

PLANNING PROPOSAL

**To facilitate an exchange of land between
the Uniting Church in Australia and the
Pittwater Council**

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The main objective of this Planning Proposal is for Council to acquire on behalf of the Pittwater community, environmentally sensitive bushland for inclusion in the Warriewood Ingleside Escarpment Reserve, for conservation purposes.

To facilitate this outcome, this Planning Proposal seeks to enable an exchange of certain land parcels between Council and the Uniting Church in Australia (UCA). This exchange requires subdivision and preparation of a draft local environmental plan to:

- Rezone the land to reflect its intended use following exchange
- Reclassify the parcels to enable transfer and according to their intended tenure
- Enable the use of Area 3, for 'outdoor recreational, religious and educational uses, ancillary to or associated with the adjacent Elanora Conference Centre', only with Council's development consent

The subject land is proposed to be divided into four lots to be either transferred from the Uniting Church to Council for addition to the Warriewood – Ingleside Escarpment Reserve system; or from Council to the Uniting Church, for incorporation into the Conference Centre site.

The planning outcomes of the draft LEP, subdivision and transfer of land will be to:

- Increase the size of Council's reserve system securing an additional 2.92ha of bushland habitat in public ownership for conservation purposes
- Add 0.54 ha of land to the Conference Centre site, land that has been used for an extended period for the Centre's activities

The proposal

The location of the subject land is shown in Figure 1 (Attachment 1). For each area, the current and proposed ownership, zoning and status are shown in Table 1.

Table 1 Summary of planning outcomes

	Area (lot)			
	Area 1	Area 2	Area 3	Area 4
Address and Property Description	19A Wesley St Pt Lot 62 DP 30255	28 Ingleside Rd Pt Lot 2 DP 10933237	19A Wesley St Pt Lot 62 DP 30255	19A & 49 Wesley St Pt Lot 62 DP 30255 & Lot 70 DP 32253
Size (hectares)	0.3325	0.54 (approx)	0.999	1.585
	Planning Outcomes			
Existing owner	UCA ²	PC	UCA	UCA
Proposed owner	PC ³	UCA	PC (leased back to UCA)	PC
Existing zone	5(a) ⁴	7(a)	5(a)	5(a)
Proposed zone	7(a) ⁵	5(a)	7(a)	7(a)
Existing status¹	Unclassified ⁶	Operational ⁸	Unclassified	Unclassified
Proposed status	Community ⁷	Operational	Operational ⁹	Community

Notes to table

- 1 'Status' refers to the public land classification as either community land or operational land, under the Local Government Act, 1993
- 2 Uniting Church in Australia
- 3 Pittwater Council

- 4 5(a) Special Use (Youth Centre) Pittwater Local Environmental Plan 1993
- 5 7(a) Environmental Protection 'A' zone Pittwater Local Environmental Plan 1993
- 6 'Unclassified' means the land is not classified as either community or operational, as it is not owned by Council
- 7 Community land may be used for certain purposes as specified in an LEP and/or a Plan of Management prepared under the Local Government Act, 1993. Generally, it may not be sold or transferred to another owner unless first reclassified as operational
- 8 Operational land may be used in accordance with a LEP and may be sold, transferred or leased to another party
- 9 Although it is proposed that Council become the owner of this land, it is also proposed that Council lease the land back to the Church to enable its continued use as part of the Conference Centre, for 'outdoor recreational, religious and educational uses, ancillary to or associated with the adjacent Elanora Conference Centre'. Any new use would only be permitted with Council's approval of a development application.

PART 2 EXPLANATION OF PROVISIONS

The Planning Proposal addresses three key areas:

- Rezoning land to suit its intended use
- Land classification to reflect its proposed tenure and facilitate transfer of parcels between Council and the Uniting Church in Australia
- Add an additional use, "outdoor recreational, religious and educational uses, ancillary to or associated with the adjacent Elanora Conference Centre" to Schedule 10 *(clause 44 Pittwater LEP 1993), to enable the activities to be carried out, only with Council's consent

In addition to these aspects of the proposal, subdivision is proposed to enable the land to be transferred between Council and the Uniting Church. When this occurs, land of high conservation value will be secured in public ownership and public land that has been used by the Conference facility will be owned by the Church. Thus beneficial outcomes for the parties and a net community benefit will result from the proposal.

