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**Subject:** REV2021/0006 181 Allambie Rd - SUBMISSION

**Attachments:** REV2021-0006 Issues 20210402.doc; REV2021-0006 - Riparian CommentsA 20210402.doc; REV2021-0006 - Bushfire Comments 20210402.doc; REV2020-0006 Maps Comments 20201123.doc;

Please find attached a submission from Save Manly Dam Catchment and 3 Attachments.

To: CEO, Northern Beaches Council  
Email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

REV2021/0006 (DA2020/0552) - Submission  
Address: 181 Allambie Road, Allambie Heights

2<sup>nd</sup> April 2021

We wish to object to the proposed development. Following are some of the reasons for objection that relate to the impact and site compatibility of the proposed development.

### **Stormwater Management**

In the Water Management Policy PL850:

In the Stormwater Management Plan (SMP): Table 4 – ‘General Stormwater Treatment Requirements’ have been applied to this development.

However, the land to be developed is within a Group A Catchment and currently undeveloped with a 10% impervious area.

Table 3 - Stormwater Quality Objectives and criteria for environmentally sensitive catchments apply to this development proposal.

In Table 4 - “The percentage reduction in the post development mean annual loads are relative to the loads from the proposed development without treatment applied.” The proposed development would increase pollutant loads in Curl Curl Creek, including Phosphorus (22%) and Nitrogen (35%). The adverse cumulative impact of these pollutants on weed growth and the aquatic environment has not been adequately considered.

The resulting increase in pollutant loads associated with this development will degrade Curl Curl Creek. In addition, changes to the flow regime and other factors, such as water temperature, will impact on receiving waters and aquatic habitat. These criteria are not included in Table 4.

This development needs to be assessed under the Table 3 requirements, consistent with the Policy requirement ‘to ensure the development does not impact on receiving waters’.

### **Heritage Conservation Area**

Curl Curl Creek is a significant feature of the Manly Warringah War Memorial State Park and traverses the Heritage Conservation Area. The impacts of stormwater and the removal of vegetation for APZ within Curl Curl Creek catchment are not compatible with the protection of the Heritage Conservation Area.

Unlike the existing seniors development on the eastern portion of the site, the proposal is located within a riparian buffer of Curl Curl Creek in close proximity to bushland on the western side of the subject site. The subject site is up-slope of a steep headwaters creek and will result in the removal of vegetation contiguous with the Heritage Conservation Area.

Curl Curl Creek is located in the Heritage Conservation Area. Under Warringah LEP 2011 (Clause 5.10) the impacts on the Heritage Conservation Area (and Creek) need to be considered.

Council has nominated Manly Warringah War Memorial State Park for State Heritage Listing. The heritage conservation values of the Park include Curl Curl Creek and its aquatic habitat. It is in the public interest that the conservation values of the Park are protected for future generations.

### **Bushfire Hazard**

The development proposal is located on bushfire prone land in close proximity to the Heritage Conservation Area. The requirements for hazard reduction, future asset protection and the removal of vegetation are in direct conflict with the conservation values of the Heritage Conservation Area.

### **Site Compatibility Criteria**

The proposed development is not compatible with the surrounding land uses having regard to (at least) the following criteria in seniors housing SEPP —

*25 (5) (b) (ii) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

The existing uses include the heritage conservation area in the vicinity of the proposed development. The impacts on Curl Curl Creek, the removal of vegetation for asset protection and the ongoing bush fire hazard is not compatible with protecting significant environmental values, which include the catchment protection, waterways, native flora and fauna habitat. The development proposal is not compatible with the surrounding land use for conservation.

We hope the above issues will be considered.

Ann Sharp

On behalf of Save Manly Dam Catchment Committee (savemanlydamcc@gmail.com)

### **Re Stormwater Management Plan (SMP)**

“The area of the site to be developed is currently undeveloped. There are existing seniors living buildings to the east of the development area within the extent of the site.”

“Visual inspection of the site and the detailed site topographic survey confirm that there is currently no in ground drainage infrastructure on the area of the site being considered for development.”

“There is evidence of in ground drainage for the existing buildings located on the eastern portion of the site. This stormwater network appears to drain towards Allambie Road.”

“Northern Beaches Council set the design requirements for any new stormwater management system associated with new development in their Water Management Policy PL850.”

Council’s Water Management Policy states “Stormwater treatment measures are required to ensure the development does not impact on the receiving waters.”

