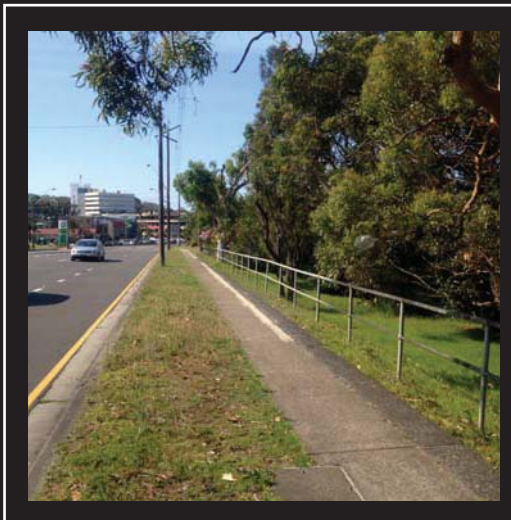
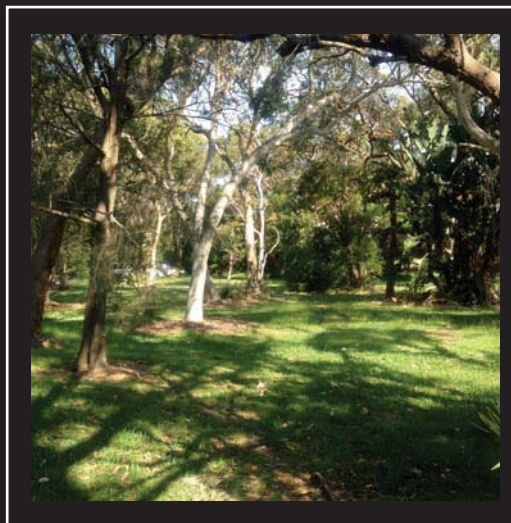


for  
**Pittwater Council**

# **Reclassification of Council Land & LEP Amendment**

**Kitchener Park, Lot 2 DP110299 & Lot 3 DP251053  
No. 1596-1598 Pittwater Road, Mona Vale, NSW**

# **Planning Proposal**

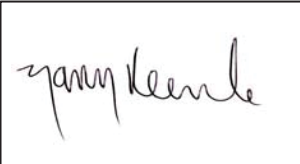


**Outline Planning Consultants Pty Ltd**  
Project Managers  
Planning Consultants

**September 2013**

Author:	Gary Peacock (BTP UNSW) Managing Director Outline Planning Consultants Pty Ltd
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Dated:	September 2013
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Signed:	
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***Planning Proposal  
for Pittwater Council  
Reclassification & Rezoning  
Public land  
Kitchener Park,  
No.1596-1598 Pittwater Road,  
Mona Vale NSW***

***September 2013***



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## **Annexures**

*Annexure A: Council Resolution to Reclassify the Land December 2011*

*Annexure B: Department of Planning & Infrastructure Compliance Checklists*

*Annexure C: Concept Plan Prepared by Antoniadis Architects + SEPP 65 checklist*

*Annexure D: Survey of Site*

*Annexure E: Flora & Fauna Assessment by Footprint Green*

*Annexure F: Traffic Assessment Thompson Stanbury*

*Annexure G: Geotechnical Report by Crozier Geotechnical Consultants*

*Annexure H: Practice Note: Classification and Reclassification of Public Land*

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# 1 Introduction

## 1.1 Overview

The report is in relation to the proposed rezoning and reclassification of Lot 2 in DP 110299 and Lot 3 DP 251053, at No. 1596-1598 Pittwater Road, Mona Vale ("the Site", "Lots 2 and 3"), in accordance with a resolution of Pittwater Council in December 2011- refer **Annexure A**. The land is Council-owned land and is situated in the far southern section of Kitchener Park, physically separated from the active and passive open space areas of the park. The site is currently zoned for open space purposes-zoned 6(a). Refer *Figure 1* and *Figure 2*.

This Planning Proposal has been prepared by Outline Planning Consultants Pty Ltd on behalf of Pittwater Council in accordance with s.55 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and the relevant guidelines prepared by the NSW Department of Planning & Infrastructure comprising:

- *A Guide to Preparing Local Environmental Plans* (April 2013)
- *A Guide to Preparing Planning Proposals* (October 2012)
- LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan*, included as an annexure.

Refer to compliance checklists for the above NSW Department of Planning & Infrastructure guidelines, contained in **Annexure B** of this report.

## 1.2 Council Resolution to Reclassify the Site

Following Pittwater Council's formal adoption of the recommendations contained within Kitchener Park Plan of Management in September 2009, Pittwater Council resolved, inter alia, on 19 December 2011 to reclassify and rezone the site - refer **Annexure A**. The resolution is as follows:

- "1. That Council grants Owner's Consent to the submission of the Kitchener Park Planning Proposal.*
- 2. That Council delegates authority to the General Manager to execute all documentation, and make all applications required under this process.*
- 3. Notes the statutory process to be adopted for the re-zoning and re-classification, including the provision for a public hearing.*
- 4. That all proceeds from any land sales within Kitchener Park be expended on Kitchener Park or Village Park improvements."*

## 1.3 Planning Proposal

The Planning Proposal seeks to enable the site to be developed for medium density housing- refer **Annexure C**, *Figure 13* and Section 2.4 for details of the Concept Plan prepared in support of the planning proposal. Gazettal of the LEP will enable the subsequent redevelopment of the site for medium density housing purposes. This will be achieved by rezoning the site 2(a) Residential A and identifying the site on Council's Flat Map by the symbol "2". The rezoning also will entail reclassifying the land from 'Community' to 'Operational'. This will require a suitable amendment to be made to the Pittwater Local Environmental Plan 1993, as amended ("Pittwater LEP").

The Planning Proposal has been also informed by specialist inputs in the fields of urban design (**Annexure C**), surveying (**Annexure D**), flora and fauna (**Annexure E**), traffic (**Annexure F**) and geotechnical issues (**Annexure G**). A flooding study has also been undertaken within Kitchener Park- refer Section 1.8 of this report for details.





## 1.4 Statutory Obligations of Pittwater Council

Pursuant to Section 55 of the Environmental Planning & Assessment Act 1979 ("EP&A Act") Pittwater Council is required to prepare a Planning Proposal report in support of the rezoning of the site from Open Space to a zoning that permits medium density housing. At the same time, it must also reclassify the subject land as 'Operational' land for the purposes of the Local Government Act 1993.

Under Section 27 of the Local Government Act 1993 all Council-owned land must be classified as either 'Community' or 'Operational' under a local environmental plan (LEP). The purpose of the classification is to identify Council-owned land to be kept for use by the general public (Community) and land which need not (Operational). In general, a local council has no power to sell, exchange or otherwise dispose of Community Land. No such restrictions on the sale, lease or licensing of land apply to Operational Land. Community Land generally includes public parks and the like- like Kitchener Park. Operational Land generally includes land for carrying out a local council's functions as well as land held for investment or land disposed of by way of sale.

Section 30 of the Local Government Act 1993 allows the reclassification of Community Land as Operational Land by way of an LEP. The land to be reclassified will be included in Schedule 13 of the LEP. Council is also under an obligation to give notice of its intention to reclassify the Site from Community to Operational, and to discharge any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

## 1.5 Issues Addressed in this Planning Proposal

The format of this Planning Proposal is based on and complies with Department of Planning & Infrastructure *Practice Note PN 09-003*, as well as *A Guide to Preparing Planning Proposals* (October 2012) and *A Guide to Preparing Local Environmental Plans* (April 2013). This Planning Proposal includes the following:

- Part 1-A statement of the objectives and intended outcomes of the planning proposal- refer to **Section 2** of this Planning Proposal.
- Part 2- Explanation of the provisions of how the objectives and intended outcomes are to be achieved- refer to **Section 3** of this Planning Proposal.
- Part 3-Justification for the planning proposal, including community benefit analysis- refer to **Section 4**.
- Part 4-Mapping details, to identify the intent of the planning proposal and the area to which it applies - refer to **Section 5**.
- Part 5-Details of the community consultation that is to be undertaken- refer to **Section 6**.
- Part 6- The anticipated project timeline for the rezoning- refer to **Section 7**.

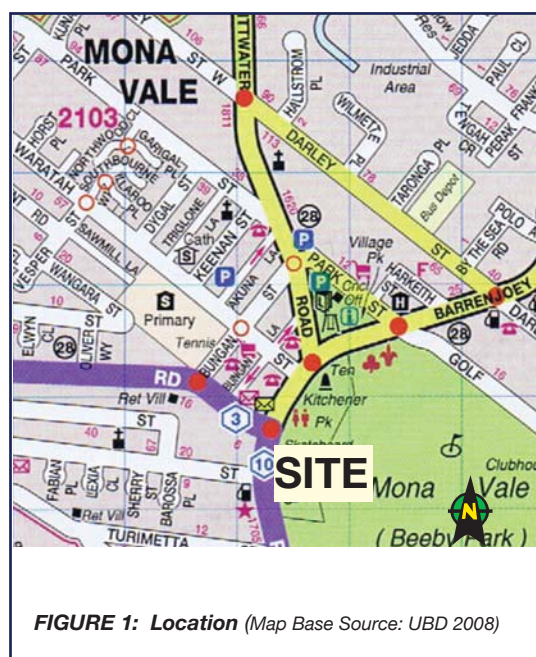
Related to the above, the following matters are also considered as a part of this planning proposal:

- Any proposal to extinguish or retain other interests in the land through the reclassification and justification / explanation as to why such interests are being extinguished.
- Proposed LEP amendment associated with the reclassification of the site.
- Consideration of any relevant section 117 directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
- The reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal.



- The current and proposed classification of the land and the reasons for the reclassification including how this relates to Council's strategic framework and Council's proposed future use of the land.
- Council's history of ownership of the land and the nature of council's interest in the land. Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land.
- An indication of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise. Council will fund the reclassification and once the land is rezoned and will recover the costs from funds realised from the subsequent divestment of the land. In this regard, it is understood that the land should generate a residual land value of in excess of approximately \$5 million.
- Pittwater Council's asset management objectives being pursued, the manner in which they will be achieved and the type of benefits Council wants. In addition, it is also relevant to note that there is no agreement in place for the future sale or lease of the land.
- Relevant matters required in plan making under the EP&A Act. This part of the planning proposal assesses some of the likely environmental impacts of the concept proposal, prepared by Antoniadis Architects, to confirm its suitability for the site- refer **Annexure C**.

## 1.6 Site Description



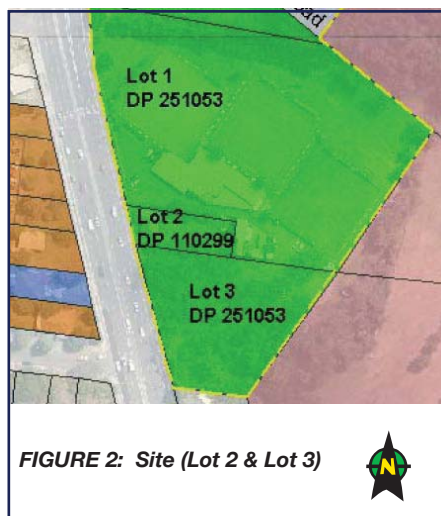
The site is located within the Pittwater Local Government Area (LGA) and is located adjacent to the Mona Vale Town Centre (Figure 1 & Photograph 1).

It is bound by Pittwater Road to the west, and by recreational, commercial, retail, and residential development to the north, west, east and to the south. It contains a number of trees with no native understorey and a well-maintained grass ground cover. The site comprises Lot 2 in DP 110299 and Lot 3 DP 251053 at No. 1596-1598 Pittwater Road, Mona Vale. The two lots are owned by Pittwater Council. Refer to Figure 5. A survey plan is included at **Annexure D**. The north east corner of Lot 3 is used informally for overflow parking for the neighbouring Mona Vale Bowls Club. The smaller allotment- Lot 2- is occupied by a single storey brick residential dwelling, which is owned by Council.

The site is located abutting the main traffic artery serving the northern beaches, Pittwater Road, and is adjacent to the town centre of Mona Vale. The site lies opposite the intersection of the regional roads of the Pittwater Road and Mona Vale Road. Bus stops are located in close proximity, to the north and south of the site. The full range of utility services is currently available to the site including electricity, telecommunications, gas, water and sewer.

The site is irregular in shape and has a combined area of 5,379 square metres (approx.).





- Lot 2 DP 110299, situated at No. 1596 Pittwater Road, has an area of 926m<sup>2</sup> (approx.), is Council-owned land, zoned Open Space. It has a frontage to Pittwater Road of 19.57m and a depth of between 45.73m-52.69m.

- Lot 3 DP 251053, situated at No.1598 Pittwater Road, has an area of (4,447m<sup>2</sup> approx.), is Council-owned land, zoned Open Space. The boundary dimensions comprise 90m along the western Pittwater Road boundary, 76m along the eastern boundary with the Mona Vale Golf Course, 36m along the southern boundary, and 100m along the northern boundary (at the widest extent of Lot 3). Lot 3 was transferred to Pittwater Council by the County of Cumberland in 1964. The intervening period has seen Kitchener Park developed by Council to provide wide-ranging recreational and sporting facilities. Since then, most of Kitchener Park has been developed by Council as a regionally

significant, active open space area. However, as Lot 3 is isolated and disconnected from the remainder of Kitchener Park, it does not function as a public park, envisaged when the land was originally handed over to Council some 50 years ago. As such, the public purpose of Lot 3 (and Lot 2) no longer needs to continue, given the growth and development of the remainder of Kitchener Park as a regionally significant recreational facility, the physical dislocation of the site from the remainder of Kitchener Park and the very low utilisation of Lot 3.

## 1.7 Existing Classification of Land

Lot 2, DP 110299 at 1596 Pittwater Road is Council-owned land, classified as Community Land and zoned Open Space. It is free from any encumbrances, but its divestment is constrained by its classification. Lot 3, DP 251053 – 1598 Pittwater Road, is Council-owned land, classified as Community use and zoned Open Space. Its divestment is constrained by its classification. Lot 3 is also encumbered by a Declaration of Trust which must be discharged before it can be divested. The Trust has been imposed by the NSW Department of Planning & Infrastructure to preserve this land as a public park. An Local Environmental Plan (LEP) to re-classify and re-zone both parcels, which is required to enable divestment of these properties, will also remove the Trust.

## 1.8 Existing Development

The key existing features of the site to which this Planning Proposal applies are described below. The site was assessed by Council town planning in July 2009 and in the adopted September 2009 Kitchener Park Plan of Management report. This assessment builds on these earlier assessments.

### ■ Site Features and Built Form -

Lot 3 is unoccupied. The north-east corner of the lot has been used for periodic overflow car parking from the neighbouring bowls club, however, the extent of this usage is understood to be very limited. The remainder of the lot contains a number of scattered trees, with a maintained grass ground cover, with no understorey or scrub layer. Refer *Photograph 3*. A Drainage Easement runs along the southern boundary of Lot 3.





**PHOTOGRAPH 1: Existing dwelling on Lot 2**  
 (View from Pittwater Road frontage)

Lot 2 DP 110299, situated at No. 1596 Pittwater Road, has an area of 926m<sup>2</sup> (approx.), is Council-owned land, classified as “Community” land and zoned Open Space. It has a frontage to Pittwater Road of 19.57m and a depth of between 45.73m-52.69m. Currently erected on Lot 2 is a single storey brick cottage, with no known heritage value. The residence is currently held under a Residential Tenancy Agreement. The dwelling is structurally sound, but is in need of major renewal and refurbishment. Refer *Photograph 1*.

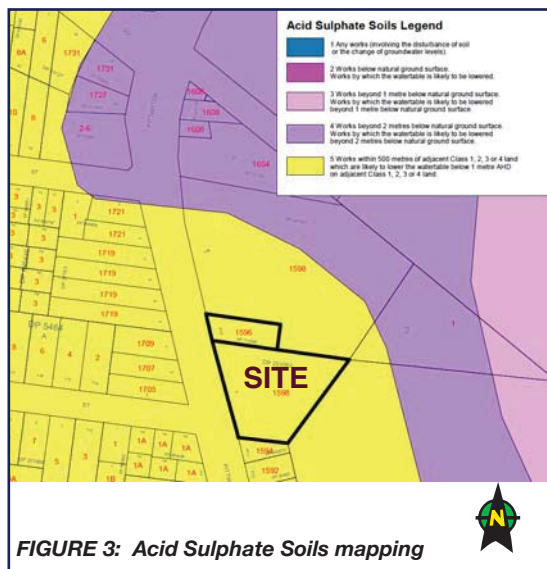
The site forms a part of Kitchener Park, which has a total area of 7.16ha.

- **Topography** - The topography of the site is undulating, with a sharp fall from the footpath level on Pittwater Road of approximately 1.5m. With the exception of the sharp drop from the road, slopes on the site are generally 7-9%.

Elevations on Lot 2 range from RL 13.2m at the Pittwater Road frontage, to RL 8.76m at the rear, abutting the neighbouring bowls club property.

Elevations on Lot 3 range from RL 13.2m-14.2m at the Pittwater Road frontage, to RL 7.93m at the rear, abutting the bowls club site.

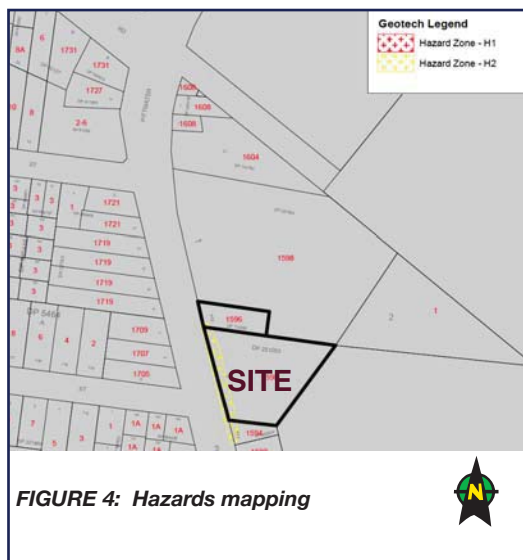
- **Acid Sulphate Soils** -



The site has acid sulphate soils of Class 5 – coloured yellow on *Figure 3*. Class 5 Acid Sulphate Soils are works within 500 metres of adjacent Class 1, 2, 3 or 4 land- the latter being more susceptible to acid sulphate soils.

No Acid Sulphate Management Plan is thus required prior to development of the site.

■ **Hazards -**



Pittwater Council Geotechnical Hazard Mapping indicates that a thin strip of land, corresponding to where there is a sharp drop in level from the footpath level on Pittwater Road, is within Hazard Zone H2.

The Site has no other parts identified as being within any hazard classification.

Refer Figure 4.

- **Drainage and Flooding** - As a part of the Land Capability Study of Kitchener Park and surrounds, undertaken in support of this Planning Proposal, a preliminary assessment was undertaken to consider, at a broad level, drainage and flooding potential. The findings of this study are summarised below.

Drainage - The Site contains an existing pipeline and open creek line, within a defined easement, at its southern end. A number of drains and creek lines occur to both the north and east of the Site on the neighbouring Mona Vale Golf Course. Piped drainage systems that cross Pittwater Road south of Jenkins Street flow through Mona Vale Golf Course to the south do not affect flood behaviour at the Site. The piped drainage catchments that cross Pittwater Road from the Rowan Street, Turimetta Street, and Vineyard Street catchments, together with the Mona Vale Road catchment, all have potential to affect flood behaviour in the Study Area.

Flooding - No detailed flood study has been carried out for the Mona Vale CBD and Golf Course catchment. However, a flood study was conducted in late 2008 to determine the likely impacts of the proposed regional skate facility in Kitchener Park (WMA Water Study, 2008). The results of the WMA Water Study 2008 have been used to provide a preliminary assessment of flood behaviour in and around the Site. It should be noted that the WMA Water Study recommends that "a detailed drainage assessment would be required to determine the precise nature of overland flow crossing Pittwater Rd." It is unlikely that the Site would be impacted by sea level rise in the next 100 years. From the results of the WMA Water Study, it can be inferred that some flooding of the lowermost areas of the Site along the eastern boundary is likely. However, flooding is unlikely to be a major constraint on any future development of the site.

- **Vegetation & Habitat Values** - As a part of the Land Capability Study of Kitchener Park and surrounds, a preliminary assessment was undertaken to consider, at a broad level, characteristics of vegetation on the Site and environmental values generally. The findings of this study are summarised in the following.





**PHOTOGRAPH 2: Existing Lot 3**  
(View showing park-like nature of the land)

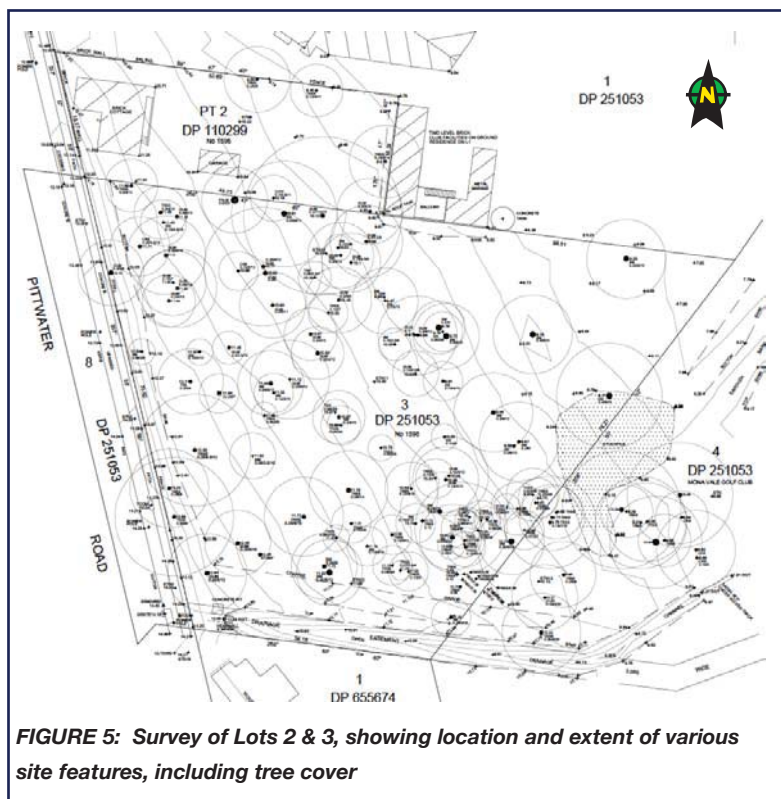
Vegetation - Vegetation found on the Site are that of remnant Sclerophyll forest with scattered Eucalypts and Acacias, with no native understorey. The grassed area underneath the trees has been regularly slashed (source: Pittwater Council). There is limited habitat value, given the adjacent location to a six lane road (Pittwater Road), Mona vale Golf Course and residential development to the south.