Rezoning

The land is proposed to be rezoned to reflect its intended use either for conservation (Areas 1, 3 and 4 are proposed to be rezoned 7 (a) Environmental Protection) or as part of the Uniting Church facility (Area 2 is to be zoned 5 (a) Special Uses - Youth Centre).

Land classification

Areas 1, 3 and 4 are currently unclassified as they are not public land, they are owned by the Uniting Church. Area 2 is currently classified as Operational Land. Given the change in land ownership, the Planning Proposal indicates Areas 1 and 4 as being reclassified as Community Land while Area 2 will remain classified as operational land; and when transferred to the UCA, it will no longer be classified as it will not be owned by Council. Area 3 is proposed to be classified as Operational Land as it will be leased back to the Uniting Church.

Additional use

The proposal also requires an addition to be made to Schedule 10 of the Pittwater LEP. This is to allow some outdoor recreational, educational and religious uses, ancillary to or associated with the adjacent Elanora Conference Centre to occur in area 3 which are currently not permissible under the proposed 7(a) Environmental Protection zoning. This would allow for certain activities such as experiencing and viewing the bush, group discussion and the like. Any works would be subject to receiving development consent from Council.

Planning provisions in detail

Land currently owned by the Uniting Church is zoned 5(a) Special Uses (Youth Centre), while the land that the Church seeks from Council is zoned 7(a) Environmental Protection under the PLEP (Figure 1). To establish that the zones do not permit the range of uses required by the Church, a review of permissible activities was undertaken for Zone 5(a) Special Uses and Zone 7(a) Environmental Protection.

Permissible without development consent

- Zone 5(a) Special Uses: Nil
- Zone 7(a) Environmental Protection: *Any land use set out under the heading 'Permissible Uses Exempt' in any relevant plan of management.*

Permissible only with development consent

- Zone 5(a) Special Uses: *Advertisements; drainage; helipads; roads; the purpose indicated by scarlet lettering on the Zoning Map (in this case Youth Centre) and any purpose ordinarily incidental or subsidiary thereto; utility installations (other than gas holders or generating works).*
- Zone 7(a) Environmental Protection: *Any land use set out under the heading 'Permissible Uses Requiring Development Consent' in any relevant plan of management; drainage; landscaping; passive public recreation; utility installations.*

Prohibited

- Zone 5(a) Special Uses: *Any purpose other than a purpose for which development may be carried out only with development consent.*
- Zone 7(a) Environmental Protection: *Any purpose other than a purpose for which development may be carried out only with development consent.*

The 7(a) zone is considered too restrictive when compared to the range of uses permitted in the 5 (a) Special Uses zone, hence the need to rezone the four parcels according to their intended use and ownership, as outlined below.

Area 3, to be transferred to Council and leased back to the Church for outdoor recreational, religious and educational uses associated with the Conference Centre, is proposed to be rezoned to 7(a) Environmental Protection. An additional provision is proposed to be added to the LEP to allow its use for 'outdoor recreational, religious and educational uses, ancillary to or associated with the adjacent Elanora Conference Centre'. These activities may require certain recreational equipment to be installed with Council consent for use associated with the Elanora Conference Centre. Management of the area will be needed, as a watercourse traverses this area adjacent to its eastern boundary.

Areas 1, 3 and 4 are suited to the 7(a) zoning given the land use controls are relatively restrictive, with a plan of management needed to first specify permitted uses, either with or without consent. Protection afforded by this zone to the biodiversity and natural state of the land accord with Council's objectives to protect and manage bushland in a range of landscape settings.

Maintenance works for tracks through the area may be required from time to time. Under the zoning such works would be permissible, provided they are allowed by a plan of management. Maintenance of utility and public facilities may also be required periodically and these works would be permissible, also as specified by a plan of management.

Area 2 is proposed to be rezoned to 5(a) Special Uses, which is consistent with the zoning (and hence permissible uses) of the existing Conference Centre site. Part of Area 2 has been used as an open air chapel for some time. Provided recommended bushfire management measures recommended by Travers Bushfire and Ecology (addressed in an application for subdivision, already lodged by Don Fox Planning) are implemented and maintained, the land will likely sustain this activity. The proposed zone is considered appropriate to continue this activity.

