	Business and Industrial Zones	No	
1.2	Rural Zones	No	
1.3	Mining, Petroleum Production and Extractive Industries	No	
1.4	Oyster Aquaculture	No	
1.5	Rural Lands	No	
<b>2</b>	<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	Yes	Yes
2.2	Coastal Protection	No	
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	No	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	
2.6	Remediation of Contaminated Land	Yes	Yes
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	Yes	No
3.2	Caravan Parks and Manufactured Home Estates	No	
3.3	Home Occupations	No	
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Regulated Airports and Defence Airfields	No	
3.6	Shooting Ranges	No	
3.7	Reduction in non-hosted short term rental accommodation period	No	
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	No	
4.2	Mine Subsidence and Unstable Land	No	
4.3	Flood Prone Land	No	
4.4	Planning for Bushfire Protection	Yes	Yes
<b>5</b>	<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies (Revoked 17 October 2017)	No	
5.2	Sydney Drinking Water Catchments	No	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No	
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1)	No	
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8	Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	No	
5.9	North West Rail Link Corridor Strategy	No	
5.10	Implementation of Regional Plans	No	

<b>Directions (as at September 2020)</b>		<b>Applicable</b>	<b>Consistent</b>
5.11	Development of Aboriginal Land Council land	No	
<b>6</b>	<b>Local Plan Making</b>		
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
<b>7</b>	<b>Metropolitan Planning</b>		
7.1	Implementation of A Plan for Growing Sydney	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation	No	
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	
7.9	Implementation of Bayside West Precincts 2036 Plan	No	
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	



## **Section C – Environmental, Social and Economic Impact**

### **7. 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?**

No. This Planning Proposal provides a better outcome for the protection of habitat and ecological communities contained within these bushland sites. The proposed RE1 zone 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. Protecting the environmental values of the subject site is a key objective of this Planning Proposal.

The subject sites contain important core habitat for local native species including many threatened species. The land also functions as an important wildlife corridor connecting Manly Dam to Garigal National Park.

The subject lots have the following biodiversity values:

- The subject lots all contain intact native bush, all mapped as native plant community types.
- Mapped as having “biodiversity Value” under the Biodiversity Conservation Act 2016 due to “threatened species or communities with potential for serious and irreversible impacts”.
- The immediate locality (within 2km radius) is known to contain at least thirty (30) threatened flora and fauna species according to a BioNet search (report generated on 13<sup>th</sup> of February 2019, Office of Environment & Heritage 2018). This included 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.
- At least four (4) threatened species have already been recorded within Lot 1 DP 835123, the neighbouring Sydney Water Reservoir site (Sydney Water, 2018). Three threatened micro bat species were positively identified onsite in addition to potentially recorded infrared image of a threatened Eastern Pygmy Possum.
- Connectivity values between Manly Dam Reserve and Garigal National Park.
- 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 having the highest fauna habitat ranking in the Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area (DECC June 2008). Middle Harbour Valley is only one of 13 fauna habitat areas mapped as the highest ranking within the Sydney Metropolitan region and includes the adjoining Garigal National Park.

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

Yes. The likely environmental effects of this Planning Proposal will be to better protect, manage and restore the ecological, scientific, cultural and aesthetic values of this land.

The Planning Proposal supports the following environmental considerations:

#### ***Biodiversity Impacts***

The studies and mapping identified above 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 zone 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 zone would minimise potential residential development impacts such as fertiliser use and uncontrolled or polluted stormwater runoff from impacting the water quality of Manly Dam.

### ***Bushfire Hazard***

The subject lots are identified on the current Warringah Bush Fire Prone Land Map and Draft Northern Beaches Bush Fire Prone Land Map 2018 as having 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 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.

### ***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.

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

**YES**

### ***Heritage Significance***

The subject lots are part of Heritage Conservation Area C9 – Manly Dam and Surrounds, listed in Schedule 5 of WLEP2011. The lots are identified as being in close proximity of an Aboriginal site. 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. RE1 zoning will protect these lots, recognising their current use and management in accordance with the Manly Warringah War Memorial Park Plan of Management.