Currently the site has a park-like appearance and consists of an open mown grass area, with no understorey shrub vegetation and an indigenous tree canopy.

Although some indigenous species remain, the vegetation on the site is not considered to be adequately representative of the structure and floristics of the natural vegetation that would have occurred on the site and therefore the site is not considered to be bushland for the purposes of the

SEPP No. 19 Bushland in Urban Areas.

The survey prepared by Steve Davey + Associates, Land and Engineering Surveyors attached at *Figure 5* and **Annexure D** denotes that location of trees, together with the radii of trunk and spread and height.



**FIGURE 5: Survey of Lots 2 & 3, showing location and extent of various site features, including tree cover**

The limited extent of canopy of the trees is evident in the accompanying *Photograph 2*. *Photograph 2* shows the cleared understorey and the concentration of trees and existing lawn area. The Site contains at least 12 tree species including some planted specimens. Refer *Figure 5*, showing location of trees found on the Site. No native grasses or shrubs are present.

Fauna - The site is not considered to be critical habitat for the purposes of the Threatened Species Conservation Act 1995 (NSW).

The Site is not classified/ mapped as an Endangered Ecological Community. The Site is mapped as a Category 2 Wildlife Corridor – it links to canopy trees to the north-east on the golf course, but does not link to any corridors south or west due to the minimal habitats associated with Pittwater Road and adjoining residential properties. A proportion of the trees (which are in good condition and have medium useful life expectancies on-site could feasibly be removed – subject to detailed design and arboricultural assessment at the Development Application stage.

In terms of biodiversity and critical habitat, the site should not pose an obstacle to well-designed and sustainable development. Refer flora and fauna assessment by Footprint Green, at **Annexure E**.

- **Services** - The site is served by Sydney Water's sewer and water system, Integral Energy's power grid and various telecommunications services. The Pittwater Road frontage contains these public utility services. Presently there is only one vehicular entry point to the Site which is off Pittwater Road. This access point serves the existing dwelling located at No. 1596 Pittwater Road. Traffic and access issues are addressed by traffic consultants Thompson Stanbury Associates in **Annexure F**.
- **Other constraints** - Based on the Section 149 certificates issued by Pittwater Council on 19 October 2011, the other features of the Site include the following:
  - The site is not affected by any mainstream flooding or flood related development controls.
  - The site has not been identified as comprising critical habitat. The land is not affected by any property vegetation plan under the Native Vegetation Act 2003.
  - The land is not affected by landslip, bushfire, subsidence, or any other risks.
  - The land is not affected by mine subsidence.
  - The Site is not affected by coastal hazards.
  - The land is not affected by any proposed acquisition, road widening or realignment.
  - The land is not affected under the Contaminated Land Management Act, 1997.
  - There are no known Aboriginal sites on the land.
  - The land is not a heritage item, nor has any heritage significance

Spatial constraints mapping has been undertaken for the site by Council town planning in July 2009. It assessed environmental, hazard, infrastructure, visual and cultural constraints to development. It concluded, inter alia:

*"The detailed spatial investigation determines that there is moderate constraint to intensification of development for the [site] and the Kitchener Park property in general... However...that constraint is as [a] result of a broad classification of that land as Wildlife Corridor Category 2 – no other constraint applies.*

*Provided this restriction to intensification of development can be addressed by design, no reason is seen as to why these properties aren't generally suitable for intensification of development.*

**Given the adjoining and nearby forms of development it is considered that the most appropriate form of intensification other than the existing land uses would be Multi Unit Housing**".[our emphasis]





**PHOTOGRAPHS 3 & 4: Views from within the Site, showing the cleared under storey and scattered tree stands. Photograph 8 (left hand photograph) is from within the centre of the Site looking back towards Pittwater Road. Photograph 9 (right hand side) is from within the centre of the Site looking south-east.**

## 1.9 Surrounding Development

The site is a part of a park located within an established area of Pittwater LGA, diagonally opposite the Mona Vale Town Centre, Pittwater's largest urban centre.

- **Kitchener Park** - The site forms a part of Kitchener Park, described in the adopted Plan of Management as follows:

*“ Kitchener Park forms part of a wider section of open space being adjacent to Mona Vale Golf Course (Beeby Park), Mona Vale Beach and Village Park. The northern section of the park is adjacent to Mona Vale retail centre and the convenience associated with retail areas such as cafes, library, super markets and speciality shops. The western boundary of the park is defined by Barrenjoey and Pittwater Roads and their primary intersection with Mona Vale Road which connects this location directly with Sydney's north-western suburbs and local bus services. The park accommodates on-site parking for park users, shoppers and commuters.*

.....

*Kitchener Park is an extremely modified landscape bearing little similarity to the original land profile. Most of the study area was originally low-lying swampland that has been cleared, filled and graded to form the flat playing fields.”*

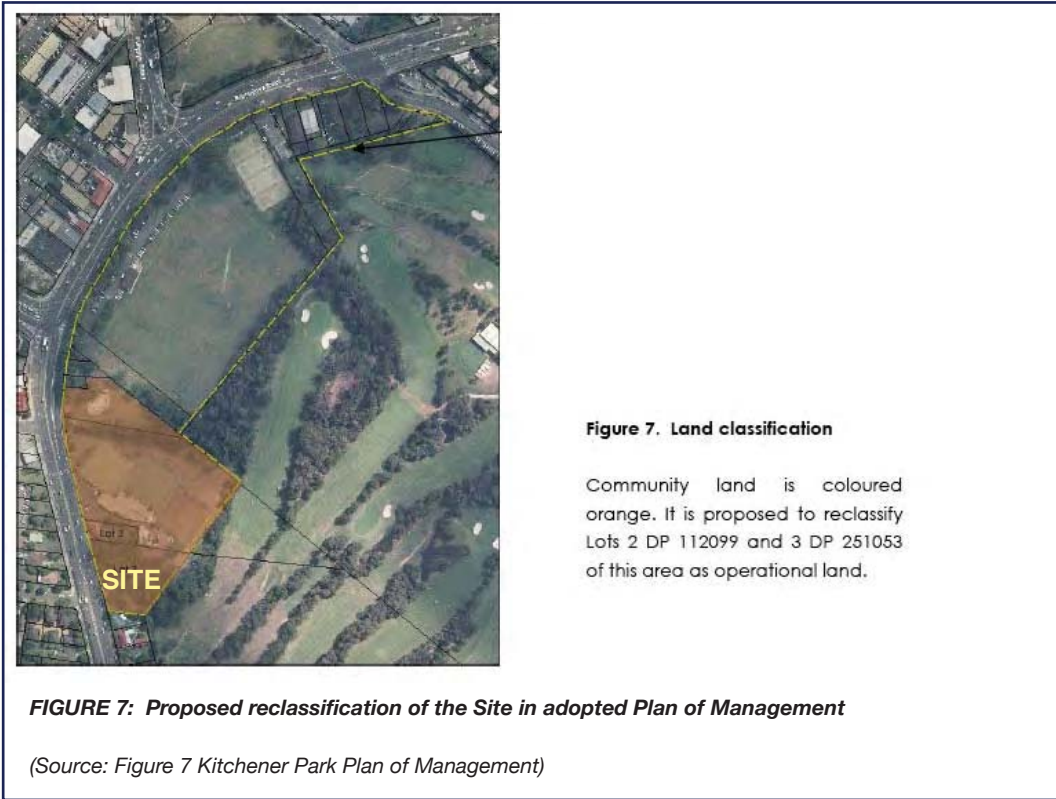
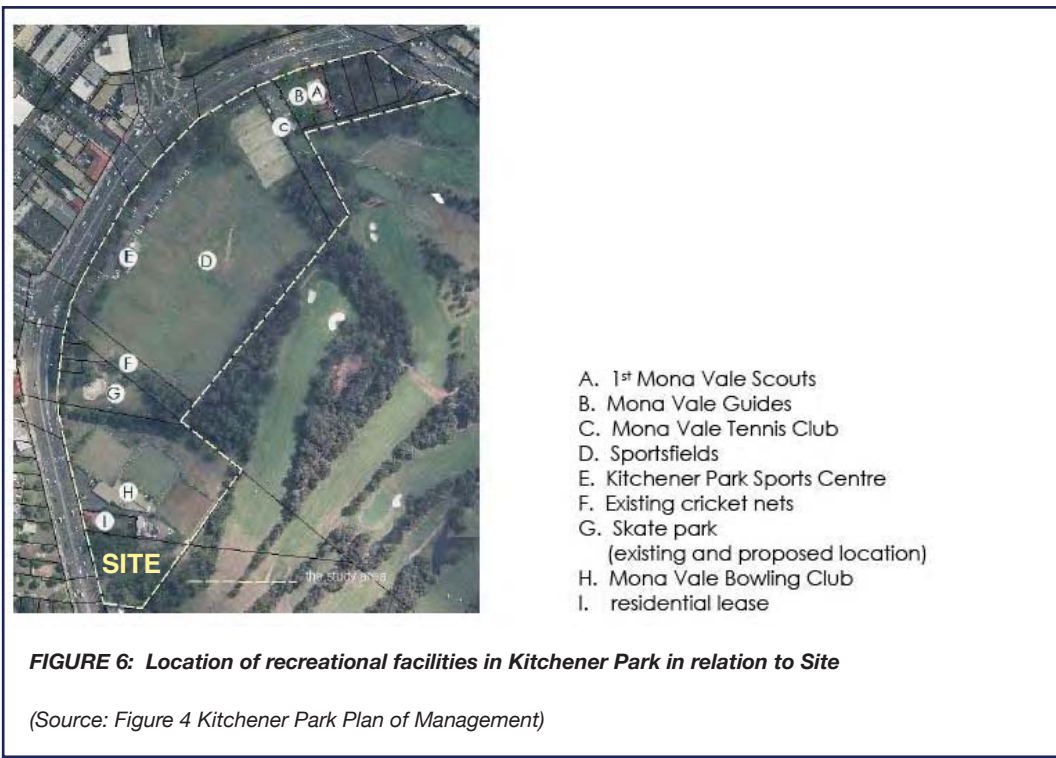
(Source: Kitchener Park Plan of Management adopted 7 September 2009 pp 10-11)

The northern section of Kitchener Park provides for a wide range of sporting facilities, including tennis courts, playing fields, cricket pitch, skate board park, girl guides/scouts hall. Nearest the site, immediately to the north, is the Mona Vale Bowling Club. The site is at the far southern end of this park complex. It is physically disconnected from the main recreational activities within the park complex, and is too small to accommodate any active recreational activities. It is currently used for 'passive' recreational use only.

The adopted Kitchener Park Plan of Management recommends that the site be reclassified as Operational Land. Refer to accompanying *Figure 6* and *Figure 7*. It also proposed the creation of a riparian corridor within that part of the park described as Precinct 6 (*Figure 8*).





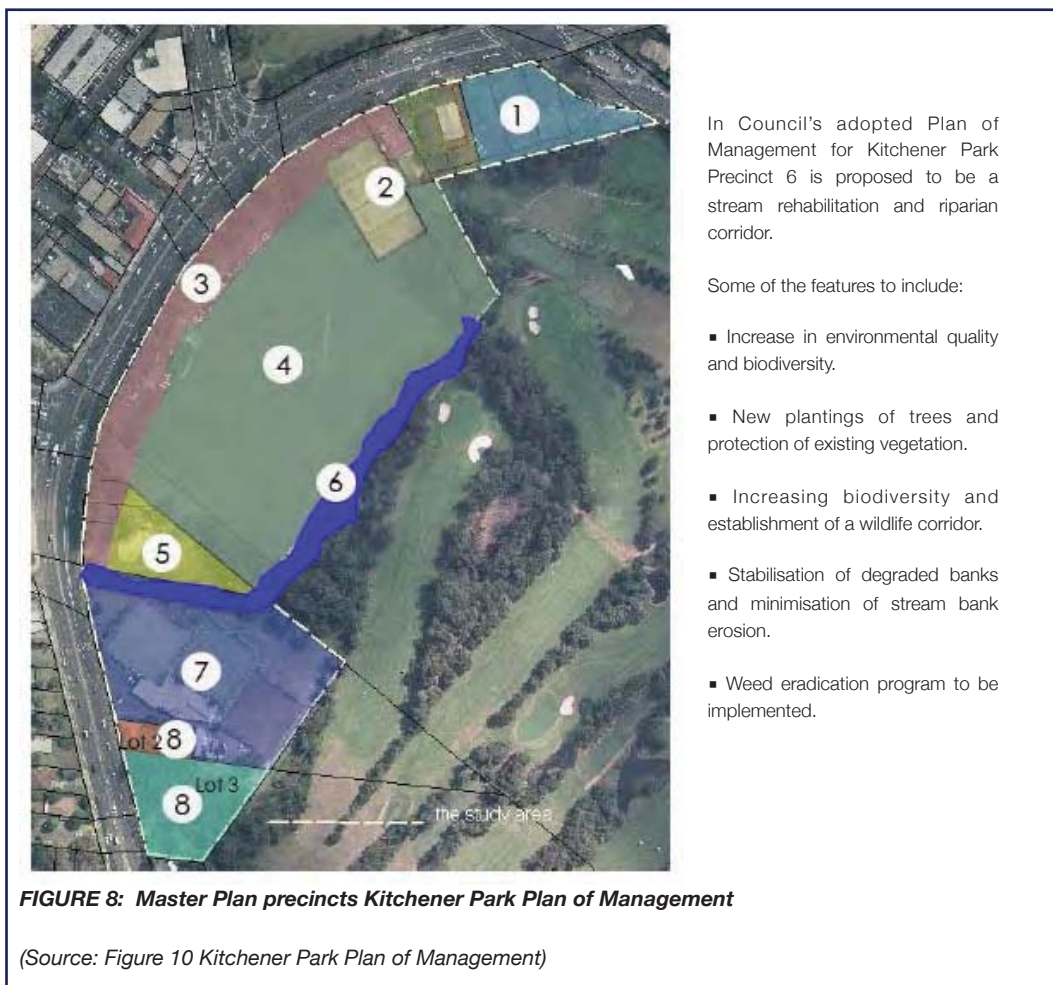


The adopted Plan of Management for Kitchener Park states:

*"Kitchener Park is valued by the community for its wide range of passive and active open space areas. The park provides for football, cricket, tennis, lawn bowls, scouts and guides as well as open space for relaxing outdoors. However, almost all recreational facilities and infrastructure in Kitchener Park require some upgrading"*

*(p.5 of adopted Kitchener Park Plan of Management).*

To the north of the lawn bowls club is a skateboard park. The facilities there are in need of significant upgrading, which is proposed to include floodlighting, new and expanded skateboarding surfaces, fencing, seating and fencing. The plan of management community consultation found a broad and strong community support for such an upgrade.





- **Other surrounding land uses** - The immediate surrounds comprise a variety of land uses which are described below. Refer also to *Figure 9*.

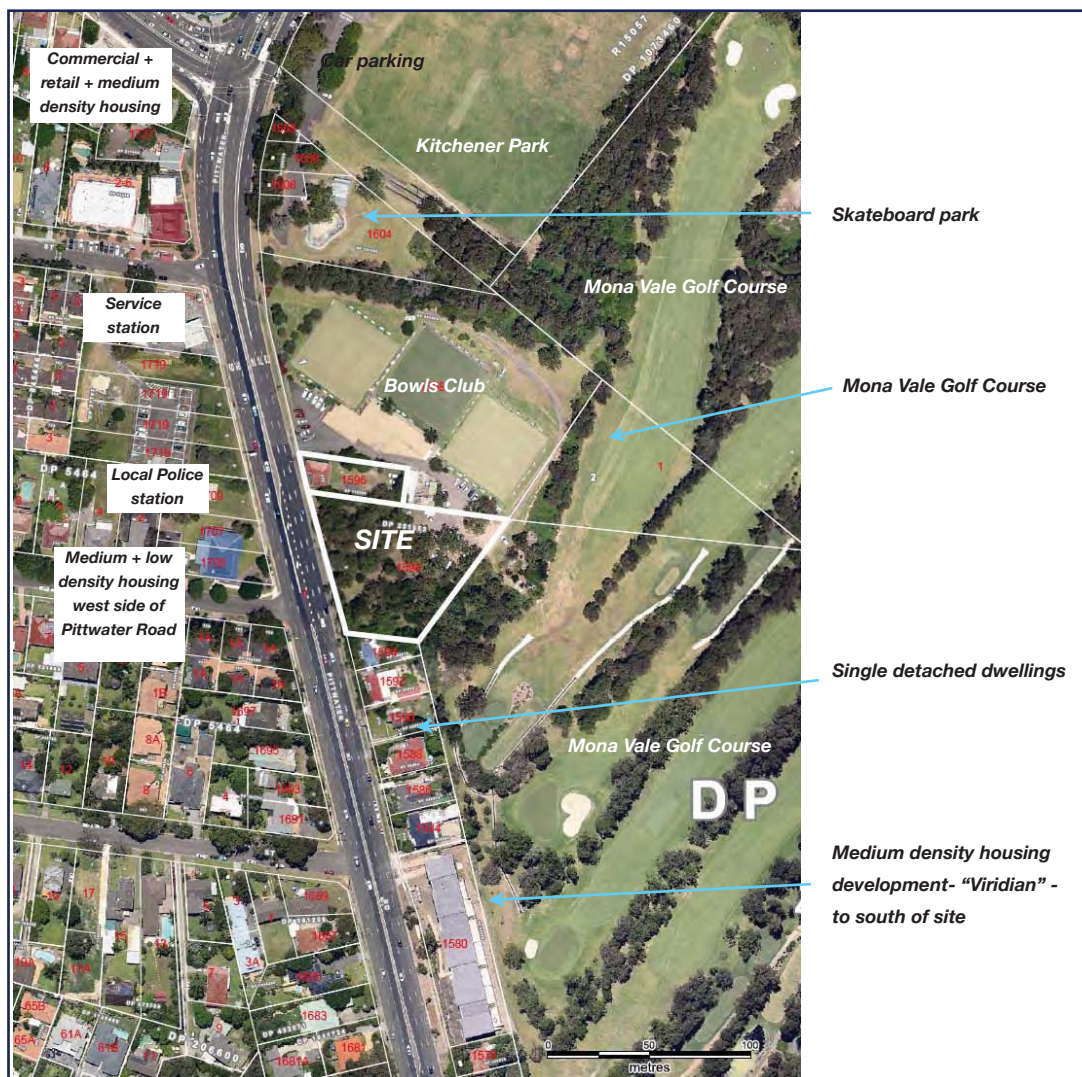


**PHOTOGRAPHS 4 & 5 (above):** The neighbouring Mona Vale Bowling Club abuts the northern boundary of the Site (view from Pittwater Road- left hand photograph). The north east corner of the Site is used informally for overflow parking for the bowls club (right hand photograph)



**PHOTOGRAPHS 6 & 7 (above):** The local Police station is situated opposite the Site, on the west side of Pittwater Road (left hand photograph). To the south of the Site is a medium density development fronting Pittwater Road- "Viridian" (right hand photograph)

- **North** - The site is located in close proximity (within 200m) to the Mona Vale Town Centre and attendant retail, commercial and community facilities. The centre is also a transport hub for local bus services servicing the northern peninsula and areas to the south and to the west. A major bus stop is located a few hundred metres away from the site, on the Pittwater Road frontage. To the immediate north of the site lies the Kitchener Park area and the local lawn bowls club.
- **South** - Residential lots, including land developed for medium density housing, lies to the south.
- **East** - The land immediately to the east comprises a local golf course, Mona Vale Golf Course.
- **West** - The major arterial road of Pittwater Road forms the Western boundary to the Site, with low and medium density housing, as well as commercial and other related uses on the west side of Pittwater Road.



**FIGURE 9: Surrounding land use**

(Source: Pittwater Council aerial photography)



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## 2 Objectives & Intended Outcomes

### 2.1 Overview: Objectives or Intended Outcomes

The Under the provisions of Section 55(1) of the Environmental Planning and Assessment Act 1979, an explanation of what is planned to be achieved by the proposed amendments to the Pittwater LEP 1993 is required. This requires an understanding of:

- Existing town planning controls applicable and intended planning outcomes for the Mona Vale Town Centre.
- Council's adopted Plan of Management for Kitchener Park, which identifies the site for reclassification and rezoning. The decision by Council on 7 September 2009 was the catalyst for this planning proposal. It gives effect to Council's resolution to redevelop Kitchener Park, to provide for new riparian corridors, and to reclassify the site and use funds from the sale of the land for much-needed improvements to this park, and in particular, an improved skate park facility. The Planning Proposal needs to be understood in the context of the recommendations and master plan contained within Council's adopted Plan of Management for this park.
- The outcome of rezoning the site is expressed in the form of a concept for a medium density development proposed for the land, following rezoning and reclassification of the site.

