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**Sent:** 2/04/2021 11:39:48 PM

**Subject:** REV2021/0006 - Submission

**Attachments:** REV2021-0006 181 Allambie Rd Cover 20210402.doc; MD 181 Allambie Rd Strategic Issues 20190328.doc; NBC 181 Allambie Rd 20190529.pdf;

Please find attached a submission to REV2021/0006 with 2 Attachments.

Regards, Ann Sharp

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Ann Sharp

E:aesharp@bigpond.net.au

77 Brighton Street

Curl Curl

NSW 2096

To: Northern Beaches Council  
Email: [council@bigpond.net.au](mailto:council@bigpond.net.au)

2<sup>nd</sup> April 2021

REV2021/0006 (DA2020/0552) - Submission

I support the previous refusal of the development because:

- The bushfire prone land is unsuitable for seniors housing
- The proposal would result in a significant loss of vegetation and habitat
- The proposal will adversely impact on Curl Curl Creek catchment
- The development will conflict with environmental protection in Manly Dam Catchment

A report entitled Manly Dam Catchment Strategy (Graduate School of the Environment, Macquarie University, Nov 1992) states:

“Some land within the Reserve boundary is leased by charities. It should be a high priority of management to maintain the integrity of the reserve and such fragmentation should not be allowed to occur in the future. In addition those areas not presently developed should be returned to the Reserve.”

#### MANLY WARRINGAH WAR MEMORIAL PARK PoM

The Manly Warringah War Memorial Park Plan of Management 2014 recommends the protection of adjoining Crown land and, where possible, incorporation into the Reserve.

#### Management Actions include:

T1 Liaise with the Crown Lands Division to include ‘flora and fauna protection’ or ‘environmental protection’, or similar, as an additional secondary/supporting Reservation Purpose for those Crown Lands comprising the Park and, where appropriate, for future Crown Land additions to the Park.

T2 Identify opportunities to consolidate the Park’s boundary – and realise these as/where practical – to minimise the amount of bushland edge exposed to pressures and impacts from adjacent urban or disruptive land uses.

#### BUSHLAND / RIPARIAN Land

The development would result in the removal of vegetation and fragmentation of bushland areas that are contiguous with the Park. The removal of vegetation and urban development would also adversely affect the environmentally sensitive catchment and waterway of Curl Curl Creek.

Any proposal to incorporate Crown land with conservation values into the Park would be seriously compromised by the proposed seniors housing development .

The need to manage the area to reduce bushfire risk and maintain fuel loads at less than 10t/ha. would greatly reduce the biodiversity and habitat values of the bushland. It would also greatly inhibit its future management as part of the surrounding Park.

I strongly support the previous refusal of the proposed development.

Yours sincerely

Ann Sharp

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Phone: 9938 3459

To: CEO, Northern Beaches Council  
CC David Kerr, General Manager  
Planning, Place and Community  
Email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

28<sup>th</sup> March 2019

Re MANLY DAM CATCHMENT

181 Allambie Road Allambie Heights (Crown land)  
Lot 2615 DP 752038  
Land Area: 3.72 Ha

Dear Sir

The Crown land at 181 Allambie Road, Allambie Heights contains existing residential development (seniors housing) and undeveloped land, which contains bushland and a riparian buffer.

I understand that Northern Beaches Council is currently undertaking a review of the Warringah Local Environment Plan (LEP) 2011.

What opportunity is there to review the residential zoning of the undeveloped portion of Crown land within this site and to consider a more appropriate zone that reflects the environmental values of the land and its context within Manly Dam Catchment?

Please find attached, background information and reasons to support an environmental zone for the undeveloped land.

Also attached, as a separate file, a previous submission to the draft Warringah LEP 2009, which preceded the adoption of Warringah LEP 2011.

Yours sincerely

Ann Sharp

Member, Save Manly Dam Catchment Committee Inc.

To: CEO, Northern Beaches Council  
CC: David Kerr, General Manager  
Planning Place and Community  
Email: council@northernbeaches.nsw.gov.au

28<sup>th</sup> March 2019

## STRATEGIC ISSUES (LEP)

### Re MANLY DAM CATCHMENT

Re 181 Allambie Road, Allambie Heights (Crown land)  
Lot 2615 DP 752038  
Land Area: 3.72 Ha  
Land zoned R2 Low Density Residential in WLEP2011

Dear Sir

Will Northern Beaches Council please consider a review of the residential zoning of the western (undeveloped) portion of the Crown land at 181 Allambie Road, Allambie Heights?

### REASON

The land is located in Manly Dam Catchment and contains natural features, including bushland and a riparian buffer, and adjoins Manly Warringah War Memorial Park.

The residential zoning is not consistent with the environmental values of the undeveloped land and an environmental zone is warranted to protect the sensitive nature of the locality.