As the LEP does not include specific aims or objectives for land zoned 5(a) Special Uses or 7(a) Environmental Protection, the proposal has been assessed against the locality statement for Elanora Heights, from 21 DCP, to ascertain whether the proposal will contribute to the locality's desired character.

PART 3 JUSTIFICATION

A Need for the Planning Proposal

(A1) Is the planning proposal a result of any strategic study or report?

The proposal is consistent with and furthers the aims of Council's open space and conservation planning. By adding to the reserve system that comprises the Warriewood – Ingleside Escarpment the proposal contributes to the objectives of relevant plans of management, as well as the *Open Space Bushland and Recreation Strategy (2000)*, particularly those relating to improvement of ecology and wildlife corridors, bushfire management and restoration of bushland. Plans of Management for adjoining reserves in the escarpment area, Epworth Park and Ingleside Park, have an array of objectives and actions that are consistent with this strategy.

This proposal also marks the culmination of a decade-long strategy to publicly acquire land for environmental conservation and creating the Warriewood Ingleside Escarpment Reserve, using funds collected by the Environmental, or E-Levy. This scheme commenced in 2000 following the levy's approval by the Minister for Local Government.

Pittwater 21 DCP

The proposal is considered consistent with Council's DCP21, which strategically sets the planning outcomes sought for the localities of Pittwater.

Pittwater 21 DCP contains desired character statements for different areas in Pittwater. Each locality is distinct in terms of its land use, geography, and social character. The desired character for Elanora Heights is described as:

"The Elanora Heights locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located only on the plateau on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Land in the vicinity of Caladenia Close and Dendrobium Crescent to the west will remain a low-density rural residential area due to the constraints and characteristics of the land, including steepness of slope, species and habitat diversity, and lack of infrastructure. Any multi unit housing will be located within and around commercial centres, public transport and community facilities. Retail, community, and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development on non-urban zoned land shall maintain generous spatial separation of the built form and low site coverage on large lots. Development will be designed to be safe from hazards including landslip and bushfire.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.'

The following quotes from the statement above are those most relevant to the proposal and are discussed below.

"...as far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors."

The proposal will result in the net increase of about 2.4ha of environmentally sensitive land being reserved in Council ownership, which is considered consistent with the character statement. The rezoning of the north-eastern portion of the Conference Centre to 7(a) Environmental Protection will widen the wildlife corridor located to the immediate north-east of the Conference Centre. Inclusion of Areas 3 and 4 in the Warriewood-Ingleside Escarpment Reserve increases the amount of bushland in these reserves making a discernible contribution to protecting habitat and the local tree canopy.

"Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved".

Increasing the size of the reserve may help preserve the Aboriginal cultural landscape value of the area by restricting development. However that there are no known items of indigenous archaeology; and nor are they any expected to be present in the area affected by this proposal, is noted.

"...existing and new native vegetation, including canopy trees, will be integrated with development."

The land (Area 2) to be rezoned 5(a) Special Uses from 7(a) Environmental Protection will continue to maintain its current bushland character and environmental value. The area, which is currently managed by the Conference Centre, would continue to be used as a low impact activity area, as an outdoor place of worship. Transferring this land to the Uniting Church will not compromise the tree canopy or other qualities of this land. However, bushfire control measures being considered for the subdivision recommend removal of understorey. Another advantage of including Area 2 with the Conference Centre site is that it will provide an asset protection zone (fire control/buffer area) to better-protect existing buildings on the site.

Maintaining generous spatial separation of the built form is another desired outcome for the Elanora Heights area. The rezoning to 7(a) Environmental Protection of land adjacent to residential properties helps achieves this.

(A2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Options include:

- 1 Maintaining current zoning and ownership patterns
- 2 Zoning some of the land for development and having the residue dedicated to Council
- 3 The proposal

The first is the 'do nothing' option. This is not favoured for two reasons, as the more environmentally sensitive land would not be secured in public ownership. Neither would this option help to alleviate the UCA of current risk management obligations relating to land it no longer uses.