The overarching purpose of the planning proposal is to give effect to the recommendation contained in Council's adopted Kitchener Park Plan of Management to reclassify the site from 'Community' to 'Operational', and to rezone it for medium density housing. This will be achieved by rezoning Lot 2 DP 110299 and Lot 3 in DP 251053 at No. 1596-1598 Pittwater Road, Mona Vale from Open Space under Pittwater LEP 1993 to 2(a) Residential under an amendment to the existing LEP, and by also including the two lots within the coverage of Council's 'Flat Map', in order to permit medium density housing.

In summary, the key objectives of the planning proposal are to:

- Describe the subject site, the locality in which it is situated, the current zoning and the reason for the need to locate additional residential development on the subject land.
- Request an amendment to the LEP to permit medium density residential development on the site.
- Reclassify the land as Operational pursuant to Section 30 of the Local Government Act 1993. The properties are owned by Council and are currently classified as Community Land under the Local Government Act 1993.
- Address the 'gateway assessment' criteria under Part 3 of the EP&A Act 1979. Refer **Annexures B & H**.
- Provide justifications for the LEP amendment and demonstrate the net community benefits which follow. Refer **Annexure B**.
- Demonstrate that the planning proposal is consistent with the broad strategic direction for the locality.

It is considered that the planning proposal is the best means of achieving the objectives for the site. The current zoning restricts the uses of the site and without the Planning Proposal it is reasonable to expect that the site would continue to be under-utilised and physically disconnected from the other functioning parts of Kitchener Park. The planning proposal removes an existing restriction on uses and permits uses and development that will contribute to State and local planning objectives and provide public benefits without unacceptable environmental and social impacts. Moreover, it will enable the logical integration with the Mona Vale Town Centre. It will further enable the implementation of Council's adopted plan of management for Kitchener Park, delivering community infrastructure through the proceeds derived from divestment of this land.

The accompanying Table 2.1 summarises the planning outcomes sought.



Table 5.1. Summary of Planning Outcomes

Item	Lot 2 DP 110299	Lot 3 DP 251053
Address	No. 1596 Pittwater Road	No. 1596 Pittwater Road
Size (ha)	0.0932ha	0.4447ha
<b>PLANNING OUTCOMES</b>		
Existing Zoning [NOTE 2]	Deemed 6(a) Existing Recreation "A" [NOTE 1]	6(a) Existing Recreation "A"
Proposed Zoning	Residential- allowing medium density housing	Residential- allowing medium density housing
Existing Status [NOTE 3]	Community land	Community land
Proposed Status [NOTE 3]	Operational land	Operational land

NOTES TO TABLE:

1. Lot 2 DP 110299 is zoned 9(a) Reservation- Open Space under the Pittwater LEP 1993. Clause 30 of the Pittwater LEP 1993 provides however that land zoned 9(a) acquired by Council shall be deemed to be included in Zone No. 6(a), and not within Zone No. 9(a).
2. Existing zonings are as those currently applying pursuant to the Pittwater LEP 1993. In time, once Council's LGA-wide draft LEP 2013 was further progressed, the site would, in order to deliver a medium density housing development, eventually be zoned R3 Medium Density Residential and, inter alia, subject to a 8.5m height limit.
3. "Status" refers to the public land classification as either Community Land or Operational Land under the Local Government Act 1993. Community land may be used for certain purposes as specified in an LEP and/or adopted Plan of Management prepared under the provisions of the Local Government Act 1993. Generally, it may not be sold or transferred to another owner unless first reclassified as operational. Operational land may be used in accordance with a LEP and may be sold, transferred or leased to another party by the Council.

## 2.2 Existing Planning Controls & Guidelines

- **Existing Zonings** - The Site is subject to the provisions of the Pittwater Local Environmental Plan ("LEP") 1993. The relevant aims of the Pittwater LEP 1993 are to:

*"(a) encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure; and*

*(b) provide additional opportunities for more compact forms of housing within residential areas which are not environmentally sensitive; and*

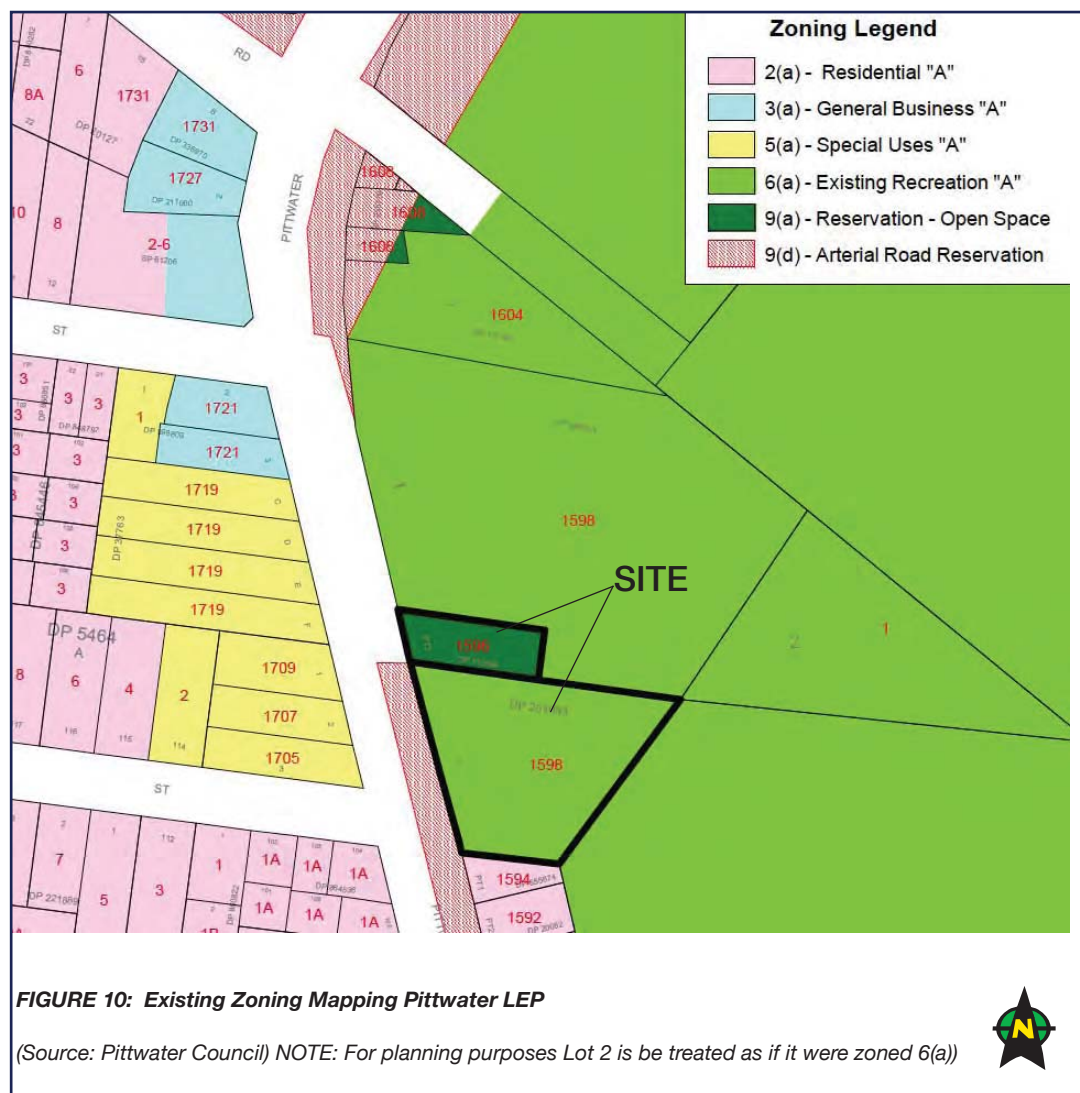
*(c) assist revitalisation of existing commercial centres by providing increased opportunities for housing in certain business zones to help reduce the journey to work by car and stimulate local employment through increased activity in those centres."*

Lot 3 DP 251053 is zoned 6(a) Existing Recreation "A" under the provisions of the Pittwater LEP 1993.





Lot 2 DP 110299 is zoned 9(a) Reservation- Open Space under the Pittwater LEP 1993. Clause 30 of the Pittwater LEP 1993 provides, however that land zoned 9(a) acquired by Council shall be deemed to be included in Zone No. 6(a), and not within Zone No. 9(a). Refer accompanying *Figure 10*.



The Land Use Table for Zone 6(a) (Existing Recreation "A") is as follows:

"1. Without development consent any land use set out under the heading "Permissible Uses Exempt" in any relevant plan of management. For land which is reserved or dedicated under the National Parks and Wildlife Act 1974, any development authorised by that Act and any development incidental or ancillary to such development, subject to the approval of the Director-General of National Parks and Wildlife.

2. Only with development consent. Any land use set out under the heading "Permissible Uses Requiring Development Consent" in any relevant plan of management.

3. Prohibited any purpose other than a purpose for which development may be carried out without development consent or only with development consent."





- **LEP Classification of Land** - Clause 54 of the Pittwater LEP 1993 refers to Schedule 13, which describes public land classified, or reclassified, as operational land for the purpose of the local Government Act 1993. Clause 54 states:

*"(1) The public land described in Schedule 13 is classified, or reclassified, as operational land for the purpose of the Local Government Act 1993, subject to this clauses.*

*The amendments made by the Local Government Amendment (Community Land Management) Act 1998 to section 30 of the Local Government Act 1993 do not apply to the land described in Part 1 of Schedule 13.*

*Land described in Part 2 of Schedule 13:*

*to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.*

*Land described in Columns 1 and 2 of Part 3 of Schedule 13, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 13.*

*In this clause, the relevant amending plan, in relation to land described in Part 3 of Schedule 13, means the local environmental plan that inserted the description of the land into that Part.*

*Before the relevant amending plan inserted the description of land into Part 3 of Schedule 13, the Governor approved of subclause (4) applying to the land."*

Currently the site is not described in the Pittwater LEP as comprising Operational Land.

- **Desired character of Mona Vale Town Centre** - The site is in close proximity with the Mona Vale Town Centre.

The Pittwater 21 Development Control Plan ("DCP") was adopted by Council on 8 December 2003. It contains planning and other guidelines for development by type of development and by location. The DCP contains details regarding the Desired Character of each locality, including Mona Vale. This can be considered to serve as a guide to any future development within and adjacent to this town centre. The Desired Character of the locality, as set out in the Pittwater 21 DCP, is as follows:

*"Strategically positioned at the convergence of routes north to Palm Beach, west to Church Point, and south to Warringah, Mona Vale became the centre of trade and travel in the Pittwater area during the nineteenth century. .... the locality has developed with a mix of residential, retail/commercial, industrial, recreational, community and educational land uses. Today, Mona Vale centre is the main commercial centre for the Pittwater area. .... Medium-density housing adjoins the Mona Vale Commercial Centre on Mona Vale Road, and extends along Darley Street, Park Street, Pittwater Road, Terrol Crescent and Golf Avenue.*

*The locality is serviced by the Mona Vale Commercial Centre, a major commercial, retail and community centre situated at the crossroads of Barrenjoey, Pittwater, and Mona Vale Roads. The Commercial Centre is focused around Mona Vale Village Park, Memorial Hall and Library. .... The locality also contains the Mona Vale Hospital, Mona Vale Primary School, Sacred Heart Catholic Primary School, Pittwater High School, Mona Vale Hotel, Mona Vale SLSC, Mona Vale library, Pittwater Council offices, community centre, cemetery, police station, fire station, and bus depot, and recreational facilities including Mona Vale Golf Course, Bayview Golf Course, Mona Vale Bowling Club, skateboard ramp, beaches and several reserves.....The major roads within the locality are Barrenjoey Road, Pittwater Road, Mona Vale Road, and Samuel Street. Barrenjoey Road, Pittwater Road, and Mona Vale Road are major links with land to the north, west and south.....*

*Desired Character:*

*The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses. Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. The Proposed Plan fits into this. The permissible height limit is increased to promote economic growth within the centre. ....*



Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Future development will maintain a height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards. The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. .... As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors. .... Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, car parking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities. Hazards, Natural Environment and Heritage Hazards."

## 2.3 Council's Adopted Plan of Management for Kitchener Park

In 2009 Pittwater Council resolved to reclassify and rezone the land and its divestment to provide funding for public benefit improvements to the regionally significant Kitchener Park. Refer *Figure 7* and *Figure 10*. The proceeds from the divestment of the land would be used for the future embellishment of the park and implementation of the initiatives contained within Council's adopted Plan of Management for Kitchener Park.

The resolution to divest of the land was in accordance with the findings and recommendations of the Kitchener Park Mona Vale Plan of Management ("Plan of Management") adopted by Council in September 2009. The Kitchener Park Plan of Management represents a master-planned approach to the long-term development and sustainability of Kitchener Park as a regionally significant sporting and recreational facility.

Central to this Plan is the initiative to realise value from the divestment of Lots 2 and 3 to provide funding for the Kitchener Park embellishment works, as identified in the Plan of Management. This includes the creation of a riparian corridor within Precinct 6 (*Figure 8*). This will also include funding for construction of the new skate park- a priority land use identified by Council to meet the recreational needs of young people. Refer *Figures 7, 8, 11* and *12*.

The Plan of Management identified the site as under-utilised open space areas. It proposed to rezone these land parcels to permit residential development, consistent with the adjoining residential land uses, and to re-classify them to 'Operational Land' to permit their future divestment by way of an amending Local Environmental Plan.

The provision of an upgraded skateboard park forms the centrepiece of the action plan set out in the adopted Plan of Management for Kitchener Park.

*"In discussions between Council and young people over recent years the main issue raised by young people is always the availability of leisure and recreation activities. Consultation with young people indicated that the traditionally higher risk sports such as BMX biking and skateboarding are very popular among young men. In addition to entertainment, young people said that they wanted places to meet or 'hang out' outside of school. The NSW Government's Youth Policy states that not all leisure for young people needs to be structured.*

*In addition to family and school, participation in recreational activities is an important influence in the development and growth of young people.'*

*One of the strategies that Council has developed to meet the recreational needs of young people is to create youth precincts centred on the skate parks at Avalon and Mona Vale. (source: Pittwater Council Management Plan 2008-2012)."*





FIGURE 11: Proposed master plan for Kitchener Park as per adopted Plan of Management showing proposed reclassification of the Site (indicated by the letter "V" in adopted Plan of Management) (Source: Figure 7 Kitchener Park Plan of Management)





Table 12 of the adopted Plan of Management recommends the following action be taken, inter alia:

**“Investigate the reclassification to operational land, the rezoning and sale of Lot 3 and Lot 2 to assist with funding the proposed improvements as nominated within the plan of management subject to further detailed examination.”** [our emphasis]

Access to the site is extremely limited given its land-locked nature. The Mona Vale Golf Course, whilst a Crown Reserve, is not able to promote unfettered access across the course due to liability issues related to golf balls and extremely high levels of vandalism. The Golf Course is seeking to fence boundaries wherever possible, including boundaries to the subject land. Access to the site from the Bowling Club is also extremely restricted given the location of the Club’s driveway and the creek line dividing the Club from the main body of the park. From a planning context, the location of the site is specifically separated on all sides and has never been used for recreational purposes. Its benefit for recreational amenity is compromised by the adjacent six lanes of Pittwater Road and the fact that it is about 1- 2 metres lower than the road level.

Provision of open space in the Mona Vale precinct is based around existing neighbourhood parks and more regional facilities such as Kitchener Park, Mona Vale Beach and the Bayview foreshore precinct. The rezoning of the subject land will have no impact on the current recreational provision currently available in the area.

It is also noteworthy that the adopted plan of management also contains provision for the creation of a riparian corridor, in Precinct 6. This area will effectively compensate for any loss of vegetation arising from the development of other parts of the park- including the site- and will assist in maintaining the biological function of the park.



**FIGURE 12: Proposed new Skate Park recommended in adopted Plan of Management for Kitchener Park**

(Source: Figure 13 Kitchener Park Plan of Management)



## 2.4 Development Concept

The most appropriate form of intensification other than the existing land uses would be 2-storey medium density housing- refer **Annexure C**. A concept design for a medium density housing development proposal has been prepared, illustrating how the site could be developed for this land use. Refer to accompanying *Figure 13*. The concept complies with applicable existing local council planning controls - refer to Section 4 for details of compliance with existing Council development requirements applicable to medium density housing developments.



**FIGURE 13: Concept Plan for the Site- for 2 Storey Medium Density Housing**

(Source: Antoniadis Architects)

- **Building Form & Density-** A 2-storey medium density housing development is proposed, with two buildings surrounding a central landscaped open space courtyard. The Concept shows a total of 24 dwellings units, which equates to a density of 1 unit/225m<sup>2</sup> [NOTE: Equivalent local council density for a comparable medium density housing site would be 1 unit/200m<sup>2</sup>]. A lower density development would create multiple access points- not suited to this location on Pittwater Road. A single access point was the preferred outcome.



A 2-storey development is in keeping with vegetated nature of the site and existing canopy height, rather than a taller (say 4 storey) housing development. Similarly, a development of this scale is in keeping with the surrounding parklands and landscape/urban character. Visual impacts would also be minimised with a 2 storey height, in particular on neighbouring residences to the immediate south. Moreover, this height would be in keeping with other medium density housing to the west (various sites) and to the south ("Viridian" development). Refer Section 1.9. Moreover, the proposed height and density accords with existing local council controls applicable to sites nearby.

- **Building Setbacks** - A 10m setback is shown from the Pittwater Road frontage, with minimum 4.25m setbacks from side and rear boundaries. These setbacks are in accordance with existing Pittwater Council requirements. In the interests of maintaining a reasonable level of privacy between balconies and living areas, a minimum of 16m separation is achieved between habitable rooms and balconies.
- **Open Space, Biodiversity** - Private and common open space is provided. Overall, approximately 56% of the site is shown as landscaped, with units having private balconies. [NOTE: Equivalent local council landscaped area requirement for a comparable site would be 50% landscaped area]. Approximately 42% of the site is open space. The Concept plan provides for the introduction of complementary new plantings where new landscaping is required and new plantings in the drainage area on the southern side of the site. The Concept Plan shows a minimum of 40% of the open space area to be capable of deep plantings. [NOTE: SEPP 65 only requires a minimum of 25% deep planted area] A minimum of 25% of the site area is communal open space. Landscaped areas separate the buildings from existing residences to the south. A range of avoidance and mitigation measures are proposed to minimise the impacts of the proposed development of the site for medium density housing on the ecological values, including rehabilitation of the drainage channel on the southern side of the site as an open watercourse rehabilitated as Swamp Sclerophyll Forest, indigenous tree plantings as part of the landscape plan using a mix of indigenous species that occur locally and are part of the Sydney Sandstone Woodland and Swamp Sclerophyll Forest and compensatory plantings of Swamp Sclerophyll Forest within Precinct 6 of Kitchener Park, earmarked as riparian corridor in the adopted Plan of Management.
- **Hydrology** - Accommodate safe and flood-free residential development that does not compromise the safety of surrounding areas and is based on best practice hydrological solutions to enable on-site management of water.
- **Site Coverage** - The Concept achieves a site coverage of 33%. [NOTE: Equivalent local council site coverage for a comparable site would be 50%]
- **Solar Access** - All units would receive at least 3 hours of sun between 9am and 3pm in mid-winter, in accordance with local council requirements.
- **Car Parking & Building Entry** - The residential development is shown in the concept plan as being serviced by a single level basement car parking area containing 56 car spaces and 8 bicycle parking spaces, in accordance with Pittwater Council requirements. One vehicular entry point from Pittwater Road is shown in the Concept Plan in the north-west corner of the site. Direct pedestrian access is proposed from Pittwater Road. These arrangements have been modelled and assessed and are supported by traffic consultants Thompson Stanbury Associates- refer **Annexure F**.

The Concept Plan is based on what is considered to be best and highest use of the site (ie. 2-storey medium density housing) in terms of good town planning outcomes, not on maximising financial return. Refer to **Annexure C** for details of compliance of the Concept Plan with the provisions of SEPP No. 65.



## 3 Explanation of Provisions

The Principal Planning Instrument is Pittwater LEP 1993. The site is currently zoned open space. The site is serviceable and is a logical extension for the existing residential development adjacent to it. If the land was to remain as an open space zone, the result would be a small parcel of land with limited potential for active open space purposes, adjacent to an active multi- dwelling precinct, isolated from the remaining (well used) sections of Kitchener Park.

The Planning Proposal amends the Pittwater LEP as follows.

LEP Amendment Action 1: Lot 2 DP 110299 and Lot 3 DP 251053 are to be inserted into Part 3 of Schedule 13 of the Pittwater LEP 1993, as follows:

<p>"Part 3</p> <p>.....</p> <p><u>Mona Vale</u></p> <p>PLEP 1993 (Amend No xx) GG xx xxxxxx</p>	<p><i>Land Classified, or reclassified, under amended section 30 of Local Government Act 1993- interests changed</i></p> <p><i>Locality</i></p> <p><i>1596-1598 Pittwater Road</i></p>	<p><i>Description</i></p> <p><i>Lot 2 DP 110299 and Lot 3 DP 251053, as shown edged heavy black on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No xx)- Pittwater Local Environmental Plan (Amendment No xx)"</i></p>	<p><i>Trusts etc not discharged</i></p> <p><i>Nil</i></p>
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LEP Amendment Action 2: The land is to be (re) zoned 2(a) Residential "A". Refer Figure 13.