### SUPPORTING INFORMATION

The eastern portion of land adjoins Allambie Road and contains an existing seniors housing development.

The western (undeveloped) portion of land adjoins Manly Warringah War Memorial Park and contains bushland and a riparian buffer.

Both portions of the subject site are zoned R2 (low density) residential.

Constraints that apply to the western portion include:

- Under the Planning for Bushfire Protection (2006) the bushfire prone location is unsuitable for residential development, such as seniors housing.
- The loss of native vegetation and riparian buffer would have a detrimental impact on the natural environment of the adjoining Manly Warringah War Memorial Park (MWWMP).
- An increase in impervious areas in this location would adversely affect the sub-catchment and waterways.

Environmental protection for the western portion of the site would provide better land use controls to prevent inappropriate development and adverse environmental impacts within Manly Dam Catchment.

A 'dual zone' for the subject site would also achieve a more accurate translation of the environmental outcomes envisaged in the former Warringah LEP 2000 'desired future character' for this locality.

### Zoning History

#### WARRINGAH LEP 1985-2000

In WLEP 1985, the Crown land was zoned for Special Uses i.e. Special Uses – Public and Semi-public Purposes.

#### WLEP2000

WLEP2000 is a place based LEP with Locality Statements instead of land use zones.

In the Locality Statement, the Desired Future Character (DFC) Statement contained descriptive controls and was a key determinant in land use and development decisions relating to Localities.

Consistency with the DFC, General Principles and Schedules provided a threshold test for development approval.

In WLEP2011 the site was included in the G11 (Aquatic Drive) Locality in Manly Dam Catchment. In this Locality Statement, DFC clauses include:

*The locality "will be characterised by a mix of bushland and a variety of low intensity uses to protect the sensitive nature of the locality".*

*The relationship of development in the entire locality with bushland both outside and within the locality will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops and remnant bushland.*

*Existing creek and natural watercourses are to remain undeveloped and are to include a riparian buffer zone comprising appropriate vegetation.*

*Development is to include measures to minimise the potential impacts upon the water quality of Manly Dam.*

#### WLEP2011 - Translation of WLEP2000

The translation of the place based WLEP2000 into the standard instrument WLEP2011 is based on the Locality Statement, in particular the DFC.

In WLEP2011 the subject site has been zoned R2 (low density) residential. However, the zone objectives do not include environmental outcomes envisaged in the G11 Locality Statement (DFC).

The low density residential (R2) zone is not an accurate translation of the DFC for the undeveloped land within the subject site. Also, there was no reference to environmental studies.

As stated in a Warringah Council report (13<sup>th</sup> Nov 2007): "The standard instrument order does not provide Council with the same capacity to recognise local area (place based) nuances and thereby precludes a wholly true translation of Warringah LEP 2000".

The current zoning of the undeveloped land appears to be an anomaly and needs to be updated to reflect the environmentally sensitive nature of the locality.

An environmental zone, such as E2 (environmental conservation) zone, would be consistent with the DFC objectives to protect the natural landscape, bushland and riparian buffer.

#### Crown Lands Management Act 2016

Principles of Crown land Management apply to the site.

Under the Crown Land Management 2016 Act (CLM Act) the principles of Crown land management are:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and*
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and*
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and*
- (d) that, where appropriate, multiple use of Crown land be encouraged, and*
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and*
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.*

#### Crown Reserve

The Crown land was zoned Special Uses (Public and Semi-public Purposes) in WLEP 1985.

The Crown land is reserved for 'Future Public Requirements'.

The proposed private development for seniors housing is not consistent with the public and semi-public purpose for which the land was reserved.

#### Existing Development

On the adjoining lot to the south the existing Allambie Heights Village abuts MWWMP and has resulted in the substantial removal of trees and understorey vegetation for asset protection purposes. Further impacts on the natural features and amenity of the area need to be avoided.

#### Warringah Creek Management Study (WCMS) 2004

The subject site is within the catchment of Curl Curl Creek, which flows to Manly Dam.

A significant portion of the site is identified as a riparian buffer of Curl Curl Creek.

Curl Curl Creek has a high conservation value and has been assigned a Group A rating in WCMS.

Land use planning advice relating to Group A and Group B creeks includes the following information re seniors housing, planning principles, performance criteria and catchment land use:

#### Seniors housing (SEPP5)

*It is recommended that an application for exemption from SEPP5 be made for land identified on the Warringah Local Environmental Plan on the basis of it being 'environmentally sensitive land':*

This includes:

- *all land within riparian zones of any creeks;*
- *all land within riparian buffers of Group A and Group B creeks; and*

- *all land within the catchment of Group A creeks.*

Principle (for Group A and B creeks):

Preserve all natural components that contribute to ecological value – particularly streamflow, water quality and flora/fauna.