The second option would indeed be available, although it is not considered viable as it is likely environmentally damaging, to acceptably reduce bush fire risk by bush vegetation removal; and could also increase urban runoff into the Mullet Creek tributary that flows through the site. Neither would rezoning and developing land for urban purposes (e.g. standard residential or low density residential, or an extension of the conference centre) likely be supported by the local community; and may not be consistent with the desired character of the area, as described by Council's 21 DCP.

The proposal, or third option, is clearly the best outcome, for the reasons stated below. In summary, the proposal best achieves Council's objectives to acquire the land on the community's behalf, thereby adding over two hectares to a reserve system of some 70 hectares. The proposal facilitates an effective transfer of land to benefit the community while recognising and formalising use and ownership of the relevant land parcels.

(A3) Is there a net community benefit?

As mentioned, the planning outcomes of the draft LEP, subdivision and transfer of land will be to:

- Increase the size of Council's reserve system securing an additional 2.92ha of bushland habitat in public ownership for conservation purposes
- Add 0.54 ha of land to the Conference Centre site, land that has been used for an extended period for the Centre's activities

These outcomes represent a net community benefit as the amount of escarpment bushland to be placed in public ownership is greater in quantitative and qualitative terms than the amount that is being transferred to the UCA, even while noting the Church is a long-standing, dedicated custodian of the bush environment. As discussed it is clearly the better option environmentally, as it will place land under Council's care and management, thus reducing existing bushfire hazard (provided Mr Travers' recommended management techniques are adopted). The proposal prevents this part of the Mullet Creek and Narrabeen Lakes Catchment from further urbanisation and helps to protect any undiscovered Aboriginal cultural relics that may be on the land.

B Relationship to Strategic Planning Framework

(B1) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

City of Cities (The Metropolitan Strategy)

Released in 2005, the strategy sets the direction for Sydney's planning until 2031. The strategy addresses a number of themes ranging from employment, centres and housing, and the environment. Its actions mainly revolve around implementation via other plans, such as LEPs prepared by Councils. It could be said to be more about process and administration than spatial planning, albeit having the goal of creating a more liveable metropolitan area.

This is reflected in the actions relating to "Environment and Resources" and "Parks and Public Places", wherein some of the key actions of the strategy relating to bushland/natural resource planning are:

- Helping Councils to achieve biodiversity certification for their LEPs
- Completing biodiversity mapping
- Developing tools to manage regionally significant lands for conservation

- Preserving Aboriginal cultural heritage
- Developing regional open space strategies to assess the need for open space in preparing LEPs

There is nothing in the strategy directly pertinent to the assessment of this Planning Proposal, although the Metropolitan Strategy states that its delivery is, in addition to the above measures, dependent upon more detailed plans as established in sub-regional strategies. Indirectly, this proposal would contribute to the strategy, particularly the last dot point quoted above. The Warriewood-Ingleside Escarpment Reserve that this proposal aims to increase the size of could be considered of regional significance for the following reasons:

- It links habitat areas in Council's reserves system
- Helps to protect the upper reaches of the Narrabeen Lakes' catchment, a significant coastal lagoon system
- The reserves provide extensive views of land and sea and may be seen from other vantage points to the east and north east, thus being of high contributory value to the Northern Beaches landscape

North East Sub-regional Strategy

The Metropolitan Strategy establishes 10 sub-regions; and Pittwater is in the North East sub-region along with Manly and Warringah. With targets of 17,300 new dwellings and 19,500 new jobs planned for the sub-region by 2031, it will be important to protect the Northern Beaches' and the Pittwater area's natural qualities. To this end, the planning proposal, in adding to Council's reserve system contributes not only locally and also regionally to the protection of its ecology, ambience and character. The sub-regional strategy is divided into sections addressing various planning issues. Natural resource management and open space planning are featured.

One of the strategy's key directions is protecting the environment and lifestyle of the region, as the north east region is seen as a "...high value environmental area, with numerous beaches, sheltered waterways, national parks and reserves, Aboriginal and cultural heritage items. These assets need to be protected for their inherent values and also as intrinsic parts of the lifestyle and economy of the sub-region." (North-east subregional strategy, Direction 6, p 8) Other statements are made in the document relating to protection of sensitive bushland and managing urban and visitor pressures, so the values that bushland areas offer the community are safe-guarded.