LEP Amendment Action 3: Inclusion of Lot 2 and Lot 3 on the Flat Map, to be shown edged heavy black and identified by the symbol "2" on the Flat Map.

[Clause 20 of Pittwater LEP permits two storey residential flat buildings to be erected on land within Zone No. 2(a) or 2(b) only in an area shown edged heavy black and identified by the symbol "2" or "3" on the Flat Map, which forms a part of the LEP. Refer to Section 5 of the Planning Proposal report for details regarding mapping].



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## 4 Justification

This section of the Planning Proposal report details the reasons for the proposed outcomes and is based on a series of questions/points as outlined in the following Department of Planning and Infrastructure's guidelines:

- *A Guide to Preparing Planning Proposals* (October 2012), also referred to in *A Guide to Preparing Local Environmental Plans* (April 2013).
- LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan*, as updated by *A Guide to Preparing Local Environmental Plans* (April 2013).

The April 2013 Department of Planning and Infrastructure guidelines document, referred to above, states that in the case of proposed LEPs which are being prepared solely to classify or reclassify land, the Director-General has issued the following requirements as to the specific matters that must be addressed in the justification for a planning proposal:

- Is the planning proposal the result of any strategic study or report?
- Is the planning proposal consistent with the local council's community plan or other local strategic plan?
- If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.
- The concurrence of the landowner, where the land is not owned by the relevant planning authority. [NOTE: The site is Council-owned land].

For completeness, the questions posed in regard to planning proposals in general are also addressed in the following, to the extent that they are relevant.

### 4.1 Reclassification of Land-Specific Justification Issues

#### **Director General's (April 2013) requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land**

Section 5.5.4 of *A Guide to Preparing Local Environmental Plans* (April 2013) contains the Director General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land. These matters are addressed in the following Section 4.1 of this Planning Proposal report.

#### **Q. Is the planning proposal a result of any strategic study or report?**

Yes. The development potential of the Site has been identified in Council's adopted Plan of Management for Kitchener Park (Refer Section 2.3 for further details ) and in the Land Capability Study that preceded it. At the Ordinary Council held on 19 December 2011 Council resolved to reclassify the subject lands from Community Land to Operational Land. Specifically, it resolved as follows:

- “1. That Council grants Owner's Consent to the submission of the Kitchener Park Planning Proposal.
2. That Council delegates authority to the General Manager to execute all documentation, and make all applications required under this process
3. Notes the statutory process to be adopted for the re-zoning and re-classification, including the provision for a public hearing.





4. That all proceeds from any land sales within Kitchener Park be expended on Kitchener Park or Village Park improvements.”

Details of the works proposed and likely costs were also contained in the 19 December 2011 report to Pittwater Council, an excerpt of which provided below:

“

The total financial value of the above community benefits are listed below:

Upgrade Kitchener Park parking area utilised by both transit public and sports field recreation attendees including expansion of area as per Plan of Management and upgrade of entryways and ancillary landscaping	\$1,381,100
Upgrade of local cricket nets and facilities generally (nets, associated picnic area, shelters, bbqs	\$230,000
Construction of regional skate facility and improvements to Kitchener Park as outlined in the adopted Plan of Management	\$2.3-\$2.5m
Creekline rehabilitation – water quality to beach from residential housing	\$275,000- \$1m

The Plan of Management identifies the potential divestment of this Council-owned land adjoining Kitchener Park that could provide funding for the embellishment of Kitchener Park in accordance with the Plan.

“

(*xt to the Planning an Integrated Built Environment Committee Meeting on 19 December 2011*

Page 2 ult Environment

Committee Meeting held 19 December 2011)

It should be noted that the above indicative costs were prepared in 2008. More recent, 2010 quantity survey costings indicate a total cost of \$3.75 million (including GST) for the skate park (\$2.549 million), riparian corridor (\$0.408 million) and car park (\$0.452 million). This cost is now estimated at approximately \$4.5 million. The above Resolution will facilitate Council providing funding for major works proposed in Kitchener Park as detailed in the adopted Plan of Management. The Concept Plan, prepared by Antoniades Architects, provides a development framework for the site based on analysis of the scale of development considered to be achievable. It will enable the achievement of the desired urban form by allowing for medium density housing of modest (2 storey) height and bulk, in conformity with relevant existing Council controls and guidelines applicable to this form of development. Refer Table 4.1. Compensatory plantings will be provided both on the site and within the riparian corridor, the latter identified as an action item in the adopted plan of management for Kitchener Park.

Table 4.1. Concept Plan & Compliance with Existing Council DCP Requirements for Residential Flats

Item	Requirement	Proposal
Dwelling Density	1 dwelling per 200m <sup>2</sup> (27 dwellings)	24 dwellings
Site Coverage	2,702m <sup>2</sup> (50 % maximum)	1,810 m <sup>2</sup> (33% coverage)
Landscaped Area	2,702m <sup>2</sup> required (50 % minimum)	3,020m <sup>2</sup> provided (56%). Compensatory plantings on site + within Precinct 6 of Kitchener Park
Height Limit	2 Storey development	2 Storey
Street Setbacks	Pittwater Rd : 10m, with side and rear setbacks of 4.25m (7m wall)	Complies
Private Open Space	Ground level: min. 30 m <sup>2</sup> ; min. dimension 4m & for 1st level: min. 15% of NSA; min. dimension 4m	Complies
Solar Access	All units to receive 3 hours of sun 9am -3pm midwinter	Complies



**Q. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?**

Yes, as detailed below.

▪ **Pittwater Council 2020 Strategy & Recreational Management Strategy** - The above Resolution of Council accords with Council's Recreational Management Strategy initiatives as contained in Council's adopted 2020 Strategic Plan in regard to the following:

- Continued upgrading and enhancement of recreational spaces and facilities.
- Create a youth precinct at Mona Vale (regional skate park at Kitchener Park).

▪ **Pittwater Open Space, Bushland and Recreation Strategy (2000)** - The Pittwater Open Space, Bushland and Recreation Strategy (2000) identified:

- A need to increase funding for large developed parks- like Kitchener Park- given their high priority by local residents.
- Need to meet the recreational needs of youth for unstructured activities in large, developed parks eg. skate boarding.

▪ **Pittwater Local Planning Strategy 2031 (2011)** - Additionally, the planning proposal accords with key objectives of the "Pittwater Local Planning Strategy 2031" adopted by Council:

- *Facilitate the achievement of the Pittwater 2020 Strategic Plan;*
- *Present in an open and transparent manner, the logical, evidence based rationale for future land use planning decisions in Pittwater;*
- *Provide for land use choices that are economically, environmentally and socially sustainable;*
- *Provide for land use planning decisions within Pittwater that are consistent with the State Plan, Metropolitan Strategy, Metropolitan Plan 2036 and Subregional Strategy and requirements contained therein;*
- *Provide a single mechanism that coordinates and focuses Council's planning activities;*
- *Establish strategic priorities and provide for growth in population and a corresponding growth in dwelling numbers and employment;*
- *Recognise the value of the natural environment and items of European and Aboriginal Heritage significance;*
- *Provide a sound foundation for a comprehensive Pittwater Local Environmental Plan and associated Development Control Plan;*
- *Provide strategies to provide proactive growth management within the Pittwater LGA; and*
- *To ensure future planning decisions have regard for the implications of and respond to climate change." (p.1)*

Some of the major findings and recommendations of this Council strategy, relevant to the planning proposal, include the following:

- Mona Vale to remain a vibrant and thriving Town Centre in Pittwater as a focus for social and economic activity. (p. 3) The Planning Proposal will assist in achieving this outcome through providing medium density housing on the Site at the same time as enabling the further upgrading of facilities for youth in Kitchener Park- the main park serving Mona Vale.



- Encourage construction of housing adaptable to universal design standards (adaptable housing) (p. 4). The Planning Proposal offers the potential for such a form of housing to be established on the Site, if rezoned.
- Continue to upgrade and enhance recreational spaces and facilities (p 144). The proposed divestment of the Site, once rezoned, will generate revenue to fund the planned major upgrades to Kitchener Park.
- Create vibrant community spaces (p. 144).
- Maintain and regularly review Plans of Management for Parks, Reserves and Community Buildings within Pittwater (p.6). The recommended divestment of the Site arises from the completion and subsequent adoption of a Plan of management of Kitchener park. This Plan of Management recommends the divestment of the Site as being surplus to Council's requirements.
- Continue to promote a centres-based focus for additional dwellings (p.4). The Planning Proposal seeks to develop the Site, which lies within close proximity to the Mona Vale Town Centre, for medium density housing.

The Strategy identifies land potentially suited to development using a land capability, "constraints sieving" tool. It is noteworthy that the Strategy finds the Site to be relatively unconstrained.

**Q. If the provisions of the planning proposal include the extinguishment of interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided**

There are no interests in the land the subject of the proposed reclassification, nor are there any interests that are in need of extinguishment in order to allow future residential development of the site.

**Q. The concurrence of the landowner, where the land is not owned by the relevant planning authority**

All of the land subject of the reclassification from Community to Operational is owned by Pittwater Council.

**Summary: Compliance with Director General's Requirements for Reclassification of Land**

The above satisfies the (April 2013) Director General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land. These April 2013 requirements update and supersede the earlier requirements for the reclassification of public land as contained in LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan*. For comparison purposes, refer **Annexure B** for compliance table with *PN 09-003*.

## 4.2 Justification Issues Not Specific to Reclassifications of Public Land

### Section A. Need for Planning Proposal

**Q1: Is the planning proposal a result of any strategic study or report?**

Yes. Addressed in Section 4.1.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is considered the best means of achieving the intended outcome.



Pittwater Council has no power to sell, exchange or otherwise dispose of Community Land, unless it is for the purpose of enabling the land to become, or be added to, a Crown reserve or to land that is reserved or dedicated under the National Parks and Wildlife Act 1974. It is considered that the Planning Proposal is the best means of achieving the objectives because the subject lands are surplus to Pittwater Council's open space requirements.

The proposed redevelopment is likely to have a significant benefit to the Pittwater local community, however, changes to the existing planning instrument (ie.Pittwater LEP 1993) is necessary if the development is to be permitted under local planning controls, for assessment under Part 4 of the EP&A Act.

It is considered more appropriate to prepare an amending LEP to enable the site to be subsequently developed for medium density housing.

The rezoning process for such an amendment should take approximately 6 months to achieve, according to the benchmark timeframes for preparing LEPs provided by the Department of Planning & Infrastructure in Section 5.5.7 of *A Guide to Preparing Local Environmental Plans* (April 2013).

As a Concept Plan has been prepared for the site, a determining authority is also better able to understand the consistency of any future development of the site with Council's broader local planning objectives, including urban design and heritage considerations, integration and compatibility with surrounding development, community consultation and design excellence.

## **Section B. Relationship to strategic planning framework**

### **Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

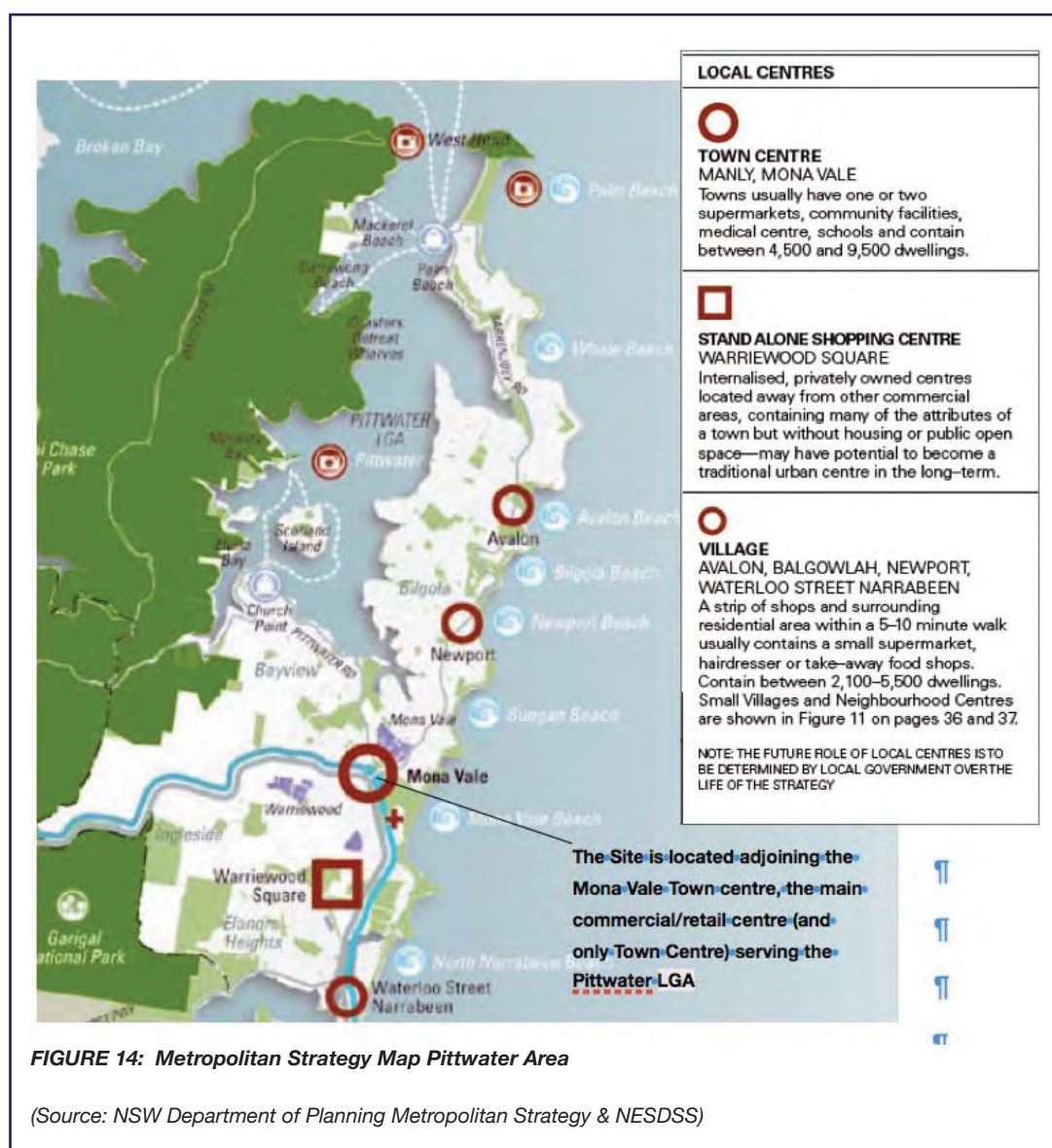
■ **North East Sub-region Draft Sub-regional Strategy (NESDSS)** - The North East Subregion Draft Sub-regional Strategy (NESDSS) sets key directions and key actions for the implementation of the Metropolitan Plan for Sydney at a more local level. The North East Sub-region comprises the local government areas of Manly, Warringah and Pittwater. The draft Subregional Strategy sets targets for 17,300 new dwellings in the sub-region LGA by 2031. The Strategy identifies Mona Vale as a transport hub, well-suited to accommodating further medium density housing. The rezoning of the Site for medium density housing will assist in ensuring that the housing target set out in the Strategy is achieved and the suitability of Mona Vale for accommodating further medium density housing is recognised.

The NESDSS does not establish any objectives that relate to reclassification of land, however, in terms of complying with the NESDSS the Planning Proposal achieves the following:

- It proposes to allow residential development that would generate further employment an economic activity.
- It strengthens the role of Mona Vale as the dominant town centre within the Pittwater LGA.
- It encourages use of public transport, given that access to major routes are within walking distance of the site.
- It provides for a logical consolidation of Mona vale as a population centre within the Pittwater LGA.
- The land is suitable for development and is not subject to environmental and locational constraints that may affect other potential development sites in the Pittwater LGA.
- The Planning Proposal will enable the upgrading of Kitchener Park, including riparian corridor works and skateboard park development. The strategy seeks to improve the quality of parks within the sub-region.







■ **Metropolitan Plan for Sydney 2036** - The Metropolitan Plan for Sydney 2036 (“The Metropolitan Strategy”) is the latest blueprint for Metropolitan Sydney and replaces the Metropolitan Strategy City of Cities - A Plan for Sydney’s Future. The Metropolitan Strategy does not establish objectives that specifically relate to the reclassification of land.

The Sydney Metropolitan Strategy aims to provide new housing stock around public transport nodes and within areas close to public transport, retail and commercial centres and community facilities. The site has an area of 5,404m<sup>2</sup> and is located some 200 metres from the Mona Vale Town Centre. There is a bus stop in the near vicinity of the site that provides access to the Sydney CBD and centres in between. The Sydney Metropolitan Strategy has identified that the population of Sydney will grow by 1.1 million people by the year 2031 has been reviewed in the Sydney Towards 2036 publication which indicates that the population is forecast to reach 6 million by 2036, an increase of 1.7 million people since 2006. This will require a need for an additional 37,000 homes to be provided in the North Region of Sydney- which includes Pittwater- by 2031.

The Metropolitan Strategy aims to provide 70% of new dwellings in existing urban areas. It is considered that the rezoning of the Site from to Residential is consistent with the aims of the Sydney Metropolitan Strategy.

The planning proposal is consistent with the Sydney Metropolitan Strategy in a number of other ways:

- It increases the availability and diversity of housing. Given the quantum of new housing required to meet demand, the release of land needs to occur in the short term and must be both meaningful and deliverable.
- Suitability of the site for development. The site supports or abuts existing urban infrastructure and is in close proximity to existing retail, commercial, community and recreational services and public transport connections at nearby Mona Vale.
- It locates housing growth near the Mona Vale Town Centre, job opportunities, infrastructure and services. The Site is an excellent opportunity for the establishment of medium density urban living area in close proximity to Mona Vale. The Planning Proposal will enable an important contribution to the supply of new medium density housing in the Pittwater area.
- Related to the above point, the Planning Proposal will encourage more sustainable travel behaviour by locating housing within walking distance of the Town Centre of Mona Vale and public transport.
- There is single ownership, which represents a viable option for the delivery of new housing to meet increasing need in the Pittwater LGA.
- It is located within an established area and its redevelopment for residential purposes is compatible with the existing neighbouring land use.
- It also reduces the pressure on supplying further residential land, in particular for medium density residential development, elsewhere within the Pittwater local government area. In so doing, it also assists in other low density areas, further removed from Mona Vale or other larger centres in Pittwater being potentially subsumed by medium density housing, thus protecting the amenity of these areas.
- The future form and density of residential development proposed on the site can provide a meaningful contribution to the provision of housing, and importantly, a range of housing typologies that respond to the demographic characteristics of the area. Moreover, the supply of near-coastal land abutting open space areas, like the Mona Vale Golf Course, suited to medium density development are limited.
- Development of the site for medium density residential living can take advantage of the fact that Mona Vale is an existing major transport hub serving the Northern Beaches.

**Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

Yes. Addressed in Section 4.1.

**Q5. Is the planning proposal consistent with applicable state environmental planning policies?**

Yes. The Planning Proposal is consistent with applicable state environmental planning policies. Refer Table 4.2.



Table 4.2 – Consistency with State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy	Consistency
SEPP No 1—Development Standards	Consistent
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Consistent
SEPP No 6—Number of Storeys in a Building	Consistent
SEPP No 14—Coastal Wetlands	Not applicable
SEPP No 19—Bushland in Urban Areas	Consistent
SEPP No 22—Shops and Commercial Premises	Consistent
SEPP No 26—Littoral Rainforests	Not applicable
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Consistent. The Proposal represents an urban renewal project
SEPP No 33—Hazardous and Offensive Development	Not applicable
SEPP No 44—Koala Habitat Protection	Not applicable. No koala habitat is present
SEPP No 55—Remediation of Land	Consistent
SEPP No 60—Exempt and Complying Development	Consistent
SEPP No 64—Advertising and Signage	Consistent
SEPP No 65—Design Quality of Residential Flat Development	Consistent. The Proposal is supported by a preliminary evaluation of the concept proposal for the Site in terms of compliance with this SEPP
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent
SEPP No 71—Coastal Protection	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. Any future residential flat development will need to comply with requirements regarding building sustainability.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. The Proposal is potentially suited to seniors housing, located as it is within convenient distance of the Mona Vale Town Centre
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Infrastructure) 2007	Consistent
SEPP (Temporary Structures) 2007	Consistent
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Urban Renewal) 2010	Consistent
SEPP (State and Regional Development) 2011	Not applicable



Of particular relevance to this Planning Proposal are:

- SEPP 65 Design Quality of Residential Flat Development. (Refer **Annexure C** for an assessment against the SEPP).
- SEPP (Infrastructure) 2007.
- **SEPP 65** - SEPP 65 aims to raise the design quality of residential flat development through the application of a series of design principles. In particular the SEPP aims to improve the built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and to maximise amenity, safety and security for the occupants of residential flat buildings. The Planning Proposal is consistent with the aims of SEPP 65 as it seeks to ensure that a better built form outcome for the Site is ultimately achieved.

The Concept Plan for the Site prepared by Antoniades Architects shows that the development of the Site from medium density housing can be undertaken in such a manner that will ensure that an appropriately designed, well-landscaped development can be achieved on the Site capable of achieving a good level of visual amenity. The Planning Proposal is therefore consistent with the aims and objectives of SEPP 65. An assessment of the Concept Plan in terms of compliance with SEPP No. 65 is attached as **Annexure C**.

