



PLANNING PROPOSAL

Amendments to Warringah Local Environmental Plan 2011

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

September 2020 (submission for Gateway Determination)

TRIM PEX2018/0007

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Introduction

This Planning Proposal has been prepared in accordance with Council Resolution dated 28 May 2019 and 17 December 2019 to rezone certain land located within the Manly Warringah War Memorial State Park from R2 (Low Density Residential) to RE1 (Public Recreation) and to omit residential development standards and controls that would no longer be relevant to the proposed zones.

Acronyms

The following acronyms have been used throughout this report:

Council	Northern Beaches Council
DPIE	The NSW Department of Planning, Industry & Environment
EP&A Act	Environmental Planning and Assessment Act, 1979
LGA	Local Government Area
NBLPP	Northern Beaches Local Planning Panel
NSW	New South Wales
RE1	RE1 (Public Recreation) Zone under WLEP2011
R2	R2 (Low Density Residential) Zone under WLEP2011
Section 9.1 Directions	Section 9.1 Directions by the Minister under the EP&A Act, 1979 (formerly Section 117 Directions)
SEPP	State Environmental Planning Policy
POM	Manly Warringah War Memorial Park Plan of Management, 2014
State Park	Manly Warringah War Memorial State Park (State Park)
RMS	Roads and Maritime Services NSW
The Update	Beaches Link Project Update, RMS, August 2018
The Minister	NSW Minister for the Department of Planning, Industry & Environment
WLEP1985	Warringah Local Environmental Plan 1985
WLEP2000	Warringah Local Environmental Plan 2000
WLEP2011	Warringah Local Environmental Plan 2011

Table 1 Acronyms Used

Site Context and Location

1.1 Location

The three (3) lots are located within the south-west boundary of the Manly Warringah War Memorial State Park (State Park). They are bounded by the Wakehurst Parkway and Garigal National Park to the west, the State Park including the Wakehurst Golf Club and Manly Dam to the north and east and the Sydney Water operational reservoir followed by low density residential to the South.



Figure 1 Location of the Subject Land

1.2 Description of the Subject Site and Surrounding Land

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

This Land:

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

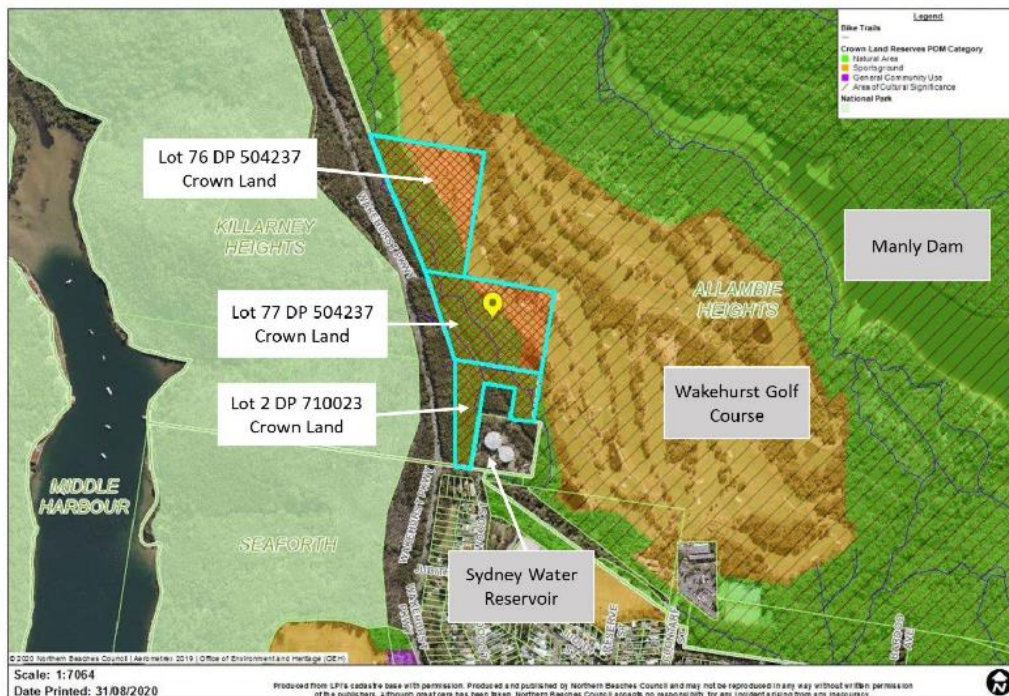


Figure 2 Subject Lots within Manly Warringah War Memorial State Park and adjoining Garigal National Park

Part 1 – Intended Outcomes

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

Part 2 – Explanation of Provisions

The proposed outcome will be achieved (as illustrated under Part 4 – Maps) by:

- Amending the WLEP2011 Land Zoning Map to rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):
 - Lot 76 DP 504237
 - Lot 77 DP 504237
 - Lot 2 DP 710023

- Amending the WLEP2011 Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots to reflect the abovementioned zoning changes.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

NO

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

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

On 27 November 2018, Council resolved as follows:

That:

- A. Council prepare a Planning Proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:
 - a. Three Crown land lots:
 - i. Lot 76 DP 504237
 - ii. Lot 77 DP 504237
 - iii. Lot 2 DP 710023.
 - b. Two Sydney Water lots:
 - i. Lot 1 DP 710023 - bushland site (surplus land)
 - ii. Lot 1 DP 835123 - with water tower (reservoir).

Background from Councillor Candy Bingham from the Notice of Motion:

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

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

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

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

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

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

Historic Zoning of the Lots

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

Warringah Local Environmental Plan 1985 (WLEP1985)

Under WLEP1985:

- The three Crown Land Lots were zoned as County Open Space similar to other Crown Land around the boundaries of the Catchment that have since been incorporated into the State Park.

Warringah Local Environmental Plan 2000 (WLEP2000):

Under WLEP2000:

- All of the subject lots were located within the G3 Manly Lagoon Suburbs Locality under WLEP2000. The G3 Desired Future Character Statement states that "Substantial regional parklands and bushland will remain significant elements of the locality".
- Crown land identified as County Open Space in WLEP1985 within the Manly Dam Catchment was identified on the Public Open Space Map in WLEP2000, with the exception of the three Crown Land lots.
- The three (3) Crown Land lots were managed generally under the G3 Manly Lagoon Suburbs Locality of WLEP2000 and were also included within the Manly Dam Heritage Conservation Area under WLEP2000. The exclusion of the Crown Land lots from being identified on the Public Open Space Map appears to be an anomaly.

Warringah Local Environmental Plan 2011 (WLEP2011):

Under WLEP2011:

- When preparing WLEP2011, Council was required to translate the existing provisions of WLEP2000 to the State Government's new Standard Instrument LEP format.
- The subject lots were all located in the G3 Manly Lagoon Suburbs Locality under WLEP2000 and were deemed to be residential land. Under WLEP2000, none of these parcels were zoned Public Open Space, Open Space Reservation. Accordingly, in making WLEP2011, all of these lots were zoned R2 Low Density Residential.
- Similar to WLEP2000, the three Crown Land Lots were included within the Manly Dam Conservation Area under WLEP2011.

Consideration:

It is recommended that the former WLEP1985 zoning of the subject land as County Open Space and Special Uses be acknowledged and the heritage significance, environmental, recreational and public infrastructure values of the State Park protected by rezoning the three Crown Land lots to RE1 (Public Recreation) consistent with the values of the State Park. The rezoning proposal would correct an anomaly in WLEP2011 and ensure that future land use is consistent with the protection and management of the State Park and heritage significance of the land.

Manly Warringah War Memorial Park Plan of Management (2014)

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

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

Primary Management Objectives include:

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

Secondary management objectives:

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

Consideration:

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

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

- Towards 2040: Local Strategic Planning Statements
- SHAPE 2028 Northern Beaches Council Community Strategic Plan (2018)
- Identified Aboriginal sites within proximity of subject sites
- Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area by the Department of Environment and Climate Change, June 2008
- Biodiversity Values Map by Office of Environment and Heritage (OEH), 2018
- Sydney Metropolitan Catchment Management Authority v3 Mapping, OEH 2016
- Native Vegetation DCP Mapping, former Warringah Council
- Manly Dam Ongoing Comprehensive Species List Project by Northern Beaches Council, 2018
- Biodiversity Assessment of nearby Sydney Water Land (Sydney Water, 2018)
- Connected Corridors for Biodiversity Project by Southern Sydney Regional Organisation of Councils, December 2016
- BioNet Threatened Species Records, OEH 2018

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

YES

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

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

Section B – Relationship to Strategic Planning Framework

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

a) Does the proposal have strategic merit?

YES

The Greater Sydney Regional Plan

The Planning Proposal has been reviewed against relevant outcomes of the Greater Sydney Regional Plan “A Metropolis of Three Cities – connecting people” published on 18 March 2018. The Plan identifies a number of strategic directions and specific policy settings regarding transport, housing growth, employment and centres. This Planning Proposal is informed by the Plan’s vision for the Eastern Harbour City and aligns with the Directions of the Plan. In particular, this Planning Proposal satisfies a range of Objectives as follows:

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

North District Plan

The Planning Proposal supports the North District Plan vision for ‘A city in its Landscape’ and Directions ‘Valuing green spaces and landscape’.

The Planning Proposal is consistent with a number of Planning Priorities of the North District Plan as follows:

- **Planning Priority N15 – Protecting and improving the health and enjoyment of Sydney Harbour and Waterways**

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

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

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

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

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

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

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

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

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

b) Does the proposal have site-specific merit?

YES

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

Historic and ongoing uses and values include:

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

- Environmental Values – (further explained in Part C section 7)
 - The subject sites contain important core habitat for local native species including many threatened species.
 - The bushland is mapped as “native vegetation” under Warringah Development Control Plan E5 Native Vegetation.
 - The land functions as an important wildlife corridor connecting Manly Dam to Garigal National Park.
 - Contains bushland that protects the water quality of the Manly Dam Catchment
- Cultural and aesthetic values of the State Park including to
 - Maintain the Park’s undeveloped bushland skyline, as seen from internal vantage points and use areas. This undeveloped skyline gives users of the park the feeling of having completely escaped the city, providing relief from the urban environment.
 - War Memorial & social gatherings - The subject sites are at the top of the ridgeline along the western boundary of the state park and are highly visible from within the park, including the war memorial in section 1. As such, residential development of these sites would significantly affect the social and cultural values of the War Memorial and the picnic areas where family and social groups congregate for picnics.
 - Aboriginal Heritage – the subject lots are identified as being in close proximity to aboriginal Heritage.
- Hazards
 - Bush Fire Prone Land - The three subject sites are identified on current Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone land Map 2018 as containing Category 1 Vegetation and/or Vegetation Buffer Area. This land is in close proximity to Garigal National Park and dense bushland of the State Park. RE1 zoning on this site would serve to protect life and property from bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone areas. It would also protect native flora and fauna from pressure to clear native bushland to create bush fire asset protection zones along the parks boundaries.

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

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

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

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

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

Table 2 Consistency with Local Strategic Planning Statements

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

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

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

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

vegetation and maintain ecological functions in wildlife corridors.

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

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

Yes – this Planning Proposal gives effect to Council’s adopted Northern Beaches Community Strategic Plan ‘SHAPE 2028’.

The Northern Beaches Community Strategic Plan was adopted by the Northern Beaches Council in June 2018 following 2 stages of engagement and drafting in September/October 2016 (developing community issues, priorities and visions) and in March/April 2017 (developing draft goals and strategies to achieve the vision). The Community Strategic Plan defines our community's vision and sets a direction for everything we must do over the next 10 years with our future planning, budgets and actions.

Relevant Goals and Strategies:

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

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

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

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

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

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

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

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

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

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

Table 3 Compliance with State Environmental Planning Policies (SEPPs)

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

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

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

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

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

- **2.1 Environment Protection Zones** – While this land is identified as R2 (Low Density Residential) in Warringah LEP 2011, it is included within the Manly dam Heritage Conservation Area under WLEP2011. This proposal strengthens the environmental protection standards that apply to this land by minimising chances of development that is inconsistent with environmental protection objectives by reducing permitted uses and removing development standards from the subject site.
- **2.3 Heritage Conservation** – This planning proposal is for land included within the Manly Dam Heritage Conservation Area under WLEP2011 and the subject site is in close proximity to Aboriginal Heritage. This Planning Proposal seeks to reduce the likelihood of damage to this heritage by significantly reducing the range of permitted uses with an RE1 zone and by removing development standards on the subject sites. RE1 zoning reflects the existing uses on the site and is consistent with the broader park, which is managed in accordance with the Manly Warringah War Memorial Park Plan of Management (2014) which recognises and conserves heritage significance across the park.
- **2.6 Remediation of Contaminated Land** – Portions of the subject site under Wakehurst Golf Course are known to have a history of landfill activity and this Planning Proposal is seeking to support public recreation activities reflecting the existing uses. A Preliminary Contamination Investigation has been undertaken by Cardno in accordance with the contaminated land planning guidelines and is attached to this Planning Proposal. The investigation found stockpiles of fly-tipped builders rubble on the edge of Kirkwood St and on an old fire trail with historic access from Wakehurst Parkway which has now been gated by TfNSW. Non-friable asbestos was identified within the fly-tipped rubble. Works to remediate the subject site have already commenced in accordance with the recommendations of the Preliminary Contamination Investigation to make the site suitable for public recreation use. Northern Beaches Council will consider the findings of this investigation at its meeting on 29 September 2020 alongside this Planning Proposal.
- **3.4 Integrating Land Use and Transport** - This direction applies as the planning proposal will alter zones or provisions relating to urban land, including land zoned for residential purposes. Having regard to the minor nature of the changes proposed, the Proposal is not considered to be inconsistent with this Direction.
- **4.4 Planning for Bushfire Protection** - The subject lots are identified on the Warringah Bush Fire Prone Land Map as Category 1 Vegetation and/or Vegetation Buffer Area. The land is in close proximity to Garigal National Park and dense bushland of the State Park.

- The proposed rezoning from R2 to RE1 is in line with the objectives of this direction, to protect life and property from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas. Consultation with the Commissioner of the NSW Rural Fire Service following receipt of Gateway determination under section 56 of the Act will be required before we undertake community consultation.
- **6.1 Approval and Referral Requirements** – The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Planning Proposal is consistent with the terms of this direction as follows
 - Provisions that require concurrence, consultation or referral of Das to a Minister or public authority are minimised
 - No provisions are contained in the Planning Proposal requiring concurrence, consultation or referral of a Minister or public authority without approval prior to undertaking consultation.
 - No development is identified as designated development.
 - **6.2 Reserving Land for Public Purposes** – Crown Land NSW, as the owners of the lands subject to this Planning Proposal is supportive of this proposal as per the letter provided in Attachment 1. The land is already in public ownership for a public purpose and is already used for public recreation activities.
 - **6.3 Site Specific Provisions** – The Planning Proposal does not seek to allow a particular development proposal under the terms of the Direction.
 - **7.1 Implementation of a Plan for Growing Sydney** – This Planning Proposal is consistent with the NSW Government's Greater Sydney Region Plan "A Metropolis of Three Cities – Connecting People" published on 18 March 2018, as outlined in Part 3, Section B of this report.

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

- **Residential Zones 3.1** – This direction applies as the Planning Proposal affects land within an existing residential zone – Zone R2 Low Density Residential. The Planning Proposal is inconsistent with the requirements of this Ministerial Directions, as the proposed rezoning will not provide for residential development on the subject land.

In this regard, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal are of minor significance.

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

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

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

Table 4 Compliance with Ministerial Directions

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

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

Section C – Environmental, Social and Economic Impact

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

No. This Planning Proposal provides a better outcome for the protection of habitat and ecological communities contained within these bushland sites. The proposed RE1 zone will introduce new zone objectives and land use permissibility that will better protect the local flora and fauna and their habitats compared to permissible development under the current R2 zone. No adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats are likely as a result of the proposal. Protecting the environmental values of the subject site is a key objective of this Planning Proposal.

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

The subject lots have the following biodiversity values:

- The subject lots all contain intact native bush, all mapped as native plant community types.
- Mapped as having “biodiversity Value” under the Biodiversity Conservation Act 2016 due to “threatened species or communities with potential for serious and irreversible impacts”.
- The immediate locality (within 2km radius) is known to contain at least thirty (30) threatened flora and fauna species according to a BioNet search (report generated on 13th of February 2019, Office of Environment & Heritage 2018). This included Two (2) threatened amphibian species, eight (8) threatened bird species, one threatened reptile species, seven (7) threatened mammal species and twelve (12) threatened flora species.
- At least four (4) threatened species have already been recorded within Lot 1 DP 835123, the neighbouring Sydney Water Reservoir site (Sydney Water, 2018). Three threatened micro bat species were positively identified onsite in addition to potentially recorded infrared image of a threatened Eastern Pygmy Possum.
- Connectivity values between Manly Dam Reserve and Garigal National Park.
- Mapped as “Priority Habitats” (coloured green) within the Connected Corridors for Biodiversity project by Southern Sydney Regional Organisation of Councils in December 2016.
- The subject lots are part of the “Middle Harbour Valley” habitat area which is mapped as having the highest fauna habitat ranking in the Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area (DECC June 2008). Middle Harbour Valley is only one of 13 fauna habitat areas mapped as the highest ranking within the Sydney Metropolitan region and includes the adjoining Garigal National Park.

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

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

The Planning Proposal supports the following environmental considerations:

Biodiversity Impacts

The studies and mapping identified above provide evidence that the subject lots are highly likely to contain habitat for local native species including threatened species, and are also likely to function as an important wildlife corridor, particularly for local native species.

Scenic Protection

The State Park is highly valued for the scenic beauty of its natural bushland environment. The proposed RE1 zone would preclude future residential development on the subject land which would intrude into the Park's visual catchment, and/or skyline, detracting from the Parks natural aesthetic appeal.

Water Quality of Manly Dam

The subject land drains into Manly Dam, which is valued by the community for its high water quality and recreational uses. The proposed RE1 zone would minimise potential residential development impacts such as fertiliser use and uncontrolled or polluted stormwater runoff from impacting the water quality of Manly Dam.

Bushfire Hazard

The subject lots are identified on the current Warringah Bush Fire Prone Land Map and Draft Northern Beaches Bush Fire Prone Land Map 2018 as having Category 1 vegetation and/or vegetation buffer area. The land is in close proximity to Garigal National Park and dense bushland of the State Park. The proposed rezoning from R2 to RE1 would serve to protect life and property from bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone areas. It would also protect native flora and fauna from pressure to clear native bushland to create bush fire asset protection zones along the Park's boundaries.

Land Slip Risk

WLEP2011 maps the subject land as 'Area A – Slopes less than 5 degrees' and 'Area B – Flanking Slopes from 5 to 25 degrees' in terms of landslip risk. Consideration is required to be given to risk associated with landslides and their impact on both property and life when assessing development applications. Furthermore, such development must not cause significant detrimental impacts because of stormwater discharge from the development site or impact on or affect the existing subsurface flow conditions.

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

YES

Heritage Significance

The subject lots are part of Heritage Conservation Area C9 – Manly Dam and Surrounds, listed in Schedule 5 of WLEP2011. The lots are identified as being in close proximity of an Aboriginal site. Removal of the residential zoning will remove the potential for residential development to occur on these sites, which would be detrimental to the existing heritage listings. RE1 zoning will protect these lots, recognising their current use and management in accordance with the Manly Warringah War Memorial Park Plan of Management.

Social Infrastructure – Public Recreation

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

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

Other Social Values

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

Economic Effects

This Planning Proposal is not expected to have any negative economic effects, as the three lots are already included within the Manly Warringah War Memorial State Park, an area of reserved Crown Land (known as a Crown Reserve) for the purposes of “public recreation”. The Park is under the care, control and management of the Manly Warringah War Memorial Park (R68892) Reserve Trust, with Northern Beaches Council both managing the affairs of the Trust and carrying out the day-to-day management of the Park on behalf of the Trust – under the provisions of the *Crown Land Management Act 2016*. These arrangements will continue and will be undisturbed as a result of this Planning Proposal.

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

Section D – State and Commonwealth Interests

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

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

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

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

Primary Management Objectives:

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

Secondary management objectives:

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

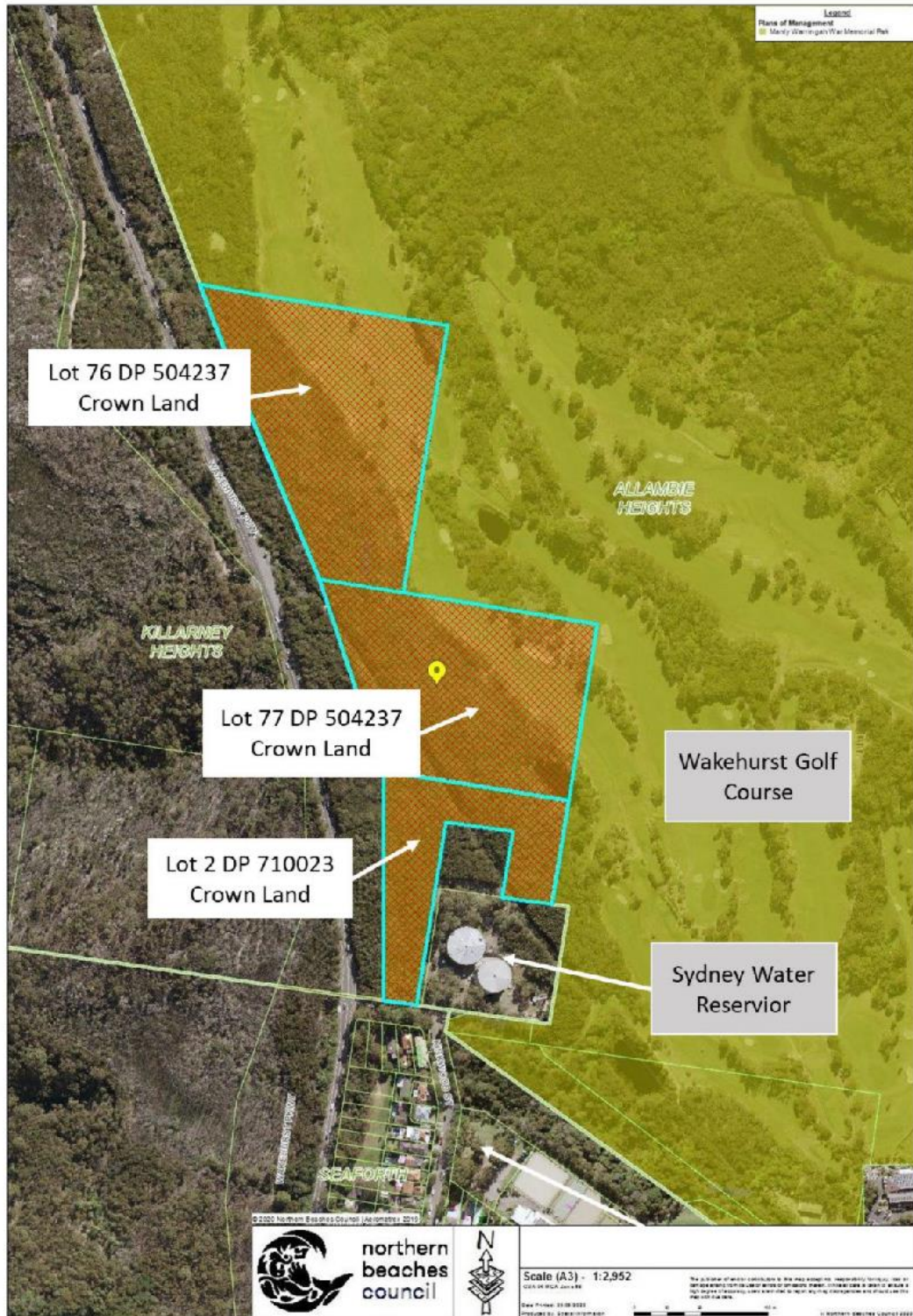
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

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

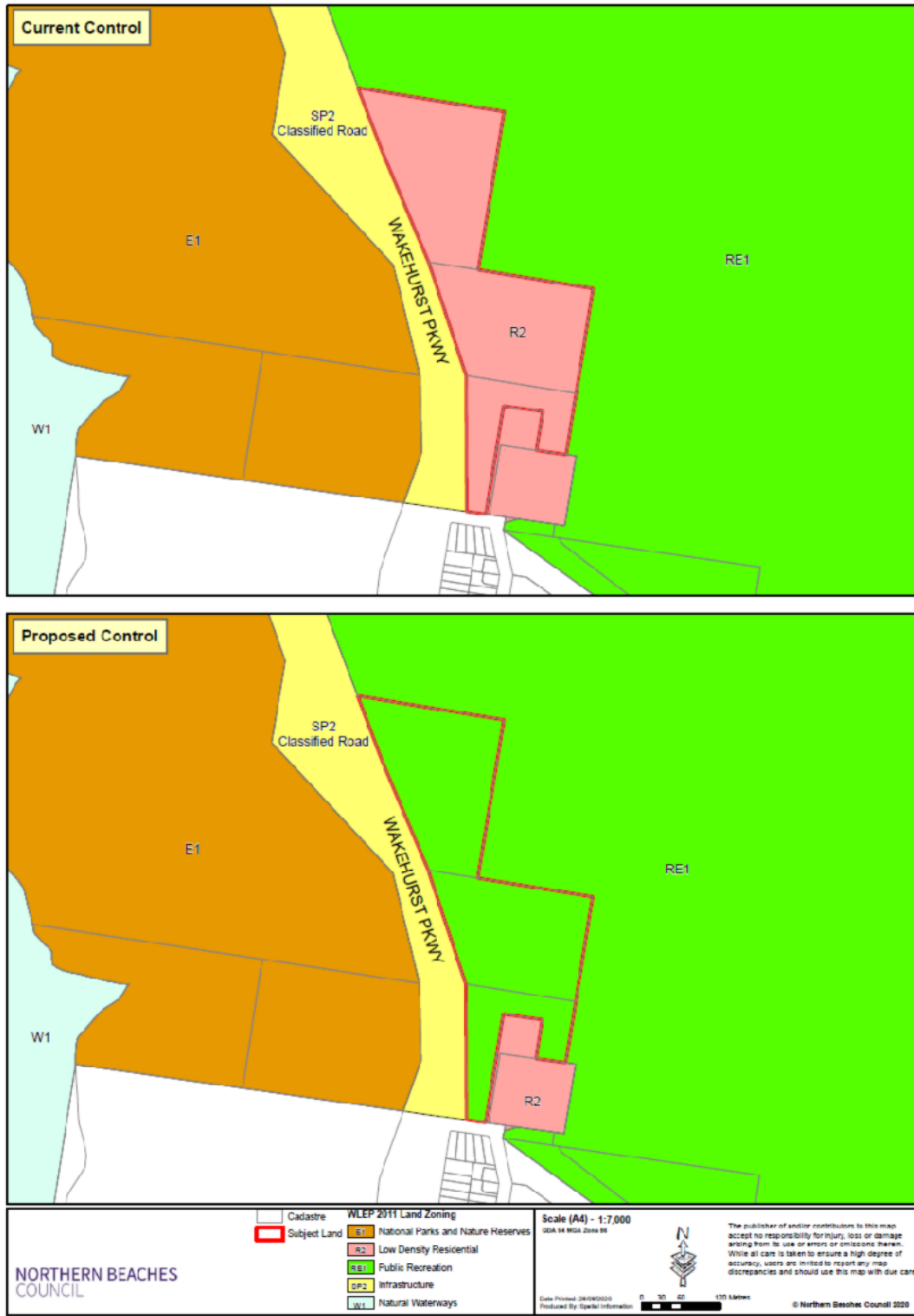
Part 4 – Maps



Map 1 Subject site within Manly Warringah War Memorial State Park



Map 2 Subject Site with Lot and DP Numbers



Map 3 Current and Proposed Land Zoning Map under WLEP2011



Map 4 Current and Proposed Height of Building Map under WLEP2011



Map 5 Current and Proposed Lot Size Map under WLEP2011

Part 5 – Community Consultation

Council proposes to place the Planning Proposal on public exhibition for a minimum period of 28 days, consistent with Council's Community Engagement Policy including:

- Notification in writing to affected and adjoining landowners
- Notification of key stakeholders, including but not limited to the Manly Warringah War Memorial State Park Advisory Committee and Save Manly Dam Catchment Committee
- Electronic copies of the exhibition material on Council's website.

The Gateway determination will confirm the public consultation that must be undertaken.

Part 6 – Project Timeline

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

Table 5 Project Timeline

Attachment 1 – Letter of Support from Crown Lands



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

Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Amber Pedersen
Principal Planner

Dear Amber Pedersen,

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

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

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

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

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

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

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

Should you require any further information or clarification, please contact Dimitrios Mitsidis at dimitrios.mitsidis@crowmland.nsw.gov.au.

Yours sincerely,



Ben Tax

Area Manager Sydney South Coast
Crown Lands
09 December 2019

Department of Planning, Industry and Environment, Crownlands
PO Box 2185 Dangar NSW 2309
Tel: 1300 806 235
www.crowmland.nsw.gov.au | ABN 72 189 919 072

Attachment 2 – Preliminary Site Investigation Report – Cardno

To be attached as a separate document

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



17 August 2020

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

Dear Mr Brownlee,

Wakehurst Parkway temporary construction site – surplus land

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

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

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

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

Temporary Wakehurst Parkway construction site



Transport for NSW
 101 Miller Street, North Sydney, NSW | 2065
 W roads-maritime.transport.nsw.gov.au | ADN 18 004 239 602

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

Yours sincerely,



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

Preliminary Site Investigation

Manly and Warringah War Memorial
State Park

NE30009



Prepared for
Northern Beaches Council

31 August 2020



Contact Information

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Author(s):



Jake Ludlow
Environmental Scientist

Effective Date 31/08/2020

Approved By:



Bob Campbell
Senior Environmental Scientist

Date Approved 31/08/2020

Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
RevA	26/06/2020	Draft for Client Review	JL	BC
Rev0	28/08/2020	Final Report	BW	BC
Rev1	31/08/2020	Updated Final	BW	BC

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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.



Executive Summary

Cardno (NSW/ACT) Pty Ltd ('Cardno') was engaged by Northern Beaches Council ('the Client') to prepare a Preliminary Site Investigation (PSI) of the lots proposed for rezoning from R2 – Low Density Residential to RE1 – Public Recreation and SP2 - Infrastructure under the *Warringah Local Environment Plan 2011* adjacent to Manly Dam. The multiple lots in Killarney Heights NSW are legally defined as Lot 76 Deposited Plan (DP) 504237, Lot 77 DP504237, Lot 2 DP710023, Lot 2 DP710023 and Lot 1 DP1200869 and Lot 1 DP710023.

During preparation of the PSI, Cardno undertook a Site inspection and reviewed available background information to determine potential sources of contamination.

Summary of Contamination Potential

Based on the data obtained from searches, historical aerials and observations from the Site inspection the following potentially contaminating activities have occurred at the Site which may have resulted in impacted media being present:

- > Historical restricted landfill of building materials and excavation material (including illegally disposed waste);
- > Fly-tipping of hazardous materials and builder's rubble via Kirkwood Street and fire trail; and
- > Historical use as materials laydown area (Lot 1 DP710023).

Summary of Preliminary CSM and Risk Assessment

The proposed rezoning of the major portion of the Site involves rezoning from R2 – Low Density Residential to RE1 – Public Recreation under the Warringah LEP 2011. Permitted uses under Warringah LEP 2011 for an RE1 (Public Recreation) zone are limited to Environmental facilities; Environmental protection works and Roads.

Based on the results of this investigation current sources of contamination are the edges of Wakehurst Golf Course that intersect the Site where exposed fill material is present, fly-tipped building rubble and historical use of a materials laydown area.

Current on-Site human receptors include bike riders and bushwalkers, golfers and intrusive maintenance workers of Wakehurst Golf Club. Potential off-site human receptors include golfers and intrusive maintenance staff of Wakehurst Golf Club and users of Manly Dam. Potential on-site ecological receptors include localised vegetation, fauna and soil biota. Off-Site ecological receptors include Manly Dam and associated vegetation, fauna and biota.

Currently there is an aesthetic issue and low potential risk of contact or inhalation exposure from isolated areas of exposed cover fill (outlined in **Figure 3**) on the edges of fairways on the eastern portions of the Site that cross over Wakehurst Golf Course. Non-friable asbestos was detected in a small fly-tipped builder's rubble stockpile via Kirkwood Street and presents low potential risk of inhalation to users. The historical laydown area could represent low potential risk of impacted soils, however there is currently no risk to receptors as the portion of land is fenced and inaccessible to the public.

Given the land is identified as bushfire prone land and has significant aboriginal and non-aboriginal cultural value, the likelihood of intensification of use beyond the current use profile as a result of RE1 (Public Recreation) zoning is low, and therefore the risk profile will remain consistent. Permitted uses under the proposed zoning including Environmental facilities, Environmental protection works, and Roads are unlikely to be constrained by the identified risks.

