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RE: DA2020/0552 - 181 Allambie Road ALLAMBIE HEIGHTS NSW 2100

DA 2020/055 181 ALLAMBIE RD

I strongly object to this D.A for the reasons outlined below:-

THE NATIONAL SIGNIFICANCE OF MANLY WARRINGAH WAR MEMORIAL STATE PARK.

Without question and noted in the Planning Panel's refusal of the application (D.A. 2018/1667) this development will have a seriously negative impact on the irreplaceable bushland and waterways of the adjoining Manly Warringah War Memorial State Park. This is a precious place, rich in biodiversity where over 300 native plant species, 120 plus bird species and 27 reptile species have been recorded. Currently the Federal Government (working in conjunction with the community and Northern Beaches Council) is funding biodiversity surveys to record species that have not previously been catalogued here:- such as a micro bat that actually swoops over the lake to fish (Myotis Macropus). So close to Sydney's CBD and acting as its "green lungs", the park is home to amazing threatened species such as the Eastern Pygmy Possum, the Red Crowned Toadlet and the Powerful Owl (all of which have been recorded at the proposed construction site). In fact the north eastern side of the park is especially rich in biodiversity. Curl Curl Creek, the main feeder creek to Manly Dam and Manly Lagoon (for which the subject site is a watershed) is home to the only population of Climbing Galaxias fish in Sydney. This is a Gondwanan relic- thought to have survived in this creek for 60 million years. It climbs up sheer rocks using its fins and breathes through its skin, but its continued existence depends on clean unsullied freshwater. Correspondingly, the lake into which this creek drains (Manly Dam) is the last place in Sydney where humans can still swim in unpolluted fresh water.

Manly Dam Reserve is additionally a "living" war memorial- in fact the only war memorial in Australia to be created by conserving natural bushland. The entirety of the park acts therefore as the memorial. Normally damaging or proposing to damage a war memorial incurs heavy penalties. It is also rich in Aboriginal cultural heritage. This was home to the Guringai people- whose history here dates back to 20,000 years before Sydney Harbour even existed. The park was included on the National Estate Register in 1997 and Northern Beaches Council has recently nominated it for both National and State Heritage listing. It was gazetted as a State Park in 2017- ostensibly to give it better protection from encroachment!

I believe that both State Park advisory committee and the MWWMP Trust should have been directly informed of planned intrusions into the park and been provided with a chance to carefully examine the proposal beforehand.

The community so values the park for its environmental, social, recreational and cultural importance that in 2002, four thousand people marched along Manly seafront demanding its protection from harmful developments. In the same year, Wakehurst Golf Club held the "Save Manly Dam Golf Classic". This was the world's first pro environment golf tournament and was attended by the Prime Minister, rock stars and four Olympic champions.

1/ ENVIRONMENTAL IMPACTS

On 3.9.19 the Northern Beaches Local Planning Panel refused consent for the previous D.A. on this site (DA 2018/1667). And most of the reasons for this refusal very much still stand:-

The proposed development is unsatisfactory in respect to Section 4.15 of the Environmental Planning and Assessment Act, 1979 (NSW) as the application is found to be inconsistent with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 having regard to: The proposed development is inconsistent with the requirements of Clause 29 in relation to its impact on the natural environment as stipulated in Clause 25 (5) (b)

Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) and Clause 12(1)(a) of the Warringah Development Control Plan 2011, the development is inconsistent with the following Clauses: Clause E2 Prescribed Vegetation; Clause E5 Native Vegetation; Clause E6 Retaining unique environmental features; and Clause E7 Development on land adjoining public open space

The fact that the proponent's own biodiversity assessments identified eight threatened species at the subject site...even more than the initial application (see below) confirms the rich biodiversity of this area.

Eastern Pygmy Possum
Large eared Pied Bat
Square Tailed Kite
Grey Headed Flying Fox
Powerful Owl
Large Bent Winged Bat
Red Crowned Toadlet
Little Bent Winged Bat

The presence of Eastern Pygmy Possum populations in the Sydney Region is significant. Its habitat within the study area has been assessed as high quality with very low levels of fragmentation and a high abundance of feed trees and shelter. This species is at particular risk from clearing, removal of dead wood and trees and increased predation associated with the proposal.