Table 4 – General Stormwater Treatment Requirements

Pre-Development: 10% impervious.

To: NORTHERN BEACHES LOCAL PLANNING PANEL

Re REV2021/0006 181 Allambie Road, Allambie Heights

## RIPARIAN ISSUES

17 November 2020

We support the recommendation for refusal in the Council Report (for DA2020/0552) but consider that WDCP2011 E8 Waterways and Riparian Land should be included as an additional a reason for refusal.

“Note that the riparian is still within the APZ zone and the proposal is not fully satisfying the Council’s DCP and Protection of Waterway and Riparian Lands Policy”.

Ref: NE Referral Response - Riparian (dated 29/06/2020)

### RIPARIAN LAND in GROUP A CATCHMENT

The proposal does not satisfy the requirements of the Warringah DCP 2011 E8 or the Protection of Waterways and Riparian Lands Policy.

The proposal is also *not* in accordance with the requirements of the Warringah Creek Management Study 2004 referred to in the conditions.

There is no mention that the development footprint and APZ is located within riparian land identified in the DCP Waterways and Riparian Land MAP in the E8 clause.

Or that the APZ will include the riparian zone on site and in the Park.

The Protection of Waterways and Riparian lands Policy assigns a high priority to Category A catchments and creeks, including Curl Curl Creek.

The pre-DA meeting advised that Council is unlikely to approve a development that extends into riparian land on the basis of ecological impacts on a Group A catchment.

The proposal will be located in riparian land and result in changes to the natural flow regime in Curl Curl Creek.

### WATER QUALITY & AQUATIC HABITAT

The presence of the climbing galaxias fish is an indicator that this major tributary of Curl Curl Creek is generally in excellent condition.

There is no mention of the water quality criteria for aquatic habitat to sustain aquatic species, such as the galaxias fish, that inhabit the creek downstream.

For Category A creeks, including Curl Curl Creek, the Water Management Policy requires a water quality standard that protects aquatic habitat.

There is no mention of potential risks to water quality, water flow and the aquatic environment.

Native species, such as the galaxias, are highly sensitive to water quality, temperature etc., as outlined in reports and submissions. There is no mention of these local criteria for aquatic habitat.

For riparian land within Manly Dam Catchment it is desirable that proposed land uses have a neutral or beneficial outcome on water quality, to protect Curl Curl Creek and Manly Reservoir.

#### CONDITIONS of CONSENT

The conditions are inadequate to protect the riparian zone and waterway on site and in the Park.

The conditions do not include any requirement for ongoing monitoring of water quality and flow.

Compliance with conditions relies on private certifiers with no input from public authorities.

The public land, including the State Park, will bear the consequences of adverse impacts and non-compliance with conditions.

Conditions are not adequate to achieve the stated reason for their inclusion.

The REASONS for the conditions are important outcomes, but the conditions are not adequate to support those reasons.

#### ESD PRINCIPLES & POTENTIAL IMPACTS

ESD Principles are referred to in the Council Policies, but have not been applied to this proposal.

The Precautionary Principle should be applied to protect Curl Curl Creek catchment.

The potential impacts the Curl Curl creek and its catchment are not sustainable and would be potentially irreversible.

We urge that this development proposal be refused.

From Save Manly Dam Catchment Committee

Email: [savemanlydamcc@gmail.com](mailto:savemanlydamcc@gmail.com)

To: Northern Beaches Council  
Email: [council@northernbeaches.nsw.au](mailto:council@northernbeaches.nsw.au)  
2 April 2021

REV2021/0006 - Submission  
Re DA2020/0552 - 181 Allambie Road, Allambie Heights

We strongly support the refusal of the development proposal.

Following is a brief extract of our concerns about bushfire risk and the ongoing impact it is likely to have on natural areas within the catchments of Curl Curl Creek and Manly Dam.

## Re BUSHFIRE RISK

### ASSET PROTECTION ZONE (APZ)

Environmental impacts relate to:

1. Land use conflict
2. Climate change and bush fire risk
3. Riparian land and creek corridor
4. Clearing and fragmentation

### LAND USE CONFLICT

The proposal will result in irreconcilable land use conflict:

The bushland in and contiguous with the Park will continue to be the main threat of bushfire for this new development. Conversely, this development will be a ongoing threat to the integrity of the surrounding bushland areas.