Recommendations

To manage the potential risks at the Site and render the subject site suitable for uses permitted under a Public Recreation (RE1) zone Cardno provides the following recommendations:

Crown Land – Lot 76 and 77 DP 504237, Lot 2 DP710023

- > Removal of asbestos fragments by a suitably qualified person and the areas validated suitable for use;



- > Fly-tipped stockpiles within the Site will need to be classified in accordance to the NSW EPA (2014) *Waste Classification Guidelines* and disposed of to a licensed facility;
- > Re-instate coverage of exposed landfill capping material on Wakehurst Golf Course with additional top soil and turf to prevent further erosion, rectify aesthetic issues and prevent human contact with potentially impacted soils. If contaminated material becomes exposed, the area should be isolated until rectified.

Sydney Water Land – Lot 1 DP710023 and Lot 1 DP1200869

- > Access to the historical materials laydown area is currently fenced off from the public access, therefore any potential exposure pathway is deemed negligible. Upon change of land use, further ground investigation may be necessary to assess the suitability of the Site.



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1 Introduction

1.1 Background

Cardno (NSW/ACT) Pty Ltd ('Cardno') was engaged by Northern Beaches Council ('Council') to prepare a Preliminary Site Investigation (PSI) of the lots proposed for rezoning from R2 – Low Density Residential to RE1 – Public Recreation and SP2 - Infrastructure under the *Warringah Local Environment Plan 2011* adjacent to Manly Dam, within the Manly Warringah War Memorial State Park. The multiple lots in Killamey Heights NSW are legally defined as Lot 76 Deposited Plan (DP) 504237, Lot 77 DP504237, Lot 2 DP710023, Lot 2 DP710023, Lot 1 DP1200869 and Lot 1 DP710023.

Lot 76 and 77 DP 504237 and Lot 2 DP710023 are Crown Land managed by Council, whilst Lot 1 DP710023 and Lot 1 DP1200869 are controlled by Sydney Water. The location of the Site and features are provided in **Appendix A**.

Cardno understands that the State Park was established as a significant environmental and recreation asset that is highly valued both locally and regionally as a recreation venue, conservation area, scenic asset, place of remembrance and for its water catchment roles. Establishment of the State park reflects the significance of Manly Dam and surrounding public lands to the Manly community and the people of NSW. The subject land is owned by Crown Lands and managed by the Manly Warringah War Memorial Park (R68892) Reserve Trust. Northern Beaches Council manages the affairs of this trust and carries out the day to day management of the park on behalf of the trust under the provisions of the Crown Land Management Act 2016 and in accordance with the Manly Warringah War Memorial State Park Plan of Management (2014).

1.2 Purpose and Objectives

The objective of the preliminary site investigation and associated report is to assess whether contamination has the potential to exist on the site at levels which may pose a risk to human health and the environment and whether further investigation is needed.

1.3 Scope

Cardno carried out the following tasks to satisfy the objectives of the PSI.

- > Obtain and review historical aerial photographs of the Site;
- > Obtain and review a Planning Certificates for the Site;
- > Interview Council personnel regarding current and historical land use practices, undertaken at the Site;
- > Review geological and soil landscape maps of the area;
- > Review Acid Sulfate Soil Risk Maps and Salinity Risk Maps for the area;
- > Review hydrogeological information and groundwater data available for the area including summary of registered bores;
- > Review previous geo-environmental and hazardous materials reports prepared for the Sites (where available);
- > Review historical business records;
- > Review records and databases held by offices such as the NSE EPA including, but not limited to:
 - The Contaminated Land Public Record;
 - List of NSW Contaminated Sites Reported to the NSW EPA;
 - PFAS investigation zones;
 - Legacy landfills, waste management centres, fuel depots, dry cleaners, petrol stations, and waste water treatment plants;



- Environmental Protection Licences and facilities registers under the Protection of the Environment Operations Act 1997;
- > Preparation of this PSI report.

1.4 Guidelines and Legislation

- > National Environment Protection (Assessment of Site Contamination) Measure 1999
- > NSW Department of Urban Affairs and Planning (1998) Managing Land Contamination: Planning Guidelines: SEPP 55 Remediation of Land, 1998;
- > NSW EPA *Consultants Reporting on Contaminated Land*. State of New South Wales and the Environmental Protection Authority (EPA), 3 April 2020.
- > WA DOH, 2009. *Guidelines for Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia*, Western Australia Department of Health (WA DOH).

2 Site Condition and Surrounding Environment

2.1 Site Definition

The Site is currently owned by Crown Lands and Sydney Water. The Site consists of multiple lots (described below in **Table 2-1**) located adjacent to Wakehurst Parkway, with access via 1 Kirkwood Street, Killarney Heights NSW.

The Site location is shown in **Figure 1** in **Appendix A** with Site details provided in **Table 2-1** below.

Table 2-1 Site Identification

Item	Details
Site Address	1 Kirkwood Street, Killarney Heights NSW 2087, Australia
Approximate Site Area	8.71 ha
Title Details and Owners, approximate size	<ul style="list-style-type: none"> ▪ Lot 76 DP504237 (Crown Land) (3.68 ha); ▪ Lot 77 DP504237 (Crown Land) (3.40 ha); ▪ Lot 2 DP710023 (Crown Land) (1.61 ha); ▪ Lot 1 DP1200869 (Sydney Water) (0.01 ha) ▪ Lot 1 DP710023 (Sydney Water – Surplus Bushland Site) (0.42 ha)
Local Government Area	Northern Beaches (formerly Warringah)
Parish and County	Parish of Manly Cove, County of Cumberland
Suburb	Killarney Heights
Site Owners at the time of this engagement	Crown Lands, Sydney Water

2.2 Site Description

The Site consists of one large polygon consisting of multiple lots, and one smaller rectangular block south of the Sydney Reservoir compound. The Site currently consists largely of open remnant bushland extending north with various recreational bike tracks forming part of Manly Dam Mountain Bike Track loop and one fire trail connecting to Wakehurst Parkway.

An inspection of the Site was undertaken on 25 May 2020 with photographs from the site inspection presented in **Appendix B**. Details and observations made during the site inspection are provided in **Table 2-2** and digitized in **Figure 3** in **Appendix A**.

Item	Observations
Site use	The Site is currently is largely open remnant bushland with various bike tracks to the north of the Site. The eastern sections of Lot 76 and 77 DP504237 are in use as a golf course.
Weather condition	Rain, 17°C
Site Slope and Drainage Features	The Site is located on a ridge adjacent to the Wakehurst Parkway, which recedes both east and west towards Manly Dam and Middle Harbour respectively. Drainage pipes were located on the edge of the golf course fairways towards Manly Dam.
Nearby water bodies	One (1) small irrigation pond (approx. 0.12 ha) was located on Site at the edge of the southern intersection of the Site boundary and fairway, with the water appearing to be in good condition (Photograph 10, Appendix B). Another small irrigation pond was located south east of the Site. Manly Dam reservoir is approximately 650 m east down-gradient of the Site.



Item	Observations
Site surface coverings	At the time of the inspection, the ground surface was predominantly sandy silt with areas of cover fill evident (builders' rubble) on southern tracks and edge of the golf course fairway (Photograph 9/11, Appendix B)
Site cut and fill	Areas of cover fill were observed intersecting the golf course particularly the edge of fairways (Photograph 11, Appendix B). Tracks at the southern extent of the Site adjacent to Kirkwood Street had exposed sections of in-situ sandy gravel and builder's rubble (Photograph 4, Appendix B).
Surface soils	Visual observations of surface soils in remnant bushland consisted of sandy silt (Photograph 9, Appendix B), exposed areas of sandy gravel with builder's rubble were noted (Photographs 4/11, Appendix B).
Buildings and structures	No buildings were present on Site.
Potential asbestos in building materials	Fragments of Potential Asbestos Containing Material (PACM) were observed along the western fencing of the Sydney Water compound, with two small stockpiles of builder's rubble located nearby (Figure 3, Appendix A).
Manufacturing, industrial or chemical processes and infrastructure	Not observed.
Fuel storage tanks (USTs/ASTs)	Not observed.
Dangerous goods	Not observed.
Solid waste deposition	Several small (<1 m ³) builders rubble stockpiles were observed (highlighted in Figure 3, Appendix A).
Liquid waste disposal features	Not observed.
Evidence of previous site contamination investigations	Not observed.
Evidence of land contamination (staining or odours)	Exposed cover fill of builders' rubble in-situ (crushed bricks and concrete) (Photograph 11, Appendix B). Several small fly-tipped stockpiles of rubble and PACM sheeting (Figure 3, Appendix A) were noted.
Evidence of groundwater contamination	Not observed.
Groundwater use	Not observed.
Vegetation	Open remnant bush dominated the Site. A small clearing north of the Sydney Water compound appeared to be cleared with small shrubs planted. Vegetation on the golf course is generally grass cover with some trees in fairway islands.

2.3 Surrounding Land Uses

Land uses zoned under the Warringah LEP 2011 within a 500 m buffer surrounding the Site are detailed in Table 2-2 below and in **Appendix C**.

Table 2-2 Surrounding Land Use

Direction	Land Use or Activity
North	Portion of Wakehurst Golf Course (RE1) and Wakehurst Parkway (SP2), further remnant bushland (RE1).
East	Wakehurst Golf Course (RE1), further Manly Dam.
South	Directly south to southeast of the large portion is Sydney Water Reservoir compound, further south of the minor portion is Kirkwood Street and residential housing, Seaforth Bowling Club (RE2), Bantry Reserve (RE1)

West	Wakehurst Parkway (SP2), Garigal National Park (E1/E2) and Seaforth Oval (RE1)	
SP2: Infrastructure	E1: National Parks and Nature Reserves	RE2: Private Recreation
RE1: Public Recreation	E2: Environmental Conservation	RE2: Private Recreation

2.4 Topography and Drainage

The Site lies on a ridge parallel to the Wakehurst Parkway at an elevation of 92-118 meters Australian Height Datum (mAHD), with the highest elevation situated at the southern portion surrounding the Sydney Water Reservoir compound. One irrigation pond was observed on Site, with drainage presumed to flow in an easterly direction towards Manly Dam. The landscape consists of undulating rises and rolling hills on Hawkesbury Sandstone in the far south of the Hunter Region, the north east of the Sydney Metropolitan catchment. Vegetation consists of open and closed heathland, scrub and eucalypt open woodland. Generally, the landscape is associated with an elevation between 6-610 m, slope <20% and local relief 20 -120 m (**Plate 2**).

2.5 Flood Potential

A review of the Warringah LEP 2011 did not identify the Site to be within a low, medium or high flood risk zone (**Plate 1**).



Plate 1: Site boundary indicated in red, Low Flood Risk Planning Precinct (Warringah LEP, 2011) (Northern Beaches Council Online Planning Maps).

2.6 Regional Geology and Hydrogeology

The Sydney 1:100,000 Geological Map indicates the Site is underlain by Mesozoic/Triassic Hawkesbury Sandstone (Rh) typified by medium to coarse grained quartz sandstone with very minor shale and laminate lenses (**Plate 2**). The eastern portion of the Site that intersects Wakehurst Golf Course has been anthropogenically disturbed as a result of a former landfill consisting of primarily excavation material and builders waste engineered to form fairways. Soils at the Site are erosional of the Lambert Landscape (ER1a)



(Plate 3). It must be noted that the eastern portion of the Site that intersects Wakehurst Golf Course has been anthropogenically disturbed as a result of a former landfill consisting of excavation material and builders waste

Soils of the Lambert Landscape consist of shallow to moderately deep (25 - <100 cm), well drained brown and yellow-othic tensols and brown kandosols (earthy sands and yellow earths); shallow (25 - <50 cm), well drained leptic rudosols (siliceous sands and lithosols); moderately deep (50 - <100 cm), imperfectly drained brown kurosols (yellow podzolic soils). Qualities and limitations associated with this soil landscape include:

- > Widespread shallow soils;
- > Widespread poor moisture availability;
- > Widespread non-cohesive soils;
- > Widespread rock outcrop hazards;
- > Widespread recharge zone;
- > Widespread sheet erosion hazards;
- > Localised high run-on;
- > Localised poor drainage; and
- > Widespread seasonal waterlogging

It must be noted that the eastern portions of the Site that intersect Wakehurst Golf Course have been anthropogenically disturbed



Plate 2: Sydney 1:100,000 Geological Map



Plate 3: Soil Landscapes and Salinity

2.6.1 Acid Sulfate Soils

Data from the Acid Sulfate Soils (ASS) Risk Maps indicate the soils are Class 5 ASS. The Australian Atlas of Acid Sulfate Soils (ASRIS) indicate the soils at the Site (Cq(p4)) are of extremely low probability of occurrence and are generally occur in inland lakes, waterways, wetlands and riparian zones (**Plate 4**). Results are attached in **Appendix C**.

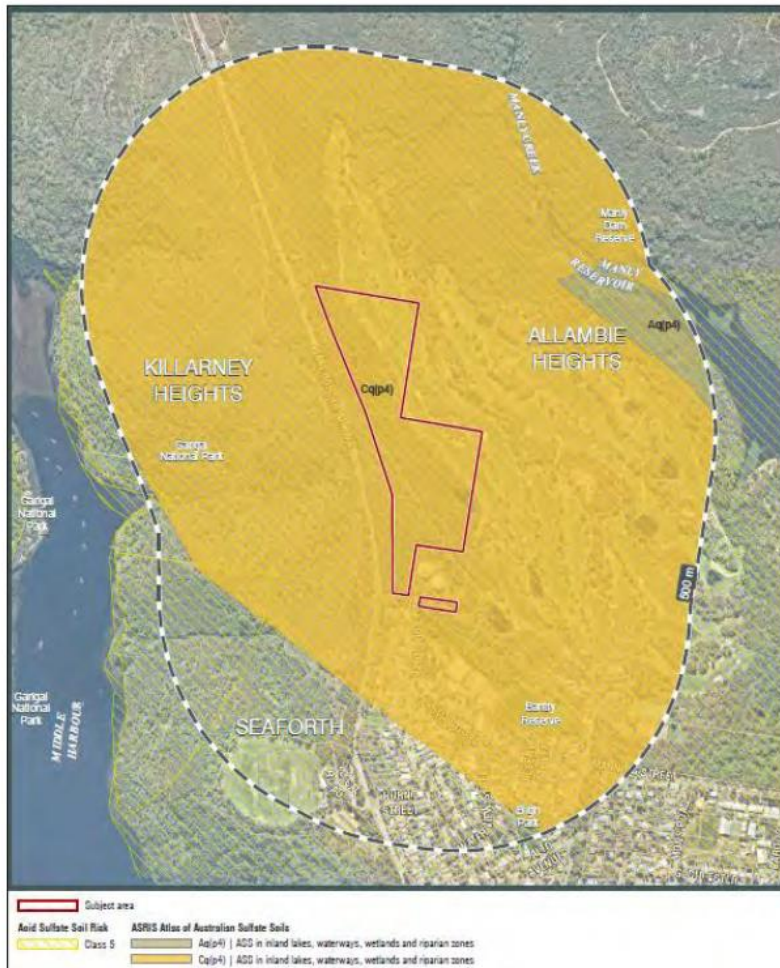


Plate 4: ASS Risk (OEH, 2012), ASRIS (2015-2017)

2.6.2 Salinity

Salinity is not considered a hazard at the Site (**Plate 3**). Results are attached in **Appendix C**.

2.7 Groundwater Database

Zero (0) groundwater wells were identified within 500 m buffer of the Site (NSW Department of Primary Industries – Office of Water). A cluster of seven (7) groundwater wells of unknown use were identified within 1000 m buffer down-gradient of the Site. As the Site is situated atop a ridge line the aquifer catchment area is considered quite small. Published literature describes the aquifer on site is of low to moderate productivity consisting of Late Permian/Triassic sediments of porous and consolidated media.

No Groundwater Dependent Ecosystems (GDE) were identified on Site, areas of low and moderate potential groundwater interaction were identified within the 500m search buffer adjacent to Manly Reservoir. Details of groundwater bores, hydrogeology is summarised in **Appendix C**.

2.8 Previous Environmental Reports

The following previous environmental reports were made available for review:

The following environmental reports were made available for review as part of University of Technology (UTS) 2000 compendium:

- > Pollution sources in the Manly Dam catchment. Crewe, R; Marrier D'Unienville, S; Corby, E (2000); and
- > The Nutrient Impact of Wakehurst Golf Course on Manly Dam. Butler, M; Farrugia, D; Johnson, R; Murray, C (2000)

2.8.1 Pollution sources in the Manly Dam catchment. Crewe, R; Marrier D'Unienville, S; Corby, E (2000)

The study aimed to determine the sources and concentrations of contaminants and nutrients entering Manly Dam compared to concentrations in 1990. In total 17 of 18 sites were sampled with sites 10a, 10b and 11 relating to Wakehurst Golf Course leachate receiving areas. In summary, no heavy metals were recorded above applicable ANZECC 1992 criteria and ammonia was detected at lower concentrations than those in 1990 at selected sites relating to Wakehurst Golf Course.

2.8.2 The Nutrient Impact of Wakehurst Golf Course on Manly Dam. Butler, M; Farrugia, D; Johnson, R; Murray, C (2000)

The study assessed the nutrient concentrations in the stored and runoff water in Wakehurst Golf Course. In total, twenty-three sites were sampled including irrigation ponds, runoff pipes and natural creeks surrounding the golf course which eventuate into the dam due to the topography of the site. Results generally indicated ammonia concentrations above the ANZECC 1992 criteria in excess of 1000 µg/L. Current updated ANZECC 2018 Default Guideline Values (DGVs) Freshwater for high ecological/conservation value and slightly to moderately disturbed ecosystems (99/95%) indicate exceedance criteria values of 320 µg/L and 900 µg/L respectively.

Due to the location of the Site atop a ridgeline, and a small portion containing the up-gradient portion of the landfill, it is not anticipated that the significant leachate is present within the Site. As such, it is unlikely that the potential presence of leachate will constrain the use of the Site as public open space. Elevated ammonia concentrations as a result of leachate and runoff should be considered as part of the wider management of the landfill and golf course plan.

2.9 EPA Records Search

2.9.1 Contaminated Land Record of Notices

The Contaminated Land Record of Notices is maintained by the Office of Environment and Heritage (OEH) in accordance with Part 5 of the *Contaminated Land Management (CLM) Act 1997* and contains regulatory notices issued by the Environment Protection Authority (EPA) in relation to contaminated sites.

A search of the Record of Notices was undertaken on 18 May 2020 within a 1000 m radius from the Site to identify any issues of relevance to the Site. The search identified zero (0) sites within the buffer area with Contaminated Land Records of Notices. Results are attached in **Appendix C**.

2.9.2 PoEO Public Register

The PoEO Public register under Section 308 of the *Protection of the Environment Operations (PoEO) Act 1997* contains Environment Protection Licences (EPLs), applications and notices issued by the EPA. The Public Register was searched on 18 May 2020 within 500 m of the Site and identified zero (0) sites. Results are attached in **Appendix C**.

2.9.3 List of Contaminated Sites Notified to the EPA

A search of the list of Contaminated Sites Notified to the EPA was undertaken on 18 May 2020 and identified zero (0) sites within 1000 m of the site. Results are attached in **Appendix C**.

2.9.3.1 Historical Landfill

Wakehurst Gold Club is situated largely atop a restricted landfill of building waste and excavation material, with evidence of cover fill exposed at the edge of fairways during the inspection. It is understood that a letter

from the Save Manly Dam Catchment Committee (SMDCC) (1995) to the EPA recorded illegal materials such as paint cans, tyres, food, garden waste and circuitry. Crewe, *et al* (2001) reported an exceedance of ammonia above the ANZECC guidelines which may be a result of pesticide use or landfill leachate.

2.10 Planning Information

Currently the Site is zoned as R2 – Low Density Residential under the Warringah LEP 2011 with the future plans for rezoning the R2 portion to RE1 – Public Recreation. The zones have the following objectives:

R2 – Low Density Residential

- > To provide for the housing needs of the community within a low-density residential environment.
- > To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- > To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

RE1 – Public Recreation

- > To enable land to be used for public open space or recreational purposes.
- > To provide a range of recreational settings and activities and compatible land uses.
- > To protect and enhance the natural environment for recreational purposes.
- > To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.
- > To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Permitted uses (without consent) under RE1 Public Recreation are limited to Environmental facilities; Environmental protection works and Roads.

2.10.1 10.7 Certificate

10.7 Certificates were obtained, no items of note were identified.

2.11 Natural Hazards

2.11.1 Bushfire Prone Land

The western portion of the Site is currently classed as a Bush Fire Prone Land (BNPL) Vegetation Category 1. The eastern and southern portions are mapped as a vegetation buffer. Results are attached in **Appendix C**.

3 Site History

3.1 Historical Business Directory Records

A review of the relevant business directory records within a buffer of 200 m from the Site was undertaken for various years 1932, 1940, 1950, 1965, 1970, 1971, 1974, 1980, 1981, 1990, 1991, 2005 to assess the historical ownerships and the proximity of the Site. Review of these records did not represent possible causes of contamination to the Site. A copy of the historical business directories searches for the Site are attached in **Appendix C**.

3.2 Historical Aerial Photograph Review

Sixteen (16) historical aerial photographs were obtained from the State of New South Wales, Department of Finance, Services & Innovation and dated back to 1943. An interpretation of aerial photography from the years 1943, 1953, 1955, 1965, 1975, 1986, 1996, 2004, 2005, 2007, 2010, 2012, 2014, 2016, 2018 and 2020 are presented in **Appendix C** and land use and activities summarised in **Table 3-1** below.

Table 3-1 Historical Aerial Photograph Review of Land Use and Activities

Year	Description of Site	Off-Site Direction	Description
1943 (b/w)	The Site is largely remnant bushland with one unsealed track connecting to Wakehurst Parkway in the southern portion. An unsealed track also dissects the smaller rectangular lot connecting to Kirkwood Street.	North	Remnant bushland and Wakehurst Parkway northbound.
		South	Wakehurst Parkway southbound, Seaforth Bowling Club and several streets joining Wakehurst Parkway. Associated reservoir tank and fencing of the Sydney Water Reservoir are visible.
		East	Remnant bushland with several small water bodies, further Manly Reservoir.
		West	Wakehurst Parkway, Garigal National Park and further Bantry Bay.
1953 (b/w)	The Site remains largely the same with additional unsealed tracks added to the main track.	North	No observable changes, similar to 1943.
		South	Development of small lots and dwellings in vacant blocks. Additional tracks connecting to Kirkwood Street.
		East	No observable changes, similar to 1943.
		West	No observable changes to Garigal National Park, similar to 1943.
1955 (b/w)	The Site generally has remained the same as 1953, however the southern portion of the Site adjacent to the Sydney Water Reservoir site appears to be cleared.	North	No observable changes, similar to 1943.
		South	Extensive development of residential dwellings.
		East	No observable changes, similar to 1943.
		West	No observable changes to Garigal National Park, similar to 1943.
1965 (b/w)	The cleared portion of the Site appears to be a material lay-down area with containers scattered around the centre and perimeter.	North	No observable changes, similar to 1943.
		South	A portion of bushland has been cleared for Seaforth Bowling Club greens and Bantry Reserve. Further development of residential dwellings. The Sydney Water Reservoir compound has been further cleared with the materials



Year	Description of Site	Off-Site Direction	Description
			laydown area intersecting the southern extent of the larger portion of the Site.
		East	No observable changes, similar to 1943.
		West	No observable changes to Garigal National Park, similar to 1943.
1975 (b/w)	The northeast and east portion of the Site has been cleared forming sections of Wakehurst Golf Course. The materials laydown area has ceased operations and has been replanted with vegetation forming tracks. Additional tracks intersecting the main portion of the Site.	North	Extensive clearing of remnant bushland for a section of Wakehurst Golf Course.
		South	An additional reservoir tank has been installed with additional clearing of the eastern portion of the Sydney Water Reservoir compound. Clearing and formation of Seaforth Oval.
		East	Extensive clearing of remnant bushland for the development of Wakehurst Gold Course and formation of Wakehurst Golf Club and associated car park. One large section of bushland remains.
		West	No observable changes to Garigal National Park, similar to 1943.
1986	The Site remains largely similar to the previous image in 1975.	North	No observable changes, similar to 1975.
		South	No observable changes, similar to 1975.
		East	The remaining bushland in the centre of the golf course has been further cleared for the formation of a new hole. Clearing and formation of several tennis courts adjacent to Wakehurst Golf Club. Formation of a track leading to Wakehurst Golf Club via Kirkwood Street.
		West	No observable changes to Garigal National Park, similar to 1943.
1996	The Site remains largely similar to the previous image in 1986 with tracks in the central portion of the larger lot being overgrown by vegetation growth.	North	Further upgrades and minor clearing to northern portion of Wakehurst Golf Course.
		South	No observable changes to residential area, vegetation growth and sealed bitumen path at the Sydney Water Reservoir compound.
		East	Additional clearing and tracks formed at Wakehurst Golf Course
		West	No observable changes to Garigal National Park, similar to 1943.
2004	The Site remains largely similar to previous, with the exception of a smaller irrigation pond on the eastern edge of the Site bordering the golf course.	North	No observable changes, similar to 1996.
		South	No observable changes, similar to 1996. Vegetation growth at the Sydney Water Reservoir Site.
		East	No observable changes, similar to 1996.
		West	Minor walking tracks visible in Garigal National Park.
2005		North	No observable changes, similar to 2004.



Year	Description of Site	Off-Site Direction	Description
	The Site remains largely similar to the previous image in 2004.	South	No observable changes, similar to 2004. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2004.
		West	No observable changes, similar to 2004.
2007	The Site remains largely similar to the previous image in 2005.	North	No observable changes, similar to 2005.
		South	No observable changes, similar to 2005. Sydney Water Reservoir compound vegetation growth.
		West	No observable changes, similar to 2005.
2010	The Site remains largely similar to the previous image in 2007, with the exception of an unsealed track or fire trail off Wakehurst Parkway dissecting through the larger lot of the Site.	North	No observable changes, similar to 2007.
		South	No observable changes, similar to 2007. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2007.
		West	No observable changes, similar to 2007.
2012	The Site remains largely similar to the previous image in 2010, with the exception of vegetation growth.	North	No observable changes, similar to 2010.
		South	No observable changes, similar to 2010. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2010.
		West	No observable changes, similar to 2010.
2014	The Site remains largely similar to the previous image in 2012, with the exception of additional tracks.	North	No observable changes, similar to 2012.
		South	No observable changes, similar to 2012. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2012.
		West	No observable changes, similar to 2012.
2016	The Site remains largely similar to the previous image in 2014.	North	No observable changes, similar to 2014.
		South	No observable changes, similar to 2014. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2014.
		West	No observable changes, similar to 2014.
2018	The Site remains largely similar to the previous image in 2018.	North	No observable changes, similar to 2016.
		South	No observable changes, similar to 2016. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2016.
		West	No observable changes, similar to 2016.
2020		North	No observable changes, similar to 2018.



Year	Description of Site	Off-Site Direction	Description
	The Site remains largely similar to the previous image in 2018.	South	No observable changes, similar to 2018. Sydney Water Reservoir compound vegetation growth.
		East	No observable changes, similar to 2018.
		West	No observable changes, similar to 2018.

3.3 Summary of Relevant Historical Activities

Historical land uses and potential activities occurring at the Site are summarised in **Table 3-2** below. Activities with the potential to cause contamination are noted.

Table 3-2 Summary of Site Historical Activities and Potential Causes of Contamination

Year	Interpretation / Site Activities	Potential Contaminant Sources
1943, 1953,	The Site has remained remnant bushland with various tracks connecting to Wakehurst Parkway.	<ul style="list-style-type: none"> Fly-tipped builders' rubble via tracks off Wakehurst Parkway
1955	Portion of land cleared north of the Sydney Water Reservoir compound	<ul style="list-style-type: none"> Land clearing for materials laydown storage, potential for chemicals, hazardous materials
1965	Cleared portion appears to be a materials laydown area with shipping containers scattered in the centre and perimeter.	<ul style="list-style-type: none"> Hazardous materials
1975	Materials laydown area replanted with vegetation, additional tracks in the larger portion of the Site. The northeast and east portion of the Site has been cleared forming sections of Wakehurst Golf Course	<ul style="list-style-type: none"> Fly-tipped builders' rubble via tracks off Wakehurst Parkway; and Historical landfill on the edge of Wakehurst Golf Course (hazardous materials)
1986, 1996, 2004, 2005, 2007, 2010, 2012, 2014, 2016, 2018 and 2020	The Site has generally remained vegetated with tracks appearing in the larger portion of the Site.	<ul style="list-style-type: none"> Fly-tipped builders' rubble via tracks off Wakehurst Parkway; Cover fill present on the edge of Wakehurst Golf Course (potentially hazardous materials); and Golf course maintenance, pesticide and fungicide use

3.4 Heritage

3.4.1 Local Environment Plan Heritage

Items of local significance outlined in the Warringah LEP 2011 are summarised below in **Table 3-3** and displayed in **Appendix C**.

Table 3-3 Warringah LEP 2011 Heritage Items (Local)

Site (ID)	Significance	Distance (m) / Direction
Manly Dam and Surrounds (C9)	Conservation Area - Landscape	On Site
Bantry Bay Reservoir (WS 0008) (I147)	Item - General	On Site
Bantry Bay Water Pumping Station (WPS122) (I148)	Item - General	On Site
Frenches Bullocks Track (I63)	Item - Landscape	57 / West



Site (ID)	Significance	Distance (m) / Direction
Bantry Bluff (I268)	Item - Landscape	85 / West

3.4.2 Register of the National Estate

Items considered under the register of the national estate (RNE) are summarised below in **Table 3-4** and displayed in **Appendix C**.

Table 3-4 Register of the National Estate Items

Site (ID)	Class	Status	Distance (m) / Direction
Manly Dam and Surrounds (19904)	Natural	Registered	On Site
Bantry Bay Reserve Area (former) (2860)	Natural	Registered	57 / West
Upper Middle Harbour Area (15000)	Historic	Indicative Place	57 / West

3.5 Contaminants of Potential Concern

Based on the available site history the Contaminants of Potential Concern (COPCs) identified by Cardno are listed in **Table 3-5**.

Table 3-5 Contaminants of Potential Concern

Area of Concern	Potential Source	Potential Contaminant
Areas subjected to fly-tipping	<ul style="list-style-type: none"> Illegal dumping of hazardous materials and builder's rubble via Kirkwood Street and fire trail; 	<ul style="list-style-type: none"> Asbestos; Total Recoverable Hydrocarbons (TRH); Benzene, Toluene, Ethylbenzene, Xylenes and Naphthalene (BTEXN); Heavy Metals; Polychlorinated Biphenyls (PCBs); Organophosphate and Organochlorine Pesticides (OPPs/OCPs); and Polycyclic Aromatic Hydrocarbons (PAHs)
Lot 1 DP710023	<ul style="list-style-type: none"> Historical use as materials storage 	<ul style="list-style-type: none"> Asbestos; TRH / BTEXN; Heavy Metals; PCBs; OPPs/OCPs; and PAHs
Portion of the Site bordering Wakehurst Golf Course (former building waste and excavated material landfill)	<ul style="list-style-type: none"> Historical restricted landfill of building materials and excavation material (including illegally disposed waste); Illegal disposal of hazardous materials; Golf course maintenance and upkeep 	<ul style="list-style-type: none"> Asbestos; TRH / BTEXN; Heavy Metals; PCBs; OPPs/OCPs; and PAHs

4 Data Gaps

4.1 Landfill

Given the presence and heterogeneity of cover fill on the Site, particularly along the eastern portions bordering Wakehurst Golf Course (capping ex-landfill) there is likely to be variability in the quality and type of the fill. Due to the discrete nature of ACM in soil, there is potential for ACM and other COPCs to be present within the landfill material. Hazardous ground gas risks from landfill degradation are unlikely to be an issue due to ample open space. Leachate potential within the Site is considered to be a low risk due to the up-gradient location of the areas considered to be landfill, however will need to be considered as part of the overall management of the golf course and Manly Dam.

4.2 Fly-tipped Stockpiles

During the Site inspection Cardno, identified multiple waste rubble stockpiles (<1 m³) along the fire trail and in accessible areas off Kirkwood Street which had likely been fly-tipped (**Figure 3, Appendix A**). The presence of additional stockpiles (with the potential to contain asbestos and other COPCs) in accessible areas is possible.

4.3 Former Materials Laydown Area

Historical image review (**Section 3.2**) identified a cleared portion adjacent to the Sydney Water Reservoir compound which operated as a materials laydown area in 1965. Subsequently, the area was replanted with vegetation in the next recorded historical image (1975). Currently, the area is generally inaccessible to the public and does not pose a risk, however if land use or accessibility changes additional assessment may be necessary.



5 Laboratory Results

5.1 Asbestos Containing Material

The ACM sample collected (outlined in **Figure 3, Appendix C**) identified the presence of chrysotile and amosite asbestos in the form of a non-friable fibre cement sheet. The laboratory analytical results for the collected ACM sample is presented in **Appendix D**. Copies of the NATA stamped laboratory reports and chain of custody documentation are included in **Appendix D**.