### ***Social Infrastructure – Public Recreation***

The three subject lots already form part of the Manly Warringah War Memorial State Park and are used for recreational purposes including bushwalking, mountain biking and Golf. The Manly Dam Mountain Bike Track is one of Sydney's best and is the closest natural mountain biking

opportunity to Sydney's CBD. Wakehurst Golf Course is a popular public course providing a challenging course (Par 72) in a beautiful bushland setting. It has a strong membership base and community actively engaged with the club. In the context of COVID-19 pandemic, these public recreation opportunities are highly valued and provide lower-risk opportunities for recreation and physical activity. Rezoning the land to RE1 will support the continuation of these recreational activities on the subject lots which contribute to the diversity of recreation opportunities for the community to enjoy.

#### **Other Social Values**

- Bushland environment – providing aesthetic/scenic beauty
- Opportunities for active and passive recreation, supporting health and wellbeing,
- During the COVID-19 pandemic this provision of substantial parcels of open space support dispersal and social distancing
- Opportunities for educational activities and community engagement programs
- Bushland sites contribute to water quality of Manly Dam, supporting the broader function of the park as a place of remembrance and as a popular picnic spot supporting social gatherings of family and community groups.

#### **Economic Effects**

This Planning Proposal is not expected to have any negative economic effects, as the three lots are already included within the Manly Warringah War Memorial State Park, 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 Northern Beaches 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 Land Management Act 2016*. These arrangements will continue and will be undisturbed as a result of this Planning Proposal.

Existing uses including the financially successful Wakehurst Golf Club (public course) and the highly popular Mountain Bike Trail attract niche, higher spend visitation to the area, complimenting the tourism destination of Manly by expanding the diversity of experiences on offer and assisting with spreading tourism activity across the Northern Beaches. This broader economic contribution would be negatively impacted if residential development were permitted to occur on this land.

## **Section D – State and Commonwealth Interests**

### **10. Is there adequate public infrastructure for the planning proposal?**

Yes, the proposed rezoning to RE1 is supported by adequate infrastructure as the existing use profile of this land is expected to be maintained.

The land will continue to be managed in accordance with the Manly Warringah War Memorial Park Plan of Management (2014). The Council Adopted Plan of Management identifies these lots as part of the Bushland Zone of the park with the Management Intent:

*To maintain the greater majority of the Park as natural bushland and a scenic landscape, protecting communities and species of high conservation value, while providing for sustainable dispersed recreational and educational uses without significant impact on natural systems.*

Primary Management Objectives:

- To protect communities and species legislated as having high conservation value.
- To maintain and enhance the natural systems, biodiversity, habitat, and scenic values of a large natural bushland area.
- To provide sustainable opportunities for dispersed track-based recreational, community and educational uses without significant impact on natural systems.
- To provide for visitor safety.

Secondary management objectives:

- To maintain links to adjacent or nearby natural areas.
- To assist in managing water quality in Manly Dam.
- To accommodate occasional “special use” recreational, community and or educational activities, with prior approval.
- To assist in maintaining the Park’s undeveloped bushland skyline, as seen from internal vantage points and use areas.

### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

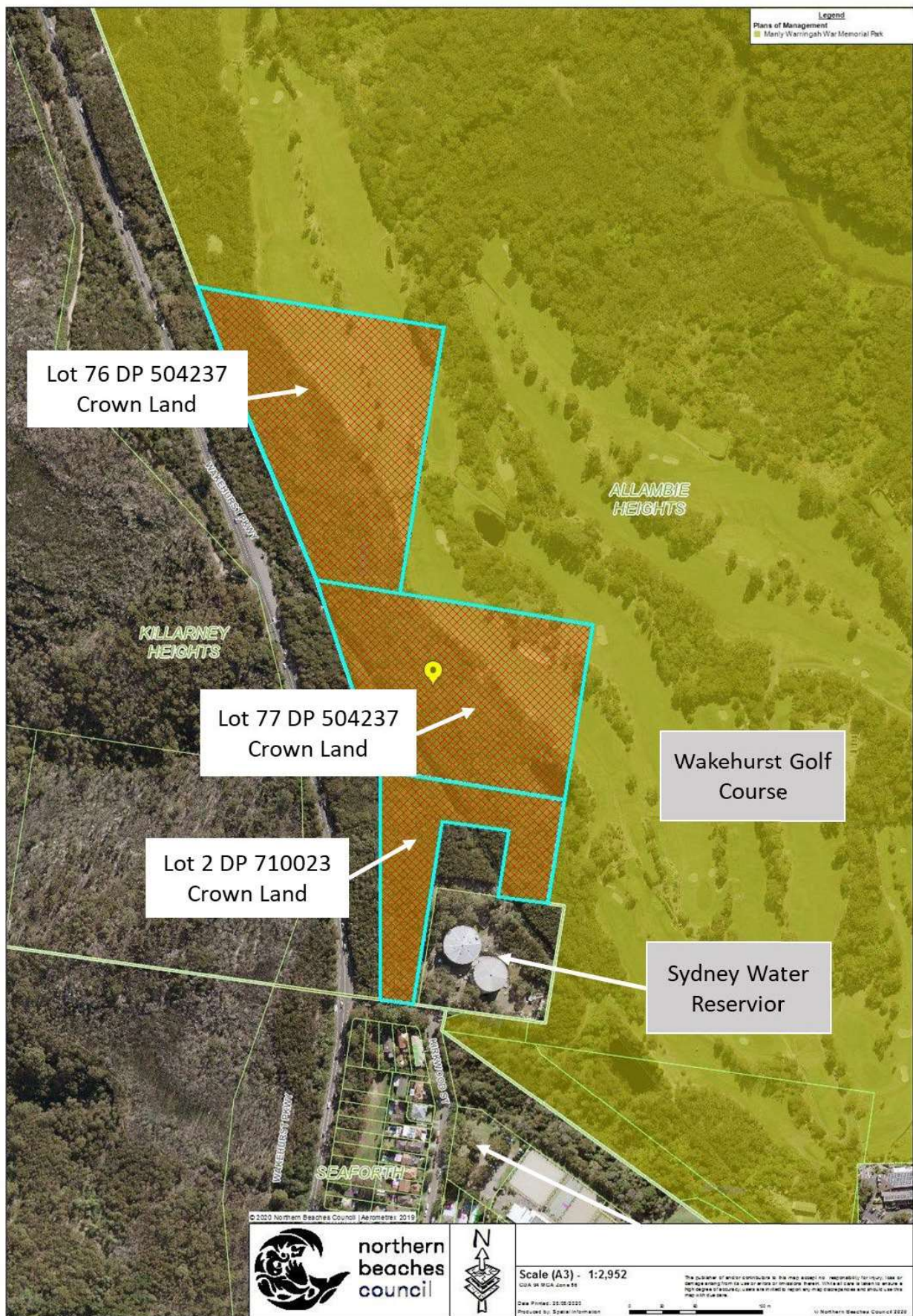
The Planning Proposal is being prepared in accordance with consultation guidelines and provisions prepared by the Department of Planning, Industry and Environment and all statutory consultation will occur in accordance with the requirements of any future Gateway Determination, including any State or Commonwealth authorities.