- **SEPP (Infrastructure) 2007** - The Planning Proposal is consistent with the SEPP. It affects land with a frontage to a classified road – Pittwater Road. Clause 101 of the SEPP requires the consent authority to be satisfied that the function of a classified road will not be compromised by new development and that the amenity of new development will not be adversely affected by the operation of the classified road. Clause 101 relates to a development proposal and not the making of a planning instrument. The Transport, Traffic and Access Study by Thompson Stanbury Associates (**Annexure F**) supports vehicular access from the site to Pittwater Road. Future vehicular access can thus be addressed in more detail at the DA assessment stage, following rezoning of the site.

The accompanying Table 4.3 reviews the consistency of the Planning Proposal with relevant Sydney or State Regional Environmental Plans (“REP”), now deemed State Environmental Planning Policies (“SEPP”).

*Table 4.3 – Consistency with Deemed State Environmental Planning Policies (SEPPs)*

Deemed State Environmental Planning Policy	Consistency
REP No. 2 (Georges River Catchment)	Not applicable
REP No.5 (Chatswood Town Centre)	Not applicable
REP No.8 (Central Coast Plateau Areas)	Not applicable
REP No. 9 (Extractive Industry No. 2 - 1995)	Not applicable
REP No. 11 (Penrith Lakes Scheme)	Not applicable
REP No. 13 (Mulgoa Valley)	Not applicable
REP No. 16 (Walsh Bay)	Not applicable
REP No. 18 (Public Transport Corridors)	Not applicable
REP No. 19 (Rouse Hill Development Area)	Not applicable
REP No. 20 (Hawkesbury Nepean River No. 2- 1997)	Not applicable
REP No. 24 (Homebush Bay)	Not applicable





Deemed State Environmental Planning Policy	Consistency
REP No. 25 (Orchard Hills)	Not applicable
REP No. 26 (City West)	Not applicable
REP No. 28 (Parramatta)	Not applicable
REP No. 29 (Rhodes Peninsula)	Not applicable
REP No. 30 (St Marys)	Not applicable
REP (Sydney Harbour Catchment 2005)	Not applicable
REP No. 31 (Regional Parklands)	Not applicable
REP No. 33 (Cooks Cove)	Not applicable

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

The Planning Proposal is consistent with applicable s117 Ministerial Directions. The accompanying tables below reviews the consistency with the applicable or potentially applicable Ministerial Directions for LEPs under Section 117 of the Environmental Planning and Assessment Act 1979.

*Table 4.4 - Consistency with Applicable s.117 Ministerial Directions*

*1. Employment and Resources*

s.117 Direction Number & Title	Consistency
1.1 Business and Industrial Zones	Not applicable

*2. Environment and Heritage*

s.117 Direction Number & Title	Consistency
2.1 Environmental Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable

*3. Housing, Infrastructure and Urban Development*

s.117 Direction Number & Title	Consistency
3.1 Residential Zones	Consistent. The land is proposed to be rezoned to permit medium density housing development. The proposal will broaden the range of housing choices and provide ample opportunity for good urban design- the latter as evidenced by the Concept Plan. The Site is located adjacent to established residential areas and local services such as shops, and public transport are located in close proximity.



s.117 Direction Number & Title	Consistency
3.3 Home Occupations	Consistent. The rezoning seeks to permit home occupations without development consent, providing opportunities to work from home.
3.4 Integrating Land Use and Transport	Consistent. Mona Vale is an identified transport hub serving the Northern Beaches. The site is strategically positioned in terms of proximity to this hub. It is well located to make use of existing services and employment opportunities at Mona Vale and other accessible centres.

#### 4. Hazard and Risk

s.117 Direction Number & Title	Consistency
4.1 Acid Sulphate Soils	Consistent. The land has a low probability of containing acid sulphate soils
4.2 Mine Subsidence and Unstable Land	No mine subsidence. Consistent with unstable land component of s.117 Direction
4.3 Flood Prone land	Not applicable. The subject lands are not affected by flooding
4.4 Planning for Bushfire Protection	Not applicable. The subject lands are not affected by bushfire or located within a bushfire buffer area

#### 5. Regional Planning

s.117 Direction Number & Title	Consistency
5.1 Implementation of Regional Strategies	Consistent with relevant provisions of applicable regional strategies- refer Q3 of Section 4.2 for further details

#### 6. Local Plan Making

s.117 Direction Number & Title	Consistency
6.1 Approval and Referral Requirements	Consistent
6.2 Reserving Land for Public Purposes	Consistent. The subject lands, though classified as Community Land, have been identified as surplus lands, no longer required for open space purposes
6.3 Site Specific Provisions	Not applicable

#### 7. Metropolitan Planning

s.117 Direction Number & Title	Consistency
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The Planning Proposal is consistent with the aims of the Metropolitan Plan as detailed previously within the Planning Proposal- refer to Q3 in Section 4.2



## **Section C. Environmental, social and economic impact**

### **Q7. 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?**

There is no critical habitat on the land the subject of the Planning Proposal. The flora and fauna assessment of the site contained in the report by Footprint Green dated 4 September 2013- refer **Annexure E**- does not identify any threatened species, populations or ecological communities, or their habitats, being present on the land the subject of the Planning Proposal. It is therefore considered unlikely that future residential development on the site will impact adversely on threatened species, populations or ecological communities. The vegetation has been significantly altered from its original pre-European condition and is currently dominated by exotic grassland with scattered trees. A range of avoidance and mitigation measures are proposed to minimise the impacts of the proposed development of the site for medium density housing on the ecological values, including provision of compensatory plantings of Swamp Sclerophyll Forest within Precinct 6 of Kitchener Park, earmarked as riparian corridor in the adopted Plan of Management, together with plantings along the drainage easement along the southern boundary of the site.

### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The suitability of the site for future residential development has been considered based on known planning constraints applying. These matters have been addressed in past assessments of the land by Council, in addition to more recent studies undertaken specifically for this planning proposal. In summary, and as regards other environmental planning issues:

- Access, transport and traffic. Likely impacts arising from the Concept Plan proposed were assessed by traffic consultants Thompson Stanbury & Associates- refer **Annexure F**.
- Built form. A 2-storey scale of medium density development is considered most suited to this site, given its proximity to other similar scale medium density developments and to adjoining/adjacent open space areas. The Concept Plan complies with Council's LEP/DCP requirements in this regard. Refer **Annexure C**.
- Landscaping, environment and public domain. The Concept Plan complies with Council's LEP/DCP requirements in this regard, as well as with SEPP No. 65. Compensatory plantings of Swamp Sclerophyll Forest are proposed both on site and within the riparian corridor proposed in Precinct 6 of Kitchener Park, as set out in the adopted Plan of Management. Refer **Annexure C** and **Annexure E**.
- Interface with adjoining properties, including Mona Vale Golf Course and the Mona Vale Bowls Club.
- Geotechnical issues. Not considered to be a significant constraint to future development on the land. refer **Annexure G**.
- Water management. Localised stormwater improvements will be required, integrated with the riparian corridor plantings proposed.
- Services provision. Urban services are available to the site.
- Energy efficiency. The Concept Plan complies with SEPP No. 65 requirements in this regard. Refer **Annexure C**.
- Safety. Refer to Q9 below.
- Construction impacts. To be addressed at the DA/cc stage.



Environmental planning issues will be addressed in further detail in any future Development Application (DA) for medium density housing on the site, and, based on the above, are not of such significance at this stage as to preclude the Planning Proposal.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The suitability of the site the subject of the Planning Proposal for future medium density residential development has been considered based on potential planning constraints applying to each site. The potential social and economic impacts of the proposal will generally be positive because of the following:

- **Aboriginal heritage** - Given the heavily disturbed nature of the site and past extensive landfilling activities, it is most unlikely that the site has any significance in terms of Aboriginal heritage under the provisions of the *National Parks and Wildlife Act 1974*. More detailed assessments can be considered at the DA stage in order to confirm whether there are Aboriginal heritage values applying to the site.
- **Social infrastructure** - Given the likely scale of any future residential development of the subject land, it is unlikely to adversely impact on existing social infrastructure such as the Mona Vale hospital and schools. An infill development is proposed on the site, and access to existing retail and commercial services will be similar to those of other residential developments nearby.
- **Upgrading of Kitchener Park, Public Benefits** - The proposal will involve some social impact through the loss of public recreational land, however, it has limited recreational utility value. This impact will be mitigated by the more significant positive social, economic and environmental benefits associated with the ability of Council to effect significant upgrading of Kitchener park in accordance with the adopted Plan of Management for this park.

By reclassifying the subject lands from 'Community' to 'Operational', the Planning Proposal will enable Council to divest this surplus land and to allocate the funds gained from the divestment of the subject lands to other critical areas within Kitchener Park, earmarked for upgrading, in accordance with Council's adopted Plan of Management for Kitchener Park, and in particular, the following:

- Provide funding for the construction of a skate park, including BMX facilities, that will cater to the recreational needs of youth at multiple levels of experience, from beginner through to elite/national level competition and demonstration events.
- Provide for a meeting place for youth, a centralised location to conduct recreational events.
- Provide for intangible benefits in the form of encouraging youth interaction, engagement and networking, and the promotion of sports activities, healthy bodies, the potential for a reduction in vandalism and anti-social behaviour, the generation of income from the associated retail centre proposed, and the like.

Council has been widely consulting with the broader community as a part of the development of the 2012-2016 Social Plan. This consultation exercise continues to identify a strong need for the provision of a recreational precinct for young people- a need that has been identified since at least 1999. The proposed youth precinct/ skate park at Kitchener Park provides a tangible outcome to address the needs of young people in Pittwater. A skate park and associated facilities has been widely supported by the community at public meetings and in public submissions on the plan of management for Kitchener Park.

Kitchener Park is highly valued by the community for its wide variety of passive and active recreational opportunities. However, almost all recreational facilities in Kitchener Park require significant upgrading due to their age and condition. Council's capacity to effect such an upgrade is limited, with additional funding required to supplement Council's resources. The adopted plan of management identified the rezoning and disposal of this site as a potential funding source. This funding source has now become all the more important in view of unsuccessful Council funding applications to the State and Commonwealth Government for funding to enable this upgrade.





By classifying the subject lands to Operational land, the proposed Planning Proposal will enable the site to be developed for residential land uses- a good fit with land uses on adjoining land nearby.

The public benefits of the planning proposal are further considered above and in **Annexure B**.

- **Safety** - Safety within the public domain will be assessed as part of any specific development proposal.

Any future development application will need to address potential safety issues and ensure the implementation of Crime Prevention Through Environmental Design measures such as appropriate lighting, planting, passive surveillance and active spaces, are implemented. However, it should be noted that one of the fundamental reasons for upgrading the existing, sub-standard Skate Park concerns its location directly opposite Mona Vale Police Station. The proximity of the Mona Vale Police Station will provide enhanced surveillance of the Skate Park.

- **Pittwater 2020 Strategy** - The proposal would enable development on the site that creates a number of community benefits and is consistent with the aims and strategies in Pittwater's 2020 Strategic Plan. It would enable a new, more responsive and integrated urban form. It would also enable a more diverse residential population in the area, generated by the provision of new medium density housing. Some temporary or otherwise minor adverse outcomes of the development enabled by the proposal would be minimised and largely mitigated through development controls that would be in place along with the proposed LEP.

The potential benefits of the enabled development far outweigh the potential adverse impacts, generating a new community benefit.

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

The site is located within a built up urban area with ready access to public infrastructure.

Future residential development of the site the subject of this Planning Proposal will be an infill development within the Mona Vale urban area.

Given the location and scale of any future development, it is unlikely to adversely impact on existing public transport, local road network, water and sewer, waste management and recycling services; or on health facilities, education establishments and emergency services infrastructure.

Some works will be required to connect water and/or sewer services to each site. Adequate public infrastructure is either available, or is capable of being made available, to serve future residential development of the site.

#### **Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

Detailed briefings have been given to senior officers of both the Crown Lands Division of the Department of Primary Industries and the Department of Planning & Infrastructure. Both NSW State Government Departments have indicated their support for the proposal and acknowledged the substantial proving-up of the proposal leading to this Planning Proposal.

The preliminary views of other State or Commonwealth agencies have not been obtained prior to preparing this Planning Proposal.

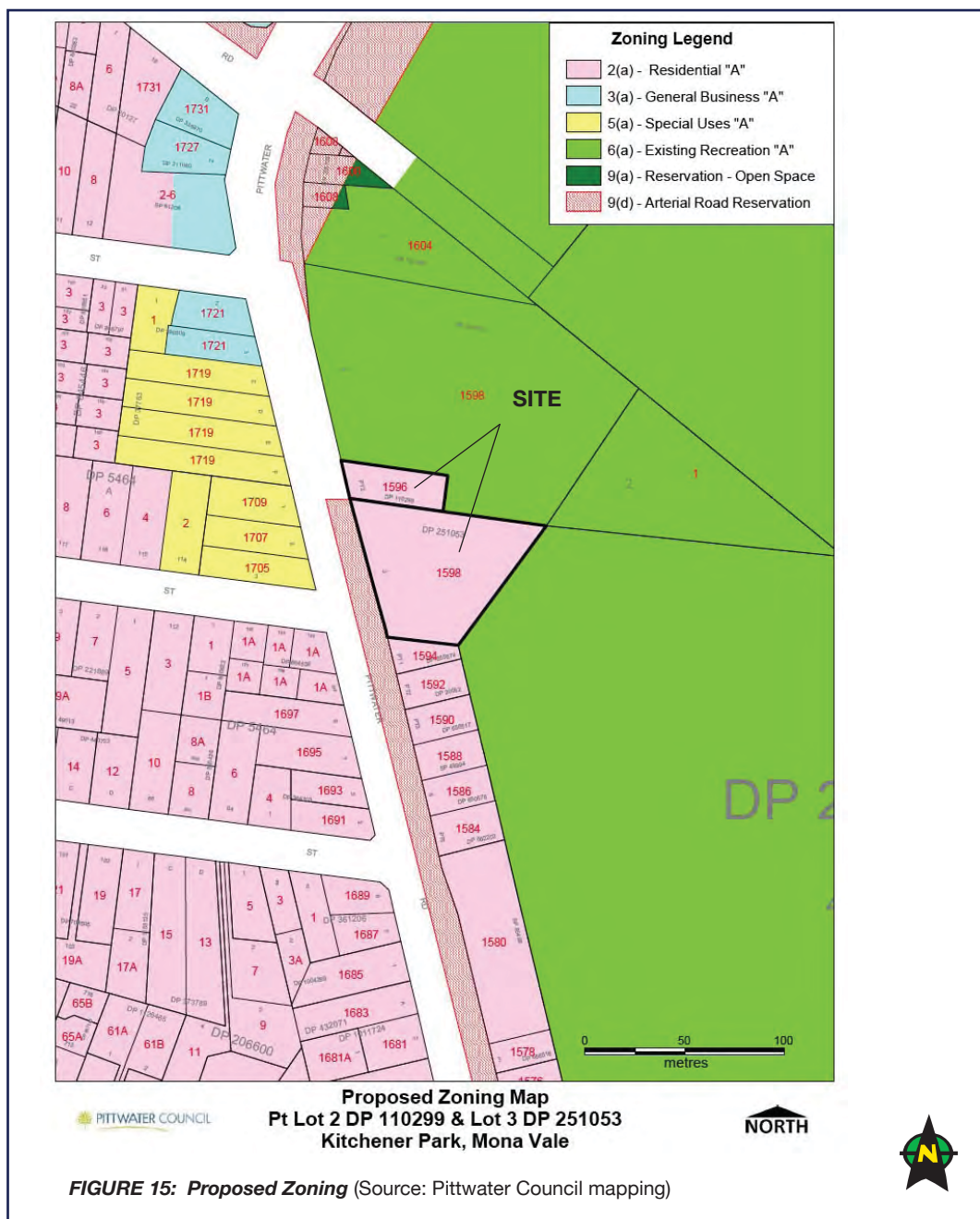
Upon receipt of the Gateway Determination, Council will undertake further consultations with other public authorities.

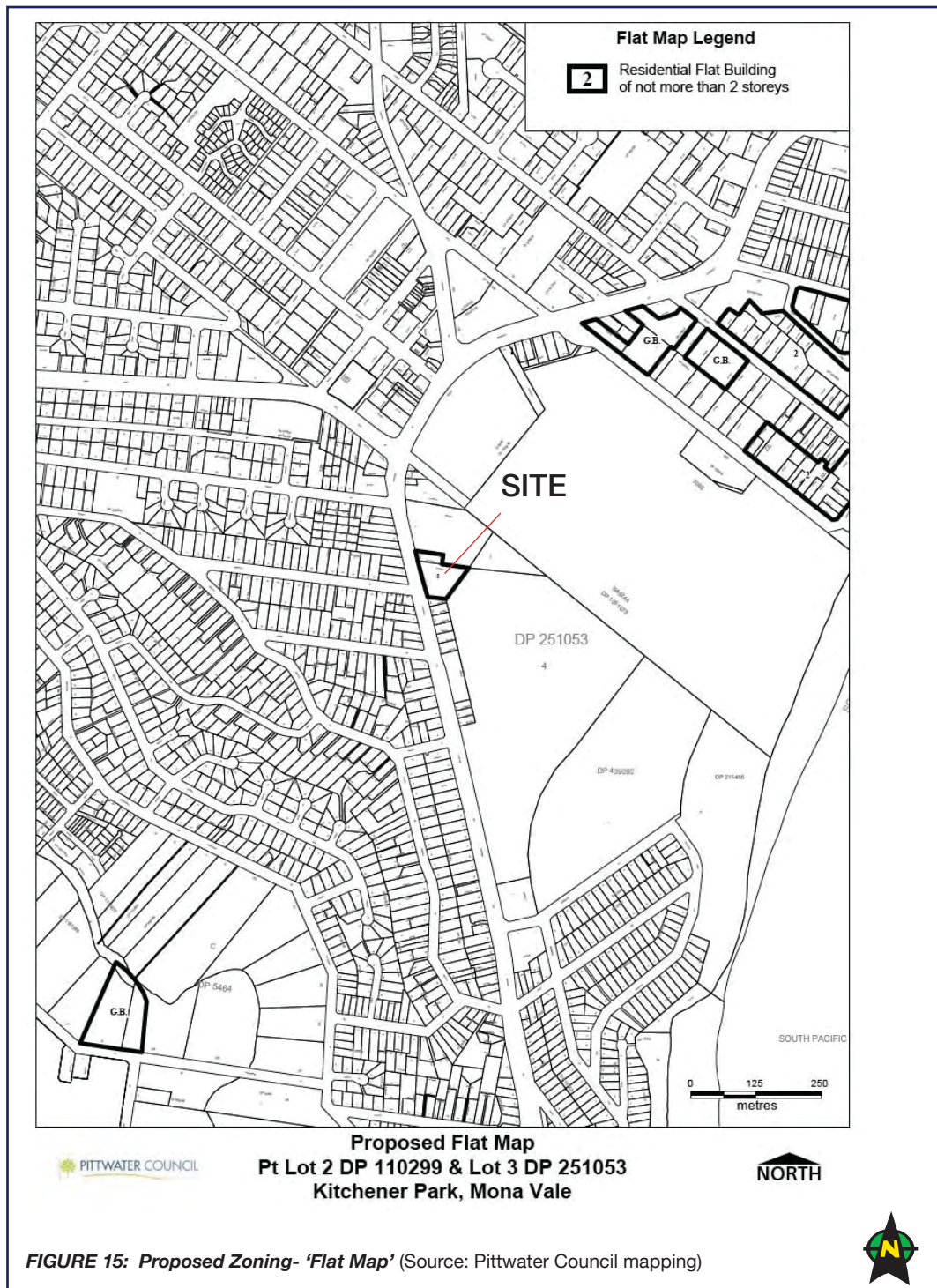


## 5 Mapping

The Planning Proposal is supported by mapping to indicate the changes sought to the existing Pittwater LEP 1993:

- Amendment sought to zoning mapping- refer *Figure 15*.
- Amendment sought to Council's 'Flat Map'- refer *Figure 16*.





Refer to Section 2.2 of this Planning Proposal report for details regarding existing zoning controls applicable to the site. Refer to Section 4.1 for details regarding compliance of the Concept Plan accompanying this Planning Proposal with applicable local council planning controls and guidelines.



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## 6 Community Consultation

It is proposed that the planning proposal will be exhibited for a period of not less than 14 days. Exhibition material will contain a copy of the planning proposal and relevant maps, supported by a written notice that includes a description of the objectives and intended outcomes of the proposal, land to which the planning proposal applies and indicative time frame for finalisation of the planning proposal. Consultation will occur following receipt of a Gateway Determination.

The Department of Planning and Infrastructure *Practice Note PN 09-003: Classification and reclassification of public land through a local environmental plan* includes the general requirements for exhibition of a Planning Proposal to reclassify public land. Material which addresses the general requirements will be exhibited with the Planning Proposal. Refer **Annexure B** and **Annexure H** for checklists.

The proposed community consultation to be undertaken comprises:

- **Public Exhibition** - public exhibition of the Planning Proposal for 14 days, entailing notification:
  - In a newspaper circulating in the local area;
  - Forwarding a copy of the planning proposal and the gateway determination to State and commonwealth government agencies identified in the Gateway Determination;
  - Providing a copy of the planning proposal and supporting documentation at Council's customer service centre at Mona Vale, in accordance with Department of Planning and Infrastructure LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan* and best practice guidelines for preparing LEPs (refer Section 1.1);
  - On Council's website, including all relevant documentation, in accordance with Department of Planning and Infrastructure LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan* and best practice guidelines for preparing LEPs (refer Section 1.1); and
  - In writing to adjoining landowners.

Public exhibition of the Planning Proposal will be carried out in accordance with the requirements of the EPA Act, EPA Regulations and the Gateway determination.

- **Public Hearing** - a public hearing will be conducted following the public exhibition period in accordance with section 57 of the EPA&Act 1979 and section 29 of the Local Government Act 1993. Notice of the public hearing will be given after the public exhibition period and at least 21 days before the date of the hearing.