The scale of mapping in the strategy precludes accurate identification of land and it appears the Warriewood-Ingleside Escarpment Reserve is not included in the reserves mapped by the strategy. The strategy appears to mainly map State-owned reserves such as National Parks. As discussed the escarpment reserve system is considered to have both local and regional benefit represented by its ecological, scenic, cultural and passive recreational values. Adding to the reserve is considered to complement the general direction of the NSW Government's strategies, as it will both extend and strengthen the values that according to the Government are intrinsic to the bushland of the north east.

A number of the strategy's actions aim to achieve this direction and are set out in "sections", those most relevant to the proposal relate to "Environment Heritage and Resources" and "Parks, Public Places and Culture".

"Environment Heritage and Resources"

One of strategy's actions (NEE2.4.1) is consideration and preservation of Aboriginal heritage in preparing LEPs (Planning Proposals). Nearby (to the site) Ingleside is mentioned by the strategy, along with other locales, as a place of known Aboriginal heritage. Protection of such places requires consideration and consultation with local Aboriginal groups in the decision making process. Consultation is addressed in section 5.4 of this report.

Action NEE5.3.3 requires addressing bushfire risk according to section 117 direction No 19 and the RFS's Planning for Bushfire Protection Guidelines (2006). Bushfire hazard is addressed in section 5.3, below.

3.4.2 Compliance with the statutory planning framework

Two state environmental planning policies (SEPPs) and a number of Ministerial directions made under section 117 of the Environmental Planning and Assessment Act 1979 (117 Directions) are relevant to the proposal and are addressed below.

(B2) Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

As detailed in Don Fox Planning report, the proposal is consistent with the community's vision as expressed in the Council's *Strategic Plan 2020 and Beyond*. This plan establishes five directions:

- Supporting and connecting our community
- Valuing and caring for our natural environment
- Enhancing our working and learning
- Leading an effective and collaborative Council
- Integrating our built environment

Placing environmentally sensitive land into Council's public reserves helps preserve the ecological and socio-cultural values of the land. There will be more of the natural world to learn about and enjoy as a result of this proposal. Acquisition by Council will place the land under the control of Council's Bushfire Management Plan for the Warriewood-Ingleside Escarpment. Upon implementation of this plan bush fire risks can be reduced for the reserve and adjoining urban and semi-urban development.

(B3) Is the planning proposal consistent with applicable state environmental planning policies?

SEPP 19 – Bushland in Urban Areas

SEPP 19 aims to protect and preserve bushland within certain urban areas for natural heritage or for recreational, educational and scientific purposes. The policy aims to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared (DoP, 2010).

Pittwater Council is not listed in the SEPP as an area to which the policy applies. However the SEPP was gazetted on 24 October 1986 at a time when the Pittwater local government area was part of the Warringah Shire. Therefore, the SEPP could be considered to apply to Pittwater, even though no amendments have been made to SEPP 19 to incorporate Pittwater Council into the policy since the formation of Pittwater Council on 2 May 1992. For the purpose of this assessment, we have proceeded on the basis that the policy applies to Pittwater.

The planning proposal is considered to meet the aims and objectives of SEPP 19 as it will preserve and protect additional remnant bushland in a semi-urban area. The proposal increases the buffer between the natural environment and nearby residential development and widens the environmental corridor north-east of the Conference Centre site.

SEPP 44 – Koala Habitat

SEPP 44 encourages the conservation and management of natural vegetation that provides habitat for koalas and ensures permanent populations are maintained over their present range. The policy applies to the local government area. Local councils are unable to approve development in an area affected by the policy without an investigation of core koala habitat where identified or suspected. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat (DoP, 2010).

A diurnal fauna survey of the site by Travers Environmental (2009) did not identify any koalas. Despite this, the proposed extension of existing reserves to protect environmentally sensitive land may provide transient habitat for koalas, according to the Planning Proposal prepared by Don Fox Planning. The placing of the land in public ownership and rezoning it to 7(a) Environmental Protection are considered consistent with the aims of SEPP 44.

No other State Environmental Planning Policies are considered relevant as summarised in the table at Appendix 2.

(B4) Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the Section 117 Directions (refer to Appendix 3).