6 Preliminary Conceptual Site Model

A Conceptual Site Model (CSM) provides an assessment of the potential fate and transport of COPCs relative to site-specific subsurface conditions with regard to their potential risk to human health and the environment. The CSM considers site-specific factors including:

- > Source(s) of contamination;
- > Identification of COPCs associated with past (and present) source(s);
- > Vertical, lateral and temporal distribution of COPCs; and
- > Actual or potential receptors considering both current and future land use both for the Site and adjacent properties, and any sensitive ecological receptors.

Based on the information sourced during the desktop assessment and inspection a preliminary CSM has been developed and is outlined in **Table 6-1** and **Figure 6-2** below. Additional details are included in the sections that follow as necessary.

Table 6-1 Preliminary Conceptual Site Model

Element	Description
Site History/Contaminant Sources	<p>Historical and current activities and land uses at the Site that may have resulted in potential contamination include:</p> <ul style="list-style-type: none"> ▪ Fly-tipping of hazardous materials and builder's rubble via Kirkwood Street and fire trail; and ▪ Historical restricted landfill of building materials and excavation material (including illegally disposed waste) on the edge of Wakehurst Golf Course; and ▪ Historical use as materials storage (Lot 1 DP710023)
Site Current and Future Use	<p>The Site is largely remnant bushland with trail bike and bushwalking tracks. The eastern portion of the Site intersects Wakehurst Golf Course (former ex-landfill). Currently the Site is zoned as R2 – Low Density Residential under the Warringah LEP 2011 with the future plans for rezoning to R2 portion to RE1 – Public Recreation.</p>
Site Geology	<p>The Site is situated atop a ridge line parallel to the Wakehurst Parkway at an elevation of 92-118 mAHD, with the highest elevation situated at the southern portion surrounding the Sydney Water Reservoir compound. The landscape consists of undulating rises and rolling hills on Hawkesbury Sandstone in the far south of the Hunter Region, the north east of the Sydney Metropolitan catchment.</p> <p>The Site is underlain by Mesozoic/Triassic Hawkesbury Sandstone, overlain by erosional soils of the Lamberts Landscape, consistent with the visual assessment of the surficial soils during the inspection. The eastern portion of the Site that intersects Wakehurst Golf Course has been anthropogenically disturbed as a result of a former landfill consisting of primarily excavation material and builders waste. Evident areas of landfill (highlighted in Figure 3, Appendix C and Photograph 11, Appendix B) were generally limited to the edge of the golf course (former landfill) and southern tracks off Kirkwood Street.</p>
Site Hydrogeology	<p>The Site is situated atop a ridgeline the aquifer is suggested to be a porous, extensive aquifer of low to moderate productivity consisting of Late Permian/Triassic sediments of porous and consolidated media. No Groundwater Dependent Ecosystems (GDE) were identified on Site. The inferred groundwater flow is east – northeast towards Manly Dam which is based on the site inspection, preliminary assessment of surface contours and topographical maps.</p>
COPCs	<ul style="list-style-type: none"> > Asbestos > Total Recoverable Hydrocarbons (TRH); > Benzene, Toluene, Ethylbenzene, Xylene and Naphthalene (BTEXN); > Heavy metals (As, Cd, total Cr, Cu, Pb, Ni, Zn and Hg);



Element	Description
	<ul style="list-style-type: none"> > Polycyclic Aromatic Hydrocarbons (PAHs); > Hazardous Ground Gases.
Potential On-Site Human Receptors	<ul style="list-style-type: none"> ▪ Current Site users (trail bike riders, bushwalkers); ▪ Golfers of Wakehurst Golf Club; and ▪ Intrusive maintenance workers of Wakehurst Golf Club
Potential Off-Site Human Receptors	<ul style="list-style-type: none"> ▪ Golfers of Wakehurst Golf Club; and ▪ Intrusive maintenance workers of Wakehurst Golf Club; ▪ Users of Manly Dam
Potential On-Site Environmental Receptors	<ul style="list-style-type: none"> ▪ Localized vegetation, fauna and soil biota
Potential Off-Site Environmental Receptors	<ul style="list-style-type: none"> ▪ Manly Dam biota; and ▪ Localized vegetation, fauna and soil biota
Potential Human Exposure Pathways	<ul style="list-style-type: none"> ▪ Potential inhalation of asbestos fibres (if present in landfill) at exposed areas on the edge of fairways and small scattered fly tipped stockpiles; ▪ Dermal contact and ingestion of potentially contaminated soils within the landfill; and ▪ Potential accumulation and inhalation of vapours.
Potential Environmental Exposure Pathways	<ul style="list-style-type: none"> ▪ Transport of potentially impacted groundwater from landfill to nearby water bodies (Manly Dam); and ▪ Uptake of contaminants from surrounding soil biota and vegetation.

6.2 Risk Assessment Matrix

A preliminary risk ranking for potential contaminants has been developed for the site based on the background review, aerial photographs and Site inspections/observations. For a contaminant to represent a risk to human health or the environment, the following must be present:

- > Evidence of a contaminant exceeding a generic threshold of toxicological concern (TTC) being present on-Site;
- > A potential exposure pathway is present; and
- > A human or environmental receptor is present.

The relative risk of the COPC identified in **Table 3-5** have been estimated by assessing the potential impact human and or environmental health risk as well as the probability that the contaminant is present at the Site using the risk matrix **Table 6-2**.

Table 6-2 Risk Matrix Table

		Consequence (Potential Impact)				
		Minor	Moderate	High	Major	Critical
Likelihood (Possibility of Presence)	Highly Likely	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	Low (4)	Medium (8)	High (12)	Extreme (16)	Extreme (20)
	Possible	Low (3)	Medium (6)	High (9)	High (12)	High (15)
	Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

The risk assessment is limited to the data obtained from searches, historical aerials and observations from the Site inspection. Due to heterogeneity of fill materials subsurface conditions (particularly within the outline of



the former landfill, edges of fairway and southern tracks off Kirkwood Street) may vary considerably from the surficial conditions encountered and have COPCs present.

A risk assessment matrix for human concern is presented in **Table 6-3** below that was developed to identify and rank potential risks to the project and budget. The relative risk of the COPC identified in **Table 6-3** have been estimated by assessing the potential impact human health risk as well as the probability that the contaminant is present at the Site.

Table 6-3 Risk Assessment

Identified COPCs (potential source)	Hazard	Consequence	Probability (Exposure)	Residual Risk Rating	Implications
Landfill	Asbestos, Heavy Metals, PAH, PCB, TRH, BTEXN and OCPs/OPPs.	High	Unlikely	Medium	Cover present across landfill site. Potential exposure risk is low
	Hazardous ground gas	Minor	Unlikely	Low	Negligible, ample open space
	Leachate	Moderate	Possible	Medium	Small portion of Site, up-gradient portion of landfill, unlikely
Fly-tipped builders' rubble	Asbestos exposure through inhalation of airborne fibres	High	Possible	High	Health risk / Non-compliance with open-space criteria
Historical Laydown Area	Unknown historical use as a materials laydown area	Unknown	Unknown	Unknown	Area is fenced and inaccessible to the public.

6.3 Risk Evaluation

The information sourced during preparation of this PSI has been utilised to determine the likelihood for historical and current land use activities to have affected the suitability of the Site. The scope of this PSI did not include the collection of soil, surface or groundwater samples therefore Cardno cannot rule out the potential for subsurface contamination. However given the proposed uses of the area, this is unlikely to pose a risk following implementation of the recommendations within this report. Taking into consideration the available background data and the Site inspection that occurred on 25 May 2020, Cardno considers the current risk of impacted soils to be low-moderate and generally confined to the outline of former landfill, with the exception of fly-tipped builders' rubble and asbestos sheeting.

Given the land is identified as bushfire prone land and has significant aboriginal and non-aboriginal cultural value, the likelihood of intensification of use beyond the current use profile as a result of RE1 (Public Recreation) zoning is low, and therefore the risk profile will remain consistent. Permitted uses of the land include environmental facilities, environmental protection works, and roads. These uses are unlikely to be constrained by the identified risks.

7 Conclusions and Recommended Actions

Cardno (NSW/ACT) Pty Ltd ('Cardno') was engaged by Northern Beaches Council ('the Client') to prepare a Preliminary Site Investigation (PSI) of the lots proposed for rezoning from R2 – Low Density Residential to RE1 – Public Recreation and SP2 - Infrastructure under the *Warringah Local Environment Plan 2011* adjacent to Manly Dam. The multiple lots in Killamey Heights NSW are legally defined as Lot 76 Deposited Plan (DP) 504237, Lot 77 DP504237, Lot 2 DP710023, Lot 2 DP710023 and Lot 1 DP1200869 and Lot 1 DP710023.

During preparation of the PSI, Cardno undertook a Site inspection and reviewed available background information to determine potential sources of contamination.

7.1.1 Summary of Contamination Potential

Based on the data obtained from searches, historical aerials and observations from the Site inspection the following potentially contaminating activities have occurred at the Site which may have resulted in impacted media being present:

- > Historical restricted landfill of building materials and excavation material (including illegally disposed waste);
- > Fly-tipping of hazardous materials and builder's rubble via Kirkwood Street and fire trail; and
- > Historical use as materials laydown area (Lot 1 DP710023).

7.1.2 Summary of Preliminary CSM and Risk Assessment

The proposed rezoning of the major portion of the Site involves rezoning from R2 – Low Density Residential to RE1 – Public Recreation under the *Warringah LEP 2011*. Based on the results of this investigation current sources of contamination are the edges of Wakehurst Golf Course that intersect the Site, fly-tipped builders' rubble and historical use of a materials laydown area.

Current on-Site human receptors include trail bike riders and bushwalkers, golfers and intrusive maintenance workers of Wakehurst Golf Club. Potential off-Site human receptors include golfers and intrusive maintenance staff of Wakehurst Golf Club and users of Manly Dam. Potential on-Site ecological receptors include localised vegetation, fauna and soil biota. Off-Site ecological receptors include Manly Dam and associated vegetation, fauna and soil biota.

Currently there is an aesthetic issue and low potential risk of contact or inhalation exposure from isolated areas of exposed cover fill (outlined in **Figure 3**) on the edges of fairways on the eastern portions of the Site that cross over Wakehurst Golf Course. Non-friable asbestos was detected in a small fly-tipped builder's rubble stockpile via Kirkwood Street and presents low potential risk of inhalation to users. The historical laydown area could represent low potential risk of impacted soils, however there is currently no risk to receptors as the portion of land is fenced and inaccessible to the public.

Due to the location of the Site atop a ridgeline, and a small portion containing the up-gradient portion of the landfill, it is not anticipated that the significant leachate is present within the Site. As such, it is unlikely that the potential presence of leachate will constrain the use of the Site as public open space. Leachate and runoff should be considered as part of the wider management of the landfill and golf course plan.

Given the land is identified as bushfire prone land and has significant aboriginal and non-aboriginal cultural value, the likelihood of intensification of use beyond the current use profile as a result of RE1 (Public Recreation) zoning is low, and therefore the risk profile will remain consistent. Permitted uses under the proposed zoning including Environmental facilities, Environmental protection works, and Roads are unlikely to be constrained by the identified risks.

7.2 Recommendations

To manage the potential risks at the Site and render the subject site suitable for uses permitted under a Public Recreation (RE1) zone Cardno provides the following recommendations:



7.2.1 Crown Land – Lot 76 and 77 DP 504237, Lot 2 DP710023

- > Removal of asbestos fragments by a suitably qualified person and the areas validated suitable for use;
- > Fly-tipped stockpiles within the Site will need to be classified in accordance to the NSW EPA (2014) *Waste Classification Guidelines* and disposed of to a licensed facility;
- > Re-instate coverage of exposed landfill capping material on Wakehurst Golf Course with additional top soil and turf to prevent further erosion, rectify aesthetic issues and prevent human contact with potentially impacted soils. If contaminated material becomes exposed, the area should be isolated until rectified.

7.2.2 Sydney Water Land – Lot 1 DP710023 and Lot 1 DP1200869

- > Access to the historical materials laydown area is currently fenced off from the public access, therefore any potential exposure pathway is deemed negligible. Upon change of land use, further ground investigation may be necessary to assess the suitability of the Site.

8 References

- > ANZECC 1992, [Australian Water Quality Guidelines for Fresh and Marine Waters](#), Australian and New Zealand Environment and Conservation Council, Canberra;
- > ANZG 2018. *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*. Australian and New Zealand Governments and Australian state and territory governments, Canberra ACT, Australia. Available at www.waterquality.gov.au/anz-guidelines;
- > Butler, M; Farrugia, D; Johnson, R; Murray, C (2000). The Nutrient Impact of Wakehurst Golf Course on Manly Dam. *In* UTS Freshwater Ecology Report of 2000. Department of Environmental Sciences. University of Technology, Sydney;
- > Crewe, R., d'Unienville, S., and Corby, E. (2000). Pollution Sources in the Manly Dam Catchment. *In* UTS Freshwater Ecology Report of 2000. Department of Environmental Sciences. University of Technology, Sydney;
- > *National Environment Protection (Assessment of Site Contamination) Measure (NEPM)*. National Environment Protection Council (NEPC) 1999;
- > NSW EPA *Consultants Reporting on Contaminated Land*. State of New South Wales and the Environmental Protection Authority (EPA), 3 April 2020.
- > WA DOH, 2009. *Guidelines for Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia*, Western Australia Department of Health (WA DOH).
- > Warringah Council, 2014. *Manly Warringah War Memorial Park – Plan of Management*
- > Warringah Council, 2011. *Warringah Council Local Environment Plan 2011*.

9 Limitations

This assessment has been undertaken in general accordance with the current “industry standards” for a PSI for the purpose and objectives and scope identified in this report. These standards are set out in:

- > National Environment Protection [Assessment of Site Contamination] Measure (NEPM), December 1999, National Environment Protection Council (NEPC).
- > National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (NEPC, 1999) as varied May 2013 (the ‘NEPM 2013’).
- > AS4482.1- 2005: Guide to the sampling and investigation of potentially contaminated soil Part 1: Non-volatile and semi-volatile compounds. Standards Australia (2005).

The agreed scope of this assessment has been limited for the current purposes of the Client. The assessment may not identify contamination occurring in all areas of the site, or occurring after sampling was conducted. Subsurface conditions may vary considerably away from the sample locations where information has been obtained.

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- > Conditions may exist which were undetectable given the limited nature of the enquiry Cardno was retained to undertake with respect to the site. Variations in conditions may occur between investigatory locations, and there may be special conditions pertaining to the site which have not been revealed by the investigation and which have not therefore been taken into account in the Document. Accordingly, additional studies and actions may be required.
- > In addition, it is recognised that the passage of time affects the information and assessment provided in this Document. Cardno’s opinions are based upon information that existed at the time of the production of the Document. It is understood that the services provided allowed Cardno to form no more than an opinion of the actual conditions of the site at the time this Document was prepared and cannot be used to assess the effect of any subsequent changes in the quality of the site, or its surroundings, or any laws or regulations.
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This assessment report is not any of the following:

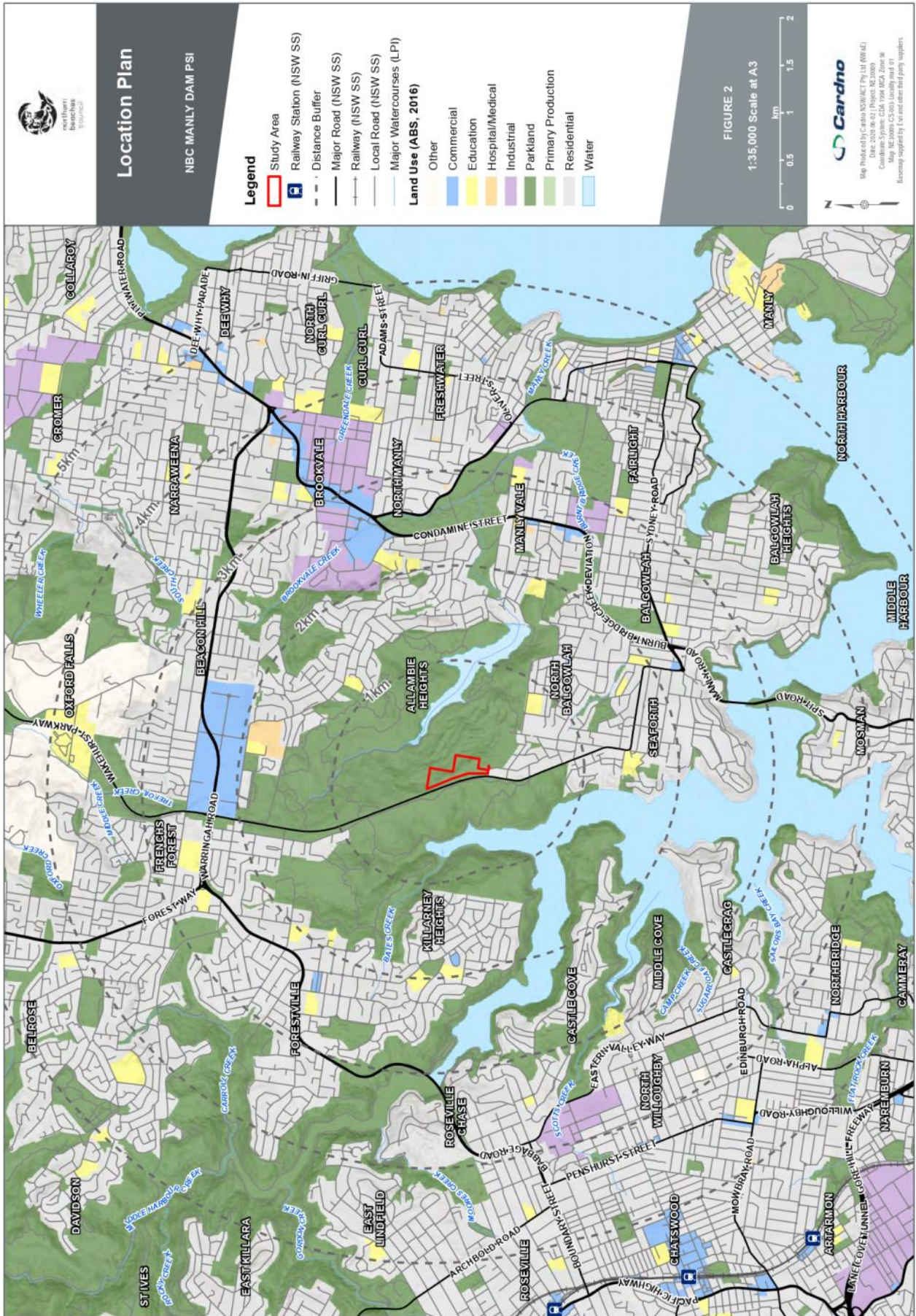


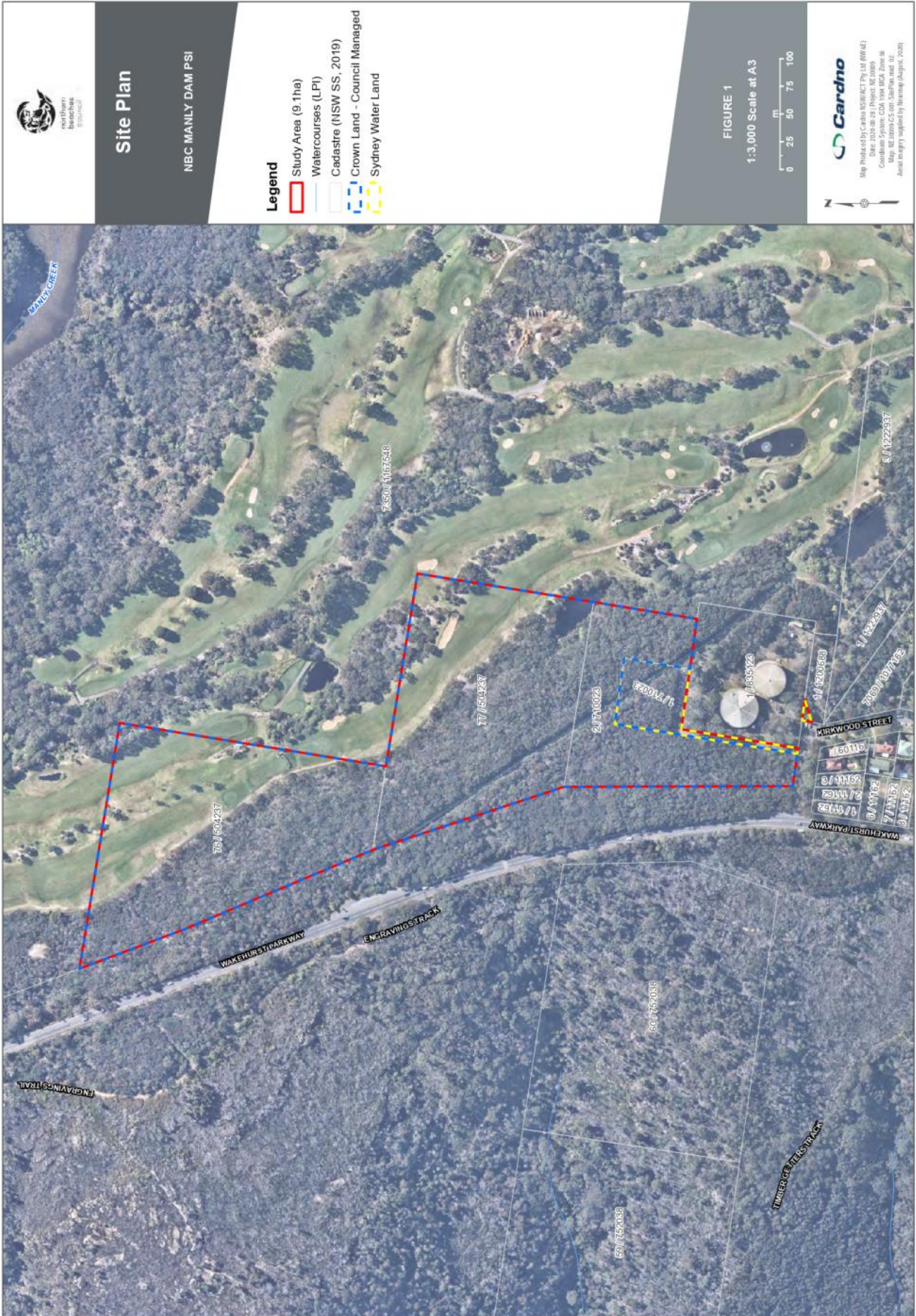
- > A Site Audit Report or Site Audit Statement as defined under the *Contaminated Land Management Act, 1997*.
- > A Detailed ESA or Environmental Site Investigation sufficient for an Environmental Auditor to be able to conclude a Site Audit Report and Site Audit Statement.
- > A geotechnical report and the bore logs or test pit logs may not be sufficient as the basis for geotechnical advice.
- > A detailed hydrogeological assessment in conformance with NSW DEC (2007) Contaminated Sites: Guidelines for the Assessment and Management of Groundwater Contamination.
- > An assessment of groundwater contaminants potentially arising from other sites or sources nearby.
- > A total assessment of the site to determine suitability of the entire parcel of land at the site for one or more beneficial uses of land.

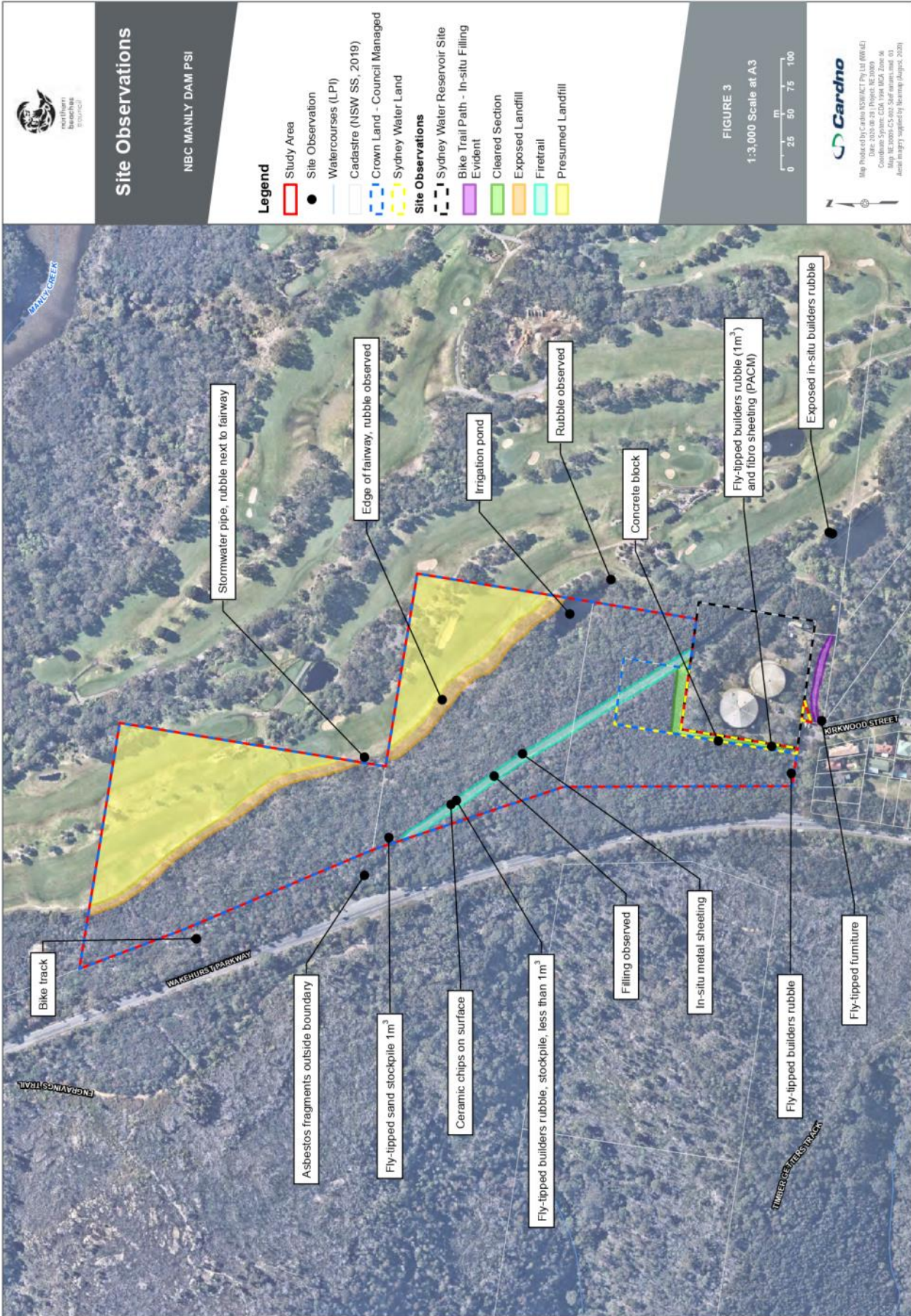
APPENDIX

A

FIGURES







APPENDIX

B

SITE PHOTOGRAPHS



Photograph 1: Sydney Water Reservoir Site, Kirkwood Street.



Photograph 2: Access to small portion of the Site, via Kirkwood Street.



Photograph 3: Dumped furniture, presumably fly-tipped.



Photograph 4: Access track via Kirkwood Street, fill evident (builders rubble).



Photograph 5: Cleared portion of land, adjacent to Sydney Water Reservoir compound.



Photograph 6: Builders rubble dumped on fire trail.



Photograph 7: Builders rubble dumped on fire trail.



Photograph 8: Man-made trial bike path.



Photograph 9: Trail bike path, vegetation.



Photograph 10: Irrigation pond on Site.



Photograph 11: Wakehurst Golf Course fairway, facing north.



Photograph 11: Exposed cover fill material, edge of Wakehurst Golf Course fairway.



Photograph 12: Illegally dumped asbestos on edge of fire trail, outside of the Site boundary.

APPENDIX

C

PROPRIETARY DATA

Fast, Accurate and Comprehensive Environmental and Development Risk Information



ENVIRO-SCREEN

Property Details

Wakehurst Golf Club, Seaforth NSW

Search Date: 18 May 2020

Executive Summary

Dataset	Identified	Not identified
Sensitive Receptors	▲	
Planning Controls	▲	
Soil Landscape	▲	
Salinity		▲
Acid Sulfate Soil	!	
Geology	▲	
Topography	▲	
Hydrogeology	▲	
Groundwater Bores	▲	
Groundwater Dependent Ecosystems	▲	
Other Bores		▲
Environmental Registers, Licences and Incidents		
Contaminated Land Record of Notices		▲
Sites Notified as Contaminated to the NSW EPA		▲
Potentially Contaminated Areas		
<i>Defence Sites (current, former and RCIP)</i>	!	▲
<i>Former Gasworks Sites</i>		▲
<i>PFAS Sites</i>		▲
Licensing under the POEO Act		
<i>Licences</i>		▲
<i>Surrendered Licences still Regulated by EPA</i>		▲
<i>Clean Up and Penalty Notices</i>		▲
NPI Industrial Facilities		▲
Public Register of Properties Affected by Loose-Fill Asbestos Insulation		▲
Other Potentially Contaminating Activities		
<i>Contamination Legacy Areas</i>		▲
<i>Derelict Mines and Quarries</i>		▲
<i>Historical Landfills</i>	!	
<i>Unexploded Ordnance (UXO) Sites - Department of Defence (DoD)</i>		▲
<i>Aviation Fuel Depots/Terminals</i>		▲
<i>Cattle Dip Sites</i>		▲
<i>Dry Cleaners</i>		▲
<i>Liquid Fuel Depots/Terminals</i>		▲
<i>Fire and Rescue Sites</i>		▲
<i>Mines and Quarries</i>		▲
<i>Power Stations</i>		▲
<i>Service Stations</i>		▲
<i>Substation/Switching Station</i>		▲
<i>Telephone Exchanges</i>		▲
<i>Waste Management Facilities</i>		▲
<i>Wastewater Treatment Facilities</i>		▲
Current Commercial & Trade Directory Data		▲
Historic Commercial & Trade Directory Data		▲
Federal, State and Local Heritage	!	
Natural Hazards	!	
State Environmental Planning Policy (Coastal Management)	!	

Understanding your Report

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<i>5.3 COASTAL MANAGEMENT (STATE ENVIRONMENTAL PLANNING POLICY) Map 10 (500m Buffer)</i>	<i>19</i>
ATTACHMENTS	
Attachment A - Report Maps	
Attachment B - Historical Imagery	
LIR Product Guide and Terms and Conditions	

Section 1 - Property Setting

1.1 SITE LOCATION MAP AND SENSITIVE RECEPTORS

Map 1 (200m Buffer)

Sensitive receptor	Category	Distance (m)*	Direction
Wakehurst Golf Course	Golf Course	0	Onsite
Manly Dam Reserve	Parks/reserves	0	Onsite
Garigal National Park	National Park	50	West
Seaforth Bowling Club	Club	173	South-east
Bowling Greens	Sports Field	173	South-east

*Distance from the sensitive receptor point feature to the site boundary centroid.

1.2 PLANNING CONTROLS

Map 2 (onsite)

Zoning

Zoning	R2	Low Density Residential

Environmental Planning Instruments

Type	Local Environmental Plan	Classification
Not identified	-	-

1.3 SOIL AND LAND USE INFORMATION

Map 3a/3b (onsite)

Soil Landscape

Soil Landscape	ERla	LAMBERT	Soil Group	EROSIONAL
Description	<p>Landscape— Undulating rises to rolling hills on Hawkesbury Sandstone in the far south of the Hunter Region, the north east of the HNP catchment and the east of the Sydney Metropolitan catchment. Slopes <20%, local relief 20 - 120 m, elevation 6 - 610 m. Open and closed heathland, scrub and eucalypt open-woodland.</p> <p>Soils— Shallow to moderately deep (25 - <100 cm), well-drained Brown and Yellow-Othic Tensols and Brown Kandosols (Earthy Sands and Yellow Earths); shallow (25 - <50 cm), well-drained Leptic Rudosols (Siliceous Sands and Lithosols); and moderately deep (50 - <100 cm), imperfectly drained Brown Kurosols (Yellow Podzolic Soils).</p> <p>Qualities and limitations— widespread shallow soils, widespread poor moisture availability, widespread non-cohesive soils, widespread rock outcrop hazard, widespread recharge zone, widespread sheet erosion hazard, localised high run-on, localised poor drainage, widespread seasonal waterlogging.</p>			

Salinity

Salinity Hazard	-	Not identified

Acid Sulfate Soil

ASS Risk Maps (Table 1.3.1)	On the Property?		Within Record Search Buffer?	
Class	Class 5		Class 5	
Atlas of Australian Acid Sulfate Soil (Table 1.3.2)	Cq(p4)	ASS in inland lakes, waterways, wetlands and riparian zones	Probability of Occurrence	Extremely low probability of occurrence

Table 1.3.1. Classification scheme in the ASS Planning Maps

Class of Land as shown on ASS Planning Maps	
1	Acid sulfate soils in a class 1 area are likely to be found on and below the natural ground surface.
2	Acid sulfate soils in a class 2 area are likely to be found below the natural ground surface.
3	Acid sulfate soils in a class 3 area are likely to be found beyond 1 metre below the natural ground surface.
4	Acid sulfate soils in a class 4 area are likely to be found beyond 2 metres below the natural ground surface.
5	Acid sulfate soils are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land.