Performance criteria include:

- No artificial barriers to capture water
- Site imperviousness is less than 10% etc.
- All development is outside riparian zone and riparian buffer zone

“relatively small changes in catchment land use can have significant impacts on flows, which in turn can strongly influence ecology.”

#### Public Interest

It is in the public interest that the natural features of the undeveloped land in this locality are protected. The bushland and riparian land have conservation values that protect the ecology and waterways in Manly Dam Catchment, which encompasses Manly Warringah War Memorial Park.

#### Environmental Protection

An overlay of environmental protection is required for catchment land use in Manly Dam Catchment to protect waterways, aquatic habitat, wildlife corridors and scenic amenity.

It is important that the natural environment and conservation values of Manly Dam and surrounds are recognised and protected for future generations. In order to achieve this outcome:

- An environmental overlay is required for undeveloped land within the Catchment, particularly for land adjoining Manly Warringah War Memorial Park.
- An environmental protection zone is required for natural areas, including bushland and riparian land, in Manly Dam Catchment.

Yours sincerely

Ann Sharp

Email: [aesharp@bigpond.net.au](mailto:aesharp@bigpond.net.au)

Address: 77 Brighton Street, Curl Curl NSW 2096

ATTACHMENT:

Attached is an excerpt from a submission relating to a previous draft of WLEP2011 (DWLEP2009).  
File Name: *DWLEP(2009)siExcerpt.doc*

To: The General Manager  
Warringah Council  
Civic Centre, Dee Why NSW 2099

SUBMISSION re DWLEP 2009 (Excerpt)

Dear Sir

A general concern is that a number of proposed zones could result in inappropriate development. It is possible that development applications, which are not consistent with the Desired Future Character, could be approved under some proposed new zonings. This includes areas that have significant environmental values.

TRANSLATION

The draft Standard Instrument LEP is not an exact translation of the existing LEP 2000 and for some areas / sites may not provide equivalent or adequate protection for the environment. The proposed standard zone in the draft LEP could tip the balance in favour of developments that are not consistent with the DFC for a Locality. These proposed changes do not give effect to the Warringah Strategy or to aspects of the NE Sub-region Strategy.

EP&A Act Section 57 (1) states that: "Where a council decides to prepare a draft local environmental plan...it shall prepare an environmental study of the land to which the draft LEP is intended to apply."

Environmental factors are relevant to proposed land use zonings, particularly where there are changes from the existing controls. However, environmental factors have not been applied in the zoning of particular sites / areas. The implications of this are further loss of biodiversity and potential fragmentation of important habitat areas.

EXAMPLES

Proposed changes include:

- R2 Low Density Residential zoning of former Special Uses sites in Manly Dam Catchment

Etc...

The SEPP's relating to Seniors Housing, Complying Development and Affordable Rental Housing make the proposed R2 residential zone even less appropriate for some areas, and an alternative zone is required.

This proposed zone is a threat for sites where the DFC currently provides some degree of protection, and for sites where environmental values warrant a different zoning.

ENVIRONMENTAL STUDIES

Environmental studies should be taken into account in the translation of the WLEP 2000 to the draft Warringah (Standard Instrument) LEP.

The Council Agenda report (13<sup>th</sup> November 2007) states: "The standard instrument order does not provide Council with the same capacity to recognize local area (place based) nuances and thereby precludes a wholly true translation of Warringah LEP 2000."

This is all the more reason for relying on environmental data to achieve a more appropriate planning outcome in accordance with the environmental objectives of the EP&A Act.

Summary Issues

- The proposed zone in the draft LEP does not accurately translate the desired future character and land use in the WLEP 2000 for a number of key sites.
- The proposed land use for a number of sites has changed without adequate consideration of environmental factors.





northern  
beaches  
council

29 May 2019

Ms Ann Sharp  
Save Manly Dam Catchment Committee Inc.  
Email: [aesharp@bigpond.net.au](mailto:aesharp@bigpond.net.au)

Our Ref: 2019/271975

Dear Ms Sharp

**181 Allambie Road, Allambie Heights**

I refer to your letter dated 28 March 2019, and subsequent discussions with Council's Principal Planner Paul Christmas on 4 April 2019, in relation to the property located at 181 Allambie Road, Allambie Heights. It is understood that you seek a change to the zoning for the underdeveloped portion of the site from R2 Low Density Residential to RE1 Public Recreation under Warringah LEP 2011.

I confirm that Council will write to the NSW Department of Industry (Crown Lands) to seek their comments on the proposal and will then consider the matter in more detail in the preparation of the new Northern Beaches LEP.

The preparation of the new Northern Beaches LEP will include extensive community consultation and we invite you to participate in this process when it commences towards the end of 2019.

Thank you for raising this matter with Council.

Should you require any further information please contact Paul Christmas, Principal Planner on 9942 2184.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Louise Kerr'.

Louise Kerr  
Director Planning & Place