More needs to be known about the presence of the Eastern Pygmy Possum population in the locality and in the region, including approximate population size and extent. N.B. the (EPP) population was recorded on adjoining land owned by Sydney Water. In principal support was granted by Sydney Water for clearing native vegetation on their land to enable an APZ. But were they ever informed of the subsequent recorded presence of this threatened species? If so would consent still be forthcoming?

To try and compensate for the impact of threatened species the D.A outlines the intention of purchasing Bio-banking credits. This is well known to be a flawed system which is leading to the local extinction of many threatened species. The current review of the EPBC act is highlighting the damage to Australian biodiversity-including through offsets which often don't

genuinely exist or have been used multiple times for the same site.

What's more this is Crown land adjoining an environmentally significant public reserve. Surely plans to clear bushland not only on the subject site but into land classified by Council as a "Bio-significant" area and across the riparian zone of a fragile creekline, goes against every benchmark of environmental stewardship. It should be noted that adjacent lands are managed by Northern Beaches Council according to the aims set out in the Manly Warringah War Memorial Park PoM and the Urban Bushland Reserves PoM. These aims are not consistent with the implementation of APZs. Did the Crown Lands Department even consult with Council in regards to granting landowners consent to develop in such a sensitive area? Clearing on the edge of the park creates a much larger impact than the sum total of flora removed because it takes away an important vegetative buffer creating cumulative land degradation. The park will be left vulnerable to edge effects due to the removal shrub and canopy layers within the adjacent APZ. An extensive literature review has shown that this can be expected to extend at least 50 m (Bali 2005). Edge effects may include direct (e.g. microclimate and soil moisture changes) and indirect impacts (e.g. increased access to introduced predators and weed invasions).

The D.A. also fails to provide an assessment of how the proposed development is consistent with the principals of ecological sustainable development. In fact it contravenes many of those principals.

Ironically the proponent seems to think that removing complex and highly diverse bushland (for an APZ) and replacing it with native grass will have a net positive effect on the environmental values of the site. Sadly over the last few decades there has been little stewardship of the interface of the subject leased Crown land and the adjoining park. Invasive weeds have been allowed to proliferate. Surely the leasee of the Crown land should be required to carefully remove the invasive weeds and maintain the area...not eradicate the bushland ! How long will it be before those planted native grasses are allowed to be infiltrated again by introduced weeds as a result of yet more neglect?

Council, the state government and many community members are working hard at reducing the rate of environmental degradation in our catchment areas. If we don't protect them they will become burdens for future generations rather than being assets.

The protection of Manly Dam and Curl Curl Creek is dependent on the conservation of surrounding areas within the catchment. This includes the protection of riparian land and bushland areas. The proposed development is not compatible with the heritage conservation values of the adjoining park.

CLIMBING GALAXIAS.

There is no mention in any of the reports of the presence of the Climbing Galaxias fish (or any aquatic fauna) in the waterway that this proposed development will drain into. This is habitat for the only population of this fish in Sydney (reported to have existed in just one or two small creeks here for 60,000 years!) Clearing across the water catchment and interference with the water flow (through extensive excavation on site) is likely to sound the death knell for this amazing creature. (see attached notes on the Climbing Galaxias). Why is this important component totally absent from documents?

Warringah Creek Management Study (WCMS) 2004

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

A significant portion of the site is identified as a riparian buffer of Curl Curl Creek. Curl Curl Creek is classified as a Group A creek meaning it has very high ecological value and less than 10% connected impervious area (WCMS 2004)." "Generally, Group A creeks can sustain very little further development before their aquatic ecosystems will change substantially, especially when they are close to natural condition and minor perturbations can have a major impact (WCMS 2004)." "A large part of the site has been mapped as riparian lands by Council. Part E 8 Waterways and Riparian Lands. Part E 8 lands prescriptively must not have Asset Protection Zones located on them."

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

Seniors housing (SEPP5)

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

This includes:

- all land within riparian zones of any creeks;
- all land within riparian buffers of Group A and Group B creeks; and
- all land within the catchment of Group A creeks.

Principle (for Group A and B creeks):

Preserve all natural components that contribute to ecological value - particularly stream flow, water quality and flora/fauna.

Performance criteria include:

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

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

STORMWATER IMPACTS.