For each class of land, the maps identify the type of works likely to present an environmental risk if undertaken in the particular class of land. If these types of works are proposed, further investigation is required to determine if ASS are actually present and whether they are present in such concentrations as to pose a risk to the environment.

Table 1.3.2. Atlas of Australian Acid Sulfate Soils¹ (ASRIS) (CSIRO/NatCASS)

Code	Distinguishing soil/sediment properties, vegetation, landforms, or other characteristics
Probability of Occurrence of ASS¹	
A	High Probability of occurrence - (>70% chance of occurrence in mapping unit)
B	Low Probability of occurrence - (6-70% chance of occurrence in mapping unit)
C	Extremely low probability of occurrence - (1-5% chance of occurrence in mapping unit)
D	No probability of occurrence - (<1% chance of occurrence in mapping unit)
x	Disturbed ASS¹ terrain - (ASS ¹ material present below urban development).
u	Unclassified - (Insufficient information to classify map unit)
Zones	
a	Potential acid sulfate soil material and/or Monosulfidic Black Ooze (MBO).
b, c	Potential acid sulfate soil generally within upper 1 m.
c, d, e	ASS ¹ generally within upper 1 m.
f	ASS ¹ generally below 1 m from the surface
g	ASS ¹ , generally below 3 m from the surface.
h	ASS ¹ generally within 1 m of the surface.
i, j	ASS ¹ generally below 1 m of the surface.
k	ASS ¹ material and/or Monosulfidic Black Ooze (MBO).
l, m, n, o, p, q	ASS ¹ generally within upper 1 m in wet / riparian areas.
Subscripts to codes	
(a)	Actual acid sulfate soil (AASS) = sulfuric material.
(p)	Potential acid sulfate soil (PASS) = sulfidic material.
(q)	Monosulfidic Black Ooze (MBO) is organic ooze enriched by iron monosulfides.
Confidence levels	
(1)	All necessary analytical and morphological data are available
(2)	Analytical data are incomplete but are sufficient to classify the soil with a reasonable degree of confidence
(3)	No necessary analytical data are available, but confidence is fair, based on a knowledge of similar soils in similar environments
(4)	No necessary analytical data are available, and classifier has little knowledge or experience with ASS, hence classification is provisional

¹Acid Sulfate Soils (ASS) are all those soils in which sulfuric acid may be produced, is being produced, or has been produced in amounts that have a lasting effect on main soil characteristics (Pons 1973). Acid sulfate soil (ASS) may include PASS or AASS + PASS. Potential acid sulfate soil (PASS) = sulfidic material. Actual acid sulfate soil (AASS) = sulfuric material.

1.4 GEOLOGY AND TOPOGRAPHY

Map 4 (onsite)

Geology

Map Sheet	Symbol	Formation	Group	Era	Period	Description
Sydney 1:100 000 Geological Map	Rh	Hawkesbury Sandstone	-	Mesozoic	Triassic	Medium to coarse grained quartz sandstone, very minor shale and laminite lenses

Topography

Topography	92-118mAHD
------------	------------

Section 2 - Hydrogeology

2.1 HYDROGEOLOGY AND GROUNDWATER BORES

Map 5a (500m - 2000m Buffer)

	On the Property?	Within Record Search Buffer? ¹
Aquifer Type	Porous, extensive aquifers of low to moderate productivity	Porous, extensive aquifers of low to moderate productivity
Drinking Water Catchments	Not identified	Not identified
Protected Riparian Corridor	Not identified	Not identified
UPSS Environmentally sensitive zone	Southern NSW area UPSS	Southern NSW area UPSS
Wetlands	Not identified	Estuarine Wetland - Middle Harbour
Groundwater Bores	Not identified	Yes, see 2.1.1

¹ - Groundwater bore buffer size will change depending on the number of GW bores found within buffer; if there are less than 7 bores within buffer, buffer will increase to max 2km until bores are found.

Table 2.1.1. Groundwater Bore Details

Groundwater Bore ID	Authorised Purpose	Completion Date	Drilled Depth (m)	Final Depth (m)	SWL (m)	Salinity	Yield (L/s)	Distance (m)	Direction
GW115593	Unknown	-	-	-	-	-	-	963	south
GW115594	Unknown	-	-	-	-	-	-	963	south
GW115595	Unknown	-	-	-	-	-	-	963	south
GW115596	Unknown	-	-	-	-	-	-	963	south
GW115598	Unknown	-	-	-	-	-	-	963	south
GW115599	Unknown	-	-	-	-	-	-	963	south
GW115600	Unknown	-	-	-	-	-	-	963	south
21310001	Unknown	-	-	-	-	-	-	1434	South-east

Table 2.1.2. Groundwater Bore Driller Lithology Details

Groundwater Bore ID	From Depth (m)	To Depth (m)	Lithology	Description	Distance (m)	Direction
Not identified	-	-	-	-	-	-

2.2 HYDROGEOLOGY AND OTHER BOREHOLES

Map 5b (500m Buffer)

	On the Property?	Within Record Search Buffer?
Groundwater Vulnerability	Not identified	Not identified
Groundwater Exclusion Zones ^{1,2}	Not identified	Not identified
Hydrogeologic Unit	Late Permian/Triassic sediments (porous media - consolidated)	Late Permian/Triassic sediments (porous media - consolidated)
Other known borehole investigations	Not identified	Not identified

¹ - Botany Groundwater Management Zones (BGMZ): Zone 1 – the use of groundwater remains banned; Zones 2 to 4 – domestic groundwater use is banned, especially for drinking water, watering gardens, washing windows and cars, bathing, or to fill swimming pools.

² - Willamtown Groundwater Management Zones (WGMZ): Primary Management Zone – this area has significantly higher levels of PFAS detected and therefore, the strongest advice applies. Secondary Management Zone – this area has some detected levels of PFAS; Broader Management Zone – the topography and hydrology of the area means PFAS detections could occur now and into the future.

Groundwater Dependent Ecosystems

Site	On the Property?	Within Record Search Buffer?
Ecosystems that rely on the Surface expression of Groundwater	Not identified	Not identified
Ecosystems that rely on Subsurface presence of Groundwater	Not identified	Moderate potential for GW interaction Low potential for GW interaction

Table 2.2.1. Other known borehole investigations (Coal Seam Gas (CSG), Petroleum Wells and Other Boreholes) (500m buffer)

Borehole ID	Purpose	Project	Client/License	Date Drilled	Depth (m)	Distance (m)	Direction
Not identified	-	-	-	-	-	-	-

Section 3 – Environmental Registers, Licences and Incidents

3.1 CONTAMINATED LAND PUBLIC REGISTER

Map 6 (1000m Buffer)

Contaminated Land Record of Notices

Site Name ²	Site ID	Address ¹	Notices	Distance (m)	Direction
Not identified	-	-	-	-	-

1. Some addresses do not contain specific street numbers. Records identified as being in the surrounding area have been added for information.

2. Former NSW EPA sites. These sites have been removed from the Record of Notices and/or the Sites Notified lists and are kept here for information purposes only.

Sites Notified as Contaminated to the EPA

Site Name ²	Address ¹	Activity that caused Contamination	EPA Site Management Class ³	Distance (m)	Direction
Not identified	-	-	-	-	-

1. Some addresses do not contain specific street numbers. Records identified as being in the surrounding area have been added for information.

2. Former NSW EPA sites. These sites have been removed from the Record of Notices and/or the Sites Notified lists and are kept here for information purposes only.

3. The EPA maintains a record of sites that have been notified to the EPA by owners or occupiers as contaminated land. The sites notified to the EPA and recorded on the register are at various stages of the assessment and/or remediation process. Table 5 outlines the possible management status that can be attributed to a registered contaminated site.

Table 3.3.1. EPA Site Management Class Explanation

EPA Site Management Class	
Under Assessment	The contamination is being assessed by the EPA to determine whether regulation is required. The EPA may require further information to complete the assessment. For example, the completion of management actions regulated under the planning process or Protection of the Environment Operations Act 1997. Alternatively, the EPA may require information via a notice issued under s77 of the Contaminated Land Management Act 1997 or issue a Preliminary Investigation Order.
Regulation under the CLM Act not required	The EPA has completed an assessment of the contamination and decided that regulation under the Contaminated Land Management Act 1997 is not required.
Regulation being finalised	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997. A regulatory approach is being finalised.
Contamination currently regulated under the CLM Act	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997 (CLM Act). Management of the contamination is regulated by the EPA under the CLM Act. Regulatory notices are available on the EPA's Contaminated Land Public Record.
Contamination currently regulated under the POEO Act	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. Management of the contamination is regulated under the Protection of the Environment Operations Act 1997 (POEO Act). The EPA's regulatory actions under the POEO Act are available on the POEO public register.
Contamination being managed via the planning process (EP&A Act)	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. The contamination of this site is managed by the consent authority under the Environmental Planning and Assessment Act 1979 (EP&A Act) planning approval process, with EPA involvement as necessary to ensure significant contamination is adequately addressed. The consent authority is typically a local council or the Department of Planning and Environment.
Contamination formerly regulated under the CLM Act	The EPA has determined that the contamination is no longer significant enough to warrant regulation under the Contaminated Land Management Act 1997 (CLM Act). The contamination was addressed under the CLM Act.
Contamination formerly regulated under the POEO Act	The EPA has determined that the contamination is no longer significant enough to warrant regulation. The contamination was addressed by the appropriate consent authority via the planning process under the Environmental Planning and Assessment Act 1979 (EP&A Act).

EPA Site Management Class	
Contamination was addressed via the planning process (EP&A Act)	The EPA has determined that the contamination is no longer significant enough to warrant regulation. The contamination was addressed by the appropriate consent authority via the planning process under the Environmental Planning and Assessment Act 1979 (EP&A Act).
Ongoing maintenance required to manage residual contamination (CLM Act)	The EPA has determined that ongoing maintenance, under the Contaminated Land Management Act 1997 (CLM Act), is required to manage the residual contamination. Regulatory notices under the CLM Act are available on the EPA's Contaminated Land Public Record.

3.2 POTENTIALLY CONTAMINATED AREAS

Map 6 (1000m Buffer)

Defence Sites

Site name	RCIP*	Description	Status*	Distance (m)	Direction
Bantry Bay Powder Magazine and Explosive Depot	-	The depot was used to store explosives in case of an enemy attack from 1908 until its closure in 1974. The contamination of the Bantry Bay Explosives Magazine complex was assessed in a report prepared by Sinclair Knight Merz in April 1997. The study identifies the risks associated with explosives and chemical hazards. The general findings of the report concluded that the site is free of explosives. There are high levels of lead and zinc contamination recorded in the drainage areas around the concrete aprons of each of the magazine buildings. There is also the potential for arsenic contamination inside the magazine buildings. The areas surrounding the testing shed on the eastern shore also show signs of contamination.	Former	749	west

*RCIP (Regional Contamination Investigation Program)

Former Gasworks Sites

Site	Location	Distance (m)	Direction
Not identified	-	-	-

PFAS Sites

Site name	Description	Source	Distance (m) *	Direction
Not identified	-	-	-	-

*2km search

3.3 LICENSING UNDER THE POEO ACT

Map 7 (500m Buffer)

Licences

EPL Number	Licence holder	Location Name	Premise Address ¹	Fee Based Activity	Distance (m)	Direction
Not identified	-		-	-	-	

¹ Some sites do not contain specific addresses. Records identified as being in the surrounding area have been added for information.

Surrendered Licences still Regulated by EPA

Licence N ^o	Licence holder	Location Name	Premise Address ¹	Fee Based Activity	Status	Distance (m)	Direction
Not identified	-		-	-	-	-	-

¹. Some sites do not contain specific addresses. Records identified as being in the surrounding area have been added for information.

Clean Up and Penalty Notices

Location ID	Penalty N ^o	Notice Type	Licence holder	Location Name	Premise Address ¹	Distance (m)	Direction
-	Not identified	-	-	-	-	-	-

¹. Some sites do not contain specific addresses. Records identified as being in the surrounding area have been added for information.

3.4 NATIONAL POLLUTANT INVENTORY (NPI)

Map 7 (500m Buffer)

Facility name	Address	Primary ANZSIC Class	Latest report	Distance (m)	Direction
Not identified	-		-	-	-

3.5 PUBLIC REGISTER OF PROPERTIES AFFECTED BY LOOSE-FILL ASBESTOS INSULATION

Map 7 (onsite)

Address	Match Found
Not identified	-

Section 4 – Other Potentially Contaminating Activities

4.1 FORMER POTENTIALLY CONTAMINATED LAND

Map 8a (500m Buffer)

Contaminated Legacy Areas

Site Name	Description	Source	Distance (m)	Direction
Not identified	-	-	-	-

Note: This section includes known contaminated areas such as James Hardies Asbestos waste legacy areas, Pasminco Smelter and Uranium processing site.

Derelict Mines and Quarries

Site name	Method	Description	Source	Distance (m)	Direction
Not identified	-	-	-	-	-

Historical Landfills

Site name	Description	Source	Distance (m)	Direction
Former Landfill near Wakehurst Golf Club 72 (approximate location)	In 1985 Warringah Council restricted landfill at the golf course to construction materials only. A letter from the SMDCC to the EPA in 1995 reports illegal materials being dumped at the site, including paint cans, tyres, food, garden waste, and circuitry. Crewe, et al Manly Dam Galaxias Action Plan - 18 - (2001) found that all parameters were below ANZECC recommendations, except ammonia. The ammonia may have originated from the pesticide Ammonia nitrate or landfill leachate.	Manly Dam Galaxias Action Plan.pdf Prepared for the Save Manly Dam Catchment Committee Inc February 2002	48	North-east

Unexploded Ordnance (UXO) Areas

Site name	Category	Description	Source	Distance (m)	Direction
Not identified	-	-	-	-	-

4.2 POTENTIALLY CONTAMINATING ACTIVITIES

Map 8b (500m Buffer)

Aviation Fuel Depots/Terminals

Site name	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-

Cattle Dip Sites

Site name	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-

Dry Cleaners

Site name	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-

Fire Rescue Sites

Site name	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-

Liquid Fuel Depots/Terminals

Site name	Owner	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

Mines and Quarries

Deposit Name	Method	Description	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

Power Stations

Site name	Owner	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

Service Stations

Site name	Owner	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

Substation / Switching Stations

Site name	Owner	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

Telephone Exchanges

Site name	Location	Status*	Distance (m)	Direction
Not identified	-	-	-	-

Waste Management Facilities

Site name	Owner	Class	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

Wastewater Treatment Facilities

Site name	Operator	Class	Status*	Distance (m)	Direction
Not identified	-	-	-	-	-

***Status:**

Data is current as when this report was created. However due to the turnover of business locations, some addresses may be former.

Current: business that are operational on the day this report was issued.

Former: business that have been closed or discontinued 1 to 2 years from the day this report was issued. All former sites older than 2 years will be reported in the historical business section in this report.

4.3 CURRENT COMMERCIAL AND TRADE DATA

Map 8c (200m Buffer)

Current Commercial and Trade Data

Site name ¹	Category	Location	Status ²	Distance (m)	Direction
Not identified	-		-	-	-

¹ Data includes categories associated with potentially contaminating activities. All negligible risk data is not reported.

² Status: Data is current as when this report was created. However due to the turnover of business locations, some addresses may be former.

Current: business that are operational on the day this report was issued.

Former: business that have been closed or discontinued 1 to 2 years from the day this report was issued. All former sites older than 2 years will be reported in the historical business section in this report.

Tanks (AST/UST)

ID	Tank type	Description	Status	Distance (m)	Direction
Unknown	Water	KILLARNEY HEIGHTS RESERVOIRS	Operational	9.33	East
Unknown	Water	KILLARNEY HEIGHTS RESERVOIRS	Operational	17.78	North

Note: This is not an exhaustive list of all existing tanks.

4.4 HISTORICAL COMMERCIAL AND TRADE DATA

(not mapped)

1932 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1940 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1950 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1965 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1970 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1971 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1974 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1980 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1981 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1990 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

1991 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

2005 Historical Commercial & Trade Directory Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Not identified	-	-	-	-	-

Note: Directories for the years 1932, 1940, 1950, 1965, 1970, 1980 and 1990 cover the Sydney CBD and greater Sydney area only. Directories for 1971, 1981 and 1991 cover regional NSW, but may also contain data for the Sydney area.

Historical data positional accuracy and georeferencing results explanation

Positional accuracy	Georeferenced	Description
Address	Located to the address level	<i>When street address and names fully match.</i>
Street	Located to the street centroid	<i>When street names match but no exact address was found. Location is approximate.</i>
Place	Located to the structure, building or complex	<i>When building, residential complex or structure name match but no exact address was found. Location is approximate.</i>
Suburb	Located to the suburb area	<i>When suburb name match but no exact address was found. Location is approximate.</i>
Not georeferenced	Not found	<i>When it was not georeferenced, and address could not be found.</i>

Land Insight and Resources use a number of different address georeferencing methods and characterised them according to the following criteria: completeness (match rates) and positional accuracy. When address do not contain specific street numbers or a match is not found, records identified as being in the surrounding areas are included for reference.

Section 5 - Other Environmental Constraints

5.1 FEDERAL, STATE AND LOCAL HERITAGE

Map 9 (200m Buffer)

Local Environment Plan (LEP) Heritage

Site ID	Site Name	Significance	Type	Distance (m)*	Direction
C9	Manly Dam and Surrounds	Conservation Area - Landscape	Local	0	onsite
I147	Bantry Bay Reservoir (WS 0008)	Item - General	Local	0	onsite
I148	Bantry Bay Water Pumping Station (WPS 122)	Item - General	Local	0	onsite
I63	Frenchs Bullocks Track	Item - Landscape	Local	57	west
I268	Bantry Bluff	Item - Landscape	Local	85	west

National Heritage List (NHL)

Site ID	Site Name	Class	Status	Distance (m)	Direction
Not identified	-	-	-	-	-

Register of the National Estate (RNE)

Site ID	Site Name	Class	Status	Distance (m)	Direction
19904	Manly Dam and Surrounds	Natural	Registered	0	onsite
2860	Bantry Bay Reserve Area (former)	Natural	Registered	57	west
15000	Upper Middle Harbour Area	Historic	Indicative Place	57	west

Non-Aboriginal heritage item (Local)

Site ID	Site Name	Class	Status	Distance (m)	Direction
Not identified	-	-	-	-	-

Non-Aboriginal heritage item (SHR)*

Site ID	Site Name	Listing n ^o	Plan n ^o	Distance (m)	Direction
Not identified	-	-	-	-	-

*State Heritage Register

Commonwealth Heritage List (CHL)

Site ID	Site Name	Class	Status	Distance (m)	Direction
Not identified	-	-	-	-	-

World Heritage Area (WHA)

Site ID	Site Name	IUCN	Status	Distance (m)	Direction
Not identified	-	-	-	-	-

5.2 NATURAL HAZARDS

Map 10 (500m Buffer)

Bush Fire Prone Land (BLP)

Category	On the Property?	Within Record Search Buffer?
Vegetation Buffer	Yes	Yes
Vegetation Category 1	Yes	Yes
Vegetation Category 2	Not identified	Yes

Fire History

Category	On the Property?	Within Record Search Buffer?
1990-91 Wildfire 2000-01 Wildfire	Yes	Yes
1990-91 Wildfire	Not identified	Yes
1990-91 Prescribed Burn 1995-96 Prescribed Burn 2003-04 Prescribed Burn 2011-12 Prescribed Burn 2017-18 Prescribed Burn	Not identified	Yes

Flood Hazard

Category	On the Property?	Within Record Search Buffer?
Not identified	-	-

5.3 COASTAL MANAGEMENT (STATE ENVIRONMENTAL PLANNING POLICY)

Map 10 (500m Buffer)

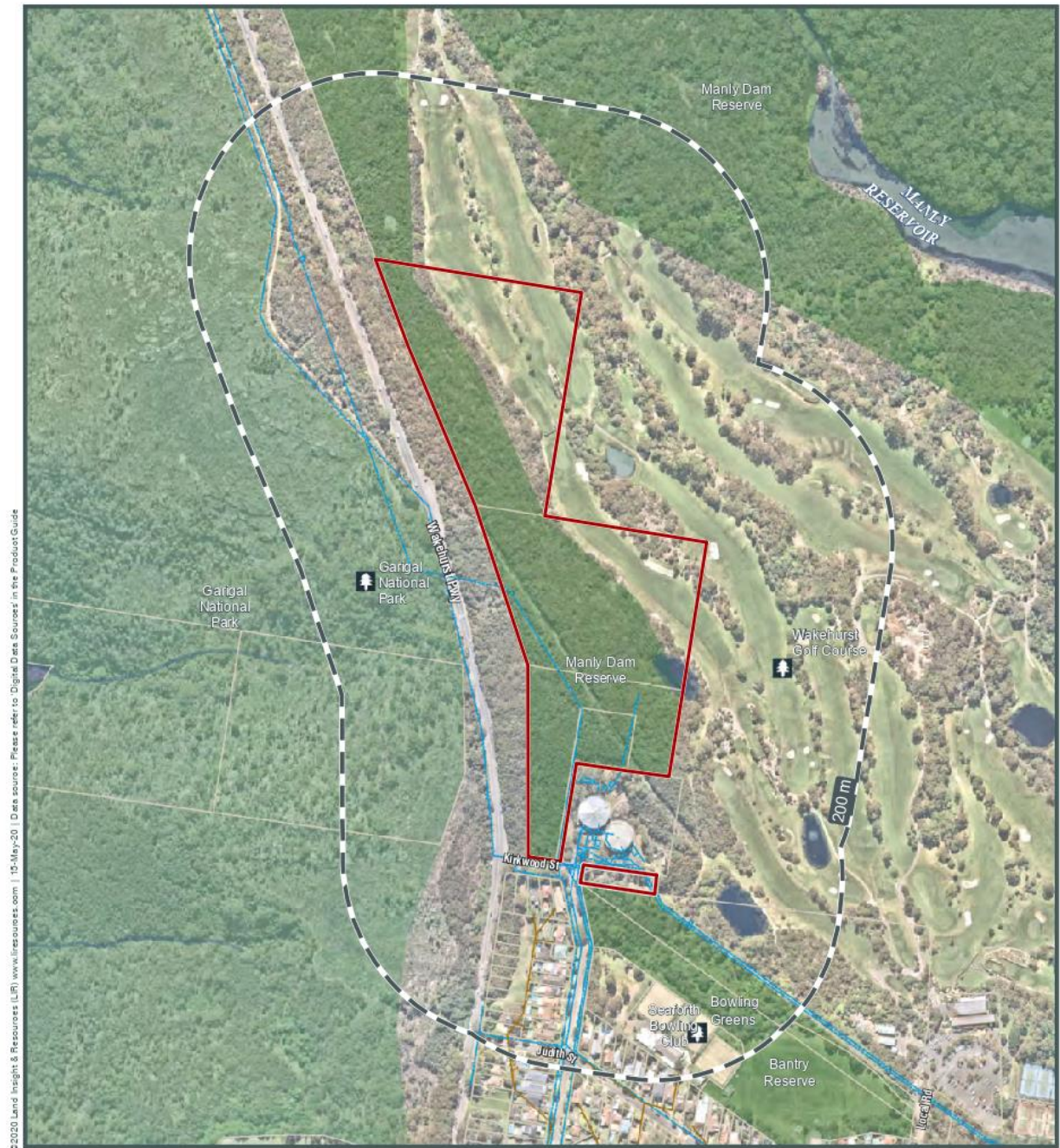
Type	On the Property?	Within Record Search Buffer?
Coastal Wetlands Proximity Area	Not identified	Yes
Coastal Wetlands	Not identified	Not identified
Coastal Environment Area Map	Not identified	Yes
Coastal Use Area Map	Not identified	Yes



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- Subject area
- Transmission Line
- Storm water channel
- Sewer Main
- Water Main
- Pipeline

- Sensitive receptors**
- Park/sports



SUBJECT AREA AND SENSITIVE RECEPTORS

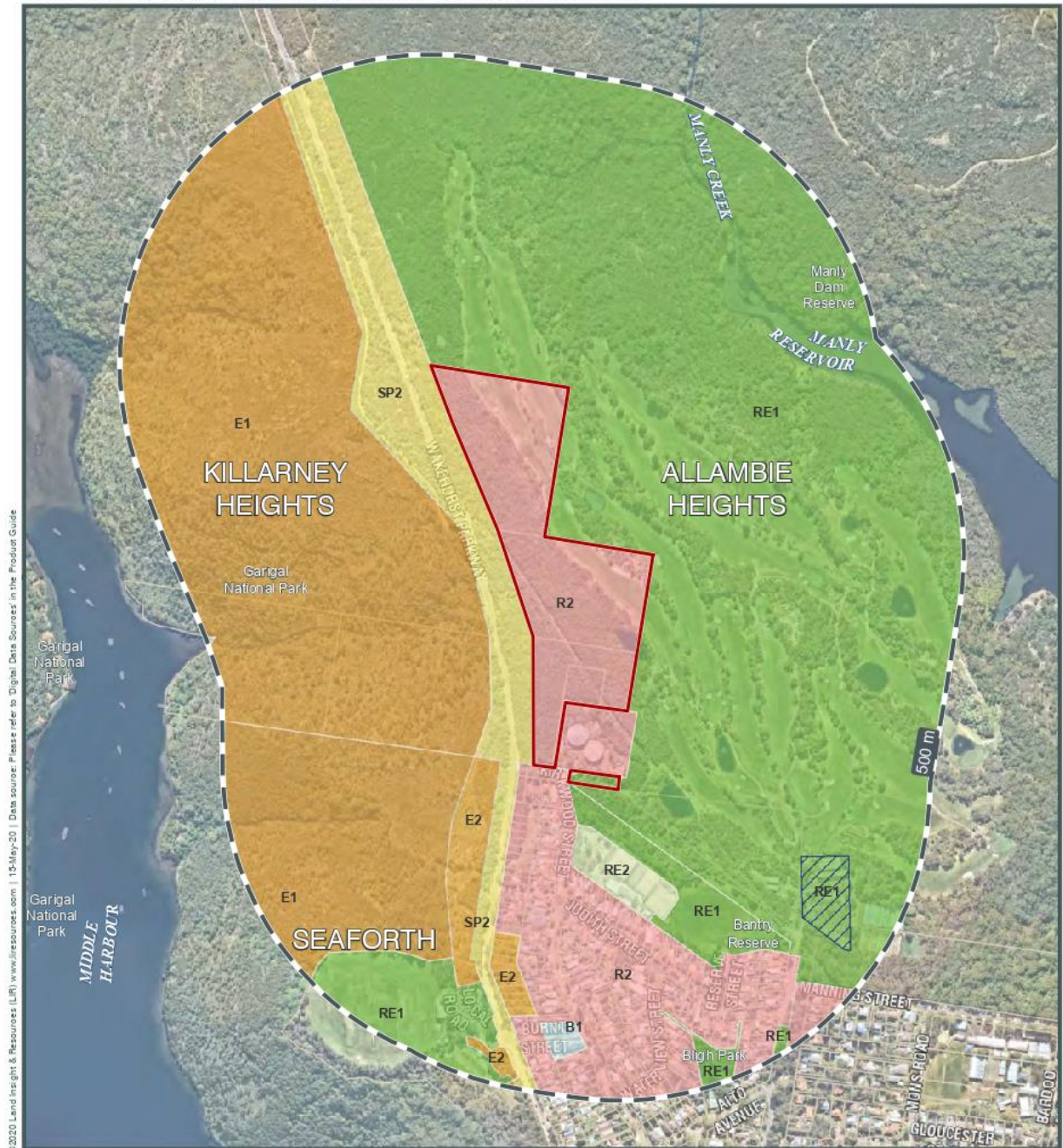


MAP 1

Enviro-Screen



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- Subject area
- Additional Permitted Land Uses
- E1, National Parks and Nature Reserves
- RE2, Private Recreation
- Land Zoning**
- B1, Neighbourhood Centre
- R2, Low Density Residential
- RE1, Public Recreation
- SP2, Infrastructure
- W1, Natural Waterways
- E2, Environmental Conservation



PLANNING CONTROLS

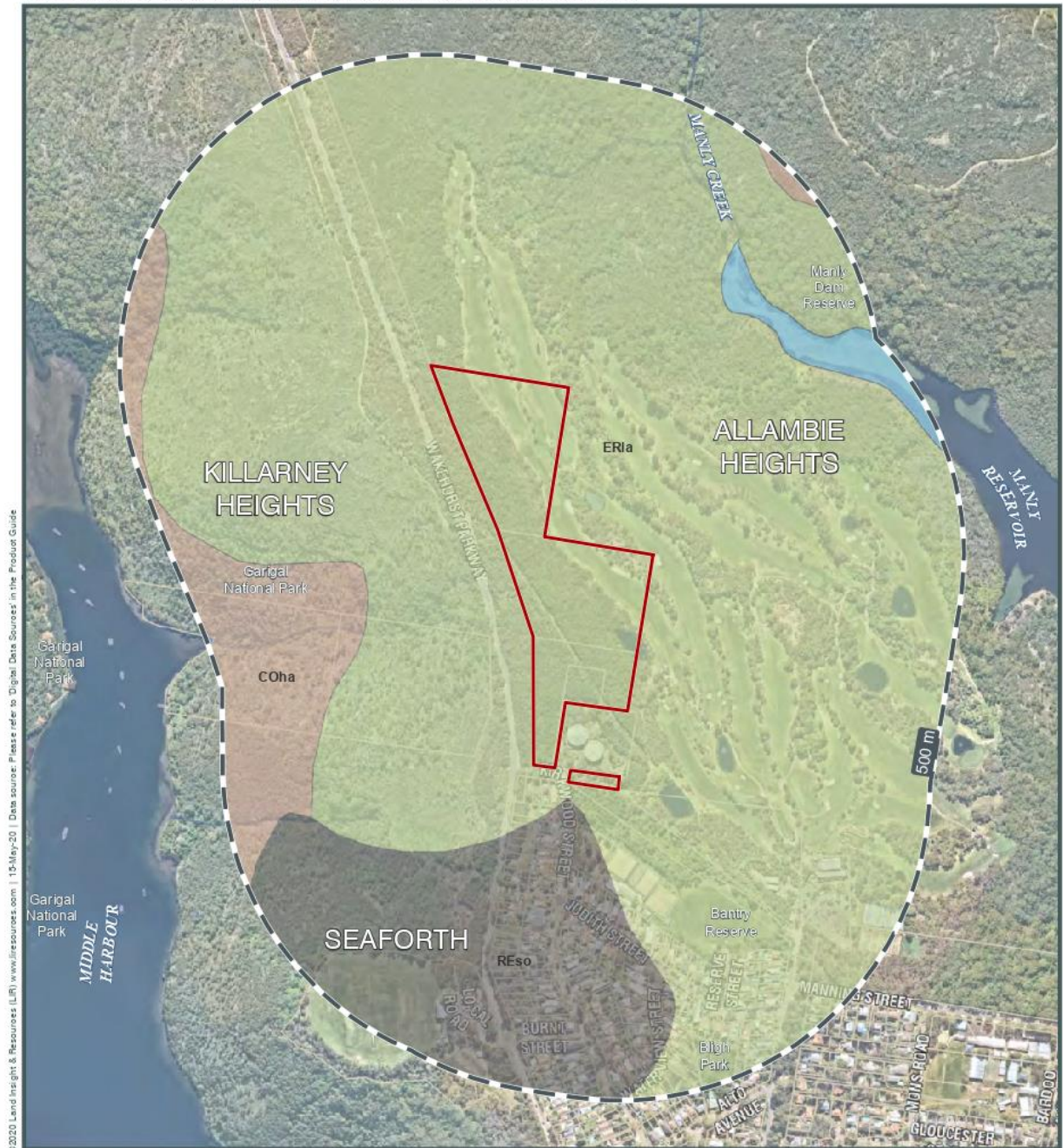


MAP 2

Enviro-Screen



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SOIL LANDSCAPES AND SALINITY