## 7 Project Timeline

Section 5.5.7 of the NSW Department of Planning & Infrastructure's *A Guide to Preparing Local Environmental Plans* (April 2013) sets benchmark timeframes for various types of LEPs where they are consistent with the State's strategic framework.

A benchmark timeframe for minor spot rezonings- like this reclassification planning proposal- of 6 months applies.

Such a timeframe is achievable if Pittwater Council exercises its delegated powers to make the rezoning.

Local plan making functions that are now routinely delegated to local councils include reclassification proposals where the Governor's approval is not required in relation to the removal of covenants, trusts etc. relating to the land.

Based on the above, the anticipated project timeline for completion of the Planning Proposal is outlined in Table 6.1.

*Table 6.1: Planning Proposal Project Timeline*

Task	Anticipated timeframe
1. Date of Gateway Determination	1 month from lodgement with Department of NSW Planning & Infrastructure
2. Government agency consultation (pre-exhibition as required by Gateway Determination) + commencement and completion dates for public hearing. Public hearing held	Allow 2 months
3. Council consideration of submissions, report from public hearing and Planning Proposal post exhibition	Allow 1 month
4. Council exercises its plan making delegated powers to make LEP for reclassification of the land. New LEP amendment gazetted	Allow 2 months



## **Annexure A:**

### **Council Resolution to Reclassify the Land December 2011**



# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***19 December 2011***

Commencing at 6.30pm.



# ATTENDANCE

## Members

Rose, H (Mayor and Chairperson)  
Dunbar, B  
Giles, P  
Grace, B  
Hegarty, J  
Hock, P  
Townsend, J

## Officers

Ferguson, M (General Manager)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Jones, M (Chief Financial Officer)  
Munn, L (Manager, Reserves, Recreation & Building Services)  
Reid, P (Manager, Corporate Strategy & Commercial)  
Shaw, M (Manager, Urban Infrastructure)  
Davis, G (Principal Officer, Commercial)  
Williams, A (Principal Development Officer)  
Edmonds, M (Principal Development Officer)  
Pigott, A (Principal Officer, Strategic Planning)  
Olsen, A (Strategic Planner)  
Angles, G (Principal Officer, Administration)  
Tasker, P (Administration Officer / Minute Secretary)

# Council Meeting

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<b>C11.10</b>	<b>Proposed Re-zoning and Re-classification of Land at Kitchener Park - Owner s Consent to Lodge Planning Proposal</b>
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**COMMITTEE RECOMMENDATION**

1. That Council grants Owner's Consent to the submission of the Kitchener Park Planning Proposal.
2. That Council delegates authority to the General Manager to execute all documentation, and make all applications required under this process
3. Notes the statutory process to be adopted for the re-zoning and re-classification, including the provision for a public hearing.
4. That all proceeds from any land sales within Kitchener Park be expended on Kitchener Park or Village Park improvements.

(Cr Giles / Cr Townsend)

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<b>C11.11</b>	<b>Elanora Heights Masterplan</b>
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**COMMITTEE RECOMMENDATION**

1. That Council note the contents of the above report in relation to the master planning process and project timeline including 8 weeks exhibition period.
2. That Council endorse the Masterplan Options Report for public exhibition.

(Cr Townsend / Cr Hegarty)

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<b>C11.12</b>	<b>Minutes of the Pittwater Traffic Committee Meeting held on 29 November 2011</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 29 November 2011 be adopted.

(Cr Hegarty / Cr Giles)

## ***Annexure B:***

### ***Department of Planning & infrastructure Compliance Checklists***



## A GUIDE TO PREPARING LOCAL ENVIRONMENTAL PLANS (APRIL 2013)

### INFORMATION CHECKLIST

### Attachment 1

#### > STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

Objectives and intended outcome	Explanation of provisions
Mapping (including current and proposed zones)	Justification and process for implementation
Community consultation (agencies to be consulted)	(including compliance assessment against relevant section 117 direction/s)

#### > STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
<b>Strategic Planning Context</b>			<b>Urban Design Considerations</b>		
Demonstrated consistency with relevant Regional Strategy	Yes		Existing site plan (buildings vegetation, roads, etc)	Yes	
Demonstrated consistency with relevant sub-regional strategy	Yes		Building mass/block diagram study (changes in building height and FSR)	Yes	
Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy			Lighting impact		NA
Demonstrated consistency with Threshold Sustainability Criteria	Yes		Development yield analysis (potential yield of lots, houses, employment generation)	Yes	
<b>Site Description/Context</b>			<b>Economic Considerations</b>		
Aerial photographs	Yes		Economic impact assessment	No	
Site photos/photomontage	Yes		Retail centres hierarchy		NA
<b>Traffic and Transport Considerations</b>			Employment land		NA
Local traffic and transport	Yes		<b>Social and Cultural Considerations</b>		
TMAP		NA	Heritage impact		NA
Public transport	Yes		Aboriginal archaeology		NA
Cycle and pedestrian movement	Yes		Open space management	Yes	
<b>Environmental Considerations</b>			European archaeology		NA
Bushfire hazard		NA	Social and cultural impacts	Yes	
Acid Sulphate Soil	Yes, but not in detail		Stakeholder engagement	No	
Noise impact		NA	<b>Infrastructure Considerations</b>		



Flora and/or fauna	Yes		Infrastructure servicing and potential funding arrangements	No	
Soil stability, erosion, sediment, landslip assessment, and subsidence	No		<b>Miscellaneous/Additional Considerations</b>		
Water quality	No		<i>Specialist studies undertaken as a part of this Planning Proposal:</i>		
Stormwater management	Yes, but not in detail		<ul style="list-style-type: none"> <li>- <i>Traffic and parking impact: Thompson Stanbury Associates</i></li> <li>- <i>-Flora &amp; fauna: Footprint Green</i></li> <li>- <i>Geotechnical report: Crozier</i></li> <li>- <i>Concept Plan &amp; SEPP 64 compliance: Antoniades Architects</i></li> </ul>		
Flooding	Yes, but not in detail		NOTE 1: TMAP (Transport access mobility plan) studies typically required for major town centre rezonings, not for spot rezonings like this one		
Land/site contamination (SEPP55)		NA			
Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		NA			
Sea level rise	No				





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## **ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS**

[Checklist for the review of a request for delegation of plan making functions to councils](#)

**Local Government Area:** Pittwater Council LGA

**Name of draft LEP:** Amending instrument (reclassification of land)

**Address of Land (if applicable):** No. 1596-1598 Pittwater Road, Mona vale NSW

**Intent of draft LEP:** Reclassification & rezoning of surplus Council open space lands

**Additional Supporting Points/Information:** Provided



Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
<b>(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)</b>				
Is the planning proposal consistent with the Standard Instrument Order, 2006?		Yes		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
<b>Minor Mapping Error Amendments</b>	<b>Y/N</b>			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Yes		
<b>Heritage LEPs</b>	<b>Y/N</b>			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		Yes		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Yes		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Yes		
<b>Reclassifications</b>	<b>Y/N</b>			
Is there an associated spot rezoning with the reclassification?	Yes			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	Yes			
Is the planning proposal proposed to rectify an anomaly in a classification?		Yes		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes			
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Yes		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Yes		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	Yes			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Yes			



<b>Spot Rezoning</b>	<b>Y/N</b>			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		Yes		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		Yes		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		Yes		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Yes		
Does the planning proposal create an exception to a mapped development standard?		Yes		
<b>Section 73A matters</b>				
Does the proposed instrument  correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;  address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or  deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?  (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A1)(c) of the Act in order for a matter in this category to proceed).		Yes		

**NOTES**

Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.

Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.



## Table: Sustainability Criteria Assessment & Planning Proposal

[NOTE: referred to in Attachment 1 of *A guide to preparing local environmental plans* (Department of Planning & Infrastructure April 2013) above]

Measurable Threshold of Sustainability Criteria	Draft LEP Kitchener Park
<p><b>1. Infrastructure Provisions</b></p> <p>Development is consistent with the North East Subregion Draft Sub-regional Strategy, the Metropolitan Plan for Sydney 20136, and relevant local strategies, as well as with relevant section 117 directions;</p> <p>Provision of infrastructure is economically feasible, given the location of the site near existing urban infrastructure serving Mona Vale</p>	<p>The proposal meets the strategic planning requirements as well as ability to utilise existing urban infrastructure in a well established urban centre. Existing facilities at Mona Vale and at Kitchener Park are proximate to the site.</p> <p>Future urban development will be subject to existing contributions plan to provide for the efficient provision of services and facilities.</p>
<p><b>2. Access</b></p> <p>Accessibility of the area by public transport and appropriate road access in terms of:</p> <ul style="list-style-type: none"> <li>■ Location/Land use to existing networks and related activity centres;</li> <li>■ Network: the areas potential to be serviced by economically efficient public transport services (Pittwater Road being the main public transport artery serving the Northern Beaches area);</li> <li>■ Catchment: the areas ability to contain or form part of the larger urban area (ie. Mona Vale) which contains adequate transport services.</li> <li>■ Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> <p>No net negative impact on performance of existing subregional road and bus network.</p>	<p>The proposal has the potential to have a positive impact on the regional road network given the high likelihood of reduced travel times. Local traffic generation is expected to be similar satisfactory, as assessed by traffic consultants Thompson Stanbury Associates (<i>Annexure F</i>).</p> <p>Local bus services are readily available on Pittwater Road, close to the site. The site is in close proximity to the Mona Vale Town Centre and to public transport (ie. bus services).</p> <p>Overall the proposal is anticipated to have a net positive impact on the subregional road network and likewise the bus network.</p> <p>The existing roads network should not be negatively impacted.</p>
<p><b>3. Housing Diversity</b></p> <p>Provide a range of housing choices to ensure a broad population can be housed</p>	<p>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</p>



Measurable Threshold of Sustainability Criteria	Draft LEP Kitchener Park
<p><b>4. Employment Lands</b></p> <p>Maintains or improves the existing level of subregional employment self containment;</p> <p>Meets subregional employment capacity targets.</p> <p>Employment related land is provided in appropriately zoned areas.</p>	<p>No employment lands proposed to be rezoned.</p> <p>However, the provision of additional residential housing near Mona Vale will contribute to expanding the labour market close to this employment centre</p>
<p><b>5. Avoidance of Risk</b></p> <p>Land use conflicts, and risk to human health and life, to be avoided</p>	<p>The residential development proposed on the site is not within any area subject to inundation during a 1:100 flood event.</p> <p>The development concept proposed avoids any physically constrained land.</p> <p>The development concept proposed avoids conflicts with neighbouring land. The land will be sufficiently buffered from neighbouring uses to the north, south, east and west.</p> <p>Evacuation, if required, is possible from the site to Pittwater Road, which runs along the west boundary of the site</p>
<p><b>6. Natural Resources</b></p> <p>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows;</p> <p>Demonstrates most efficient / suitable land use.</p> <p>Avoids identified significant agricultural land;</p> <p>Avoids impacts on productive resources lands, extractive industries, coal, gas and other mining, fishing and aquaculture;</p> <p>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requirements demonstration of efficient and sustainable supply solution.</p>	<p>The site is within an established urban area with access to the full range of urban services.</p> <p>The site is not included within any farmland mapping projects as being significant agricultural land.</p> <p>The site does not contain any known productive resource lands.</p> <p>Any subsequent development of the site will have regard for the concepts of energy efficient urban design, with any dwellings needing to comply with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX)</p>





Measurable Threshold of Sustainability Criteria	Draft LEP Kitchener Park
<p><b>7. Environmental Protection</b></p> <p>Consistent with government approved Regional Conservation Plan;</p> <p>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by the DECC and DPI). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats;</p> <p>Maintains or improves existing environmental condition for air quality;</p> <p>Maintains or improves existing environmental condition for water quality and quantity;</p> <p>Consistent with community water quality objectives for recreational water use and river health (DECC and CMA);</p> <p>Consistent with catchment and stormwater management planning (CMA and Local Council);</p> <p>Protects areas of Aboriginal cultural heritage value (as agreed by DECC).</p>	<p>Mitigation measures are proposed on site and within Kitchener park to protect and to enhance riparian corridors- as per the adopted Plan of Management. Supported by a flora and fauna assessment by Footprint Green- refer <i>Annexure E</i> of this Planning Proposal report.</p> <p>Mitigation strategies include:</p> <ul style="list-style-type: none"> <li>■ Creation of riparian corridor and habitat linkages within Precinct 6 of Kitchener Park.</li> <li>■ Retention and restoration of riparian vegetation on the southern side of the site and buffers around the site.</li> <li>■ Further plantings of suitable vegetation plantings on site.</li> </ul> <p>The above strategies should ensure that local water quality is improved.</p> <p>The proposed medium density housing does not contain land uses that will degrade air quality.</p> <p>The site has no known cultural heritage value.</p>
<p><b>8. Quality and Equity in Services</b></p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p>	<p>Being located within close proximity to the urban centre of Mona Vale, the site is accessible to the full range of urban services, including retail, commercial, community, health and school facilities.</p>



## **LEP Practice Note PN 09-005**

(Issued 10 September 2009)

The purpose of this practice note is to provide further guidance to councils when drafting or reviewing non-mandatory additional local zone objectives in local environmental plans under the Standard Instrument.

Not applicable to this planning proposal, seeking as it does an amendment to the existing Pittwater LEP 1993.

## **LEP Practice Note PN 11-003**

(Issued 10 March 2011)

The purpose of this practice note is to provide a general overview of the definitions used in the Standard Instrument (Local Environmental Plans) Order 2006 after the 2011 amendments.

Not applicable to this planning proposal, seeking as it does an amendment to the existing Pittwater LEP 1993.

## **Planning Circular PS 06-005**

(Issued 16 February 2006)

The planning circular advises that the (then) Department of Planning has established a panel review process to streamline the local environmental plan (LEP) making system. The panel will review notifications from councils under section 54(4) of the Environmental Planning and Assessment Act 1979 (EP&A Act). This includes the review of LEPs to reclassify local council land [NOTE: This planning circular has been superseded to the extent that a recent April 2013 Department of Planning & Infrastructure guideline now delegates this function to local councils where, inter alia, no trusts are required to be extinguished]

For the sake of completeness, the Planning Proposal is considered against the various pro-forma evaluation criteria referred to in the planning circular.

The Planning Proposal is consistent with these evaluation criteria.



## Planning Proposal Consistency with New LEP Evaluation Criteria

### (Planning Circular PS 06-005)

Dept. Planning & Infrastructure Criteria	Consistency
<p>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800 metres of a transit node)?</p>	<p>Consistent.</p> <p>The Planning Proposal will provide for increased housing and employment opportunities on a Site that is strategically located within 200m of the Mona Vale Town Centre, a recognised transport node which is well serviced by high frequency public transport.</p>
<p>Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?</p>	<p>Consistent.</p> <p>The Planning Proposal seeks strategic planning outcomes consistent with State and regional policies and Ministerial directions.</p> <p>The Planning Proposal provides for housing consistent with relevant planning policies and directions. The consistency with State policies and Ministerial directions is discussed in Section 4.</p>
<p>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</p>	<p>Not specifically. However, the Proposal seeks rezoning of land within 200m of Mona Vale- designated as a “Town Centre” and “Transit Node” in the North East Subregion Draft Subregional Planning Strategy. The Planning Proposal supports key themes of these sub-regional strategies.</p>
<p>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p>	<p>No, residential uses only are proposed.</p> <p>However, the Planning Proposal will not result in the loss of any employment lands.</p>



Dept. Planning & Infrastructure Criteria	Consistency
<p>Will the LEP be compatible/ complementary with surrounding land uses?</p>	<p>Yes, the Planning Proposal arises from Council's adoption of a comprehensive Plan of Management of Kitchener park.</p> <p>It recommends the reclassification of the site. It also proposes the creation of a riparian corridor running through the park.</p> <p>The planning proposal is compatible with surrounding land uses, being predominantly residential and open space. The Planning Proposal includes a Concept Plan, showing how a medium density housing development can be accommodated on the Site in accordance with existing Pittwater Council controls on development.</p> <p>The proposed density, form, scale and traffic generation from the proposed medium density housing development is expected to have acceptable impacts on the amenity or character of the Mona Vale locality. Being located within 190m of the main public bus stop serving Mona Vale, on Pittwater Road, is in accordance with the principles for transit-orientated development.</p> <p>By reclassifying the subject lands to Operational land the proposed Planning Proposal will enable the land to better fit with adjoining land, once developed for residential uses.</p>
<p>Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?</p>	<p>No, it is considered that the Planning Proposal will not create a precedent.</p> <p>This conclusion is reached having regard for the nature of the land – its size, strategic location and (Council) ownership – and the circumstances by which it is becoming available for urban (medium density housing development). They are unique and will not create a precedent or change the expectations of other land holders.</p> <p>The Planning Proposal has unique circumstances, including Council ownership and identification for rezoning and reclassification contained in the Plan of Management for Kitchener Park, limiting the application of any precedent being established.</p>
<p>Will the LEP deal with a deferred matter in an existing LEP?</p>	<p>No. This is not applicable to the Planning Proposal.</p>



Dept. Planning & Infrastructure Criteria	Consistency
<p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p>	<p>Pittwater Council has recently supported 6 spot rezonings. Of these spot rezonings:</p> <ul style="list-style-type: none"> <li>■ Two (2) relate to reclassification of other Council-owned land, including offices at No. 5 Vuko Place, Warriewood; and escarpment lands at Ingleside.</li> <li>■ Two (2) relate to rezonings that include a residential component: one at No.17, 25-27 Foamcrest Avenue, Newport (allowing shop-top housing); the other at .No.4 and 8 Forest Road, Warriewood (max. 75 dwellings, forming a part of the Warriewood Valley Urban Land Release Area).</li> <li>■ Two (2) relate to the retail use of one property, at No. 23B Macpherson Street, Warriewood.</li> </ul> <p>The Planning Proposal is considerably different to the above residential rezonings in location, context and purpose.</p> <p>The Planning Proposal seeks to give expression to an adopted plan of management for Kitchener Park. In so doing, it proposes a future use of the Site for medium density housing. The site is unique in terms of its close proximity to the Mona Vale Town Centre.</p> <p>None of the other planning proposals are for stand-alone, medium density housing in such a strategic urban location. The additional residential development yield from the Planning Proposal will make a cumulative, yet necessary, contribution to achieving the future dwelling targets identified in the North East Subregion Draft Subregional Strategy as it applies to Pittwater LGA.</p> <p>The implications for strategic outcomes related to housing, transit and centres from each of the above rezonings are distinct and will not have any adverse cumulative effect.</p>

## Planning Circular PS 11-005

(Issued 11 February 2011)

This Circular is to advise planning authorities of a new Ministerial Direction under Section 117 of the Environmental Planning and Assessment Act 1979 which will give statutory effect to the Metropolitan Plan for Sydney 2036 released by the NSW Government. The planning proposal complies with this plan- refer Section 4 of this report.





## LEP Practice Note PN 09-003

(Issued 12 June 2009)

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument. NOTE: this planning proposal seeks an amendment to the existing Pittwater LEP 1993.

The LEP Practice Note contains material required to be displayed by a local council during the public exhibition of an LEP or planning proposal to reclassify land public land.

The consistency of the planning proposal with PN 09-003 is summarised in the table below.

PN 09-003 Requirement	Consistency of Planning Proposal
Reason why the planning proposal is being prepared	The planning proposal is being prepared in order that the Site can be reclassified from "community" to "operational" land and the Pittwater LEP amended in order to permit the land to be developed for medium density housing.
Current and proposed classification	The Site is currently classified as "Community" land and it is proposed that the land be classified as "Operational" land.
Reason for the reclassification	The Site has been identified in a Plan of Management for Kitchener Park, Mona Vale, as being surplus to Council's open space needs. Divestment of the land will provide funding for delivery of public benefit improvements to Kitchener park, as outlined in the adopted plan of management, and a neighboring park.
Council's ownership of the land	The Site is owned by Council.
How and when the interest was acquired	Lot 2 is Council-owned land, and has been in Council ownership since 1983 Lot 3 was transferred to Council by the State Planning Authority in 1976.
The reason Council acquired an interest in the land	Council acquired the interest in the land in order to make provision for public open space- forming a part of Kitchener Park.
Any agreements over the land	No.
An indication of any financial loss or gain from the reclassification	The reclassification of the Site- involving rezoning to permit medium density housing- will result in an increase in the value of the land and funding opportunity for Council, once the land is divested. The land should generate a residual land value of in excess of \$5 million. The funds derived from the future divestment of these lands will be utilised for the embellishment of Kitchener park and, in particular, the new skate park and rehabilitation/replanting of the riparian corridor.
The asset management objectives being pursued	The reclassification of the two lots accords with Council's adopted Plan of Management for Kitchener Park. These assets are surplus to Council's requirements.



PN 09-003 Requirement	Consistency of Planning Proposal
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or the sale of the land.
Relevant matters required in plan making under the EP&A Act.	The reclassification is proposed to be carried out in accordance with: <ul style="list-style-type: none"> <li>■ s.55 Relevant Authority to prepare a planning proposal</li> <li>■ s.56 Gateway Determination</li> <li>■ s.57 Community Consultation</li> </ul>
A copy of the Practice Note	Attached.



