
Sent: 12/03/2021 8:31:51 AM
Subject: SUBMISSION AGAINST Revision application No: 2021/0006
Attachments: 2021-03 AC Submission to REV2021-0006.docx;

Attn: Lashta Haidari.

Please find attached my submission against Revision application No: 2021/0006 regarding 181 Allambie Road, Allambie.

Regards,

Ann Collins
Gordon Street, Manly Vale

I STRONGLY OBJECT to this Revision submission for 181 Allambie Road, Allambie.

Whilst “the purpose of this review request is to respond to the reasons for refusal provided in the Notice of Determination and to seek the support of the NBLPP for the development”, there has been no attempt to change anything in the proponent’s application.

They state: “The design of the development **has not been altered** as part of the review request as the reasons for refusal state that the information provided within the submitted Biodiversity Development Assessment Report (BDAR) was insufficient to determine the extent of impact on the Manly Warringah War Memorial Park, including the required Asset Protection Zone.”

Therefore the same reasons for OBJECTION remain.

1. This is the 2ND REFUSAL from the Local Planning Panel. 2018 and 2020.
2. This is **CROWN LAND** and should not be used for a development to house 24 luxury units. It is Crown land that was reserved for public and semi-public use. Is 24 living spaces considered as public use?
3. Again, the proponent has not addressed the impacts of their proposed development on the freshwater ecology below their site, and have not studied or responded to the submission concerns raised by many of the objectors. In particular, Sonya Ku and Greg Wallis provide very detailed submissions about the impact to the downstream freshwater ecology.

This lack of consideration of the concerns raised is the key reason for refusal.

Reason for refusal:

The proposed development is contrary to the Environmental Planning and Assessment Act 1979 NSW having regard to s 4.15 (1)(b),(c),(d) and (e) given the insufficient information provided with the development application to address the likely impacts of the development on the adjacent natural environment, the suitability of the site and matters raised by the public with respect to the likely impacts that would be caused.

4. The **Park’s Plan of Management 2014**, which forms a key driver for the Committee, recommends the protection of adjoining crown land and where possible, incorporation into the reserve, with the aim to minimise the amount of Bushland edge exposed to pressures and impacts from adjacent Urban or disruptive land uses.

5. A **Manly Dam Catchment Strategy Report from 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."

6. All the creeks lines must be not only protected but restored. This is a Category A Creek.

We are all aware that this development is in the Manly Dam Catchment area – so anything that happens upstream will likely impact downstream.

The statement from Sonya Ku (Environmental scientist and ecological community biodiversity specialist) as she is completing a study of the *Galaxias brevipinnis* remaining in Manly Dam Catchment reiterates the danger of development in this area.

- 2020 surveys conducted established the continued presence of a *Galaxias brevipinnis* population within Manly Warringah War Memorial Park, being the sole remaining population recorded within the Sydney Metropolitan Area. There is evidence of a significant range contraction within the Reserve, with the number of creeks supporting populations reduced from three or more, to one.
- The sole remaining population of *Galaxias brevipinnis* in the Sydney metropolitan area is under threat of local extinction if this development goes ahead.
- The Commissioner should dismiss it on this legality:
 - there is no consideration of freshwater ecology;
 - there should be extensive consideration of these impacts in the development proposal;
 - the impact on water given the proximity to the dam for this proposal is a given; and
 - hence the proposal is inadequate.
- The development can't possibly adequately consider the Dam ecology because we are still working through the study of the Dam ecology and finding out new things right this minute with our team of ecologists.
- Any development that involves earthworks, tree removal and changes to water flow will put the freshwater ecosystem under threat;
- We have already lost numerous creeks this way; developers have promised no impacts and failed. This is the only one left;
- We believe this may be one of the last pristine creek ecosystems in metropolitan Sydney.

Therefore, it's imperative that all the creeks lines are not only protected but restored, so this population gets the best possible chance.

7. **Overlapping APZ** - The Park is zoned RE1. A private APZ is therefore inconsistent with the land objectives and Council clarified this in a letter in February 2020 to the solicitors for Allambie Heights Village. (attached to MWWMSAP Advisory Committee submission).

The RFS approval appears to rely on this existing APZ managed by Council.

The existing APZ from the 2004 development next door is an unfortunate legacy and anomaly that should NEVER be added to. In fact we believe it should be reviewed with new 2019 Fire laws in place.

From P5: "The APZ was confirmed as created and finalised for Council to therefore manage", by Councils Team Leader of Land Management and Foreshores, Mr Steve Bax via correspondence dated 23 April 2009, sent to Allambie Heights Village. This was reiterated by Councils Executive Manager Parks and Recreation, Steve Lawler, in correspondence sent 17 July 2019, confirming that the 30m wide APZ on Manly Dam Reserve land, is being managed in accordance with the operational management requirements of the APZ set by the requirements of Condition 6 of the 2004 DA.

a) Why should Council **forever** manage an APZ for a private development using Rate Payers money? This relationship must be reviewed.

From P5 - As indicated, the development requires an 85 metre APZ with the Inner Protection Area being 30 metres within the Manly Dam Reserve, as presently established as part of the abovementioned management agreement with No. 3 Martin Luther Place^b. Thus, there is no new clearing of native vegetation that would be brought about by the development.

b) The APZ is 30m into Manly Dam. The APZ is a part of an agreement with a separate piece of Crown Land which is NOW managed by the same entity. This CANNOT be relied upon for ongoing APZ for the land "next door". What happens if the land is sold at some later stage?