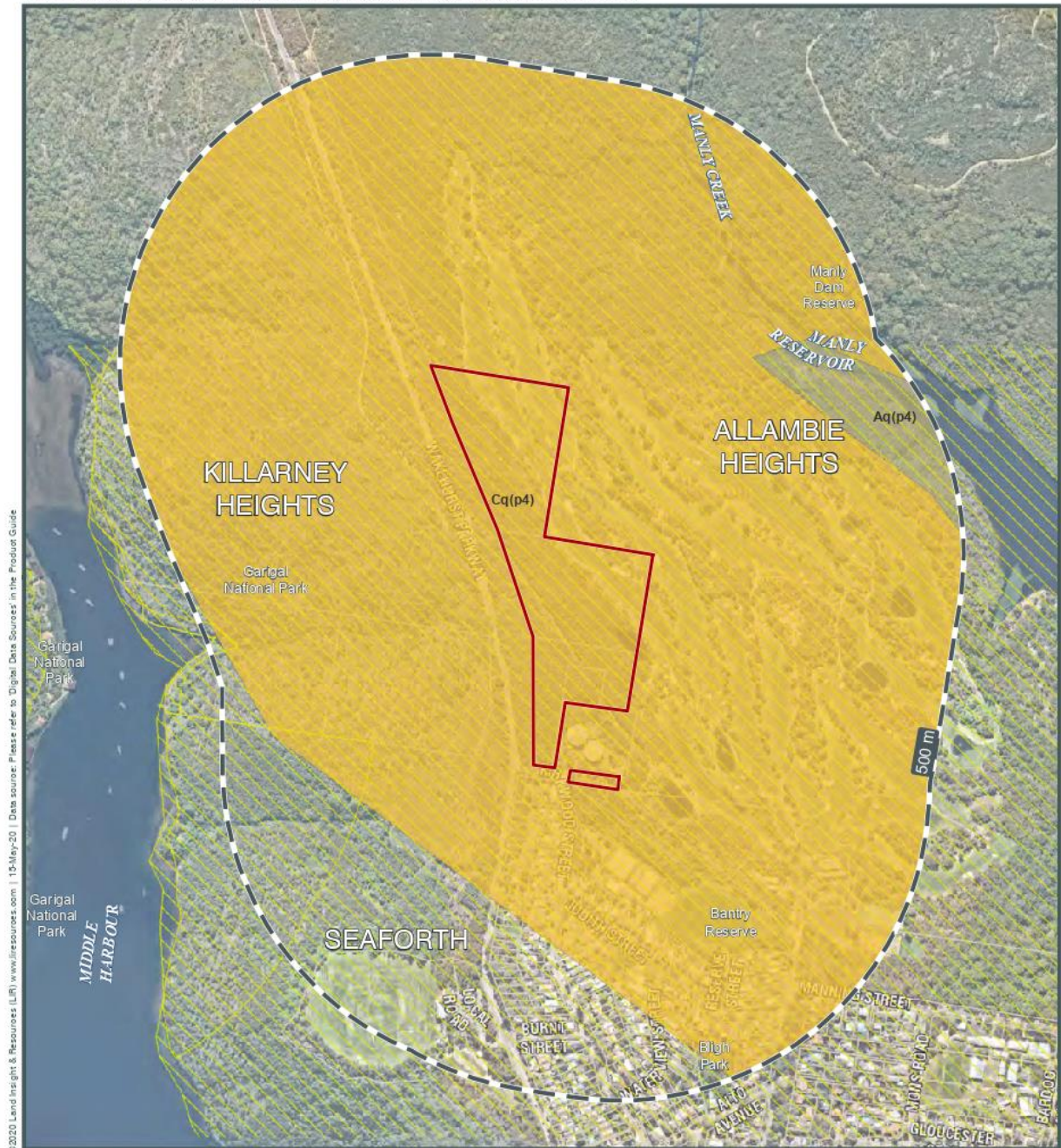


MAP 3a

Enviro-Screen



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- Subject area
- Acid Sulfate Soil Risk**
- Class 5
- ASRIS Atlas of Australian Sulfate Soils**
- Aq(p4) | ASS in inland lakes, waterways, wetlands and riparian zones
- Cq(p4) | ASS in inland lakes, waterways, wetlands and riparian zones



ACID SULFATE SOILS



MAP 3b

Enviro-Screen



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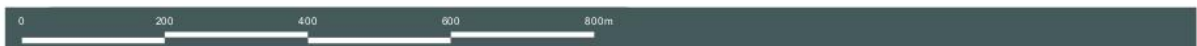


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Subject area Topographic contour (m)

1:100 000 Geological Map

- Qha | Silty to peaty quartz sand, silt, and clay. Ferruginous and humic cementation in places. Common shell layers
- Rh | Medium to coarse grained quartz sandstone, very minor shale and laminite lenses
- water |



GEOLOGY AND TOPOGRAPHY

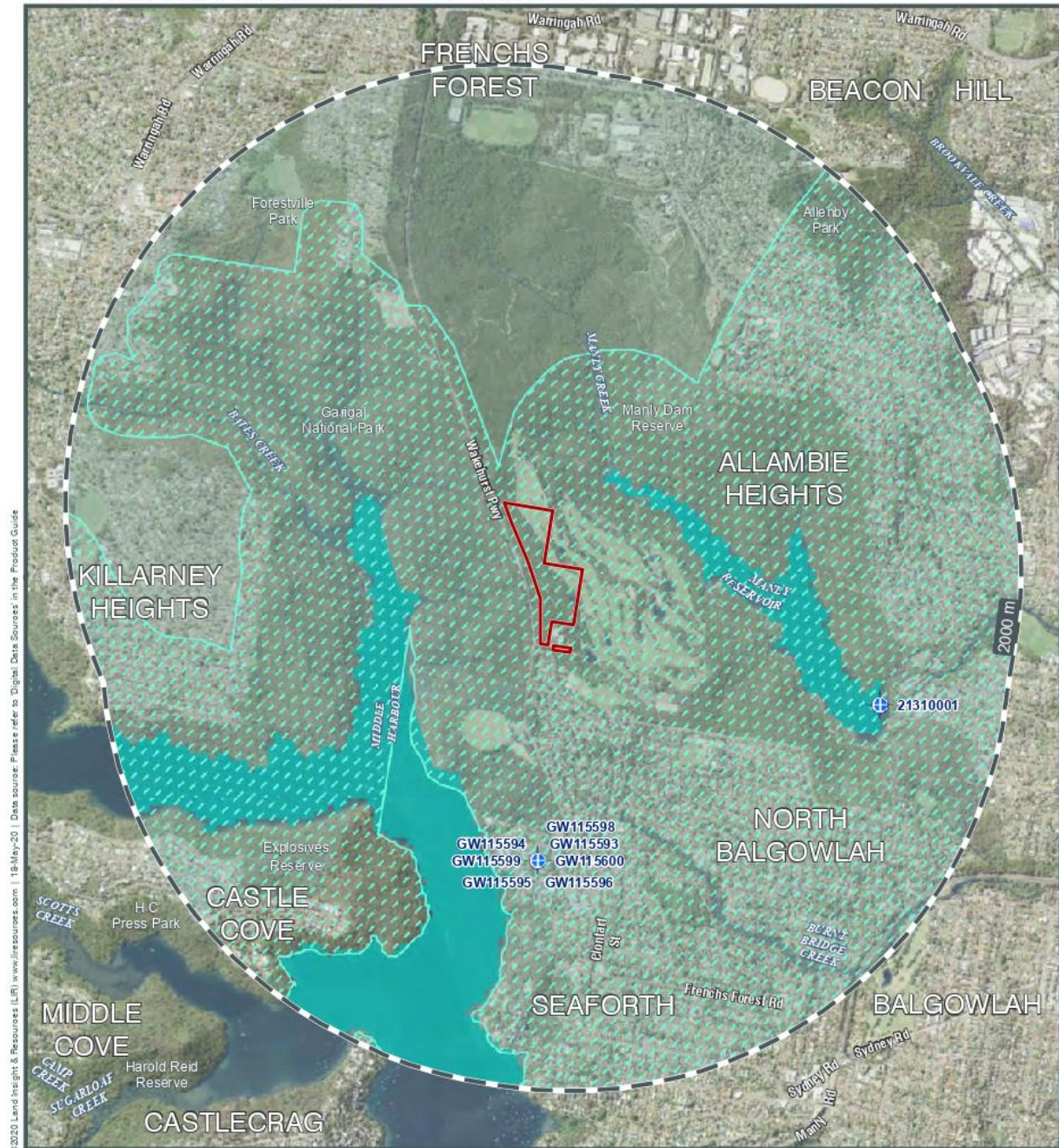


MAP 4

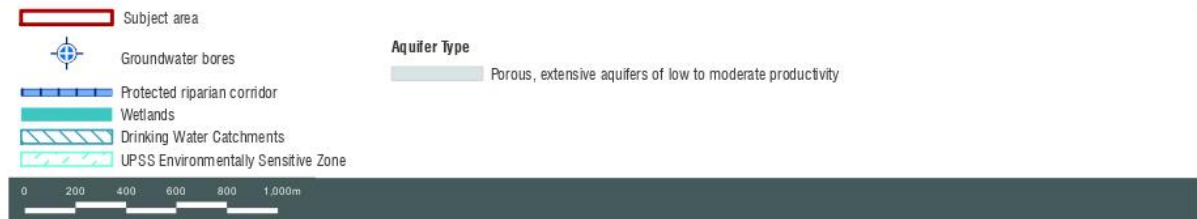
Enviro-Screen



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HYDROGEOLOGY AND GROUNDWATER BORES

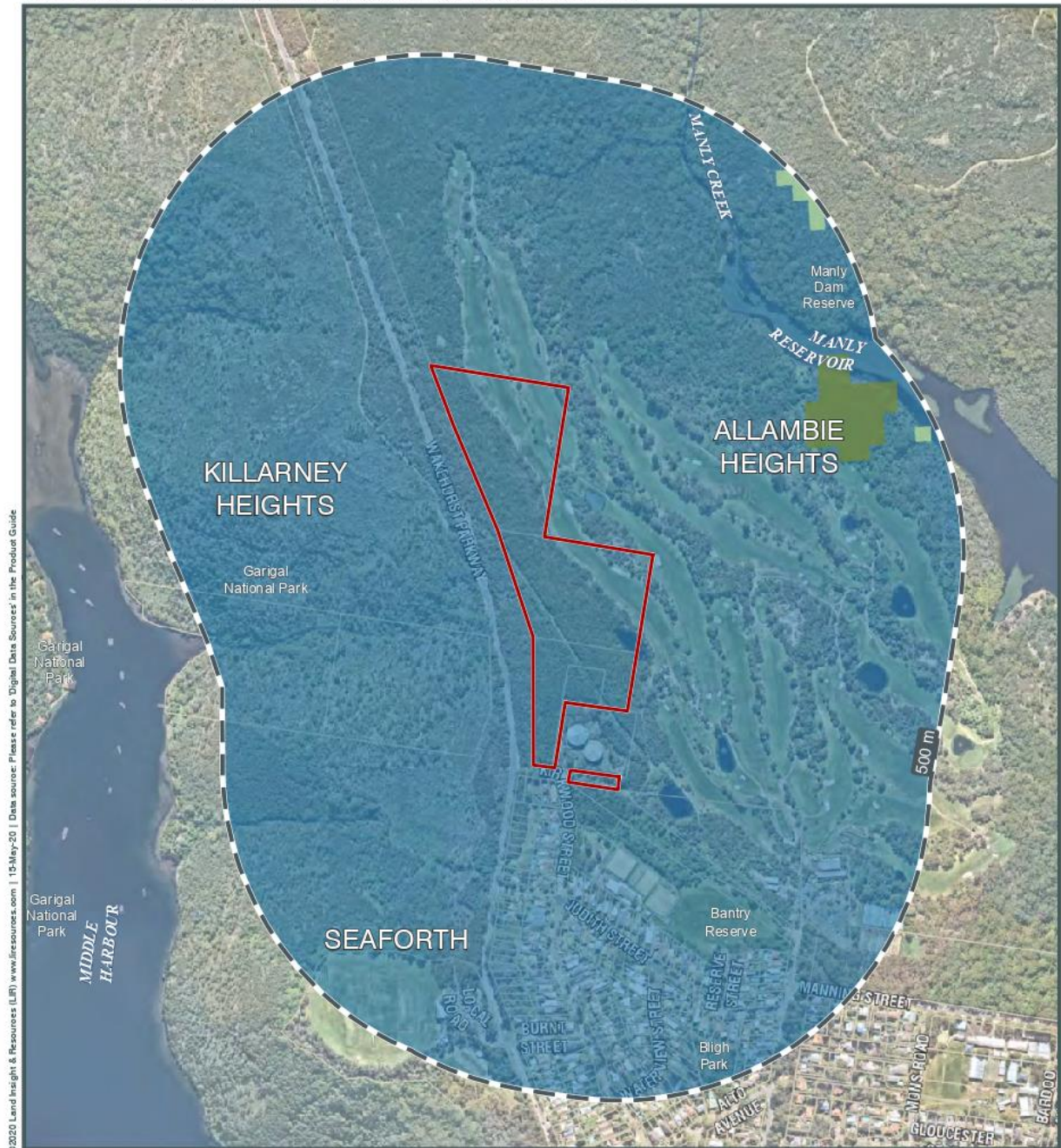


MAP 5a

Enviro-Screen



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HYDROGEOLOGY AND OTHER BOREHOLES



MAP 5b

Enviro-Screen



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- | | |
|--|---------------------------------------|
| Subject area | |
| Contaminated Land Register (EPA) | Potentially Contaminated Areas |
| Current - Sites notified as contaminated | Defence Sites |
| Former - Sites notified as contaminated | Former Gasworks Sites |
| Contaminated Land Record of Notices | PFAS Sites |



CONTAMINATED LAND REGISTER AND POTENTIALLY CONTAMINATED AREAS

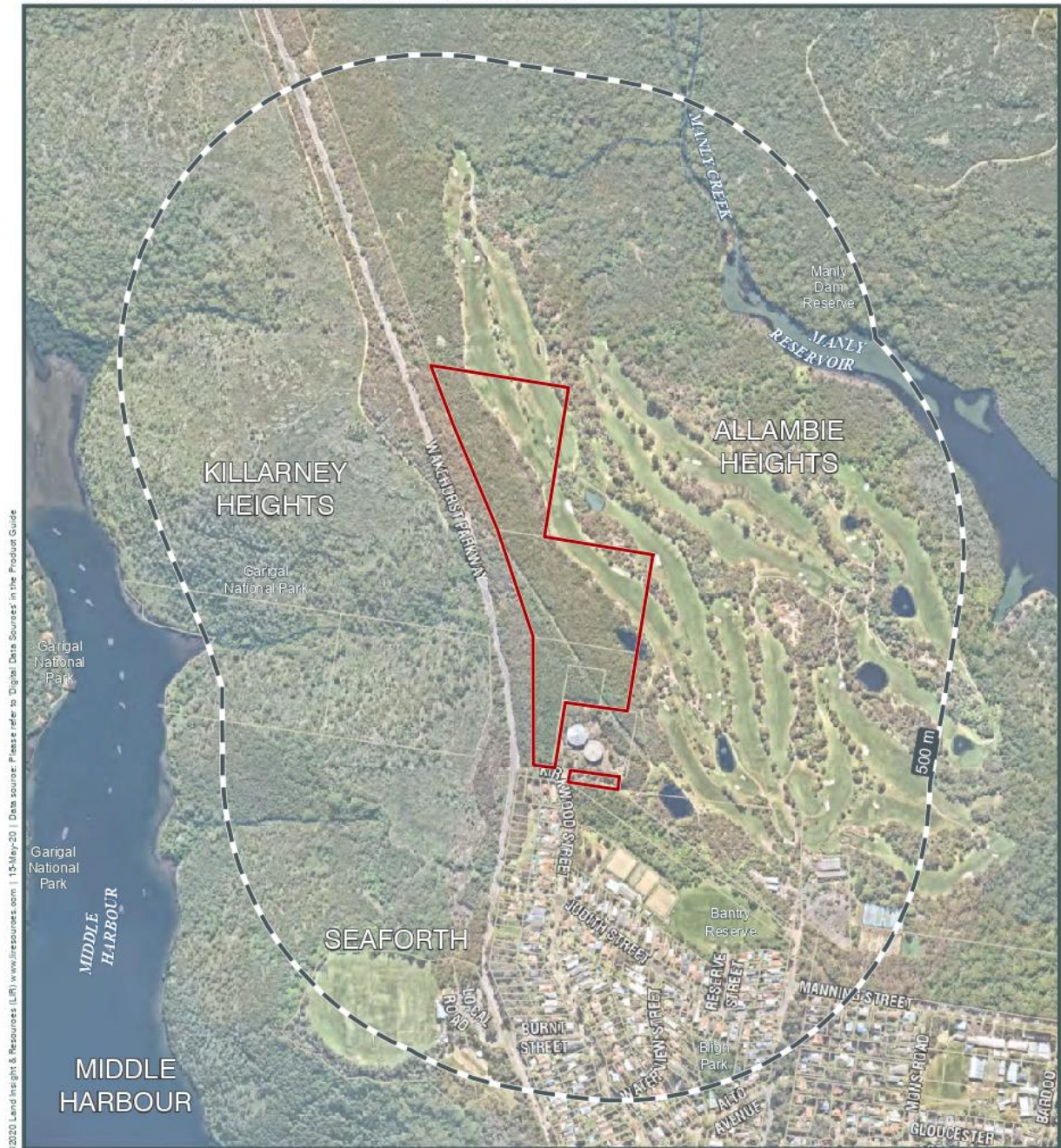


MAP 6

Enviro-Screen



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- Subject area
- POEO Register
- POEO licences
- Surrendered Licences still Regulated by EPA
- Clean Up and Penalty Notices
- NPI Facilities



ENVIRONMENTAL REGISTER & LICENCES AND NPI FACILITIES

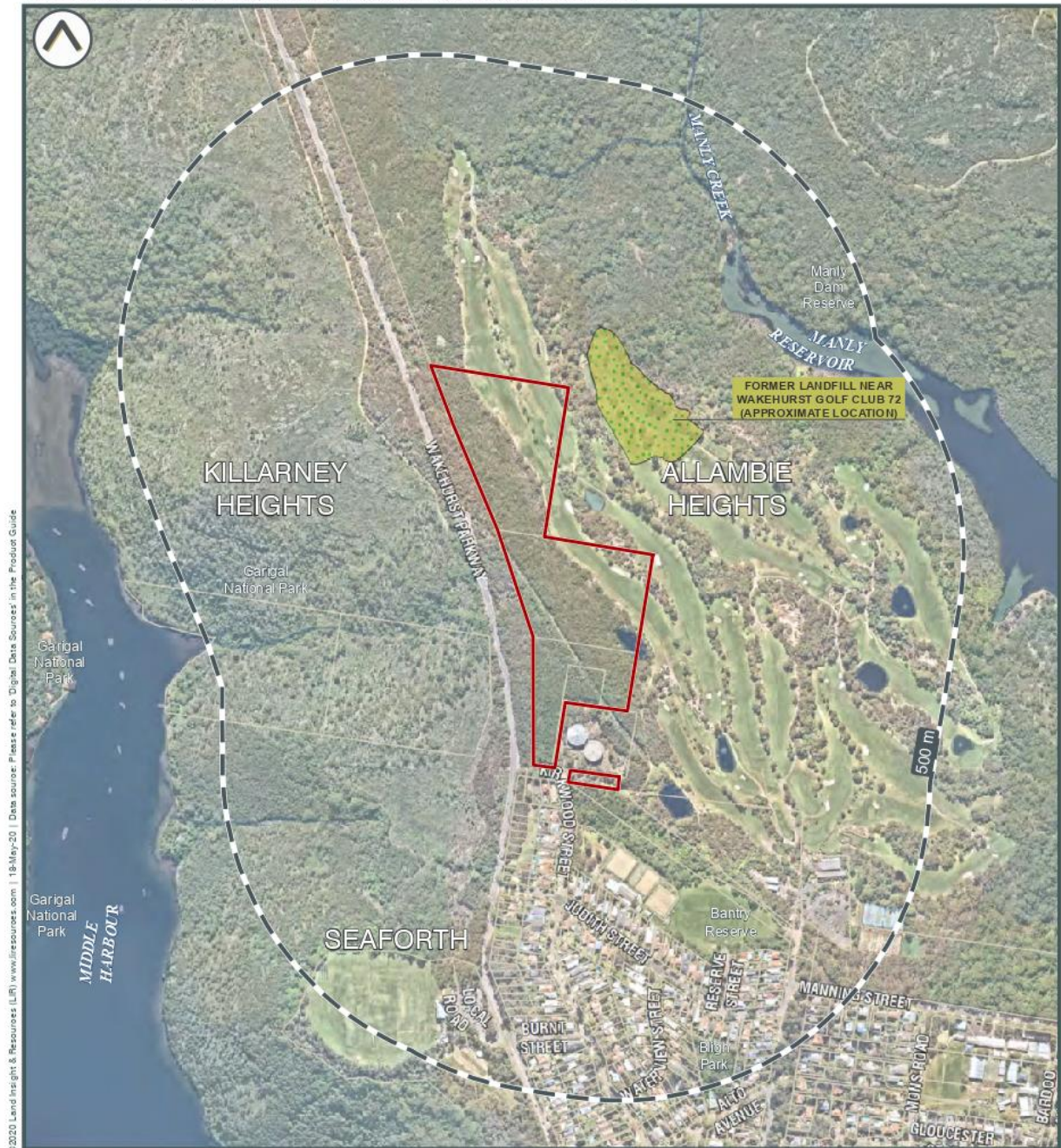


MAP 7

Enviro-Screen



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- | | |
|----------------------------------|--|
| Subject area | Unexploded Ordnance (UXO) Areas |
| Contaminated Legacy Areas | Defence Controlled Area |
| Contaminated Legacy Areas | UXO Area: Substantial Occurrence |
| Derelict Mines and Quarries | UXO Area: Slight Occurrence |
| Historical (Legacy) Landfills | UXO Area: Other |



FORMER POTENTIALLY CONTAMINATED LAND

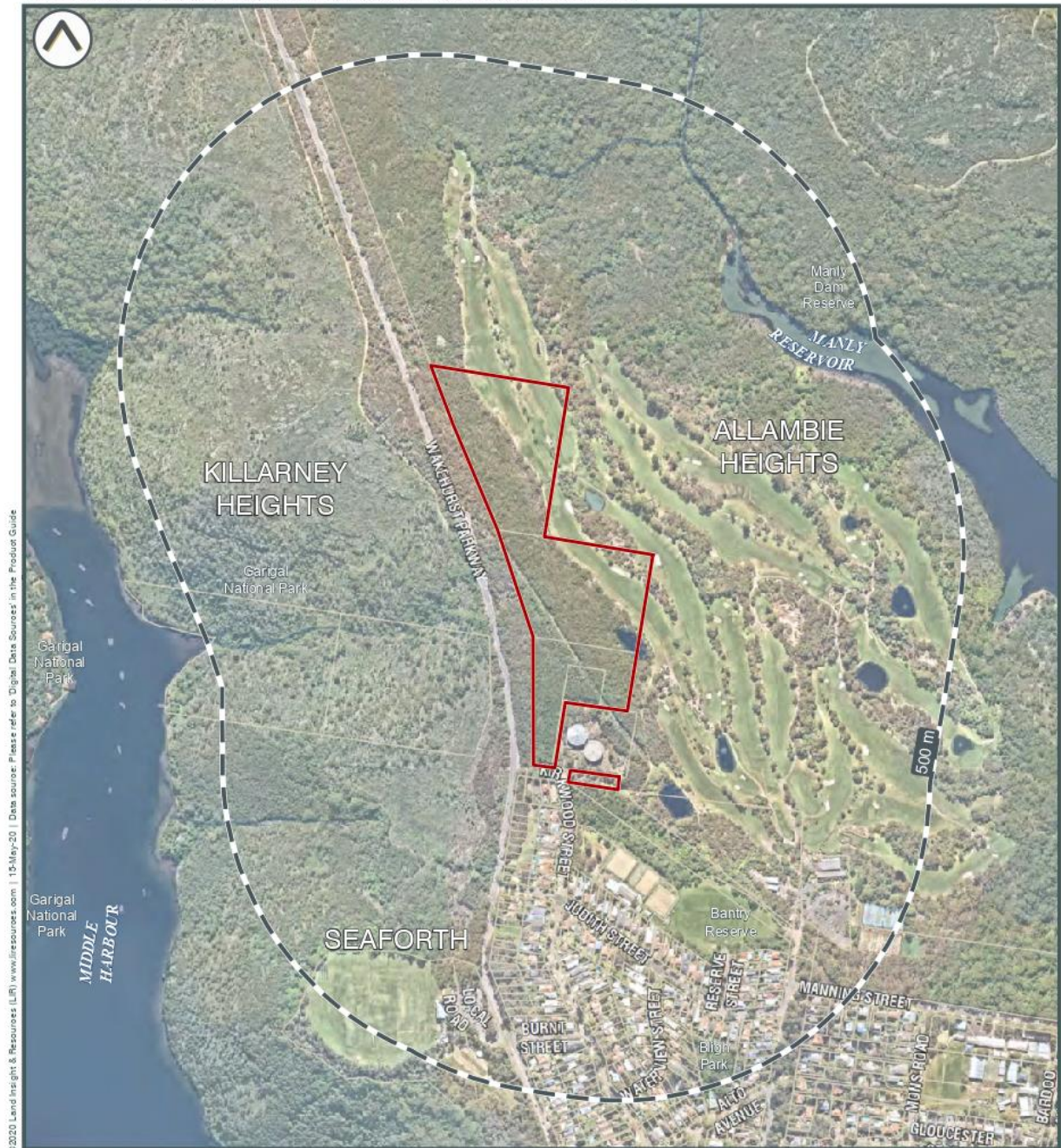


MAP 8a

Enviro-Screen



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- | | | | | |
|-----------------------|--------------------------------|----------------------|-----------------------------|-------------------------------|
| Subject area | Aviation fuel depots | Fire Rescue sites | Power stations | Telephone exchanges |
| Cattle dip/ saleyards | Liquid fuel depots / terminals | Service stations | Waste management facilities | Wastewater Treatment Facility |
| Dry cleaners | Mine/quarry | Substation locations | | |

Current: business that are operational on the day this report was issued.
Former: business that have been closed or discontinued 1 to 2 years from the day this report was issued. All former sites older than 5 years will be reported in the historical business section in this report.



POTENTIALLY CONTAMINATING ACTIVITIES



MAP 8b

Enviro-Screen



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Subject area

Commercial & Trade Directory

- ⊗ Other potentially contaminating activities
- ⊗ Former potentially contaminating activities

Tanks

- Aboveground Storage Tank - Current
- Aboveground Storage Tank - Former

- Underground Storage Tank - Current
- Underground Storage Tank - Former
- Unknown

*This is not an exhaustive list of all tanks.



CURRENT COMMERCIAL AND TRADE DATA

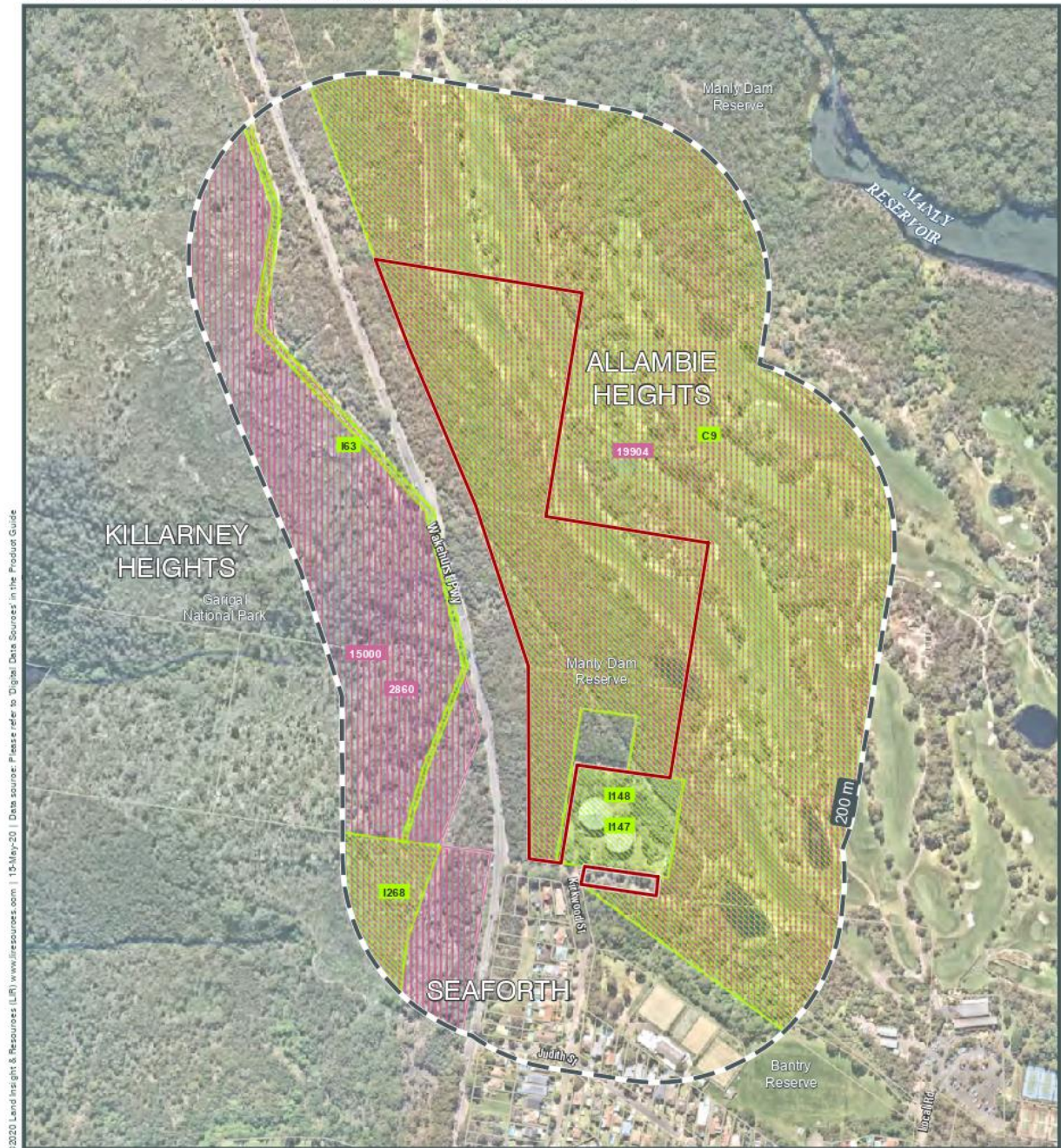


MAP 8c

Enviro-Screen



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- | | |
|--|--------------------------------------|
| Subject area | Non-Aboriginal heritage item (Local) |
| Federal, State and Local Heritage | Non-Aboriginal heritage item (SHR) |
| Heritage conservation Area (LEP) | Commonwealth Heritage List (CHL) |
| Register of the National Estate (RNE) | World Heritage Area (WHA) |
| National Heritage List (NHL) | |



HERITAGE

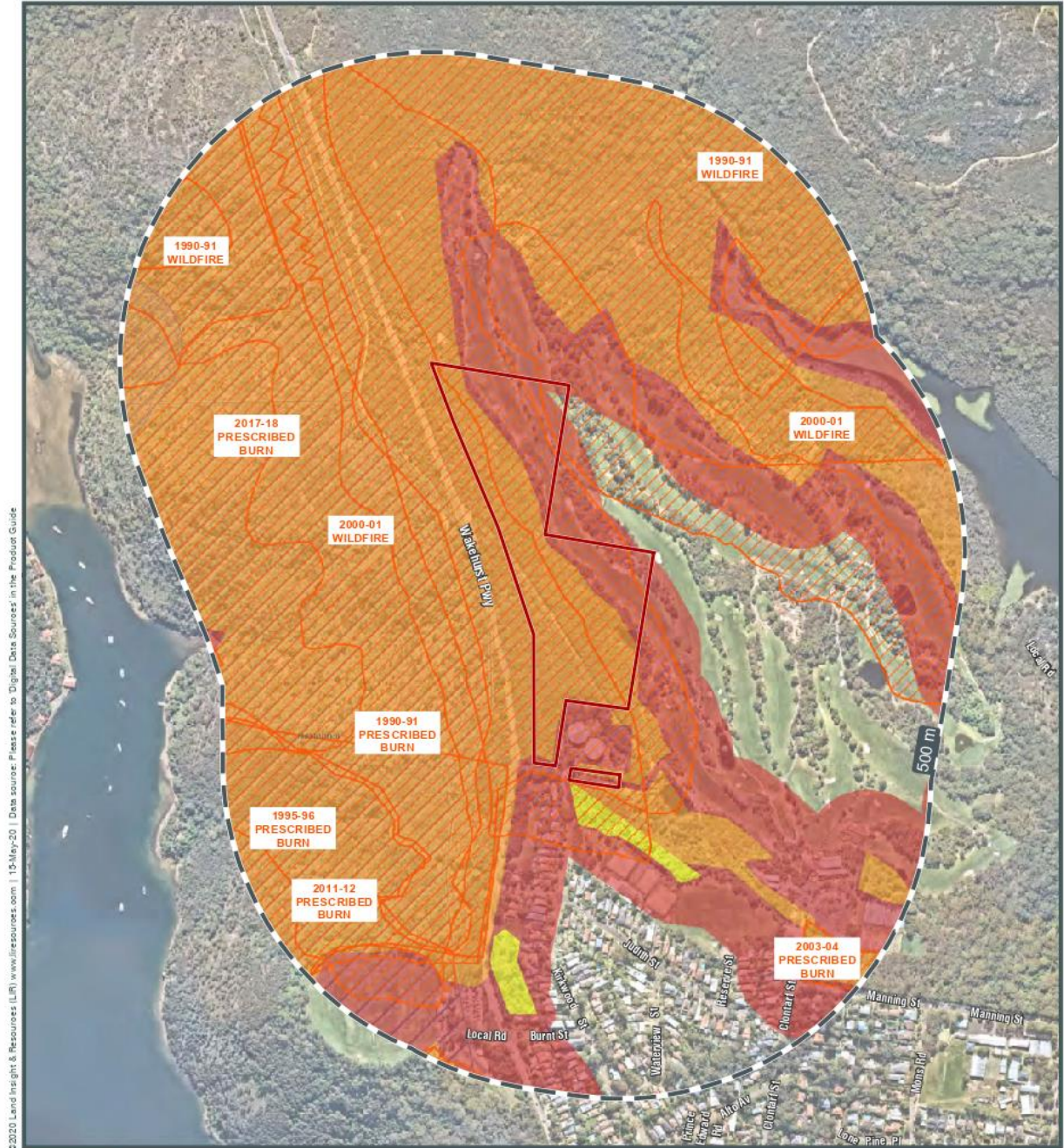


MAP 9

Enviro-Screen



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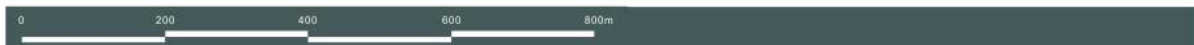