C Environmental, social and economic impact

(C1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is supported by investigations into potential environmental issues. Environmental issues addressed are:

- Geotechnical hazard (Martens Consulting Engineers, Preliminary Geotechnical Assessment, Combined Rezoning and Sub-division Development Application – Elanora Conference Centre and part of Warriewood Ingleside Escarpment Reserve, June 2009)
- Flora and fauna (Travers Bushfire and Ecology, Flora and Fauna Assessment, Elanora conference Centre, Elanora Heights, April 2009)
- Bushfire (Travers Bushfire and Ecology, Bushfire Advice, combined rezoning and subdivision application, Elanora conference Centre, Elanora Heights, 8 October 2009)
- Aboriginal culture and archaeology (Dominic Steele Consulting Archaeology Preliminary Aboriginal Archaeological & Cultural Heritage Assessment, Elanora Conference Centre, Elanora Heights, New South Wales, April 2009)
- Flooding (assessment by Council)

These reports are summarised below and provided under separate cover with this proposal.

Geotechnical

The key objective of the assessment was to determine site geotechnical conditions and any associated risks which may affect the site or neighbouring properties. A range of issues was reviewed including slope stability, soil strength, and geology and excavation requirements.

Areas of land proposed for rezoning were classified as having the potential for land slip to occur. Given the rezoning does not require, nor does it include physical works, development subject to geotechnical hazards will not be increased. Conditions were recommended that Council will address in the development application to subdivide the land.

Flora and fauna

Travers Bushfire and Ecology was engaged by Don Fox Planning on Council's behalf to conduct a preliminary flora and fauna assessment for the Planning Proposal. The assessment included:

- Preliminary botanical survey to describe the vegetation communities and their condition.
- Preliminary fauna habitat assessment to determine potential for threatened species and to describe the habitat values.

No threatened flora, fauna or endangered ecological communities were identified. The assessment concluded that there would be a positive impact from the rezoning as more land would be protected. Furthermore, the assessment did not identify any significant constraints that would limit the Planning Proposal.

The report also included bushfire management advice. It was found that fuel management works for the purposes of asset protection will affect about 0.54 ha (Area 2) of existing native vegetation. This area is considered already in a bushfire asset protection zone, due to weed management already being conducted in the same area. This area will likely need minimal work to ensure compliance with Rural Fire Service (RFS) requirements for asset protection zones.

Council's natural resources section advised that the RFS should be consulted regarding the asset protection zone, to ascertain whether it is possible to retain as many trees as possible and create a discontinuous tree canopy to maximise bushland conservation and maintain as safe an environment as possible for the Conference Centre.

Bushfire

Travers Bushfire and Ecology was engaged to carry out a bushfire assessment for the Planning Proposal. Asset protection zone requirements were reviewed to identify necessary and practical bushfire protection measures for current and intended uses of the land.

The assessment found that Area 2 was unsuitable to be provided with an asset protection zone, in accordance with the RFS's Planning for Bushfires Guidelines 2006. The area is surrounded by steep slopes and dense vegetation. To create an asset protection zone would require extensive clearing of bushland within the Warriewood-Ingleside Escarpment Reserve, with significant environmental impacts. Additional development should not occur in this area as a result.

There is a lack of access trails suitable for fire fighting vehicles along the perimeter of the subject properties. The investigation undertaken by Travers (October 2009) identified several old fire trails in Areas 3, 4, and part of Area 2. These existing trails present an opportunity to develop suitable access through the site. At present there are no formal proposals to utilise these tracks.

The rezoning increases the area Council will be responsible for including bushfire risk management. The fuel management plan illustrated in Schedule 1 – Fuel Management Plan (Travers report) includes vegetation management measures for Areas 3 and 4, to help reduce bush fire risk to adjoining residences and the Conference Centre.

Travers' bushfire recommendations are as follows, as they relate to the Planning Proposal:

- Fuel management be implemented according to the Schedule 1 - Fuel Management Plan, prepared by Travers Bushfire and Ecology and dated 11/11/09.
- Area 2 (to paraphrase the Travers recommendation) should not be developed for any purpose as its topography, vegetation and surrounding vegetation make it impossible to develop and maintain safety in accordance with relevant RFS and Australian standards.