## Community Benefit

**Required to be addressed in Department of Planning June 2009 planning proposal guidelines, however, no longer required in the updated planning proposal guidelines issued by the Department of Planning & Infrastructure in October 2012 and April 2013.**

The Planning Proposal is likely to deliver the following community benefits:

- Enable Pittwater Council to divest itself of surplus land and to use the funds generated to invest in the upgrading of the park proposed under Council's adopted Plan of Management for Kitchener Park. Council adopted the Kitchener Park Plan of Management in September, 2009. The Plan of Management confirms Council's commitment that any funds derived from the divestment of this land will be used to embellish Kitchener Park.
- Deliver a policy position consistent with Council's relevant plan of management and with adjoining land uses. The purpose of the Planning Proposal seeks to remedy the current community land status- one that does not reflect Council's adopted strategic direction for the subject land.
- Enable the delivery of new open space and bio-diversity improvements earmarked for Kitchener Park that meet the needs of Council and the local community, now and into the future.
- Remove the burden on Council to maintain land that is not suitable for public open space and to deliver new recreational facilities which will not place an ongoing burden on Council's ongoing financial position.
- Achieve the other community benefits outlined below and as also identified in the table below.
- Achieves a potentially high quality urban design outcome for the Site, consistent with surrounding land uses.

Consistency with Net Community Benefit Evaluation Criteria addresses the relevant criteria for conducting a net community benefit test of the Planning Proposal.

Table - Consistency with Net Community Benefit Evaluation Criteria

Evaluation Criteria	Benefits
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	The subject Planning Proposal is consistent with agreed State and Regional strategic directions for development in the area.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No.
Is the LEP likely to create a precedent or create or change the expectations of the landowners or other landholders?	No.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezonings in the locality that are currently being considered.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The Planning Proposal seeks to rezone land from open space to Residential. It does not affect employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The Planning Proposal will increase overall housing availability, once developed for residential uses.



Evaluation Criteria	Benefits
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposal Site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The Planning Proposal will not create any significant additional demand for public infrastructure. The site is well positioned to take advantage of the proximity to the transport hub at Mona Vale, a short walk away from the site.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal is likely to encourage shorter travel distances, given the proximity to Mona Vale & facilities offered.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No change is anticipated.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Compensatory planting is proposed, both on and off site (the latter, in accordance with Council's adopted plan of management for Kitchener Park).
Will the LEP be compatible /complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The Planning Proposal will not be incompatible with surrounding land uses. The use of landscaping will ensure that visual impacts are likely to be acceptable, the Concept Plan being in accordance with existing local council DCP requirements.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No change is anticipated. Housing only is proposed on the site.
If a stand-alone proposal and not a centre, do the proposal have the potential to develop into a centre in the future?	No. The purpose of the Planning Proposal accords with the adopted plan of management . It seeks a modest 2-storey medium density housing development on the site, not retail/ commercial uses.
What are the public interest reasons for preparing the draft plan? What are the Implications of not proceeding at that time?	The Planning Proposal will, inter alia: <ul style="list-style-type: none"> <li>■ Ensure the local government policy framework is consistent with its intended outcome.</li> <li>■ Enable implementation of the adopted plan of management for the park.</li> </ul>

The Proposal would enable development on the Site that creates a number of community benefits. Funds generated from the divestment of the land will go towards the cost of much-needed, major recreational facility upgrades to Kitchener Park, as identified in the Kitchener Park Plan of Management.

Reclassification and rezoning the Site would enable redevelopment of the Site in a manner which accords with the strategic vision and the desired future character for the Site as elucidated in the Council's adopted Kitchener Park Plan of Management. The realisation of the strategic vision and desired future character will result in a net community benefit.



## **Annexure C:**

**Concept Plan Prepared by Antoniadis Architects + SEPP 65 checklist**







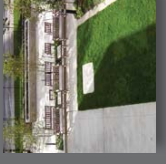
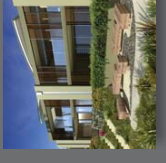
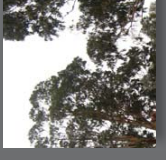


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# 1596 + 1598 PITTWATER ROAD MONA VALE

REVISED FEASIBILITY STUDY - NOVEMBER 2011



Zoning Lot 2 : 9(G) Reservation - Open Space  
 Lot 3 : 6(G) Existing Recreation  
 \* Both lots assumed to be rezoned to Multi Unit Housing

Council Pittwater Council

No. of Dwellings 24

Site Area  
 Total 5,404 sqm  
 Lot 2 : approx. 926 sqm  
 Lot 3 : approx. 4,478 sqm

	Council Requirement	Proposal
Dwelling Density	1 dwelling per 200 sqm 27 dwellings	24 dwellings 1,885 sqm
Site Coverage	2,702 sqm 50% Maximum	35% 2,900 sqm
Landscaped Area	2,702 sqm 50% Minimum	54% approx. 6.5 m
Height Limit	8.5 m	Compliant
Street Setbacks	Pittwater Road : 10.0m Side and Rear: 4.25m (7m wall)	
Private Open space	Ground Level : Min. 30sqm, Min. dimension 4m First Level : Min. 15% of NSA, Min. dimension 2.5m	Compliant
Solar Access	All units to receive 3hrs of sun between 9am and 3pm on 21 June	Compliant

#### DWELLING MIX

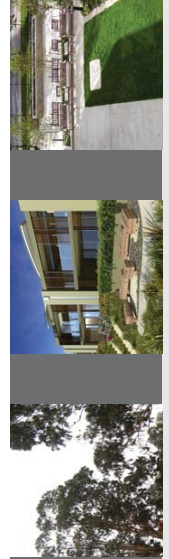
	2B (110sqm)	3B (130sqm)
Ground Level	6	6
First Level	6	6
Total	12	12
%	50.0%	50.0%

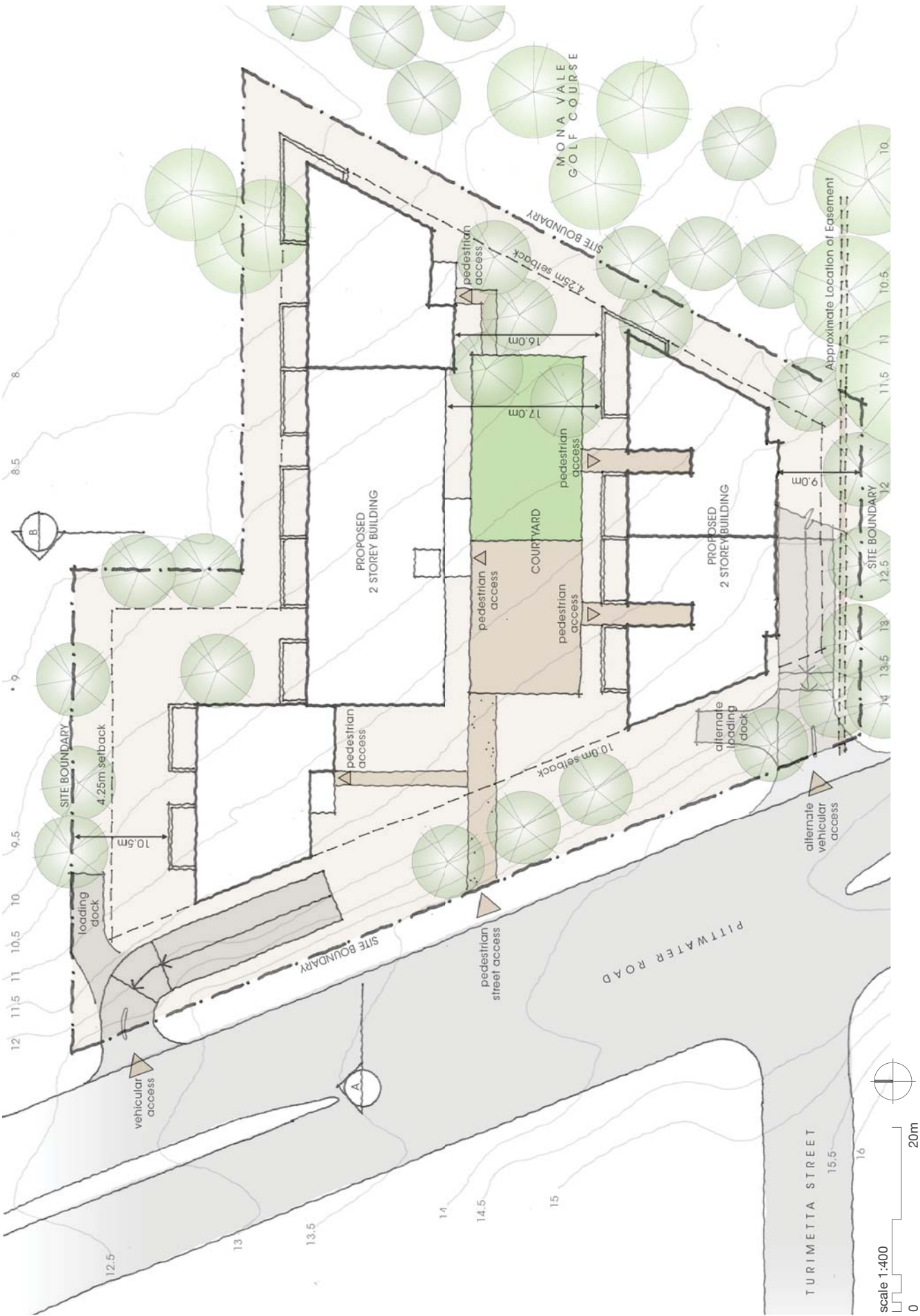
#### PARKING

	Council Requirement	Number of Dwellings	Required Parking	Parking Provided
2 Bed	2	12	24	48
3 Bed (Disabled)	2	12	24	(2)
Visitors	3% of total	24	1.44	8
Bicycle	1/3 dwellings	24	8	8

#### NOTES:

- \* All areas and information have reference to preliminary sketches produced by Antoniaades Architects.
- \* The information attached to this schedule is preliminary and is subject to further development and confirmation.
- \* Site information based on informations received by Pittwater Council.

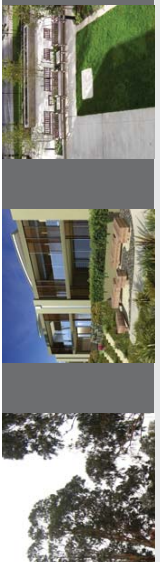




scale 1:400  
0 20m

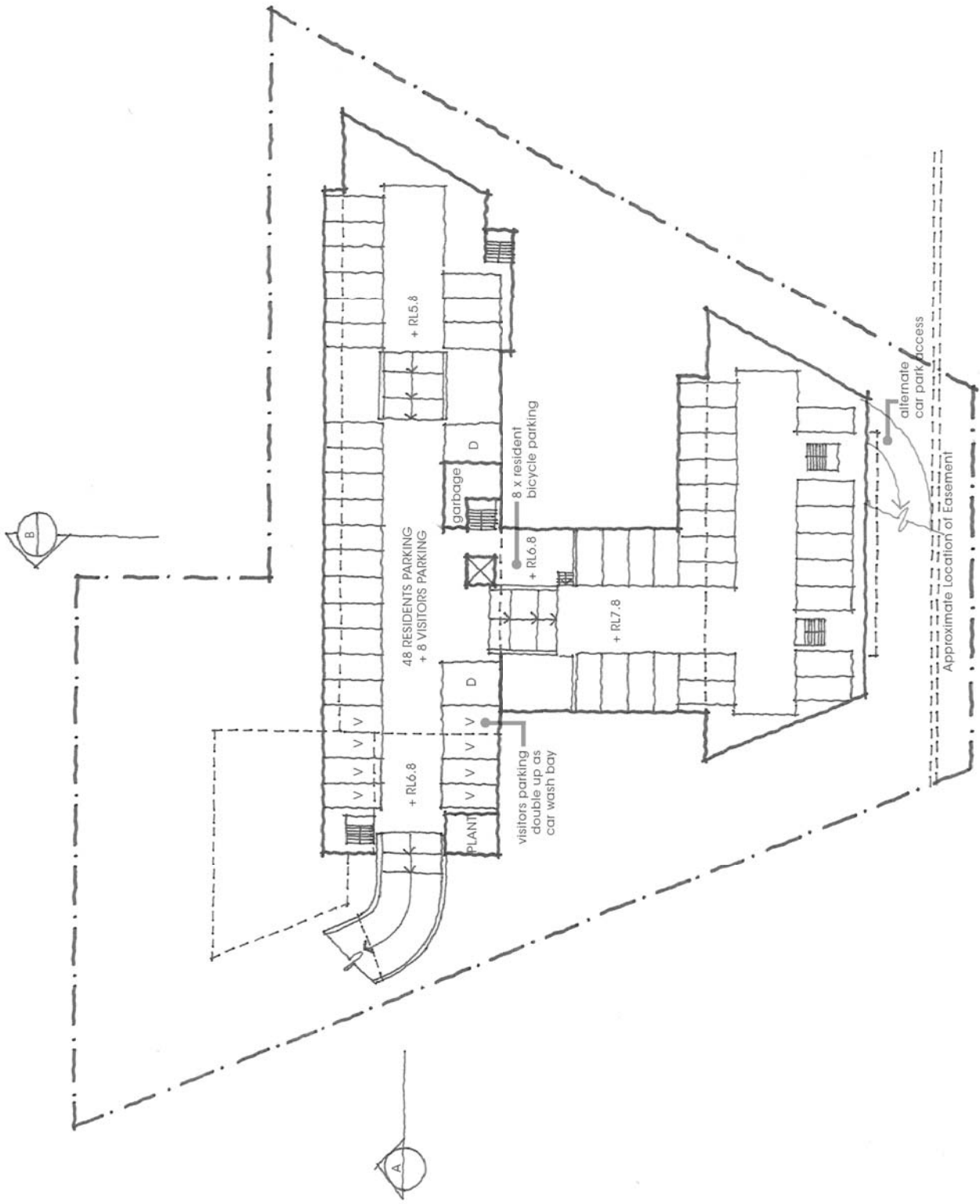
ANTONIADES ARCHITECTS

Suite 1, L2, 24 Bay Street, Double Bay NSW 2028  
Tel: 9328 3339 Fax: 9328 3369  
www.antonrades.com.au ACN 129 731 559



1596 + 1598 PITTWATER ROAD  
MONA VALE

REVISED FEASIBILITY STUDY - NOVEMBER 2011  
site plan



scale 1:400



ANTONIADES ARCHITECTS

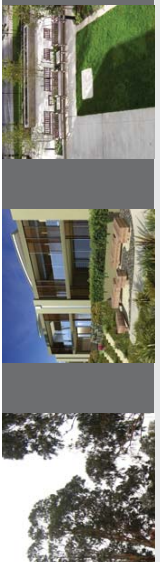
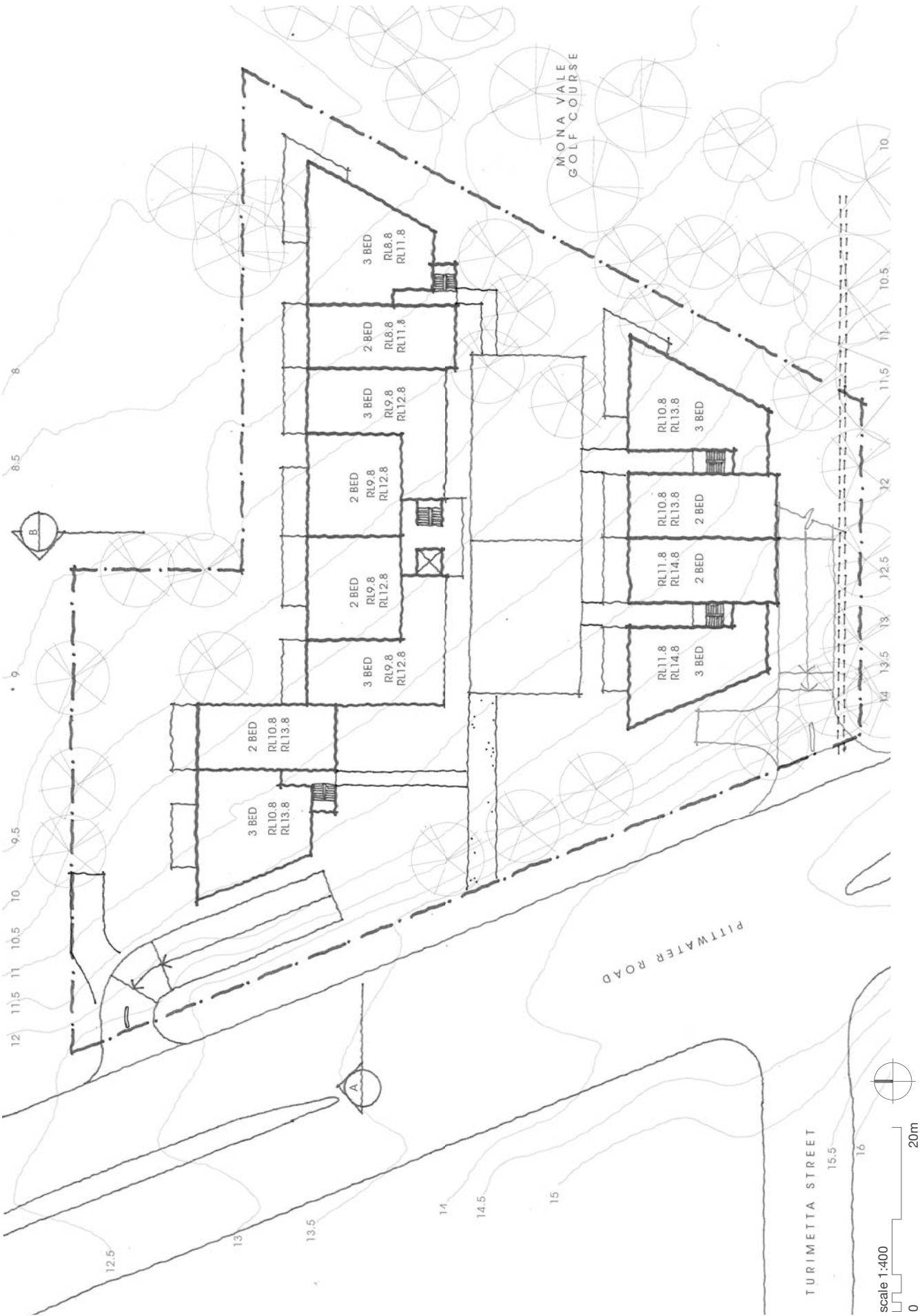
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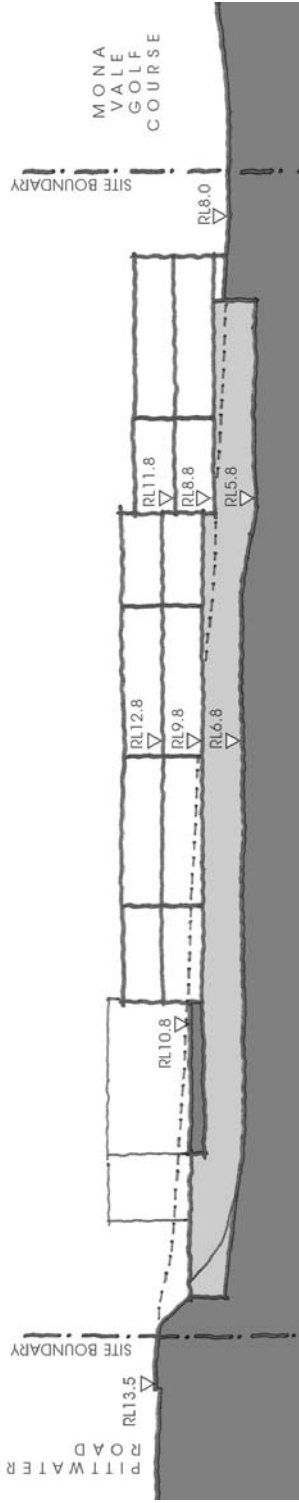


1596 + 1598 PITTWATER ROAD  
 MONA VALE

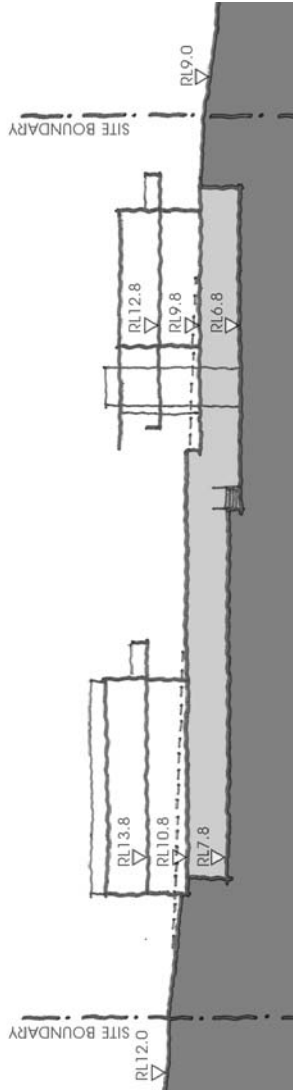
REVISED FEASIBILITY STUDY - NOVEMBER 2011  
 basement plan



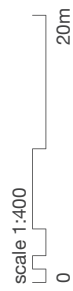




SECTION A-A



SECTION B-B



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# RESIDENTIAL FLAT DESIGN CODE (SEPP 65) COMPLIANCE TABLE

KITCHENER PARK, MONA VALE

1596 and 1598 Pittwater Road, Mona Vale

11 November 2011

SEPP 65 CODE REQUIREMENT	COMMENT
<b>PART 01 – LOCAL CONTEXT</b>	
<b>Building Depth</b>	
In general an apartment building of a maximum depth of 18 metres is appropriate.	<b>Complies</b> All buildings have been designed with reference to this requirement and the building depths (approx. 16m) meet the maximum depth requirement of 18m.
<b>Building Separation</b>	
Up to 4 storeys <ul style="list-style-type: none"> <li>12m between habitable rooms/ balconies</li> <li>9 m between habitable/balconies &amp; non habitable</li> <li>6m between non habitable</li> </ul>	<b>Complies</b> The maximum height of the buildings is 2 storeys and 16m of separation is achieved between habitable rooms and balconies.
<b>Street Setbacks</b>	
Street edge should relate to the area's street hierarchy and a clear threshold should be created by providing a transition between public and private space. A visual privacy should also be provided to apartments from the street while at the same time allowing an outlook to and surveillance of the street.	<b>Complies</b> 10m street setback has been provided (comply with Pittwater Council LEP).
<b>Side Setbacks</b>	
Side setbacks should relate to existing streetscape pattern.	<b>Complies</b> 4.25m side setback has been provided (comply with Pittwater Council LEP).
<b>PART 02 – SITE DESIGN</b>	
<b>Site Analysis</b>	
A detailed site analysis is to accompany development proposals.	Site analysis is not prepared at this stage.  Site Analysis to be prepared to accompany development proposals.
<b>Deep Soil zones</b>	
A minimum of 25% of the open space area shall be deep soil zones. Exemptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	<b>Complies</b> A minimum of 25% of the open space is deep soil. The total deep soil achieved is 42% (600 sqm).
<b>Communal Open Space</b>	
The area of communal open space required should generally be at least between 25 -30% of the site area.	<b>Complies</b> The site comfortably achieves 25% communal open space (1400 sqm).