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- Subject area
- Fire History

- Bush Fire Prone Land**
- Vegetation Buffer
 - Vegetation Category 1
 - Vegetation Category 2

- SEPP Coastal Management**
- Proximity Area for Coastal Wetlands
 - Proximity Area for Littoral Rainforests
 - Littoral Rainforests
 - Coastal Wetlands
 - Coastal Environment Area Map
 - Coastal Use Area Map



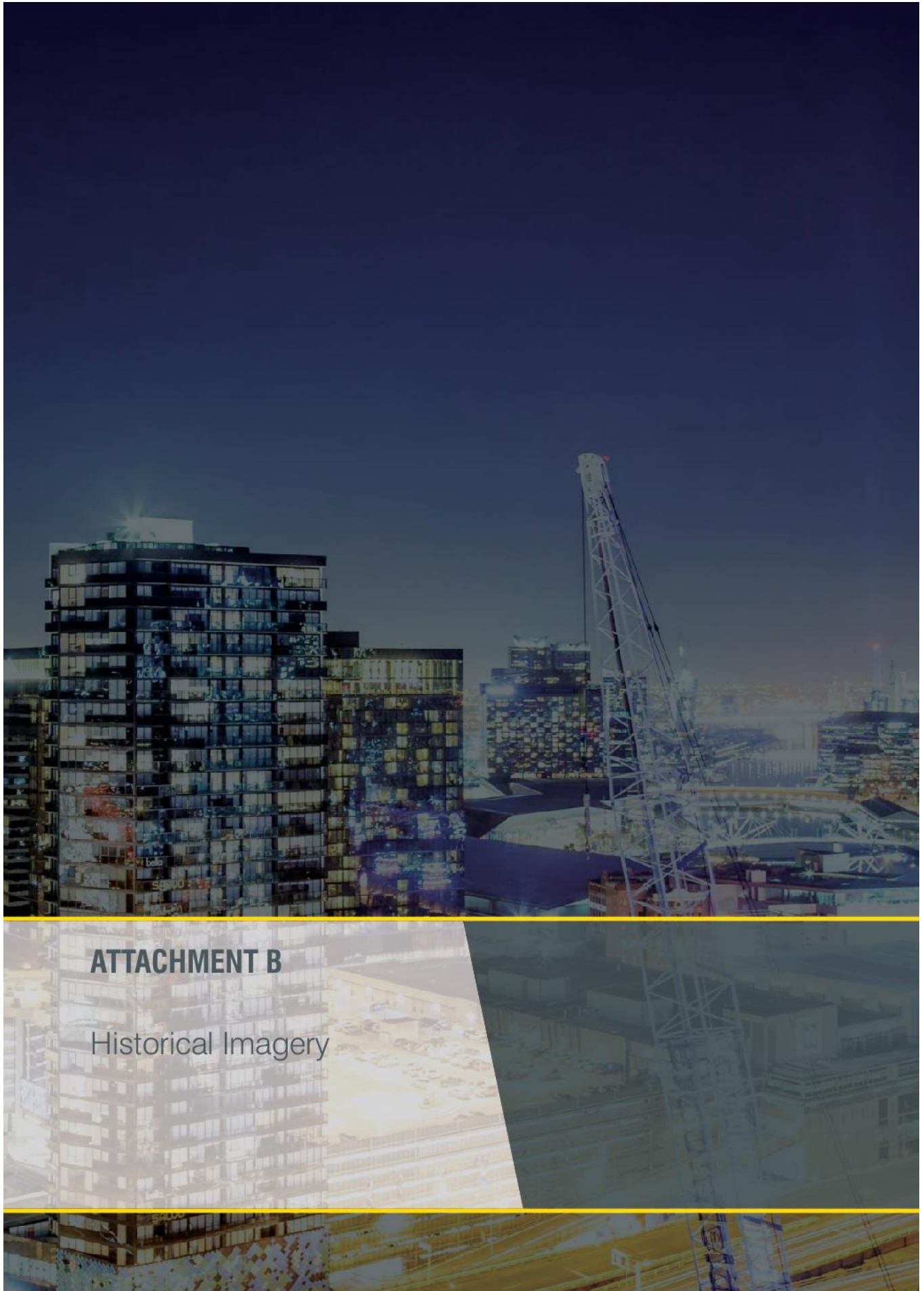
NATURAL HAZARDS



MAP 10

Enviro-Screen





ATTACHMENT B

Historical Imagery

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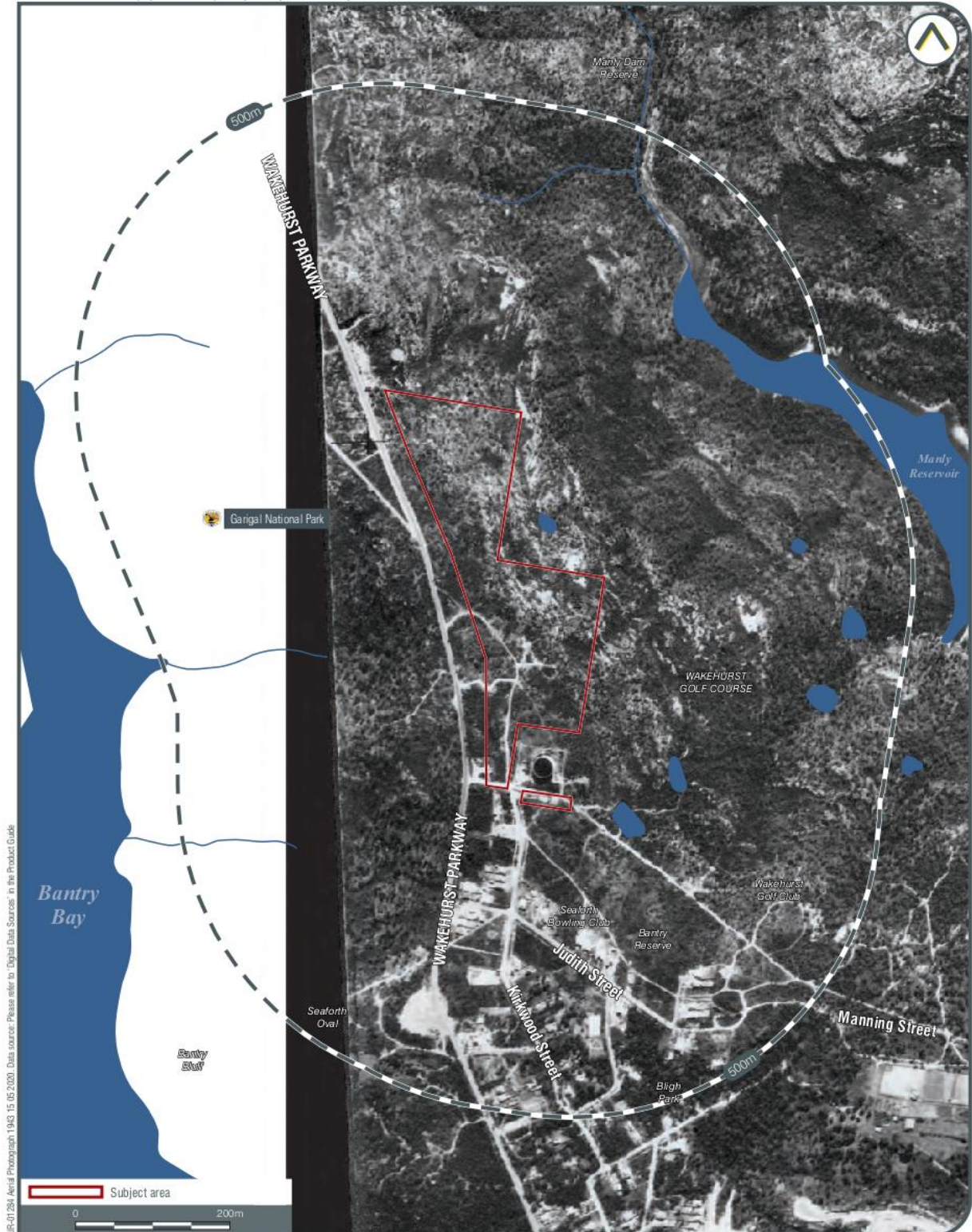
HISTORIC AERIAL PHOTOGRAPH - 1943



MAP 11



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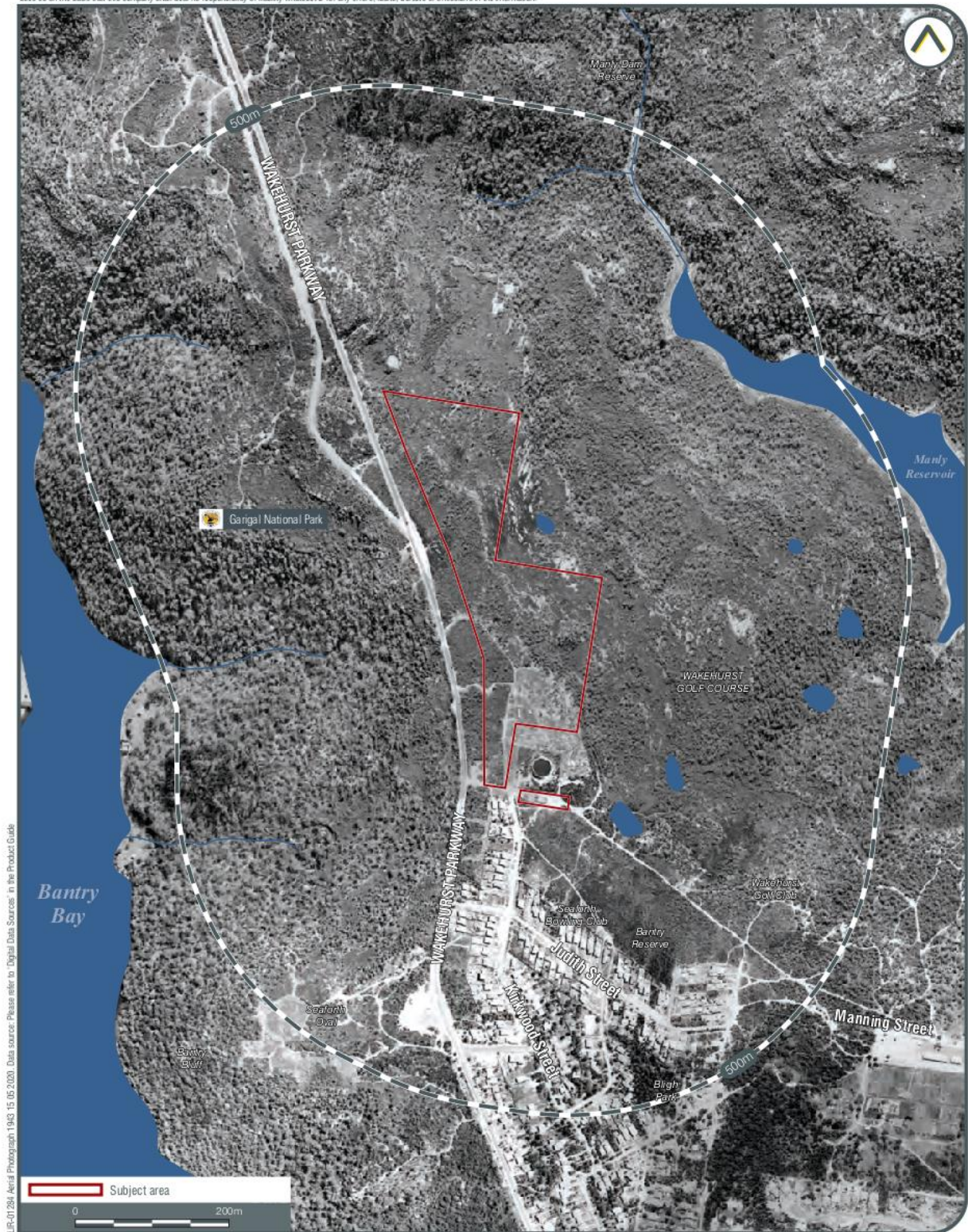
HISTORIC AERIAL PHOTOGRAPH - 1953



MAP 12



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HISTORIC AERIAL PHOTOGRAPH - 1955



MAP 13



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LR-01284 Aerial Photograph 1965 15.05.2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

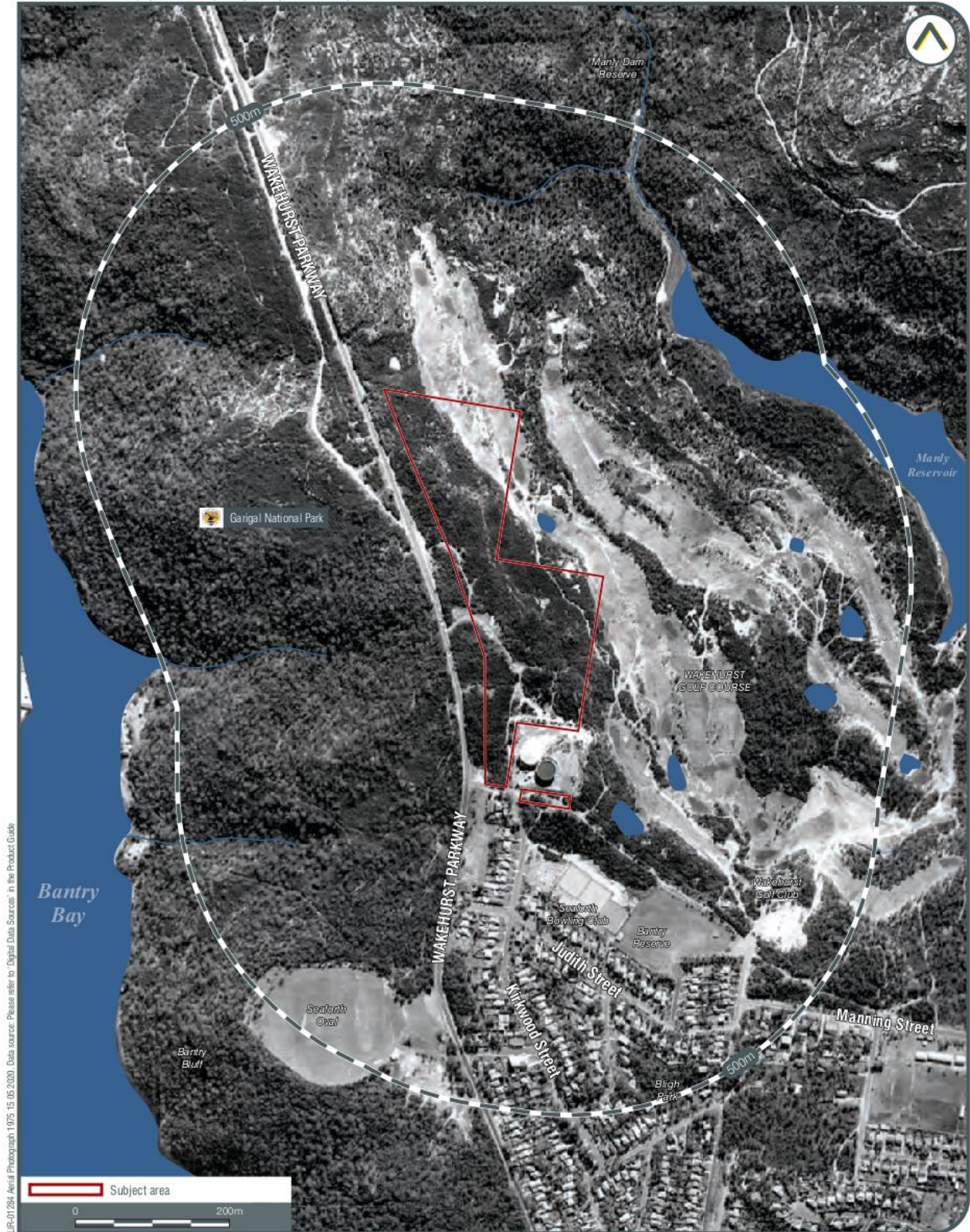
HISTORIC AERIAL PHOTOGRAPH - 1965



MAP 14



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HISTORIC AERIAL PHOTOGRAPH - 1975



MAP 15



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LR-01284 Aerial Photograph 1986 15.05.2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

HISTORIC AERIAL PHOTOGRAPH - 1986



MAP 16



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LIR-01284 Aerial Photograph 1996 15.05.2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

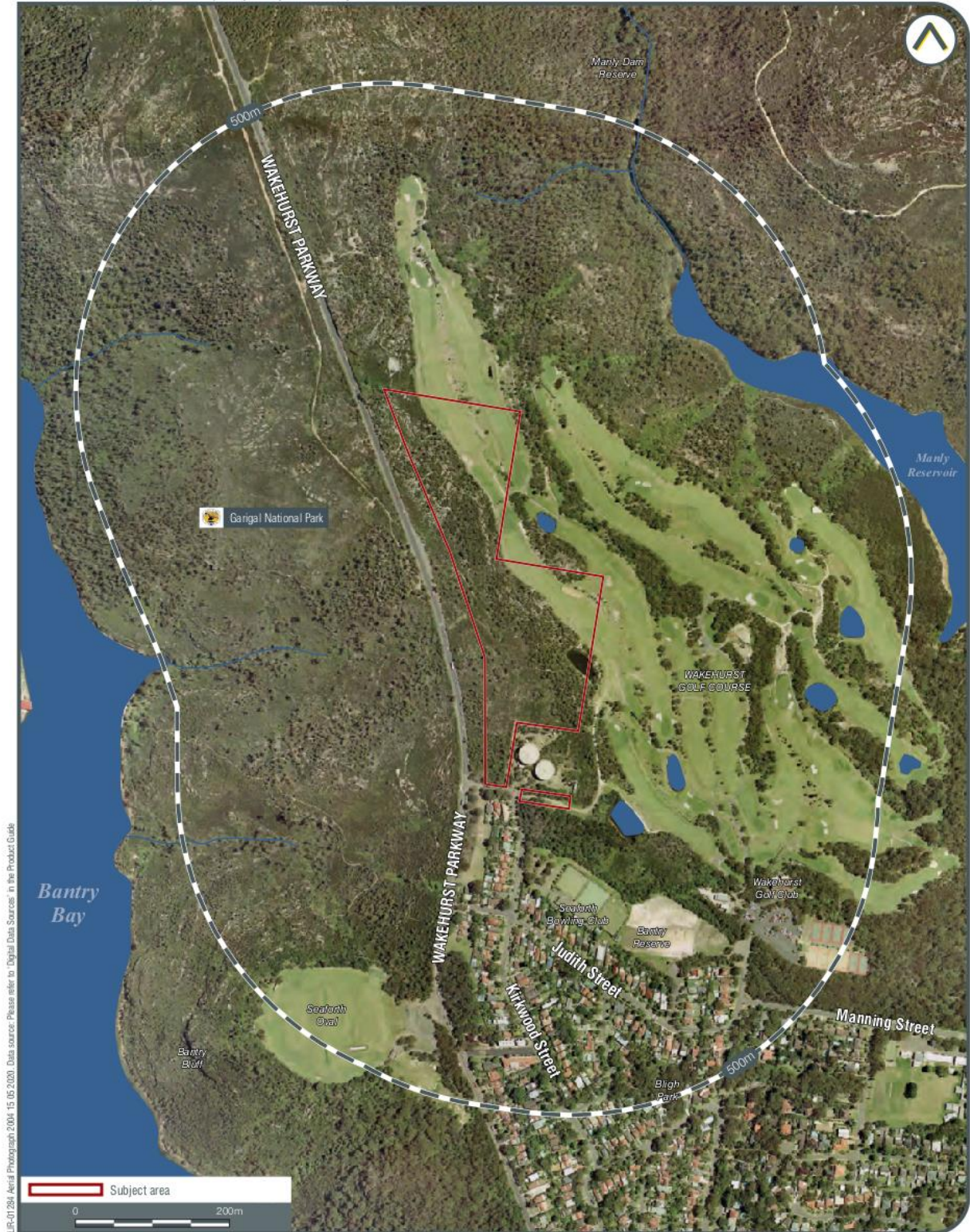
HISTORIC AERIAL PHOTOGRAPH - 1996



MAP 17



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LR-01284 Aerial Photograph 2004 15 05 2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

HISTORIC AERIAL PHOTOGRAPH - 2004



MAP 18



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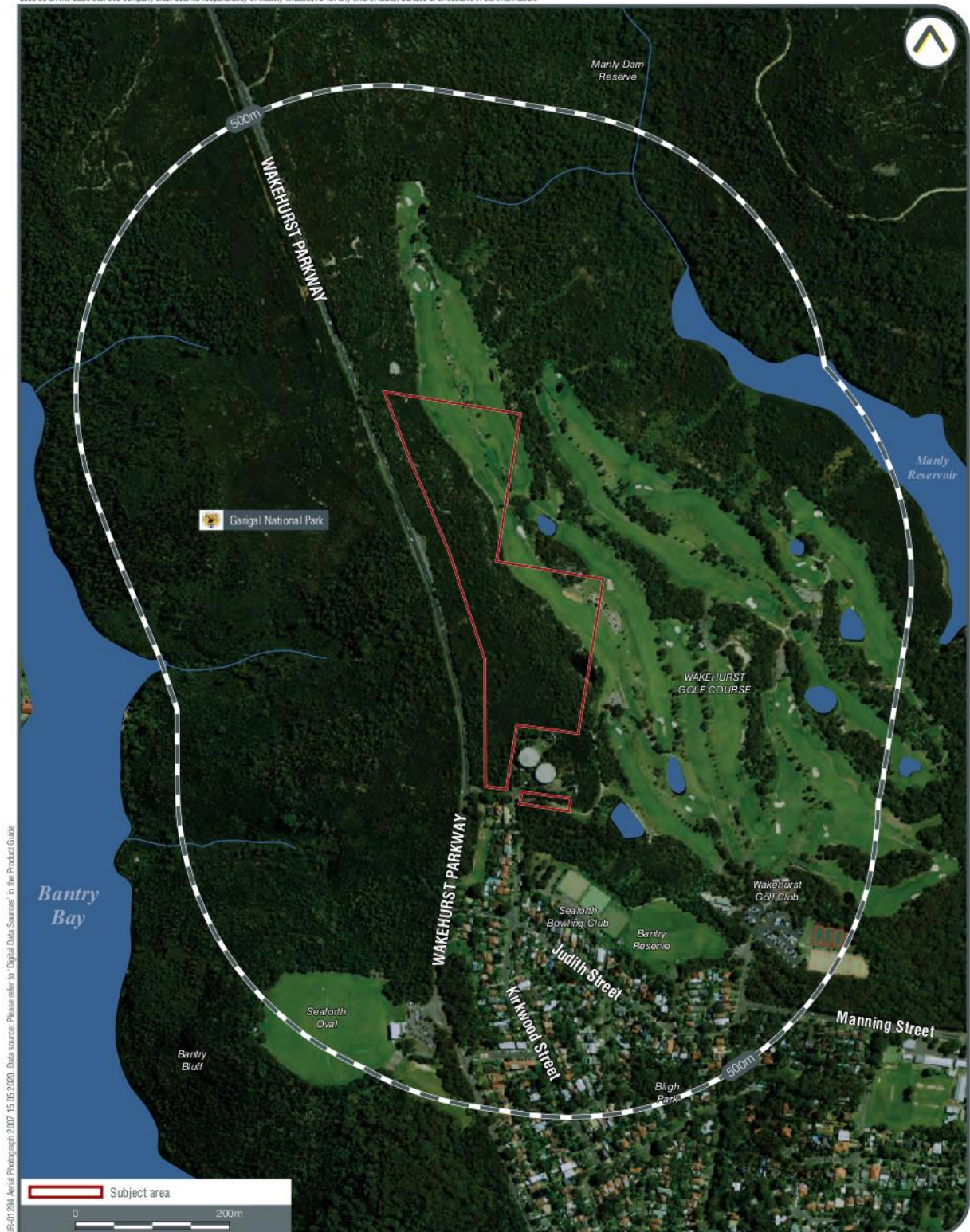
HISTORIC AERIAL PHOTOGRAPH - 2005



MAP 19



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LR-01284 Aerial Photograph 2007 15.05.2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

HISTORIC AERIAL PHOTOGRAPH - 2007



MAP 20



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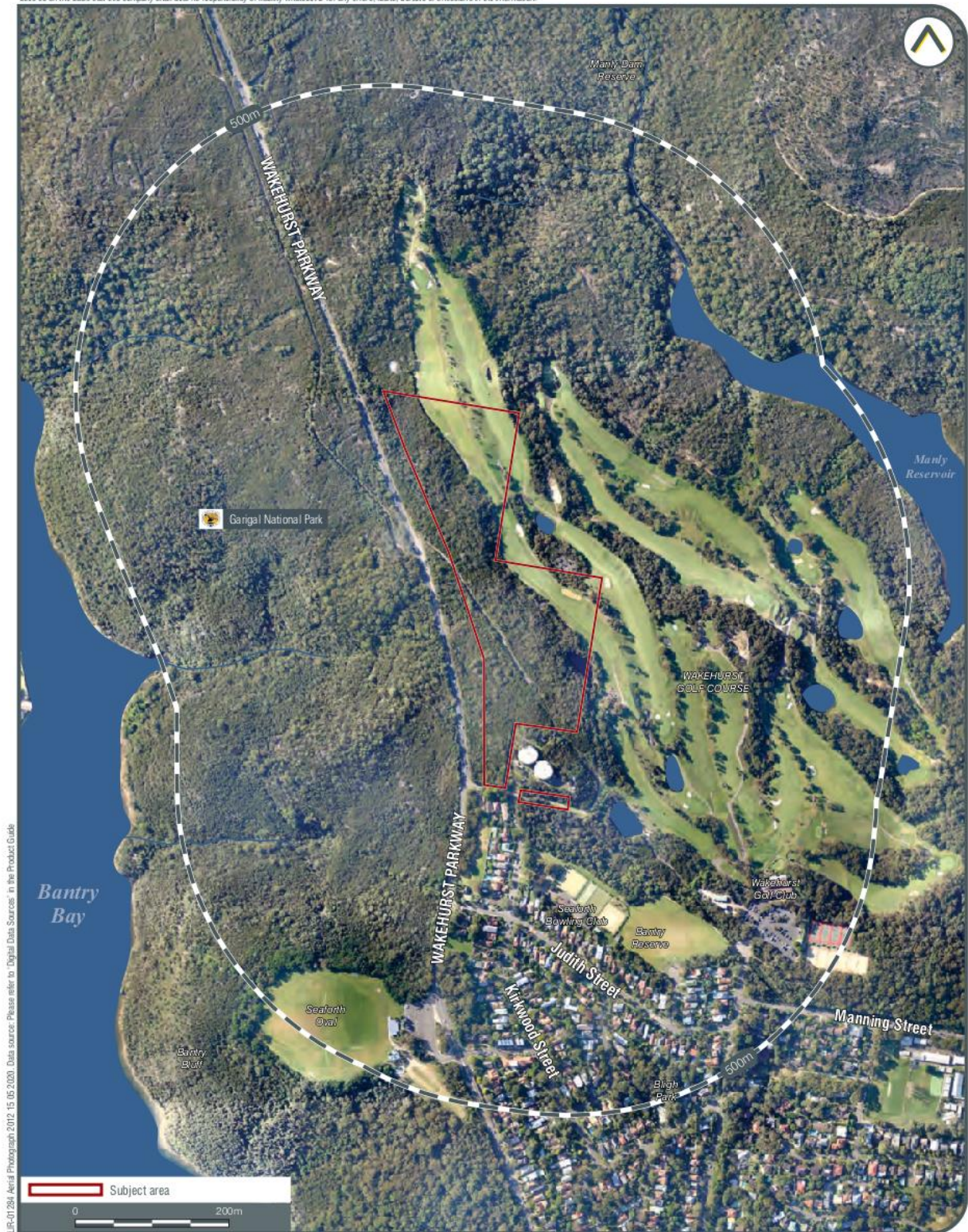
HISTORIC AERIAL PHOTOGRAPH - 2010



MAP 21



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LR-01284 Aerial Photograph 2012 15 05 2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

HISTORIC AERIAL PHOTOGRAPH - 2012



MAP 22



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LR-01284 Aerial Photograph 2014 15 05 2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