## Part 4 – Maps



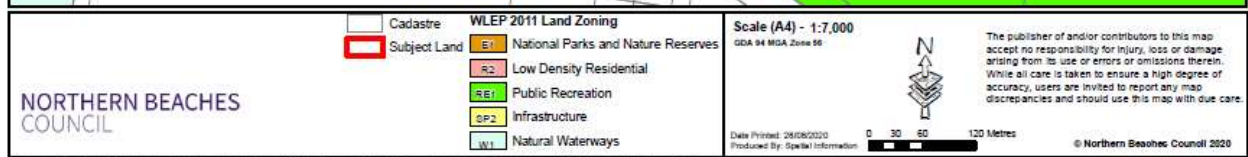
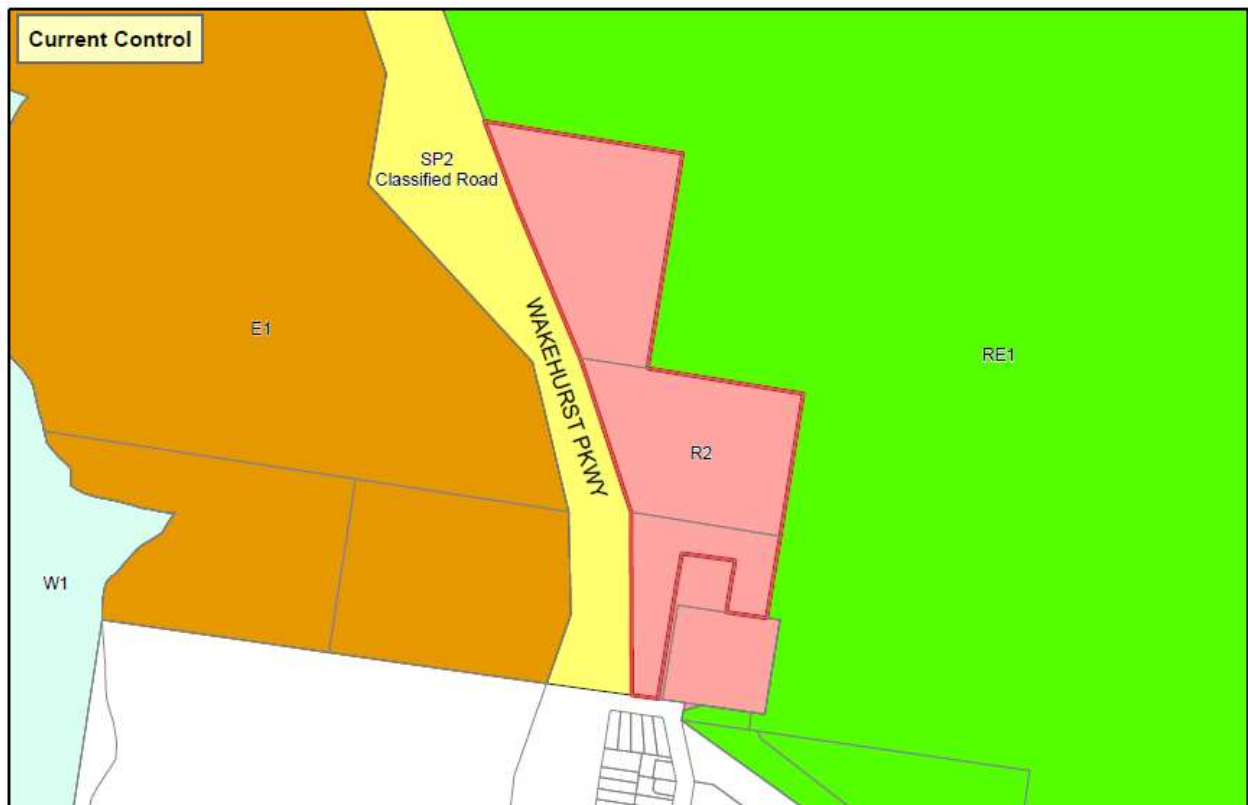
**Map 1 Subject site within Manly Warringah War Memorial State Park**





**Map 2 Subject Site with Lot and DP Numbers**

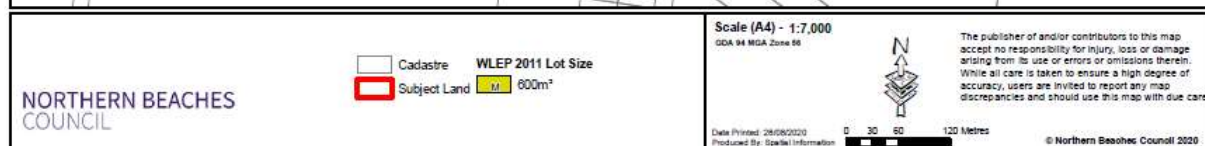




**Map 3 Current and Proposed Land Zoning Map under WLEP2011**



**Map 4 Current and Proposed Height of Building Map under WLEP2011**



**Map 5 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:

- 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 and Save Manly Dam Catchment 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	September 2020
Issue of Gateway determination	October 2020
Government agency consultation	November 2020
Public exhibition period	December 2020
Consideration of submissions	February 2021
Report to Council to determine Planning Proposal	March 2021
Submit Planning Proposal to the Department of Planning and Industry and Parliamentary Counsel for LEP drafting and publication	April 2021

**Table 5 Project Timeline**

## Attachment 1 – Letter of Support from Crown Lands



Planning,  
Industry &  
Environment

Our Ref: DOC19/280238  
Your Ref: 2019/508055

Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Amber Pedersen  
Principal Planner