### CLIMATE CHANGE

The increased risk of bushfire is likely to result in increased setbacks for asset protection in future years. If so, further encroachment of the Park would be required under the Rural Fires Act to clear more bushland as a result of this NEW development. This scenario is not compatible with the protection of heritage conservation values within the Park.

### RIPARIAN LAND

The APZ would overlap riparian land within the site and adjoining reserve. The Protection of Waterways and Riparian Lands Policy, and DCP2011, state that asset protection zones should be avoided on riparian land.

The Council approval for the APZ overlap would be combined with the APZ encompassing the creek corridor immediately adjoining the Park. The removal of vegetation adjoining the watercourse upstream will exacerbate the impact of the APZ in the Park.

### CLEARING & FRAGMENTATION

The proposed Inner Protection Area (IPA) will involve the removal of wide swathes of native and disturbed vegetation and will severely fragment bushland areas contiguous with the Park.

The clearance of large portions of the bushland area for the purpose of Inner and Outer Protection Areas will have a significant negative impact on natural areas within Curl Curl Creek catchment.

## BUSHFIRE RISK

The bushfire prone land is not suitable for seniors housing.

Bushfire risk associated with dry weather, high temperature and hot winds is predicted to increase in the future due to climate change.

As a consequence, setback requirements for asset protection are likely to become more onerous. Even then, the APZ requirements will only reduce bushfire risk, they will not eliminate or prevent bushfire in vulnerable locations.

The Manly Dam Reserve is acknowledged as the main bushfire risk to this development.

Under the EP&A Act the likely increased risk of bushfire associated with climate change is an additional reason to warrant refusal of the development. The Precautionary Principle needs to be applied in this instance.

If Council agrees to the APZ in the Park it is also taking on board:

1. Any future obligation under the Rural Fires Act to provide an increased APZ subject to more onerous requirements due to climate change.
2. Increased pressure on Council to undertake hazard reduction within nearby areas of the Park to reduce the actual and perceived risk to residents and property in the new development.
3. The potential liability if the new development, in close proximity to bushland, is exposed to ember attack or smoke that affects property assets or the health of residents.

We support the previous refusal of this development application in 2019 and 2020.

From Save Manly Dam Catchment Committee

Email: [savemanlydamcc@gmail.com](mailto:savemanlydamcc@gmail.com)

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MAPS – COMMENTS (18 Nov 2021)

MAP Title: IMPACT AREA

Legend: Remaining bushland (Shaded green); Impact area (Shaded yellow)

1. The 'remaining bushland' area within the site will also be impacted by APZ; for example, disturbed vegetation will be removed for the purpose of an inner protection area.

MAP Title: SUBJECT SITE

Shows drainage lines and 10m buffer

2. The riparian buffer extends across the development site, it is not just confined within 10m of the excavated channel / creek. The extent of the riparian buffer is shown in the WDCP2011 E8 – Waterways and Riparian Land Map. The extent of the riparian buffer is also shown in the Warringah Creek Management Study (2004) and reflects the sensitivity of the site within the Category A Curl Curl Creek catchment.

MAP Title: ASSET PROTECTION ZONE

3. The APZ overlap of 30m does not take into account the potential widening of the APZ associated with increased bushfire risk and Climate Change. A likely environmental impact is the further encroachment of the APZ within the Park.

MAP Title: WEED DENSITY

4. The weedy areas have the potential to be restored to native bushland rather than cleared for the purpose of IPA. This would require the management of nutrients at source, including external to the site, and the removal of deposited fill within the site. The proposal to replace weeds with native grass will fail unless the source of nutrients is identified and removed. Total Catchment Management (TCM) and the incorporation of the bushland into the Park would facilitate this outcome.

MAP Title: VEGETATION to be REMOVED and NO-GO ZONES

5. The 'no-go' zone is intended to exclude pedestrian access. This expectation is unrealistic and unlikely to be adhered to in future years. The development will cover the full extent of the existing landscaped area and leave only residential patches of open space. This outcome, in turn, will put additional pressure on the bushland for recreational and other purposes for the adjoining residents.

MAP Title: PROPOSAL AND APZ

Shows APZ setbacks and Powerline fuel reduced zone

6. There is cleared access to the power poles. However, in most locations the power lines do not have a fuel reduced zone underneath. An exception is a cleared strip that marks the boundary between the site and the Park to the north of the cul-de-sac. The clearing of bushland underneath the powerlines would not prevent bushfire, but would greatly impact on the ecological values of the Park.