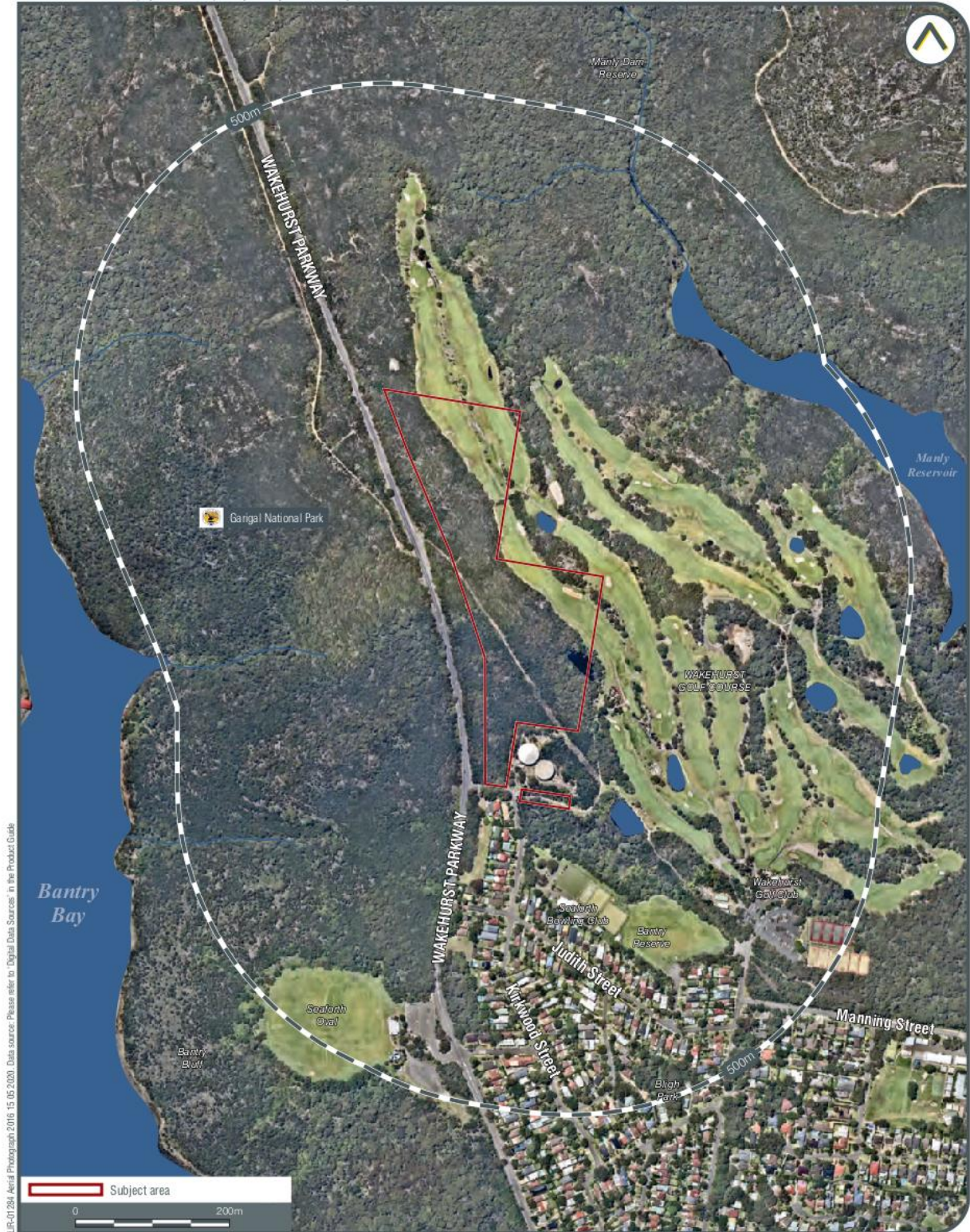
HISTORIC AERIAL PHOTOGRAPH - 2014



MAP 23



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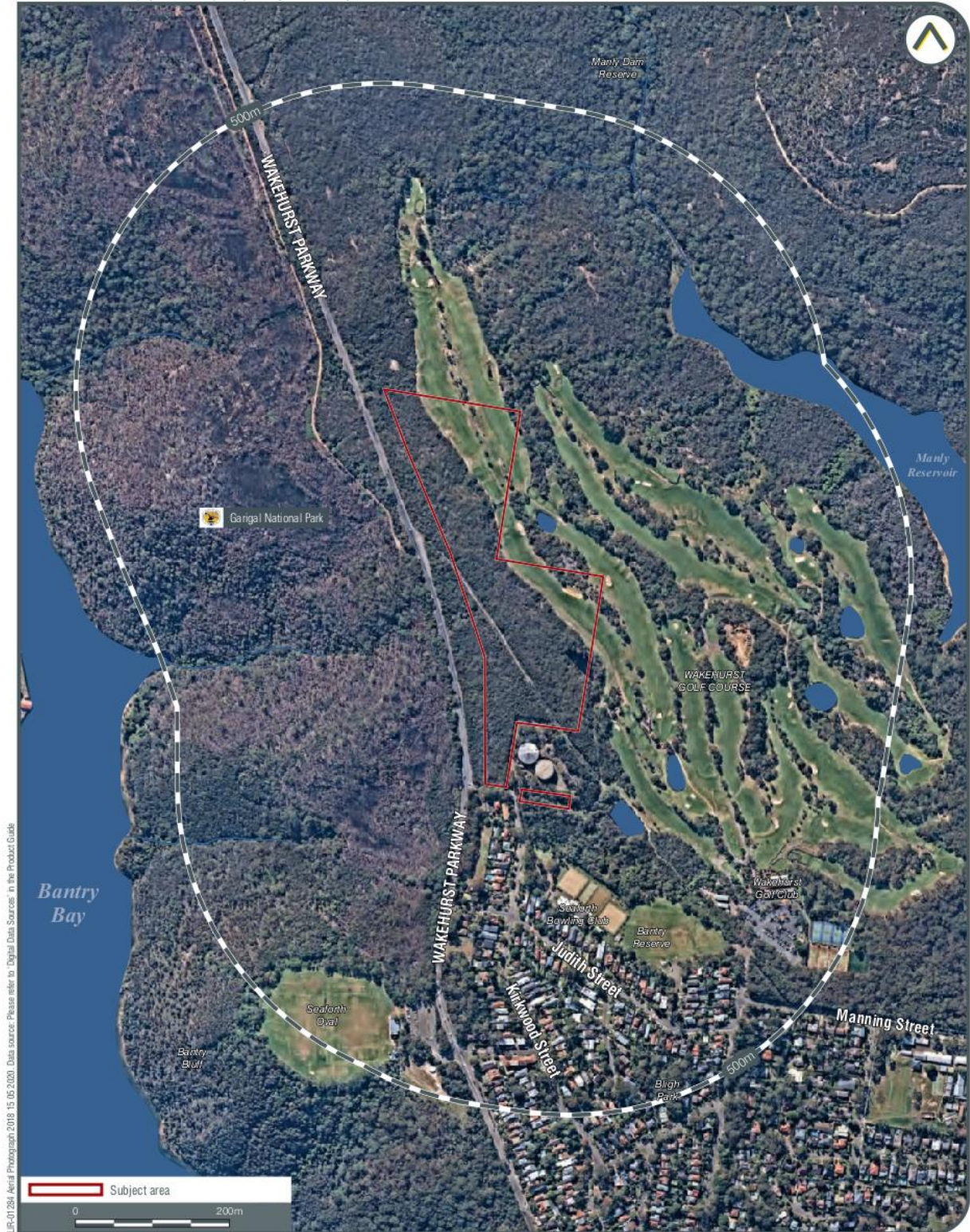
HISTORIC AERIAL PHOTOGRAPH - 2016



MAP 24



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LIR-01284 Aerial Photograph 2018 15 05 2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

HISTORIC AERIAL PHOTOGRAPH - 2018



MAP 25



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LIR-01284 Aerial Photograph 2020 15.05.2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

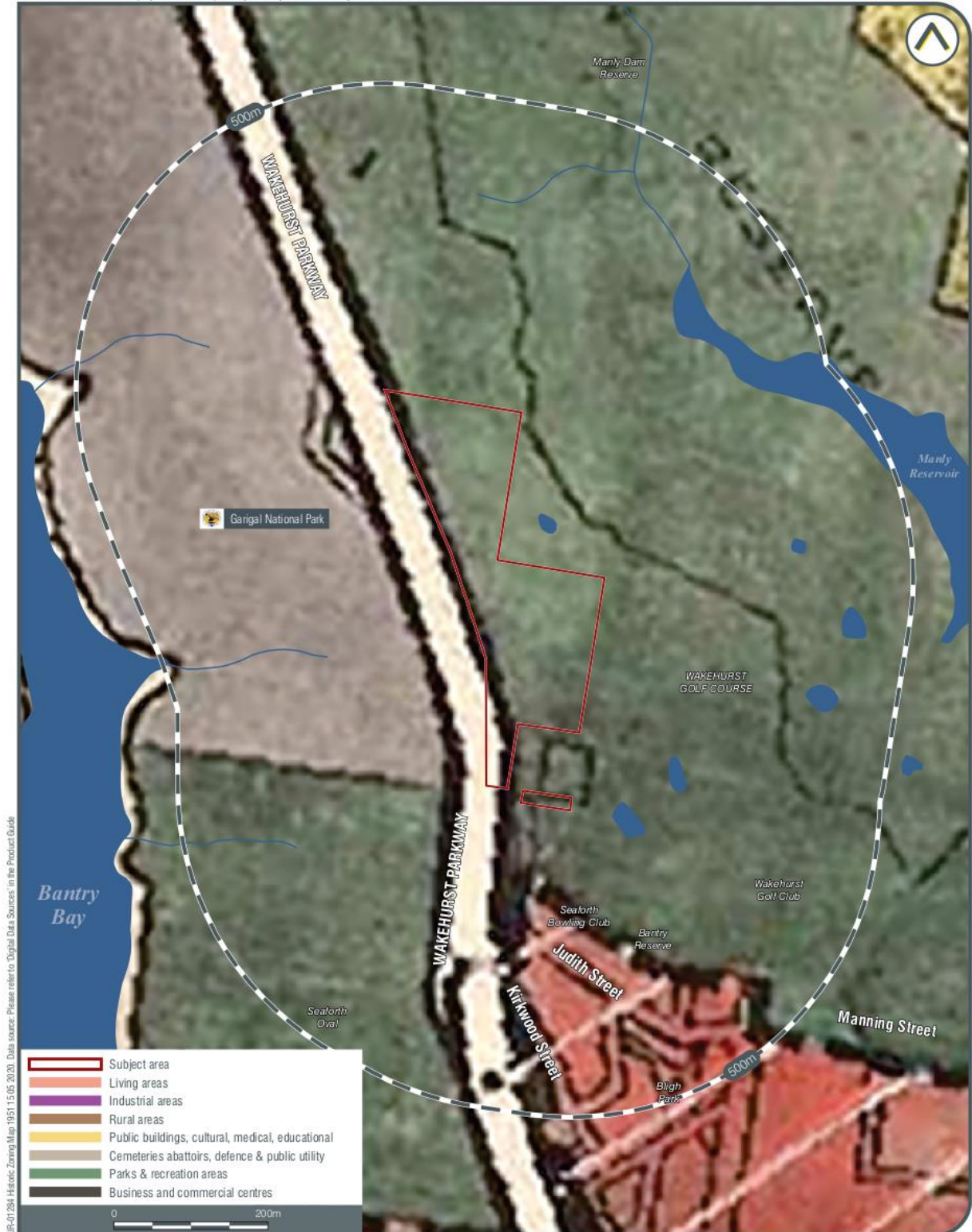
HISTORIC AERIAL PHOTOGRAPH - 2020



MAP 26



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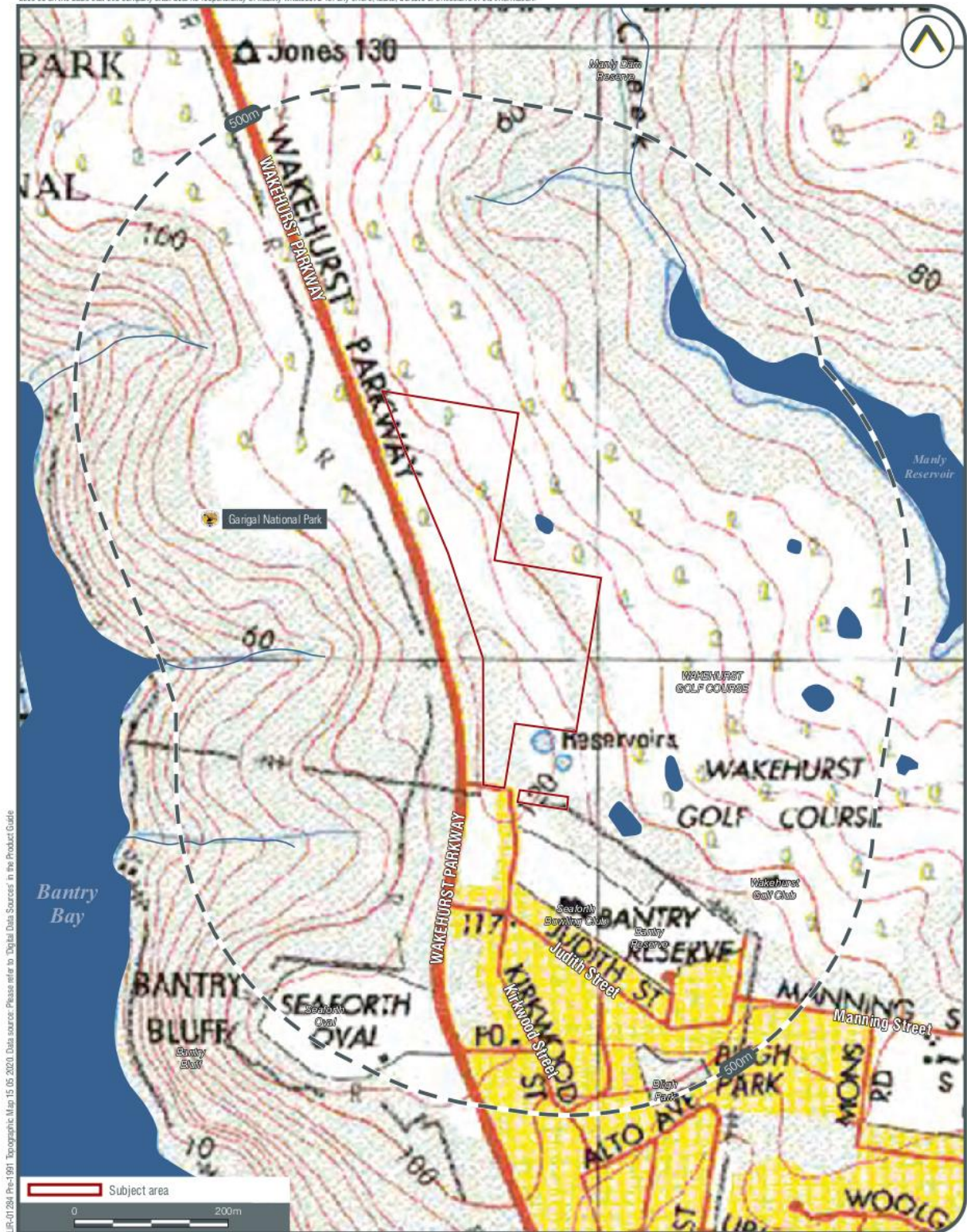
HISTORIC ZONING MAP - 1951



MAP 27



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LR-01284-Pre-1991 Topographic Map 15.05.2020. Data source: Please refer to 'Digital Data Sources' in the Product Guide

1969-1991 TOPOGRAPHIC MAP SERIES (PARRAMATTA 9130-3N)



MAP 28





Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Felicity Shonk
No current address

Reference:
Date: 08/05/2020
Certificate No. PLC2020/0057

Address of Property: Lot 1/ Kirkwood Street NORTH BALGOWLAH NSW 2093
Description of Property: Lot 1 DP 710023

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Warringah Local Environmental Plan 2011

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Primary Production and Rural Development) 2019
State Environmental Planning Policy (Koala Habitat Protection) 2019
Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995)

1.2 Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)
Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019
Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

1.2 b) Draft Local Environmental Plans

Planning Proposal - Manly Creek Riparian Lands, Manly Vale (in the vicinity of "Mermaid Pool")

Applies to: Crown Land:

- Part Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
- Part Lot 7369 DP1165551 Wandella Road, Allambie Heights, south of Jenna Close, Allambie heights
- Lot 7371 DP1165577
- Part unmade road at the southern end of Wandella Road, King Street, Manly Vale

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation).
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 27 November 2018

Gateway Determination: 9 August 2019

Planning Proposal - Freshwater Village Carpark Reclassification

Applies to land: Oliver Street carpark and Lawrence Street carpark, Freshwater

Outline: Amends WLEP 2011 to:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend LZN_010 map to change the zoning from RE1 - Public Recreation to SP2 - Infrastructure
- Amend HOB_010 map to implement a maximum height of building of 3 metres.

Council resolution: 27 November 2018

Gateway determination: 23 September 2019

1.3 Development Control Plans

The name of each development control plan that applies to the carrying out of development on the land:

Warringah Development Control Plan 2011

2. Zoning and land use under relevant Local Environmental Plans

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Nil

(e) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(f) Critical habitat

The land does not include or comprise critical habitat.

(g) Conservation areas

The land is not in a heritage conservation area.

(h) Item of environmental heritage

The land does not contain an item of environmental heritage.

2.2 Draft Local Environmental Plan - if any

For any proposed changes to zoning and land use, see Part 1.2 b)
Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

3. Complying Development

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Complying Development under the Housing Code may be carried out on all of the land.

b) Rural Housing Code

Complying Development under the Rural Housing Code may be carried out on all of the land.

c) Low Rise Medium Density Code

Complying Development under the Low Rise Medium Density Code may not be carried out on all the land.

Note: Pursuant to clause 3B.63 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, all land in Northern Beaches Council is a 'deferred area' meaning that the Low Rise Medium Density Code does not apply until 1 July 2020.

d) Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

e) Housing Alterations Code

Complying Development under the Housing Alterations Code may be carried out on all of the land.

f) General Development Code

Complying Development under the General Development Code may be carried out on all of the land.

g) Commercial and Industrial Alterations Code

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

h) Commercial and Industrial (New Buildings and Additions) Code

Complying Development under the Commercial and Industrial (New Buildings and Additions) Code may be carried out on all of the land.

i) Container Recycling Facilities Code

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

j) Subdivisions Code

Complying Development under the Subdivisions Code may be carried out on all of the land.

k) Demolition Code

Complying Development under the Demolition Code may be carried out on all of the land.

l) Fire Safety Code

Complying Development under the Fire Safety Code may be carried out on all of the land.

m) Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4, 4A (Repealed)

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal

protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5. Mine Subsidence

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

6. Road widening and road realignment

- (a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.
- (b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.
- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

7. Council and other public authority policies on hazard risk restriction

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Nil

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land. The requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection* apply to this land. For further information please contact the Warringah Pittwater District Rural Fire Service.

Final Draft Northern Beaches Bush Fire Prone Land Map (BFPLM)

This land is identified as bush fire prone land on the Final Draft Northern Beaches Bush Fire Prone Land Map. The Northern Beaches BFPLM will supersede the Warringah BFPLM 2016, Pittwater BFPLM 2013 and Manly BFPLM 2010 from the date of its Certification by the Commissioner of the NSW Rural Fire Service. Please refer to the project page on Council's website for more information.

7A. Flood related development control Information

- (1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.
- (2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

8. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

The land is bush fire prone land.

Draft Northern Beaches Bush Fire Prone Land Map 2018

All of the land is bush fire prone land.

12. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

21 Affected building notices and building product rectification orders

- (1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- (2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Additional matters under the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

PLC2020/0057

The following is information provided in good faith under the provisions of Section 10.7(5) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149) and lists relevant matters affecting the land of which Council is aware. The Council shall not incur any liability in respect of any such advice.

Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.

Company Title Subdivision

Clause 4.1 of the *Pittwater Local Environmental Plan 2014*, *Warringah Local Environmental Plan 2011* or *Manly Local Environmental Plan 2013* provides that land may not be subdivided except with the consent of the Council. This includes subdivision by way of company title schemes. Persons considering purchasing property in the Northern Beaches local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the ‘Eastern Harbour City’ area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council is preparing a Local Strategic Planning Statement which will give effect to the District Plan based on local characteristics and opportunities and Council’s own priorities in the community.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

Planning Proposal - Response to Low Rise Medium Density Code

Applies to land: Certain land in the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Manly Local Environmental Plan 2013 (MLEP 2013)

Outline: Seeks to amend the PLEP 2014 and MLEP 2013 in response to issues arising from the future implementation of the NSW Governments’ SEPP (Exempt and Complying Development) Amendment (Low Rise Medium Density Code). The intent of the Planning Proposal is to prohibit:

- manor houses and multi-dwelling housing (including terraces) in zone R2 Low Density Residential zone under the Manly LEP 2013
- dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2013 and Pittwater LEP 2014
- multi-dwelling housing and dual occupancies in the R3 Zone in the Warriewood Valley under Pittwater LEP 2014

Council resolution: 26 June 2018

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011

- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011
- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - Manly Warringah War Memorial State Park (Wakehurst Parkway, Allambie Heights & 1 Kirkwood Street, North Balgowlah)

Applies to: Crown Land: Lots 76 and 77 DP 504237; Lot 2 DP 710023 and Lot 1 DP 1200869; and **Sydney Water Land:** Lot 1 DP 710023 and Lot 1 DP 835 123

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation) for Lots 76 and 77 DP 504237, Lots 1 and 2 DP 710023, and Lot 1 DP 1200869.
- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System' for Lot 1 DP 835123.
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 28 May 2019

Planning Proposal - Pittwater Road and Albert Street, Narrabeen

Applies to: 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen

Outline: Amends WLEP 2011 to:

- Amend Height of Building Map to increase height from 8.5m to 11m (excluding lot 1 DP613544 and part lot 8C DP200030).
- Amend Schedule 1 to allow "shop top housing" on the site.
- To seek an affordable housing contribution in conjunction with future redevelopment of the land.

Council resolution: 28 May 2019

Additional Information Applying To The Land

Additional information, if any, relating to the land the subject of this certificate:

Nil

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion
- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire

Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.



Ray Brownlee PSM
Chief Executive Officer
08/05/2020



Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Felicity Shonk
No current address

Reference:

Date: 08/05/2020
Certificate No. PLC2020/0055

Address of Property: Lot 2/710023 Wakehurst Parkway KILLARNEY HEIGHTS NSW
2087

Description of Property: Lot 2 DP 710023

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Warringah Local Environmental Plan 2011

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Primary Production and Rural Development) 2019
State Environmental Planning Policy (Koala Habitat Protection) 2019
Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995)

1.2 Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)
Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019
Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

1.2 b) Draft Local Environmental Plans

Planning Proposal - Manly Creek Riparian Lands, Manly Vale (in the vicinity of "Mermaid Pool")

Applies to: Crown Land:

- Part Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
- Part Lot 7369 DP1165551 Wandella Road, Allambie Heights, south of Jenna Close, Allambie heights
- Lot 7371 DP1165577
- Part unmade road at the southern end of Wandella Road, King Street, Manly Vale

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation).
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 27 November 2018

Gateway Determination: 9 August 2019

Planning Proposal - Freshwater Village Carpark Reclassification

Applies to land: Oliver Street carpark and Lawrence Street carpark, Freshwater

Outline: Amends WLEP 2011 to:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend LZN_010 map to change the zoning from RE1 - Public Recreation to SP2 - Infrastructure
- Amend HOB_010 map to implement a maximum height of building of 3 metres.

Council resolution: 27 November 2018

Gateway determination: 23 September 2019

1.3 Development Control Plans

The name of each development control plan that applies to the carrying out of development on the land:

Warringah Development Control Plan 2011

2. Zoning and land use under relevant Local Environmental Plans

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Nil

(e) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(f) Critical habitat

The land does not include or comprise critical habitat.

(g) Conservation areas

The land is identified as a heritage conservation area under the *Warringah Local Environmental Plan 2011*.

(h) Item of environmental heritage

The land does not contain an item of environmental heritage.

2.2 Draft Local Environmental Plan - if any

For any proposed changes to zoning and land use, see Part 1.2 b)
Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

3. Complying Development

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

b) Rural Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local*

Environmental Plan 2011. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

c) Low Rise Medium Density Code

Complying Development under the Low Rise Medium Density Code may not be carried out on all the land.

Note: Pursuant to clause 3B.63 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, all land in Northern Beaches Council is a 'deferred area' meaning that the Low Rise Medium Density Code does not apply until 1 July 2020.

d) Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

e) Housing Alterations Code

Complying Development under the Housing Alterations Code may be carried out on all of the land.

f) General Development Code

Complying Development under the General Development Code may be carried out on all of the land.

g) Commercial and Industrial Alterations Code

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

h) Commercial and Industrial (New Buildings and Additions) Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

i) Container Recycling Facilities Code

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

j) Subdivisions Code

Complying Development under the Subdivisions Code may be carried out on all of the land.

k) Demolition Code

Complying Development under the Demolition Code may be carried out on all of the land.

l) Fire Safety Code

Complying Development under the Fire Safety Code may be carried out on all of the land.

m) Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4, 4A (Repealed)

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5. Mine Subsidence

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

6. Road widening and road realignment

- (a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.
- (b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.
- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

7. Council and other public authority policies on hazard risk restriction

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Nil

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land. The requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection* apply to this land. For further information please contact the Warringah Pittwater District Rural Fire Service.

Final Draft Northern Beaches Bush Fire Prone Land Map (BFPLM)

This land is identified as bush fire prone land on the Final Draft Northern Beaches Bush Fire Prone Land Map. The Northern Beaches BFPLM will supersede the Warringah BFPLM 2016, Pittwater BFPLM 2013 and Manly BFPLM 2010 from the date of its Certification by the Commissioner of the NSW Rural Fire Service. Please refer to the project page on Council's website for more information.

7A. Flood related development control Information

- (1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.
- (2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

8. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

The land is bush fire prone land.

Draft Northern Beaches Bush Fire Prone Land Map 2018

All of the land is bush fire prone land.

12. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land

according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

21 Affected building notices and building product rectification orders

- (1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- (2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Additional matters under the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

PLC2020/0055

The following is information provided in good faith under the provisions of Section 10.7(5) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149) and lists relevant matters affecting the land of which Council is aware. The Council shall not incur any liability in respect of any such advice.

Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.

Company Title Subdivision

Clause 4.1 of the *Pittwater Local Environmental Plan 2014*, *Warringah Local Environmental Plan 2011* or *Manly Local Environmental Plan 2013* provides that land may not be subdivided except with the consent of the Council. This includes subdivision by way of company title schemes. Persons considering purchasing property in the Northern Beaches local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the 'Eastern Harbour City' area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council is preparing a Local Strategic Planning Statement which will give effect to the District Plan based on local characteristics and opportunities and Council's own priorities in the community.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

Planning Proposal - Response to Low Rise Medium Density Code

Applies to land: Certain land in the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Manly Local Environmental Plan 2013 (MLEP 2013)

Outline: Seeks to amend the PLEP 2014 and MLEP 2013 in response to issues arising from the future implementation of the NSW Governments' SEPP (Exempt and Complying Development) Amendment (Low Rise Medium Density Code). The intent of the Planning Proposal is to prohibit:

- manor houses and multi-dwelling housing (including terraces) in zone R2 Low Density Residential zone under the Manly LEP 2013
- dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2013 and Pittwater LEP 2014

- multi-dwelling housing and dual occupancies in the R3 Zone in the Warriewood Valley under Pittwater LEP 2014

Council resolution: 26 June 2018

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011
- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011
- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - Manly Warringah War Memorial State Park (Wakehurst Parkway, Allambie Heights & 1 Kirkwood Street, North Balgowlah)

Applies to: **Crown Land:** Lots 76 and 77 DP 504237; Lot 2 DP 710023 and Lot 1 DP 1200869; and **Sydney Water Land:** Lot 1 DP 710023 and Lot 1 DP 835 123

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation) for Lots 76 and 77 DP 504237, Lots 1 and 2 DP 710023, and Lot 1 DP 1200869.
- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System' for Lot 1 DP 835123.
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 28 May 2019

Planning Proposal - Pittwater Road and Albert Street, Narrabeen

Applies to: 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen

Outline: Amends WLEP 2011 to:

- Amend Height of Building Map to increase height from 8.5m to 11m (excluding lot 1 DP613544 and part lot 8C DP200030).
- Amend Schedule 1 to allow "shop top housing" on the site.
- To seek an affordable housing contribution in conjunction with future redevelopment of the land.

Council resolution: 28 May 2019

Additional Information Applying To The Land

Additional information, if any, relating to the land the subject of this certificate:

Nil

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion
- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire


Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.



Ray Brownlee PSM
Chief Executive Officer
08/05/2020



Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Felicity Shonk
No current address

Reference:

Date: 08/05/2020
Certificate No. PLC2020/0053

Address of Property: Lot 76/504237 Wakehurst Parkway ALLAMBIE HEIGHTS NSW
2100

Description of Property: Lot 76 DP 504237

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Warringah Local Environmental Plan 2011

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Primary Production and Rural Development) 2019
State Environmental Planning Policy (Koala Habitat Protection) 2019
Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995)

1.2 Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)
Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019
Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

1.2 b) Draft Local Environmental Plans

Planning Proposal - Manly Creek Riparian Lands, Manly Vale (in the vicinity of "Mermaid Pool")

Applies to: Crown Land:

- Part Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
- Part Lot 7369 DP1165551 Wandella Road, Allambie Heights, south of Jenna Close, Allambie heights
- Lot 7371 DP1165577
- Part unmade road at the southern end of Wandella Road, King Street, Manly Vale

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation).
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 27 November 2018

Gateway Determination: 9 August 2019

Planning Proposal - Freshwater Village Carpark Reclassification

Applies to land: Oliver Street carpark and Lawrence Street carpark, Freshwater

Outline: Amends WLEP 2011 to:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend LZN_010 map to change the zoning from RE1 - Public Recreation to SP2 - Infrastructure
- Amend HOB_010 map to implement a maximum height of building of 3 metres.

Council resolution: 27 November 2018

Gateway determination: 23 September 2019

1.3 Development Control Plans

The name of each development control plan that applies to the carrying out of development on the land:

Warringah Development Control Plan 2011

2. Zoning and land use under relevant Local Environmental Plans

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Nil

(e) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(f) Critical habitat

The land does not include or comprise critical habitat.

(g) Conservation areas

The land is identified as a heritage conservation area under the *Warringah Local Environmental Plan 2011*.

(h) Item of environmental heritage

The land does not contain an item of environmental heritage.

2.2 Draft Local Environmental Plan - if any

For any proposed changes to zoning and land use, see Part 1.2 b)
Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

3. Complying Development

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

b) Rural Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local*

Environmental Plan 2011. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

c) Low Rise Medium Density Code

Complying Development under the Low Rise Medium Density Code may not be carried out on all the land.

Note: Pursuant to clause 3B.63 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, all land in Northern Beaches Council is a 'deferred area' meaning that the Low Rise Medium Density Code does not apply until 1 July 2020.

d) Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

e) Housing Alterations Code

Complying Development under the Housing Alterations Code may be carried out on all of the land.

f) General Development Code

Complying Development under the General Development Code may be carried out on all of the land.

g) Commercial and Industrial Alterations Code

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

h) Commercial and Industrial (New Buildings and Additions) Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

i) Container Recycling Facilities Code

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

j) Subdivisions Code

Complying Development under the Subdivisions Code may be carried out on all of the land.

k) Demolition Code

Complying Development under the Demolition Code may be carried out on all of the land.

l) Fire Safety Code

Complying Development under the Fire Safety Code may be carried out on all of the land.

m) Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4, 4A (Repealed)

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5. Mine Subsidence

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

6. Road widening and road realignment

- (a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.
- (b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.
- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

7. Council and other public authority policies on hazard risk restriction

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Nil

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land. The requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection* apply to this land. For further information please contact the Warringah Pittwater District Rural Fire Service.

Final Draft Northern Beaches Bush Fire Prone Land Map (BFPLM)

This land is identified as bush fire prone land on the Final Draft Northern Beaches Bush Fire Prone Land Map. The Northern Beaches BFPLM will supersede the Warringah BFPLM 2016, Pittwater BFPLM 2013 and Manly BFPLM 2010 from the date of its Certification by the Commissioner of the NSW Rural Fire Service. Please refer to the project page on Council's website for more information.

7A. Flood related development control Information

- (1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.
- (2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

8. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

The land is bush fire prone land.

Draft Northern Beaches Bush Fire Prone Land Map 2018

All of the land is bush fire prone land.

12. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land

according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

21 Affected building notices and building product rectification orders

- (1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- (2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Additional matters under the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

PLC2020/0053

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District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the 'Eastern Harbour City' area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council is preparing a Local Strategic Planning Statement which will give effect to the District Plan based on local characteristics and opportunities and Council's own priorities in the community.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

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Applies to land: Certain land in the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Manly Local Environmental Plan 2013 (MLEP 2013)

Outline: Seeks to amend the PLEP 2014 and MLEP 2013 in response to issues arising from the future implementation of the NSW Governments' SEPP (Exempt and Complying Development) Amendment (Low Rise Medium Density Code). The intent of the Planning Proposal is to prohibit:

- manor houses and multi-dwelling housing (including terraces) in zone R2 Low Density Residential zone under the Manly LEP 2013
- dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2013 and Pittwater LEP 2014

- multi-dwelling housing and dual occupancies in the R3 Zone in the Warriewood Valley under Pittwater LEP 2014

Council resolution: 26 June 2018

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011
- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011
- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - Manly Warringah War Memorial State Park (Wakehurst Parkway, Allambie Heights & 1 Kirkwood Street, North Balgowlah)

Applies to: **Crown Land:** Lots 76 and 77 DP 504237; Lot 2 DP 710023 and Lot 1 DP 1200869; and **Sydney Water Land:** Lot 1 DP 710023 and Lot 1 DP 835 123

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation) for Lots 76 and 77 DP 504237, Lots 1 and 2 DP 710023, and Lot 1 DP 1200869.
- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System' for Lot 1 DP 835123.
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 28 May 2019

Planning Proposal - Pittwater Road and Albert Street, Narrabeen

Applies to: 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen

Outline: Amends WLEP 2011 to:

- Amend Height of Building Map to increase height from 8.5m to 11m (excluding lot 1 DP613544 and part lot 8C DP200030).
- Amend Schedule 1 to allow "shop top housing" on the site.
- To seek an affordable housing contribution in conjunction with future redevelopment of the land.

Council resolution: 28 May 2019

Additional Information Applying To The Land

Additional information, if any, relating to the land the subject of this certificate:

Nil

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion
- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire

Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.



Ray Brownlee PSM
Chief Executive Officer
08/05/2020



Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Felicity Shonk
No current address

Reference:

Date: 08/05/2020
Certificate No. PLC2020/0054

Address of Property: Lot 77/504237 Wakehurst Parkway ALLAMBIE HEIGHTS NSW
2100

Description of Property: Lot 77 DP 504237

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Warringah Local Environmental Plan 2011

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Primary Production and Rural Development) 2019
State Environmental Planning Policy (Koala Habitat Protection) 2019
Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995)

1.2 Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)
Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019
Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

1.2 b) Draft Local Environmental Plans

Planning Proposal - Manly Creek Riparian Lands, Manly Vale (in the vicinity of "Mermaid Pool")

Applies to: Crown Land:

- Part Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
- Part Lot 7369 DP1165551 Wandella Road, Allambie Heights, south of Jenna Close, Allambie heights
- Lot 7371 DP1165577
- Part unmade road at the southern end of Wandella Road, King Street, Manly Vale

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation).
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 27 November 2018

Gateway Determination: 9 August 2019

Planning Proposal - Freshwater Village Carpark Reclassification

Applies to land: Oliver Street carpark and Lawrence Street carpark, Freshwater

Outline: Amends WLEP 2011 to:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend LZN_010 map to change the zoning from RE1 - Public Recreation to SP2 - Infrastructure
- Amend HOB_010 map to implement a maximum height of building of 3 metres.