From P5 - The management agreement finalised in 2009 was the basis of Bush Fire Management Measures/actions which Council deemed appropriate/adequate to safely allow the development of the immediately adjacent Residential Aged Care Facility (which was also subject of a substantial redevelopment approved by the Sydney North Planning Panel in 2017 - DA2017/0085), whose residents (who suffer from dementia) remain significantly more vulnerable than the current proposals' residents, being independently living over 55's.^{c,d}

c) The proponent is even aware of the inadequacy of the APZ for the residents with dementia – and yet still pushes ahead to use it for themselves! IS this ok?

From P5 - The attached map makes clear the overlap of the existing and proposed APZ's and that the new APZ does not extend past the existing APZ in any location. Therefore, the required 85m for the new development is achieved without requiring any new APZ (vegetation clearing and the like) in the Manly Dam Reserve land. This fact was confirmed by the NSW Rural Fire Service as part of giving their concurrence to the current and previous developments via written advice dated 2 December 2019 and 31 July 2020. On this basis, there cannot be any new or unexpected impact on biodiversity within the Manly Dam Reserve land as a result of the development. Hence, this reasoning providing by the NBLPP for refusing the subject application is unfounded^d.

d) Correct and incorrect. There is no further impact from this SMALL aspect of the APZ clearing, but that does not negate the impacts of the other clearings and construction and operation on the biodiversity.

It is Bush-Fire Prone land. Is this a good place for Seniors Housing?

8. Issues around Water and runoff – particularly during Construction and ongoing when Operational – incorporating Water quality/Riparian land/consideration of Curl Curl creek as a group A creek /Catchment / stormwater and increased flows.

Bearing in mind this is a catchment and this development sits on Riparian land above a Class A creek.

As per previous submissions, the Erosion & Sedimentation Plan is inadequate for this scale of development and recommend compliance with **Landcom's Managing Urban Stormwater: Soils and Construction**. Our experts believe these minimum conditions must be applied to address the 70% more flow volume from this site due to the increased impervious surfaces and therefore urban pollutants.

In addition, whilst the Applicants' modelling meets the pollution reduction targets, these are inadequate to protect against the 22% more phosphorus and 35% more nitrogen than the existing situation.

The NORBI – Neutral or Beneficial Impacts targets must be imposed at a minimum to protect the sensitive downstream aquatic ecosystems (including the Climbing Galaxias fish and habitat).

We request consideration of suggested Construction Phase conditions (see MWWMSP Advisory Committee submission.)

9. This current development proposal cannot be looked at in isolation.

The Manly Warringah War Memorial STATE PARK and its surrounding crown lands are being eroded on all sides and this is impacting and will impact further on water quality and biodiversity values. It was gazetted a War Memorial Park and a State Park to attempt to protect these important values.

This needs to be looked at as a whole of park, catchment and ecosystem issue and not a patchwork “development by development” approach.

10. Loss of Social amenity

From P5 – “In terms of **social and economic impacts in the locality, the proposal will have no adverse effects.** Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.”

This statement takes no account of the loss of grasslands available to the residents in the existing developments who currently use the grassy amenity which will be removed as a result of the proposed development.

11. A further recommended reason for refusal – left out of the original 2020-10 Assessment Report and provided to the 2020 Local Planning Panel.

Dear Panel, Following is a supplement to the Assessment Report to add a recommended reason for refusal. This reason was discussed in the report but was not added in the list of reasons for refusal. The recommended additional reason for refusal is as follows:

“3. Pursuant to Clause 25 (5) (b) (ii) of SEPP (Housing for Seniors or People with a Disability) 2004, the proposal will have unreasonable impacts on the natural environment and due this impact, the proposal is inconsistent with the clause.”

This is the Clause:

25 Application for site compatibility certificate

(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel—

(a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and

(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—

(i) **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,

(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,

MEMORANDUM

DATE: 17 November 2020
TO: Northern Beaches Local Planning Panel
CC: Peter Robinson, Manager Development Assessments
FROM: Lashta Haidari, Planner
SUBJECT: DA2020/0552 – 181 Allambie Road, Allambie Heights

Dear Panel,

Following is a supplement to the Assessment Report to add a recommended reason for refusal. This reason was discussed in the report but was not added in the list of reasons for refusal. The recommended additional reason for refusal is as follows:

"3. Pursuant to Clause 25 (5) (b) (ii) of SEPP (Housing for Seniors or People with a Disability) 2004, the proposal will have unreasonable impacts on the natural environment and due this impact, the proposal is inconsistent with the clause."

Regards,

Lashta Haidari
Acting Manager Development Assessments

12. Proponent is in a hurry to meet a deadline.

From the LPP it was identified by the CEO that there was an agreement surrounding the Lease purchase whereby AHV needed to spend something like over \$5million in 5 years. The % years I believe runs out soon. This is an added pressure for the Proponent – but should in no way influence the process of determination for this development.

In summary, many submissions have identified a number of concerns which do not appear to be fully addressed in this review by the Proponent. In fact – NOTHING HAS CHANGED or been offered for this review.

Ms Ann Sharp and Save Manly Dam Catchment Committee have provided many submissions and letters to Council outlining many fundamental as well as environmental concerns about this development. The letters provided to Jonathon Ede for the Land and Environment Court Hearing / negotiation should be tabled in the REV as well – including Jacqui Marlow, Sonya Ku, MWWMSP Advisory Committee and Victor Peterson.

I fully support and commend the Council's original recommendation to refuse this application in 2018 and again in 2020. I support the LPP recommendation to refuse this application in 2018 and again in 2020.

In summary, please reject this application as:

- * this development is inappropriate for the site on Riparian land above a Category A creek in a bushfire zone with high environmental values;
- * this development should be considered as part of a wider cumulative impact assessment of the Manly Warringah War Memorial State Park.
- * Crown Land should not continue to be used in this way.