Dear Amber Pedersen,

**Re: Manly Dam and Surrounds Planning Proposal – Rezone Crown Land from R2 (Low Density Residential) to RE1 (Public Recreation)**

I refer to your letter dated 13 September 2019 seeking support from the Department of Planning, Industry and Environment - Crown Lands (the department) for the planning proposal to rezone the following four lots from R2 (Low Density Residential) to RE1 (Public Recreation):

- Lot 76 DP 504237
- Lot 77 DP 504237
- Lot 2 DP 710023
- Lot 1 DP 1200869

The three Crown land lots subject to the planning proposal, Lot 76 DP 504237, Lot 77 DP 504237 and Lot 2 DP 710023 comprises *Reserve 68892 for Public Recreation*, notified 8 December, 1939. The reserved Crown land is managed by Northern Beaches Council under Division 3.4 of the *Crown Land Management Act 2016* (CLM Act) as the appointed Crown land manager.

The department has no objections to the planning controls sought under the planning proposal for these three lots for the reasons that the proposed RE1 (Public Recreation) zoning is considered to be consistent with the purpose for which the Crown land has been reserved under the CLM Act.

However, the title deed for Lot 1 DP 1200869 first schedule is The Minister Administering the Public Works Act, 1912. The department advises that you request approval from Public Works for this lot.

Further, the department has no objection for council to access the lots and undertake a contamination assessment to satisfy requirements of SEPP 55.

Should you require any further information or clarification, please contact Dimitrios Mitsidis at [dimitrios.mitsidis@crownland.nsw.gov.au](mailto:dimitrios.mitsidis@crownland.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ben Tax'.

Ben Tax

Area Manager Sydney South Coast  
Crown Lands  
09 December 2019

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Department of Planning, Industry and Environment, Crownlands  
PO Box 2185 Dangar NSW 2309  
Tel: 1300 886 235  
[www.crownland.nsw.gov.au](http://www.crownland.nsw.gov.au) | ABN 72 189 919 072

## **Attachment 2 – Preliminary Site Investigation Report – Cardno**

To be attached as a separate document



## Attachment 3 – Correspondence from Transport for NSW regarding Wakehurst Parkway temporary construction site



17 August 2020

Ray Brownlee PSM  
Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Mr Brownlee,

### **Wakehurst Parkway temporary construction site – surplus land**

The Western Harbour Tunnel and Beaches Link program is a major transport infrastructure program that will make it easier, faster and safer to get around Sydney. By creating a western bypass of the Sydney CBD, the Western Harbour Tunnel will take pressure off the congested Sydney Harbour Bridge, Sydney Harbour Tunnel and Anzac Bridge; while Beaches Link will create an alternative to the Military Road and Warringah Road corridors to relieve traffic pressure on the North Shore.

A program of this scale is expected to support up to 15,000 full-time equivalent jobs during its construction.

I am writing to you regarding Transport for NSW proposal to use a parcel of land in Seaforth for the construction of the Beaches Link project.

Following extensive engagement with the local community in the Seaforth area, we have selected the tunnelling site in the below map as the preferred temporary Wakehurst Parkway construction site. This site is located on the eastern side of Wakehurst Parkway, behind the Bantry Bay reservoir to the north of Kirkwood Street. We chose this site because it is further from people's homes and Seaforth Oval, and has direct access to Wakehurst Parkway to avoid trucks travelling on local streets. Once construction is complete, we are planning to rezone the land to RE1 – Public Recreation and transfer the surplus land (i.e. land that Sydney Water does not require for its operations) to the Manly Warringah War Memorial State Park for the community to enjoy.

### *Temporary Wakehurst Parkway construction site*



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### **Transport for NSW**

101 Miller Street, North Sydney, NSW | 2065  
W roads-maritime.transport.nsw.gov.au | ABN 18 804 239 602

We expect to have the Beaches Link Environmental Impact Statement (EIS) available for public exhibition later this year. We look forward to briefing Northern Beaches Council ahead of the public exhibition for the Beaches Link EIS.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Doug Parris', with a stylized flourish at the end.

Doug Parris  
Program Director, Western Harbour Tunnel and Beaches Link  
Transport for NSW