Council resolution: 27 November 2018

Gateway determination: 23 September 2019

1.3 Development Control Plans

The name of each development control plan that applies to the carrying out of development on the land:

Warringah Development Control Plan 2011

2. Zoning and land use under relevant Local Environmental Plans

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Nil

(e) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(f) Critical habitat

The land does not include or comprise critical habitat.

(g) Conservation areas

The land is identified as a heritage conservation area under the *Warringah Local Environmental Plan 2011*.

(h) Item of environmental heritage

The land does not contain an item of environmental heritage.

2.2 Draft Local Environmental Plan - if any

For any proposed changes to zoning and land use, see Part 1.2 b)
Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

3. Complying Development

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

b) Rural Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local*

Environmental Plan 2011. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

c) Low Rise Medium Density Code

Complying Development under the Low Rise Medium Density Code may not be carried out on all the land.

Note: Pursuant to clause 3B.63 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, all land in Northern Beaches Council is a 'deferred area' meaning that the Low Rise Medium Density Code does not apply until 1 July 2020.

d) Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

e) Housing Alterations Code

Complying Development under the Housing Alterations Code may be carried out on all of the land.

f) General Development Code

Complying Development under the General Development Code may be carried out on all of the land.

g) Commercial and Industrial Alterations Code

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

h) Commercial and Industrial (New Buildings and Additions) Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

i) Container Recycling Facilities Code

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

j) Subdivisions Code

Complying Development under the Subdivisions Code may be carried out on all of the land.

k) Demolition Code

Complying Development under the Demolition Code may be carried out on all of the land.

l) Fire Safety Code

Complying Development under the Fire Safety Code may be carried out on all of the land.

m) Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4, 4A (Repealed)

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5. Mine Subsidence

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

6. Road widening and road realignment

- (a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.
- (b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.
- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

7. Council and other public authority policies on hazard risk restriction

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Nil

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land. The requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection* apply to this land. For further information please contact the Warringah Pittwater District Rural Fire Service.

Final Draft Northern Beaches Bush Fire Prone Land Map (BFPLM)

This land is identified as bush fire prone land on the Final Draft Northern Beaches Bush Fire Prone Land Map. The Northern Beaches BFPLM will supersede the Warringah BFPLM 2016, Pittwater BFPLM 2013 and Manly BFPLM 2010 from the date of its Certification by the Commissioner of the NSW Rural Fire Service. Please refer to the project page on Council's website for more information.

7A. Flood related development control Information

- (1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.
- (2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

8. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

The land is bush fire prone land.

Draft Northern Beaches Bush Fire Prone Land Map 2018

All of the land is bush fire prone land.

12. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land

according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

21 Affected building notices and building product rectification orders

- (1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- (2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Additional matters under the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

PLC2020/0054

The following is information provided in good faith under the provisions of Section 10.7(5) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149) and lists relevant matters affecting the land of which Council is aware. The Council shall not incur any liability in respect of any such advice.

Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.

Company Title Subdivision

Clause 4.1 of the *Pittwater Local Environmental Plan 2014*, *Warringah Local Environmental Plan 2011* or *Manly Local Environmental Plan 2013* provides that land may not be subdivided except with the consent of the Council. This includes subdivision by way of company title schemes. Persons considering purchasing property in the Northern Beaches local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the 'Eastern Harbour City' area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council is preparing a Local Strategic Planning Statement which will give effect to the District Plan based on local characteristics and opportunities and Council's own priorities in the community.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

Planning Proposal - Response to Low Rise Medium Density Code

Applies to land: Certain land in the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Manly Local Environmental Plan 2013 (MLEP 2013)

Outline: Seeks to amend the PLEP 2014 and MLEP 2013 in response to issues arising from the future implementation of the NSW Governments' SEPP (Exempt and Complying Development) Amendment (Low Rise Medium Density Code). The intent of the Planning Proposal is to prohibit:

- manor houses and multi-dwelling housing (including terraces) in zone R2 Low Density Residential zone under the Manly LEP 2013
- dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2013 and Pittwater LEP 2014

- multi-dwelling housing and dual occupancies in the R3 Zone in the Warriewood Valley under Pittwater LEP 2014

Council resolution: 26 June 2018

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011
- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011
- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - Manly Warringah War Memorial State Park (Wakehurst Parkway, Allambie Heights & 1 Kirkwood Street, North Balgowlah)

Applies to: **Crown Land:** Lots 76 and 77 DP 504237; Lot 2 DP 710023 and Lot 1 DP 1200869; and **Sydney Water Land:** Lot 1 DP 710023 and Lot 1 DP 835 123

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation) for Lots 76 and 77 DP 504237, Lots 1 and 2 DP 710023, and Lot 1 DP 1200869.
- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System' for Lot 1 DP 835123.
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 28 May 2019

Planning Proposal - Pittwater Road and Albert Street, Narrabeen

Applies to: 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen

Outline: Amends WLEP 2011 to:

- Amend Height of Building Map to increase height from 8.5m to 11m (excluding lot 1 DP613544 and part lot 8C DP200030).
- Amend Schedule 1 to allow "shop top housing" on the site.
- To seek an affordable housing contribution in conjunction with future redevelopment of the land.

Council resolution: 28 May 2019

Additional Information Applying To The Land

Additional information, if any, relating to the land the subject of this certificate:

Nil

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion
- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire


Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.



Ray Brownlee PSM
Chief Executive Officer
08/05/2020



Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Felicity Shonk
No current address

Reference:
Date: 08/05/2020
Certificate No. PLC2020/0056

Address of Property: Manning Street NORTH BALGOWLAH NSW 2093
Description of Property: Lot 1 DP 1200869

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Warringah Local Environmental Plan 2011

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Primary Production and Rural Development) 2019
State Environmental Planning Policy (Koala Habitat Protection) 2019
Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995)

1.2 Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)
Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019
Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

1.2 b) Draft Local Environmental Plans

Planning Proposal - Manly Creek Riparian Lands, Manly Vale (in the vicinity of "Mermaid Pool")

Applies to: Crown Land:

- Part Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
- Part Lot 7369 DP1165551 Wandella Road, Allambie Heights, south of Jenna Close, Allambie heights
- Lot 7371 DP1165577
- Part unmade road at the southern end of Wandella Road, King Street, Manly Vale

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation).
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 27 November 2018

Gateway Determination: 9 August 2019

Planning Proposal - Freshwater Village Carpark Reclassification

Applies to land: Oliver Street carpark and Lawrence Street carpark, Freshwater

Outline: Amends WLEP 2011 to:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend LZN_010 map to change the zoning from RE1 - Public Recreation to SP2 - Infrastructure
- Amend HOB_010 map to implement a maximum height of building of 3 metres.

Council resolution: 27 November 2018

Gateway determination: 23 September 2019

1.3 Development Control Plans

The name of each development control plan that applies to the carrying out of development on the land:

Warringah Development Control Plan 2011

2. Zoning and land use under relevant Local Environmental Plans

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Nil

(e) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(f) Critical habitat

The land does not include or comprise critical habitat.

(g) Conservation areas

The land is identified as a heritage conservation area under the *Warringah Local Environmental Plan 2011*.

(h) Item of environmental heritage

The land does not contain an item of environmental heritage.

2.2 Draft Local Environmental Plan - if any

For any proposed changes to zoning and land use, see Part 1.2 b)
Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

3. Complying Development

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

b) Rural Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local*

Environmental Plan 2011. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

c) Low Rise Medium Density Code

Complying Development under the Low Rise Medium Density Code may not be carried out on all the land.

Note: Pursuant to clause 3B.63 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, all land in Northern Beaches Council is a 'deferred area' meaning that the Low Rise Medium Density Code does not apply until 1 July 2020.

d) Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

e) Housing Alterations Code

Complying Development under the Housing Alterations Code may be carried out on all of the land.

f) General Development Code

Complying Development under the General Development Code may be carried out on all of the land.

g) Commercial and Industrial Alterations Code

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

h) Commercial and Industrial (New Buildings and Additions) Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land identified as a heritage conservation area under *Warringah Local Environmental Plan 2011*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

i) Container Recycling Facilities Code

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

j) Subdivisions Code

Complying Development under the Subdivisions Code may be carried out on all of the land.

k) Demolition Code

Complying Development under the Demolition Code may be carried out on all of the land.

l) Fire Safety Code

Complying Development under the Fire Safety Code may be carried out on all of the land.

m) Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4, 4A (Repealed)

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5. Mine Subsidence

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

6. Road widening and road realignment

- (a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.
- (b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.
- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

7. Council and other public authority policies on hazard risk restriction

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Nil

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land. The requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection* apply to this land. For further information please contact the Warringah Pittwater District Rural Fire Service.

Final Draft Northern Beaches Bush Fire Prone Land Map (BFPLM)

This land is identified as bush fire prone land on the Final Draft Northern Beaches Bush Fire Prone Land Map. The Northern Beaches BFPLM will supersede the Warringah BFPLM 2016, Pittwater BFPLM 2013 and Manly BFPLM 2010 from the date of its Certification by the Commissioner of the NSW Rural Fire Service. Please refer to the project page on Council's website for more information.

7A. Flood related development control Information

- (1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.
- (2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

8. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

The land is bush fire prone land.

Draft Northern Beaches Bush Fire Prone Land Map 2018

Some of the land is bush fire prone land.

12. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land

according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

21 Affected building notices and building product rectification orders

- (1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- (2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Additional matters under the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

PLC2020/0056

The following is information provided in good faith under the provisions of Section 10.7(5) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149) and lists relevant matters affecting the land of which Council is aware. The Council shall not incur any liability in respect of any such advice.

Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.

Company Title Subdivision

Clause 4.1 of the *Pittwater Local Environmental Plan 2014*, *Warringah Local Environmental Plan 2011* or *Manly Local Environmental Plan 2013* provides that land may not be subdivided except with the consent of the Council. This includes subdivision by way of company title schemes. Persons considering purchasing property in the Northern Beaches local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the 'Eastern Harbour City' area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council is preparing a Local Strategic Planning Statement which will give effect to the District Plan based on local characteristics and opportunities and Council's own priorities in the community.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

Planning Proposal - Response to Low Rise Medium Density Code

Applies to land: Certain land in the *Pittwater Local Environmental Plan 2014* (PLEP 2014) and *Manly Local Environmental Plan 2013* (MLEP 2013)

Outline: Seeks to amend the PLEP 2014 and MLEP 2013 in response to issues arising from the future implementation of the NSW Governments' SEPP (Exempt and Complying Development) Amendment (Low Rise Medium Density Code). The intent of the Planning Proposal is to prohibit:

- manor houses and multi-dwelling housing (including terraces) in zone R2 Low Density Residential zone under the Manly LEP 2013
- dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2013 and Pittwater LEP 2014

- multi-dwelling housing and dual occupancies in the R3 Zone in the Warriewood Valley under Pittwater LEP 2014

Council resolution: 26 June 2018

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011
- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011
- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - Manly Warringah War Memorial State Park (Wakehurst Parkway, Allambie Heights & 1 Kirkwood Street, North Balgowlah)

Applies to: **Crown Land:** Lots 76 and 77 DP 504237; Lot 2 DP 710023 and Lot 1 DP 1200869; and **Sydney Water Land:** Lot 1 DP 710023 and Lot 1 DP 835 123

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation) for Lots 76 and 77 DP 504237, Lots 1 and 2 DP 710023, and Lot 1 DP 1200869.
- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System' for Lot 1 DP 835123.
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 28 May 2019

Planning Proposal - Pittwater Road and Albert Street, Narrabeen

Applies to: 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen

Outline: Amends WLEP 2011 to:

- Amend Height of Building Map to increase height from 8.5m to 11m (excluding lot 1 DP613544 and part lot 8C DP200030).
- Amend Schedule 1 to allow "shop top housing" on the site.
- To seek an affordable housing contribution in conjunction with future redevelopment of the land.

Council resolution: 28 May 2019

Additional Information Applying To The Land

Additional information, if any, relating to the land the subject of this certificate:

Nil

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion
- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire

Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.



Ray Brownlee PSM
Chief Executive Officer
08/05/2020

APPENDIX

D

LABORATORY REPORTS



CHAIN OF CUSTODY AND ANALYSIS REQUEST

Contract Person: Ben Withnall Telephone Number: 9495 8488 Alternative Contact: Jake Ludlow Telephone Number: 9495 7736 Sampler: Jake Ludlow Email Address (results and invoice): ben.withnall@cardno.com.au; jake.ludlow@cardno.com.au Address: Level 9 - The Forum, 203 Pacific Highway, St Leonards, New South Wales 2065		Project Name: NDC Manly Dam Project Number: NEC0009 PO No.: Project Specific Quote No.: Date results required: Standard TAT Report format: Electronic		Cardno Rates															
Sample Information			Analysis Required																
Cardno Sample ID	Laboratory Sample ID	No. Containers	Preservation	Date sampled	Matrix	Asbestos (Presence / Absence)													
PACM1		1	N/A	25/05/2020	Fibre	X													
Relinquished by: Jake Ludlow (name / company) Date & Time: 27/05/2020 0:00 Signature: JL		Received by: <i>Grace Thompson</i> (name / company) Date & Time: 27/5/2020 5:55 Signature: <i>[Signature]</i>		Relinquished by: (name / company) Date & Time: Signature:		Received by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:	
Received by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Received by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Received by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Received by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:		Received by: (name / company) Date & Time: Signature:		Relinquished by: (name / company) Date & Time: Signature:	
Lab use: Samples Received: Cool or Ambient (circle one) Temperature Received at: (if applicable) Transported by: Hand delivered / courier																			

22071



Environment Testing

Melbourne

6 Monterey Road
Dandenong South Vic 3175
Phone : +61 3 8564 5000
NATA # 1261
Site # 1254 & 14271

Sydney

Unit F3, Building F
16 Mars Road
Lane Cove West NSW 2086
Phone : +61 2 9900 8400
NATA # 1261 Site # 18217

Brisbane

1/21 Smallwood Place
Murarie QLD 4172
Phone : +61 7 3902 4600
NATA # 1261 Site # 20794

Perth

2/91 Leach Highway
Kewdale WA 6105
Phone : +61 8 9251 9600
NATA # 1261 Site # 23736

ABN - 50 005 085 521

e.mail : EnviroSales@eurofins.com

web : www.eurofins.com.au

Sample Receipt Advice

Company name: **Cardno (NSW/ACT) Pty Ltd**
Contact name: Ben Withnall
Project name: NBC MANLY DAM
Project ID: NE30009
COC number: Not provided
Turn around time: 5 Day
Date/Time received: May 27, 2020 5:57 PM
Eurofins reference: **722171**

Sample information

- A detailed list of analytes logged into our LIMS, is included in the attached summary table.
- All samples have been received as described on the above COC.
- COC has been completed correctly.
- N/A Attempt to chill was evident.
- Appropriately preserved sample containers have been used.
- All samples were received in good condition.
- Samples have been provided with adequate time to commence analysis in accordance with the relevant holding times.
- Appropriate sample containers have been used.
- Split sample sent to requested external lab.
- Some samples have been subcontracted.
- N/A Custody Seals intact (if used).

Contact notes

If you have any questions with respect to these samples please contact:

Ursula Long on Phone : or by e.mail: UrsulaLong@eurofins.com

Results will be delivered electronically via e.mail to Ben Withnall - ben.withnall@cardno.com.au.

Global Leader - Results you can trust



Environment Testing

Certificate of Analysis

Cardno (NSW/ACT) Pty Ltd
Level 9, 203 Pacific Highway
St Leonards
NSW 2065



NATA Accredited
Accreditation Number 1261
Site Number 18217

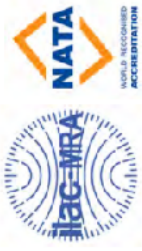
Accredited for compliance with ISO/IEC 17025-Testing
The results of the tests, calibrations and/or
measurements included in this document are traceable
to Australian/national standards.

Attention: Ben Withnall
Report 722171-AID
Project Name NBC MANLY DAM
Project ID NE30009
Received Date May 27, 2020
Date Reported Jun 03, 2020

Methodology:

Asbestos Fibre Identification	Conducted in accordance with the Australian Standard AS 4964 – 2004: Method for the Qualitative Identification of Asbestos in Bulk Samples and in-house Method LTM-ASB-8020 by polarised light microscopy (PLM) and dispersion staining (DS) techniques. <i>NOTE: Positive Trace Analysis results indicate the sample contains detectable respirable fibres.</i>
Unknown Mineral Fibres	Mineral fibres of unknown type, as determined by PLM with DS, may require another analytical technique, such as Electron Microscopy, to confirm unequivocal identity. <i>NOTE: While Actinolite, Anthophyllite and Tremolite asbestos may be detected by PLM with DS, due to variability in the optical properties of these materials, AS4964 requires that these are reported as UMF unless confirmed by an independent technique.</i>
Subsampling Soil Samples	The whole sample submitted is first dried and then passed through a 10mm sieve followed by a 2mm sieve. All fibrous matter greater than 10mm, greater than 2mm as well as the material passing through the 2mm sieve are retained and analysed for the presence of asbestos. If the sub 2mm fraction is greater than approximately 30 to 60g then a sub-sampling routine based on ISO 3082:2009(E) is employed. <i>NOTE: Depending on the nature and size of the soil sample, the sub-2 mm residue material may need to be sub-sampled for trace analysis, in accordance with AS 4964-2004.</i>
Bonded asbestos-containing material (ACM)	The material is first examined and any fibres isolated for identification by PLM and DS. Where required, interfering matrices may be removed by disintegration using a range of heat, chemical or physical treatments, possibly in combination. The resultant material is then further examined in accordance with AS 4964 - 2004. <i>NOTE: Even after disintegration it may be difficult to detect the presence of asbestos in some asbestos-containing bulk materials using PLM and DS. This is due to the low grade or small length or diameter of the asbestos fibres present in the material, or to the fact that very fine fibres have been distributed intimately throughout the materials. Vinyl/asbestos floor tiles, some asbestos-containing sealants and mastics, asbestos-containing epoxy resins and some ore samples are examples of these types of material, which are difficult to analyse.</i>
Limit of Reporting	The performance limitation of the AS 4964 (2004) method for non-homogeneous samples is around 0.1 g/kg (equivalent to 0.01% (w/w)). Where no asbestos is found by PLM and DS, including Trace Analysis, this is considered to be at the nominal reporting limit of 0.01% (w/w). The NEPM screening level of 0.001% (w/w) is intended as an on-site determination, not a laboratory Limit of Reporting (LOR), per se. Examination of a large sample size (e.g. 500 mL) may improve the likelihood of detecting asbestos, particularly AF, to aid assessment against the NEPM criteria. Gravimetric determinations to this level of accuracy are outside of AS 4964 and hence NATA Accreditation does not cover the performance of this service (non-NATA results shown with an asterisk). <i>NOTE: NATA News March 2014, p.7, states in relation to AS 4964: "This is a qualitative method with a nominal reporting limit of 0.01 % " and that currently in Australia "there is no validated method available for the quantification of asbestos". This report is consistent with the analytical procedures and reporting recommendations in the NEPM and the WA DoH.</i>

Accredited for compliance with ISO/IEC 17025—Testing
The results of the tests, calibrations and/or
measurements included in this document are traceable
to Australian/national standards.



Project Name NBC MANLY DAM
Project ID NE30009
Date Sampled May 25, 2020
Report 722171-AID

Client Sample ID	Eurofins Sample No.	Date Sampled	Sample Description	Result
PACM1	20-MY41266	May 25, 2020	Approximate Sample 84g / 120x60x7mm Sample consisted of Grey fibre cement fragment	Chrysotile and amosite asbestos detected.



Sample History

Where samples are submitted/analysed over several days, the last date of extraction and analysis is reported. A recent review of our LIMS has resulted in the correction or clarification of some method identifications. Due to this, some of the method reference information on reports has changed. However, no substantive change has been made to our laboratory methods, and as such there is no change in the validity of current or previous results.

If the date and time of sampling are not provided, the Laboratory will not be responsible for compromised results should testing be performed outside the recommended holding time.

Description	Testing Site	Extracted	Holding Time
Asbestos - LTM-ASB-8020	Sydney	May 27, 2020	Indefinite



Australia

Melbourne
6 Monterey Road
Dandenong South VIC 3175
Phone : +61 3 8564 5000
NATA # 1261
Site # 1254 & 14271

Sydney
Unit F3, Building F
16 Mars Road
Lane Cove West NSW 2066
Phone : +61 2 9900 8400
NATA # 1261 Site # 18217

Brisbane
1121 Smallwood Place
Murarie QLD 4172
Phone : +61 7 3902 4600
NATA # 1261 Site # 20794

Perth
2/91 Leach Highway
Kewdale WA 6105
Phone : +61 8 9251 9600
NATA # 1261
Site # 23736

New Zealand

Auckland
35 O'Rourke Road
Penrose, Auckland 1061
Phone : +64 9 526 45 51
IANZ # 1327

Christchurch
43 Detroit Drive
Rolleston, Christchurch 7675
Phone : 0800 898 450
IANZ # 1280



web : www.eurofins.com.au e.mail : EnviroSales@eurofins.com

ABN - 50 005 085 521

Company Name: Cardno (NSW/ACT) Pty Ltd
Address: Level 9, 203 Pacific Highway
St Leonards
NSW 2065

Project Name: NBC MANLY DAM
Project ID: NE30009

Order No.:
Report #: 722171
Phone: 0294967700
Fax: 02 9499 3902

Received: May 27, 2020 5:57 PM
Due: Jun 3, 2020
Priority: 5 Day
Contact Name: Ben Withnall

Eurofins Analytical Services Manager : Ursula Long

Sample Detail					
Asbestos Absence /Presence					
Melbourne Laboratory - NATA Site # 1254 & 14271					
Sydney Laboratory - NATA Site # 18217					
Brisbane Laboratory - NATA Site # 20794					
Perth Laboratory - NATA Site # 23736					
External Laboratory					
No	Sample ID	Sample Date	Sampling Time	Matrix	LAB ID
1	PACM1	May 25, 2020		Building Materials	S20-MY41266
Test Counts					1



Internal Quality Control Review and Glossary

General

1. QC data may be available on request.
2. All soil results are reported on a dry basis, unless otherwise stated.
3. Samples were analysed on an 'as received' basis.
4. Information identified on this report with blue colour, indicates data provided by customer, that may have an impact on the results.
5. This report replaces any interim results previously issued.

Holding Times

Please refer to 'Sample Preservation and Container Guide' for holding times (QS3001).

For samples received on the last day of holding time, notification of testing requirements should have been received at least 6 hours prior to sample receipt deadlines as stated on the Sample Receipt Advice.

If the Laboratory did not receive the information in the required timeframe, and regardless of any other integrity issues, suitably qualified results may still be reported.

Holding times apply from the date of sampling, therefore compliance to these may be outside the laboratory's control.

Units

% w/w: weight for weight basis	grams per kilogram
Filter loading:	fibres/100 graticule areas
Reported Concentration:	fibres/mL
Flowrate:	L/min

Terms

Dry	Sample is dried by heating prior to analysis
LOR	Limit of Reporting
COC	Chain of Custody
SRA	Sample Receipt Advice
ISO	International Standards Organisation
AS	Australian Standards
WA DOH	Reference document for the NEPM. Government of Western Australia, Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia (2009), including supporting document Recommended Procedures for Laboratory Analysis of Asbestos in Soil (2011)
NEPM	National Environment Protection (Assessment of Site Contamination) Measure, 2013 (as amended)
ACM	Asbestos Containing Materials. Asbestos contained within a non-asbestos matrix, typically presented in bonded and/or sound condition. For the purposes of the NEPM, ACM is generally restricted to those materials that do not pass a 7mm x 7mm sieve.
AF	Asbestos Fines. Asbestos containing materials, including friable, weathered and bonded materials, able to pass a 7mm x 7mm sieve. Considered under the NEPM as equivalent to "non-bonded / friable".
FA	Fibrous Asbestos. Asbestos containing materials in a friable and/or severely weathered condition. For the purposes of the NEPM, FA is generally restricted to those materials that do not pass a 7mm x 7mm sieve.
Friable	Asbestos-containing materials of any size that may be broken or crumbled by hand pressure. For the purposes of the NEPM, this includes both AF and FA. It is outside of the laboratory's remit to assess degree of friability.
Trace Analysis	Analytical procedure used to detect the presence of respirable fibres in the matrix.



Comments

Sample Integrity

Custody Seals Intact (if used)	N/A
Attempt to Chill was evident	N/A
Sample correctly preserved	Yes
Appropriate sample containers have been used	Yes
Sample containers for volatile analysis received with minimal headspace	Yes
Samples received within HoldingTime	Yes
Some samples have been subcontracted	No

Qualifier Codes/Comments

Code	Description
N/A	Not applicable

Asbestos Counter/Identifier:

Chamath JHM Annakkage Senior Analyst-Asbestos (NSW)

Authorised by:

Laxman Dias Senior Analyst-Asbestos (NSW)



Glenn Jackson
General Manager

Final Report – this report replaces any previously issued Report

- Indicates Not Requested

* Indicates NATA accreditation does not cover the performance of this service

Measurement uncertainty of test data is available on request or please [click here](#).

Eurofins shall not be liable for loss, cost, damages or expenses incurred by the client, or any other person or company, resulting from the use of any information or interpretation given in this report. In no case shall Eurofins be liable for consequential damages including, but not limited to, lost profits, damages for failure to meet deadlines, and lost production arising from this report. This document shall not be reproduced except in full and relates only to the items tested. Unless indicated otherwise, the tests were performed on the samples as received.



JAMES GRIFFIN MP
Parliamentary Secretary for the Environment
Parliamentary Secretary for Veterans
Member for Manly

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

Dear Mr Brownlee *Ray,*

Thank you for your letter dated 20 December 2019 concerning the transfer of land owned by Sydney Water at Seaforth (Lot 1 DP 710023) into the Manly Warringah War Memorial State Park (Manly Dam Reserve).

As you would know, in November 2019 the NSW Government released an update on the reference design for Beaches Link, including the temporary Wakehurst Parkway construction site.

Following extensive community engagement with local residents and sporting clubs, the Option B construction site—on the eastern side of Wakehurst Parkway—has been selected.

The selection of this construction site is important as it will remove the need for a temporary tunnelling site adjacent to Seaforth Oval and is supported by the local sporting clubs and resident groups.

Following construction, land used in the temporary Wakehurst Parkway construction site (Option B) will be handed to the Manly Warringah War Memorial State Park (Manly Dam Reserve) for the community to enjoy.

Yours sincerely



James Griffin MP
Member for Manly

10 JAN 2020



17 August 2020

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

Dear Mr Brownlee,

Wakehurst Parkway temporary construction site – surplus land

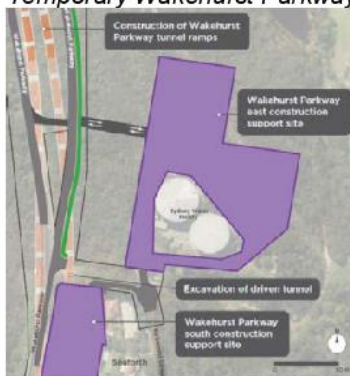
The Western Harbour Tunnel and Beaches Link program is a major transport infrastructure program that will make it easier, faster and safer to get around Sydney. By creating a western bypass of the Sydney CBD, the Western Harbour Tunnel will take pressure off the congested Sydney Harbour Bridge, Sydney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

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

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

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

Temporary Wakehurst Parkway construction site



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

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

Yours sincerely,



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

Transport for NSW

Street address, Suburb Postcode NSW | Locked Bag XXXX, Suburb Postcode NSW
P XXXXXX | W roads-maritime.transport.nsw.gov.au | ABN 18 804 239 602

Status Report – Property Investigation and Title Rectification - Lot 1 DP 1200869

Client:

Northern Beaches Council
Felicity Shonk

24 June 2020

Evidence of Ownership

Property Description	Documents Reviewed
Lot 1 DP 1200869	Title Search – Lot 1 DP 1200869 Resumption Notice - GG 2 February 1892 Fols 885-887 Resumption Notice – GG 1 December 1922 Fols 6310-11 Crown Plan 5768-3000 dated 29.09.1921? Crown Plan 19276-3000 date not found Crown Plan 10153-3000 dated 13.10.1939 Deposited Plan - DP91526 dated 5.12.1958 Deposited Plan – DP1200869 registered 11.09.2014 Deposited Plan – DP1200688 registered 5.09.2014 Deposited Plan – DP650855 registered 7.06.1993 Deposited Plan – DP835123 registered 25.11.1993 Conversion Action – CA172591 – dated 11.09.2014 Conversion Action – CA162143 – dated 5.09.2014 Reservation/Revocation – GG 15 January 1965 Fol 91 Reserve from Sale – GG 23 June 1967 Fol 2261 Notice of Vesting – GG 31 July 1953 Fol 2487

Precis

Northern Beaches Council approached Public Works Advisory on 21 January 2020 to obtain consent to undertake testing on Lot 1 DP 1200869 and advise of a possible planning proposal over the site being prepared.

Given the information contained in the title search, Northern Beaches Council was referred to Crown Lands pursuant to S25 A of the Crown Lands Consolidation Act 1913.

Public works Advisory does not have delegated authority at officer level to provide consent and would need to refer the matter to the Minister administering the Public works Act to obtain consent.

Background

The Minister for Public Works acquired Portion 62, area of 30 acres 1 rood and Portion 78, area of 10 acres per Government Gazette 2 February 1892 Folios 885-887 from James Bligh and John Rutter respectively. The purpose of acquisition was for an Authorised work, that is, supply of water to Manly Village where the Minister for Public Works is the Constructing Authority.

As per Government Gazette 1 December 1922 Folios 6310-6311, the Minister for Public Works acquired the road between Portion Nos. 62 and 78 for the purpose of "...protection of the purity of

water supply at Manly..." and vested the land in the Minister for Public Works as the Constructing Authority.

Crown Plan 5768-3000 shows tinted in red the area of land acquired by Government Gazette 1 December 1922 Folios 6310-6311 and includes Lot 1 in DP 1200869.

Summary of Findings

- A title search undertaken of the subject property indicates the parcel is in the ownership of Minister for Public Works and is subject to S25A of the Crown Lands Consolidation Act 1913 and should be dealt with as Crown land as per Government Gazette 15 January 1965 Folio 91 then subsequently added to Crown Reserve R68892 per Government Gazette 23 June 1967 Folio 2261;
- Inquiries with Crown Lands by Northern Beaches Council revealed that the information contained in the title search is incorrect and the parcel is neither affected by S25A nor added to reserve R68892. Crown Lands referred to Crown Plan 19276-3000 which shows that what is now Lot 1 DP 1200869 is not included in the schedule of lands outlined in the Government gazettes.
- Crown Plan 10153-3000 shows the Manly Water Supply Catchment Area including the lands, Portions 62 and 78, acquired for Manly Water Supply vide Government Gazette 2 February 1892. The plan makes no reference to the acquisition of the road between Portions 62 and 78 which occurred per Government Gazette 1 December 1922. The plan shows that Portion 78 is the site of the Bantry Reservoir.
- Deposited Plan 91526 identifies the Bantry Reservoir site as Lot 1 in DP 91526 and appears to include the small triangular section of the road acquired in Government Gazette 1 December 1922, now Lot 1 DP 1200869.
- Deposited Plan 835123 is a Plan of consolidation of DP 91526 and DP 650855 and show that the small triangular section of land acquired by notification in Government Gazette 1 December 1922 is no longer included as part of the reservoir site.
- Deposited Plans 1200869 and 1200688 are both Old System title and have been subject to conversion action CA 172591 and CA 162143 respectively.
- The Notice of Vesting in Government Gazette 31 July 1953 Folio 2487 vests land in the Council of the Shire of Warringah but does not affect Lot 1 in DP 1200869.
- A physical inspection by Officers of Northern Beaches Council indicates that Lot 1 DP 1200869 is fenced and contains objects such as trailers and other things which appear to be used in conjunction with the operations of the reservoir.
- There does not appear to be a vesting notice which vests Lot 1 DP 1200869 to any other agency or Council, therefore the title remains in the name of Minister for Public Works.

Next Steps

I believe there are three options relating to resolving this matter as follows:

1. Discuss with Sydney Water as to whether they have any powers which could be used to vest/transfer the land to them, e.g. legislation, gazette, etc;
2. Undertake a transfer to Sydney Water as the likely beneficial owner;
3. Prepare a Briefing Note to the Minister advising of the planning proposal and seeking consent.


Conclusion

Option 1 is the most palatable outcome but would require the legislation or other powers to be invoked by Sydney Water, if they are applicable. Sydney Water would need to agree to accepting the land.

Option 2 will require a Briefing Note to the Minister. This is a lengthy process which may take several months. Sydney Water would need to agree to accepting the land.

Option 3 will require a Briefing Note to the Minister. This is a lengthy process which may take several months.

Paul Dorahy – Public Works Advisory



PS 603586 EMS 694237 OHS 603587