The expansion of the nearby Manly Vale Public School (DA 2015/0597) was ultimately approved by the Regional Planning Panel (on the casting vote of the Chairman) and against Northern Beaches Council staff advice. This development, also adjoining the War Memorial Park is on a similarly steep slope (draining into Manly Creek). Since construction commenced, there have been over 20 shocking pollution events recorded with silt, sediment and mud flowing into local waterways. The EPA and Northern Beaches Council, have extensive documented evidence of the failure of stormwater management controls in times of heavy rain on land with a high gradient.

Clearing bushland in a riparian zone will totally exacerbate this problem. The area drains into Manly Dam, the last swimmable freshwater lake in Sydney. The damaging impacts of urban run-off, erosion, sedimentation and land clearing can't be completely mitigated by engineering. Surely this is not acceptable in a sensitive catchment area. There will be additional hydrological and ground water problems with deep excavation for car parking and the creation of extensive impermeable surfaces. It has been well proven that on-site detention and retention measures can't cope in heavy rain events (I have extensive footage of mud flowing into Mermaid Pool, Manly Vale from the MVPS development). The Waterway Impact Statement suggests that the riparian landscape will be "enhanced". In reality, much of it will be totally removed for the proposed APZ. There are additional concerns with the intended use of flocculants to clear

muddied stormwater. These chemicals would also pose an environmental threat to downstream aquatic life. The viability of Manly Dam as the last Sydney location where you can safely swim in freshwater has been at tipping point for years (there is a propeller near the dam wall that has to oxygenate the water to prevent blue green algae). If further developments like this are approved, the water quality will deteriorate further.

ZONING ISSUES, AGE CARE REALITY AND FIRE HAZARDS.

This Crown Land parcel is not zoned for medium density so how could an additional 24 units possibly be approved here. Apartment buildings are not listed as a permitted use in the low density R2 zone. (WLEP2011)

The original lease was to the Benevolent Society who originally established a facility for disadvantaged elderly people. This current proposal by Allambie Heights Village is for over 55s "Luxury" units which seems to be totally contrary to the spirit of the original lease and at odd with the provisions of the Local Environment Plan. It also has a negative impact on the local amenity not just for residents of the current establishment (who will lose open space) but also the local community- for whom it has provided invaluable green space and respite during the Covid 19 crisis.

If the new buildings are genuinely for the aged and people with a disability, then building so close to bushland in times of increased fire risk makes no sense. . "The Rural Fires Act (Planning for Bush Fire Protection) specifically discourages locating Special Purpose Developments within bush fire prone land."

In WLEP2000 the site was included in the G11 (Aquatic Drive) Locality in Manly Dam Catchment. In this Locality Statement, DFC clauses include:

The locality "will be characterised by a mix of bushland and a variety of low intensity uses to protect the sensitive nature of the locality". The relationship of development in the entire locality with bushland both outside and within the locality will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops and remnant bushland. Existing creek and natural watercourses are to remain undeveloped and are to include a riparian buffer zone comprising appropriate vegetation. Development is to include measures to minimise the potential impacts upon the water quality of Manly Dam. In WLEP2011 the subject site has been zoned R2 (low density) residential.

Crown Lands Act

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

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

The proposal does not comply with these Principles

Crown Reserve

The Crown land was zoned Special Uses (Public and Semi-public Purposes) in WLEP 1985. The Crown land is reserved for 'Future Public Requirements'. The proposed private development for seniors housing is not consistent with the public and semi-public purpose for which the land was reserved.

NOT IN THE PUBLIC INTEREST.

The public Interest paragraph in The Statement of Environmental Effects report appears dubious. The additional supply of seniors housing, it seems, will only be at the "Luxury" end of the market (as reported on the Allambie Heights Village web site). The scale and intensity of the development is not suitable for the site, which is adjacent to a bushland reserve and the supposed amenity of the residents is largely eclipsed by overdevelopment.

To say that "The proposed development will generally have positive environmental impacts and acceptable impacts on the amenity of neighbouring properties and that the proposed development is therefore considered to be in the public interest"... could hardly be further from the truth. In fact as well as removing biodiversity and habit, extensive soil disturbance will leave the adjoining State Park much more vulnerable to the impact of invasive weeds.

(I have been a resident of the Northern Beaches for 30 plus years and have learned to fully appreciate the incredible biodiversity of Manly Warringah War Memorial park in that time. I have also witnessed how inappropriate encroaching development has degraded and diminished high conservation value areas in that time. I firmly believe we need to protect places like this for future generations).