The Travers' report also concluded that area 2 is apt to be included in the Conference Centre site, as this will allow the land to be managed as part of a larger fire protection or asset management zone for those buildings with the highest exposure to the fire hazard. By managing a larger zone and deploying landscaping and judicious tree management, for example, the safety of accommodation for overnight guests in particular will be improved.

At the conclusion of its advice the RFS suggested a restrictive covenant or suitable zoning be applied to Areas 1, 3 and 4, to prevent buildings being erected in them.

These areas are proposed to be placed in public ownership and have the 7(a) Environmental Protection zone applied. A restrictive covenant is often not legally supportable when it is to be used for a planning purpose. The proposed ownership and zoning will suffice to ensure the land is not used or developed in a manner that will jeopardise or exacerbate the risk of harm to life and property from bush fire. Matters raised by the RFS have been addressed in relation to the subdivision application for the land.

Aboriginal Cultural assessment

An assessment of Aboriginal archaeology was undertaken for the Planning Proposal. The assessment included liaison with the Metropolitan Local Aboriginal Land Council (MLALC); background research into previous investigations and identified sites; and a site inspection and evaluation.

The assessment concluded that it's *"unlikely that any as yet unknown archaeological features or deposits of significance will be located (or impacted upon) in many portions of the study area that are subject to the current rezoning...."*

The assessment by Dominic Steele Consulting Archaeology (2009) recommended:

- There are no obvious Aboriginal archaeological or cultural heritage constraints to the proposal proceeding as intended and that no further Aboriginal cultural heritage input is warranted at this time.
- MLALC be provided the opportunity to review and comment on any future land modification plans or vegetation removal proposed for Areas 2 and 3 that may be associated with the augmentation of existing conference centre.
- MLALC be provided the opportunity to review and comment on any future land modification plans that may be proposed for Areas 1 and 4 at a preliminary planning stage.
- Recognition of the legal requirements and automatic statutory protection provided to Aboriginal 'objects' and 'places' under the terms of the National Parks and Wildlife Act of 1974, where it is an offence to knowingly damage, deface or destroy Aboriginal sites or relics without the prior consent of the Director General of the National Parks and Wildlife Service (NPWS) that now comprises an administration branch of the Department of Environment and Climate Change (DECC).

Flooding

Council's Flood Risk Map states the properties the subject of the Planning Proposal have been identified as being within a High Hazard Area, affected by a Flood Planning Level (FPL) and Probable Maximum Flood (PMF). The site comprises large parcels of land with varying terrain. Although some of the lower parts of this site may be at risk of flooding, it is unlikely that the entire site is constrained by potential flood risk. No development or works are proposed at this stage, therefore a flood risk management report is not considered necessary. A flooding assessment of the site may be required should any activities or facilities be proposed on the subject land in the future.

The rezoning of this land is not considered to be contrary to the controls as noted in Section B3.20 of Pittwater 21 DCP and a flood risk management report is considered unnecessary at this stage.

(C2) How has the planning proposal adequately addressed any social and economic effects?

The proposal may have a small positive economic impact. It will improve the character and environment of the locality and region, and contribute to the area's attractiveness for residents and visitors alike, thus promoting residential amenity (including land value) and tourism.

D State and Commonwealth interests

(D1) Is there adequate public infrastructure for the planning proposal?

No infrastructure is needed for the proposal.

(D2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination? *(Completed after consultation, after gateway determination & not at the initial stage)*

As a preliminary measure, the NSW Rural Fire Service (RFS) was consulted regarding the Planning Proposal (and the associated subdivision application) The RFS advised as follows, with the conditions below to be included in a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997:

- 1 The proposal is to comply with the subdivision layout identified on the drawing prepared by Mepstead & Associates Pty Ltd numbered 4708-SUB1, sheets 1 and 2, dated 4 December 2008.
- 2 An emergency/evacuation plan is to be prepared for the entire facility, in accordance with the emergency management provisions within 4.2.7 of Planning for Bush Fire Protection 2006 and consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency / Evacuation Plans. The prepared plan is for implementation by the occupants in the event of a bush fire emergency. If a plan already exists, it needs to be updated to include the proposed development.
- 3 At the commencement of any building works and in perpetuity, asset protection zones (APZ) shall be provided as detailed within 'Schedule 1 – Fuel Management Plan' as prepared by Travers Bushfire & Ecology Pty Ltd, drawing 8115, dated 11/11/09. APZs associated with the development shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 4 A fire management plan is to be prepared that addresses the following requirements:
 - a) Contact person / department and details.
 - b) Schedule and description of works for the construction of asset protection zones and their continued maintenance.
- 5 Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - In recognition that an unreliable reticulated water supply exists, a 10,000 litre water supply shall be provided for each occupied building for fire fighting purposes. The required total quantity can be amalgamated into one source or minimum quantities can be spread across each building.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided and fitted to all water tanks.

- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS.

Note: the RFS advice did not include a condition numbered 6.

7 The existing buildings within proposed Lot 2 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, open-able windows, doors, vents, weepholes and eaves.

8 The existing buildings within proposed Lot 2 are required to be upgraded with roofing to be gutter-less or guttering and valleys to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.

9 Landscaping and property maintenance within the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

PART 4 COMMUNITY CONSULTATION

Preliminary consultation

Formal consultation with State and Commonwealth Authorities will be carried out as advised by the Department of Planning, and as proposed below. Preliminary consultation was carried out as detailed below; and further participation of the local community will be invited once the Minister for Planning has approved the proposal.

Community Consultation

Preliminary community consultation has been undertaken for the proposal in accordance with Council's Community Engagement Policy. The two applications were advertised between 10 February 2010 and 15 March 2010, and two submissions were received. Submissions raised the issues that are summarised and addressed below.

One submission was received from the Ingleside Residents Landcare Group Inc, generally commending Council and the Uniting Church in Australia for agreeing to exchange the land in question, that will enlarge public reserves and preserve important escarpment bushland.

Other matters raised concerned the uses permitted under community and operational land classifications. While classification of public land under the Local Government Act 1993 does not, per se, permit any form of land use, it is the zones under the PLEP which do this. The proposed and potential uses of land under the proposed zones have been examined by this report and the proposed zones are considered to best suit the proposed ownership and intended use of the four parcels the subject of this Planning Proposal.

An enquiry has also been made regarding Travers' bushfire report, to do with allowing non-combustible amenities buildings provided they are at least 10m distant from other buildings, with regard to maintaining this distance from dwellings adjoining the southern boundary of the Conference Centre. The context in which Travers cites this standard appears to be related to other buildings on the Conference Centre site, not adjacent dwellings. However it could be interpreted and related to in the latter context. In either case maintaining a 10 metre distance between any habitable building and new amenities would seem appropriate.

However, any new structures would be the subject of a separate merits-based assessment of a development application, in accordance with Mr Travers' recommendations and a proposal-specific bushfire hazard assessment.

Should further development on the Conference Centre site (none is known to have been contemplated following the subdivision and land exchange) be proposed, a submission has enquired whether adjoining owners in Wesley Street would receive notification of any future proposal. Under Council's Community Engagement Policy adjoining owners would be so advised and invited to comment.

NSW Rural Fire Service

As outlined above, the Rural Fire Service was consulted in the preparation of the proposal and in regard to the associated subdivision and has made various recommendations.

Metropolitan Local Aboriginal Lands Council

Consultation with the Metropolitan Local Aboriginal Land Council (MLALC) was undertaken by Dominic Steel, consultant archaeologist, as part of the Aboriginal heritage assessment. The archaeologist discussed the nature and scope of the project with the Land Council, as well as plans and other pertinent information. In a letter to Dominic Steele of 29 January 2009, the MLALC stated that the proposal is unlikely to have adverse impacts on potential Aboriginal cultural heritage and that the MLALC supports the findings of the consultant archaeologist.

Proposed consultation

Government agencies will be formally consulted, as required by the Department of Planning. This is provided for by the Act, as part of the Department's "Gateway" assessment and decision regarding the Planning Proposal.

Further public involvement will be carried out in accordance with Council's adopted Community Engagement Policy, in the following manner:

As a minimum:

- advertising in the local newspaper and on Council's website at the start of the exhibition period
- exhibition period as required by the Gateway determination, of 14 to 28 days
- notify adjoining property owners (within a 400m radius of the subject site) and those individuals and organisations that made submissions during the preliminary consultation period