# RESIDENTIAL FLAT DESIGN CODE (SEPP 65) COMPLIANCE TABLE

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11 November 2011

<p><b>Fences and Walls</b></p>	
<p>Fences and walls should be designed to define the boundaries between the developments, provide privacy and security and contribute positively to the public domain.</p>	<p>Details of fences and walls have not been prepared at this stage.</p> <p>Fences and walls to be designed to define the boundaries between the developments provide privacy and security and contribute positively to the public domain.</p>
<p><b>Landscape Design</b></p>	
<p>A landscape design should:</p> <ul style="list-style-type: none"> <li>▪ Improve the amenity of open space</li> <li>▪ Contribute to the streetscape character</li> <li>▪ Improve the energy efficiency and solar efficiency of the public domain</li> <li>▪ Contribute to the sites characteristics</li> <li>▪ Contribute to water and stormwater efficiency</li> <li>▪ Provide a sufficient depth of soil for planting</li> <li>▪ Minimise maintenance</li> </ul>	<p>Landscape Plan has not been prepared at this stage.</p> <p>Landscape Plan to be designed to satisfy the Landscape Design requirements.</p>
<p><b>Open Space Configuration</b></p>	
<p>Area of open space should generally be between 25 – 30% of the site.</p> <p>Where developments are unable to achieve this, they must demonstrate that the residential amenity is provided in the form of increased private open space.</p> <p>Minimum area of private open space at ground level shall be 25 sqm.</p>	<p><b>Complies</b></p> <p>42% (600 sqm) of the site is open space.</p> <p>The private open space requirement is achieved (Pittwater Council DCP requires minimum of 30 sqm at ground level – this is also achieved).</p>
<p><b>Orientation</b></p>	
<p>In order to achieve better design practise:</p> <ul style="list-style-type: none"> <li>▪ Plan the site to optimise solar access</li> <li>▪ Select building types or layouts that respond to the streetscape by optimising solar access</li> <li>▪ Optimise solar access to living spaces</li> <li>▪ Detail building elements to modify environmental considerations</li> </ul>	<p><b>Complies</b></p> <p>The development has been designed with buildings oriented along east-west axis as to optimise northerly aspect, maximising solar access for the residents. Appropriate building separation is provided improving the amenity and allowing building located to the south to have access to north light during winter.</p>
<p><b>Planting on Structures</b></p>	
<p>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes:</p> <p><b>Large trees such as figs (canopy diameter of up to 16 metres at maturity)</b></p> <ul style="list-style-type: none"> <li>▪ Minimum soil volume 150 cubic metres</li> <li>▪ Minimum soil depth 1.3 metre</li> </ul>	<p>Landscape Plan has not been prepared at this stage.</p> <p>Landscape Plan to be designed to satisfy the Planting on Structures requirement. The specific details of which to be addressed at the Construction Certificate Stage of the development.</p>

## RESIDENTIAL FLAT DESIGN CODE (SEPP 65) COMPLIANCE TABLE

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11 November 2011

<ul style="list-style-type: none"> <li>▪ Minimum soil area 10 metre x 10 metre area or equivalent</li> </ul> <p><b>Medium trees (8 metre canopy diameter at maturity)</b></p> <ul style="list-style-type: none"> <li>▪ Minimum soil volume 35 cubic metres</li> <li>▪ Minimum soil depth 1 metre</li> <li>▪ Approximate soil area 6 metre x 6 metre or equivalent</li> </ul> <p><b>Small trees (4 metre canopy diameter at maturity)</b></p> <ul style="list-style-type: none"> <li>▪ Minimum soil volume 9 cubic metres</li> <li>▪ Minimum soil depth 800mm</li> <li>▪ Approximate soil area 3.5 metre x 3.5 metre or equivalent</li> </ul> <p><b>Shrubs</b></p> <ul style="list-style-type: none"> <li>▪ Minimum soil depths 500-600mm</li> </ul> <p><b>Ground cover</b></p> <ul style="list-style-type: none"> <li>▪ Minimum soil depths 300-450mm</li> </ul> <p><b>Turf</b></p> <ul style="list-style-type: none"> <li>▪ Minimum soil depths 100-300mm</li> </ul> <p>Any subsurface drainage requirements are in addition to the minimum soil depths.</p>	
<p><b>Stormwater Management</b></p> <p>The design and implementation of appropriate stormwater management practices should be considered such as:</p> <ul style="list-style-type: none"> <li>▪ Reduce the volume impact of stormwater on infrastructure by retaining it on site;</li> <li>▪ Optimise deep soil zones;</li> <li>▪ Protect stormwater quality;</li> <li>▪ Reduce the need for expensive sediment trapping techniques by controlling erosion; and</li> <li>▪ Consider using grey water for site irrigation.</li> </ul>	<p>A preliminary assessment of flooding and drainage has been undertaken to assess likely impacts on the site.</p> <p>A conceptual level stormwater design has been prepared to guide any future development of the site. The preliminary stormwater design addresses inter-allotment drainage, installation of GPT's to protect water quality and extension and amplification of the existing drainage system.</p> <p>A flood study was conducted in late 2008 to determine the likely impacts of the proposed regional skate facility in adjoining Kitchener Park (the WMA Water Study, 2008).</p> <p>The results of the WMA Water Study 2008 have been used to provide a preliminary assessment of flood behaviour in and around the site.</p> <p>From the results of the WMA Water Study, it can be inferred that some flooding of the lowermost areas of the site along the eastern boundary is likely. It should be noted that the WMA Water Study recommends that "Whilst flooding is unlikely to be a major constraint on the future development of the site, a detailed drainage assessment will be required to determine the precise nature of overland flow crossing Pittwater Rd".</p>
<p><b>Safety</b></p> <p>Carry out a formal crime risk assessment for residential development of more than 20 dwellings.</p>	<p>Environment Assessment Report has not been prepared at this stage.</p> <p>Environment Assessment Report to be prepared to accompany development proposal.</p>

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<b>Visual Privacy</b>	
Refer to Building Separation	<b>Complies</b>
<b>Building Entry</b>	
<p>Building entries should:</p> <ul style="list-style-type: none"> <li>▪ Create entries that provide a desirable residential amenity;</li> <li>▪ Orientate the visitor; and</li> <li>▪ Contribute positively to the streetscape or building façade design.</li> </ul>	<p><b>Complies</b></p> <p>Building entrances are clearly defined and legible from the street providing a positive residential identity and address whilst allowing for natural surveillance for residents and visitors.</p> <p>The break up of the built form also allows for permeability and ability to respond to the site and to its surrounding context, enriching the streetscape.</p>
<b>Parking</b>	
<p>Parking number should be minimised and limit the number of visitor parking spaces, particularly in small developments, where the impact on landscape and open space is significant.</p> <p>Preference should be given to underground parking whenever possible.</p>	<p><b>Complies</b></p> <p>Number of parking spaces are minimised only to satisfy the council requirement. The envelope of the car park has been designed to minimise the impact on the site by utilising the building footprint above.</p>
<b>Pedestrian Access</b>	
<p>Identify the access requirements from the street or car parking area to the apartment entrance.</p> <p>Follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20 percent of dwellings in the development.</p>	<p>There is not a sufficient detail prepared at this stage.</p> <p>During design development careful consideration to be provided to accommodate barrier free access to satisfy the requirement.</p>
<b>Vehicle Access</b>	
<p>Generally limit the width of driveways to a maximum of six metres.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p>	<p>There is not a sufficient detail prepared at this stage.</p> <p>Width of the driveway to be designed to satisfy the requirement. It is intended that main pedestrian entry point is located away from the vehicle entry point.</p>
<b>PART 03 – BUILDING DESIGN</b>	
<b>Apartment Layout</b>	
<p>Single-aspect apartments should be limited in depth to 8 metres from a window.</p> <p>The back of a kitchen should be no more than 8 metres from a window.</p> <p>The width of crossover or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.</p>	<p><b>Does not comply</b></p> <p>Single-aspect apartments are 10m in depth. The backs of kitchen to these single-aspect apartments are more than 8m from a window. Although they do not comply with the guidelines they are all north facing which would generally maintain the amenity of the apartment.</p> <p><b>Complies</b></p> <p>The widths of cross-through apartments are well over the minimum</p>

# RESIDENTIAL FLAT DESIGN CODE (SEPP 65) COMPLIANCE TABLE

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<p>The following apartment sizes are provided as a guide:</p> <ul style="list-style-type: none"> <li>▪ 2 bedroom 90 sqm; and</li> <li>▪ 3 bedroom 124 sqm</li> </ul>	<p>width of 4m.</p> <p>The following apartment sizes are designed on preliminary concept plan:</p> <ul style="list-style-type: none"> <li>▪ 2 bedroom 110 sqm; and</li> <li>▪ 3 bedroom 130 sqm.</li> </ul>
<p><b>Apartment Mix</b></p>	
<p>A diverse range of apartment types should be provided to cater for different household requirements now and in the future.</p>	<p><b>Complies</b></p> <p>Variety of 2 bedroom and 3 bedroom apartment types have been designed.</p>
<p><b>Balconies</b></p>	
<p>Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind-can not be satisfactorily mitigated with design solutions.</p> <p>Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.</p>	<p><b>Complies</b></p> <p>Balconies have a depth of 2.5m.</p>
<p><b>Ceiling Heights</b></p>	
<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired.</p> <ul style="list-style-type: none"> <li>▪ In residential flat buildings or other residential floors in in mixed use buildings:             <ul style="list-style-type: none"> <li>○ In general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</li> <li>○ For two-storey units, 2.4m minimum for second storey if 50% or more of the apartment has 2.7m minimum ceiling heights.</li> <li>○ For two-storey units with a two storey void space, 2.4m minimum ceiling heights.</li> <li>○ Attic spaces, 1.5m minimum wall height at edge of room with a 30 degree minimum ceiling slope.</li> </ul> </li> </ul> <p>Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight (e.g. Shallow apartments with large amount of window area).</p>	<p><b>Complies</b></p> <p>In general apartments to be designed with 2.7m ceiling heights with 2.4m ceiling heights to wet areas.</p>
<p><b>Flexibility</b></p>	
<p>Encourage housing designs which meet the broadest range of the occupants' needs possible.</p>	<p><b>Complies</b></p> <p>Building designs are appropriate to the site. The design is fit for</p>



# RESIDENTIAL FLAT DESIGN CODE (SEPP 65) COMPLIANCE TABLE

KITCHENER PARK, MONA VALE

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<p>Promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.</p> <p>Encourage adaptive re-use.</p> <p>Save the embodied energy expended in building demolition.</p>	<p>purpose and robust to allow flexibility for use.</p> <p>Units are also generous in size which encourages flexibility of use.</p>
<p><b>Ground Floor Apartments</b></p>	
<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	<p><b>Complies</b></p> <p>Current design allows for the potential to have the ground floor apartments with separate entries and allows for accessible units to be considered.</p>
<p><b>Internal Circulation</b></p>	
<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core / corridor should be limited to eight. Exceptions may be allowed:</p> <ul style="list-style-type: none"> <li>▪ For adaptive reuse buildings;</li> <li>▪ Where developments can demonstrate the achievement of the desired streetscape character and entry response;</li> <li>▪ Where developments can demonstrate a high level of amenity for common lobbies, corridors and units (cross over, dual aspect apartments).</li> </ul>	<p><b>Complies</b></p> <p>There is no double-loaded corridor. The maximum number of units accessible from a single core/corridor is four.</p>
<p><b>Mixed Use</b></p>	
<p>N/A</p>	
<p><b>Storage</b></p>	
<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> <li>▪ Two bedroom apartments: 8 cbm</li> <li>▪ Three plus bedroom apartments: 10 cbm</li> </ul>	<p><b>Complies</b></p> <p>Car park has been designed with potential to provide some storage for residents. Apartments are also generous in size, which will comfortably accommodate sufficient storage to meet the requirement.</p>
<p><b>Acoustic Privacy</b></p>	
<p>Provide high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.</p>	<p><b>Complies</b></p> <p>Adequate building separation has been provided within the development as well as from neighbouring buildings.</p>
<p><b>Daylight Access</b></p>	
<p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in</p>	<p><b>Complies</b></p> <p>More than 70% of the apartments in the development receive a</p>

## RESIDENTIAL FLAT DESIGN CODE (SEPP 65) COMPLIANCE TABLE

KITCHENER PARK, MONA VALE

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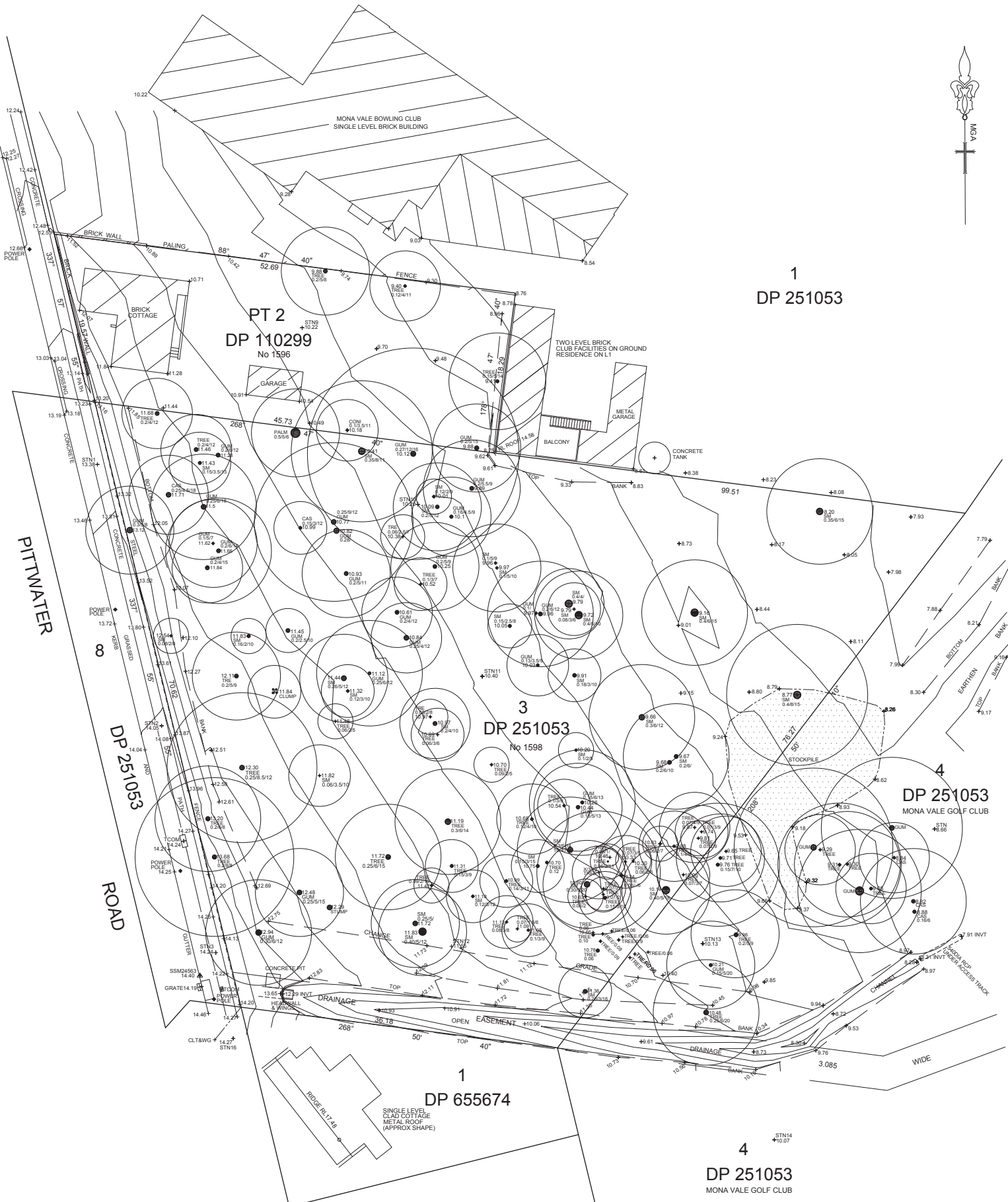
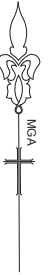
11 November 2011

<p>mid winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p> <p>See Apartment Layout for additional rules of thumb.</p>	<p>minimum of three hours direct sunlight between 9am and 3pm in mid winter.</p> <p>There is no single aspect apartment with a southerly aspect.</p>
<p><b>Natural Ventilation</b></p> <p>Building depths, which support natural ventilation typically, range from 10 to 18m.</p> <p>60% of residential units should be naturally cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	<p><b>Complies</b></p> <p>Building depths does not exceed 18m.</p> <p>More than 60% of residential units are naturally cross ventilated.</p> <p>More than 25% of kitchens should have access to natural ventilation. This is difficult to assess without unit layout plan however, consideration will be given during design development stage to satisfy this requirement.</p>

## **Annexure D:**

### **Survey of Site**





1  
DP 251053

PT 2  
DP 110299  
No 1596

3  
DP 251053  
No 1598

4  
DP 251053  
MONA VALE GOLF CLUB

1  
DP 655674

4  
DP 251053  
MONA VALE GOLF CLUB

TITLE DETAILS  
LOT 3 DP251053 PITTWATER COUNCIL  
EASEMENT FOR DRAINAGE C887382  
COVENANT J501163  
CAVEAT J647515  
PT LOT 2 DP110299 PITTWATER COUNCIL

TOTAL AREA  
PART LOT 2 IN DP110299 AND LOT 3 IN DP251053 5,379 m<sup>2</sup>

TREES ARE SHOWN DIAGRAMMATICALLY AND ALL DIMENSIONS ARE APPROXIMATE  
TREE SPREADS ARE SHOWN SYMMETRICALLY AROUND THE SURVEY POINT WHICH MAY NOT BE CORRECT  
HEIGHTS OF TREES ARE A VISUAL APPROXIMATION  
TREES ARE DIMENSIONED - RADIUS TRUNK/RADIUS SPREAD/HEIGHT  
BOUNDARIES HAVE NOT BEEN FIXED AND ARE NOT FINAL  
BOUNDARY DIMENSIONS AND AREAS HAVE BEEN TAKEN FROM TITLE DOCUMENTS  
AND ARE SUBJECT TO FURTHER SURVEY  
THIS PLAN DOES NOT SHOW A COMPREHENSIVE SURVEY OF SERVICES  
ONLY THOSE SERVICES APPARENT ON THE SURFACE HAVE BEEN INCLUDED  
THE INFORMATION SHOWN ON THIS PLAN REMAINS THE INFORMATION OF STEVE DAVEY AND ASSOCIATES  
THE PLAN HAS BEEN PRODUCED FOR PITTWATER COUNCIL AND IS NOT TO BE USED BY ADJOINING OWNERS  
OR FUTURE OWNERS/DEVELOPERS WITHOUT PERMISSION OF STEVE DAVEY AND ASSOCIATES  
THE PLAN HAS BEEN PRODUCED IN AUTOCAD USING A POINT OF ARIAL AND PRESENTED  
WITH LAYERS, CODE, EXTRA SHOTS AND TIN TURNED OFF

DATE OF ISSUE - A 26TH OCTOBER 2011

PLAN SHOWING SURVEY OF DETAILS AND LEVELS  
1596 & 1598 PITTWATER ROAD, MONA VALE  
LAND: PART LOT 2 IN DP110299 AND LOT 3 IN DP251053  
FOR PITTWATER COUNCIL

DATE OF SURVEY OCTOBER 2011  
LEVEL DATUM AHD  
DRAWN AT 1: 200 (AT A1)  
CONTOUR INTERVAL 0.5

STEVE DAVEY AND ASSOCIATES PTY LTD  
16/30 MACPHERSON STREET, WARRIEWOOD NSW  
LAND AND ENGINEERING SURVEYORS  
TEL 0416 183 071

DWG : SJD/PC/PRM/A

## ***Annexure E:***

### ***Flora & Fauna Assessment by Footprint Green***







# arboricultural & ecological assessment, proposed rezoning Lot 3 in DP 251053 & Lot 2 in DP 110299

at 1596 & 1598 Pittwater Road, Mona  
Vale

4<sup>th</sup> September 2013

prepared by

Mark Couston CPESC.

Ass. Dip. Env. Ctrl. (CSU), Grad. Dip. Env. Mgmt. (CSU), Cert. Soil & Water Mgmt. (UWS), MESA, MECA.

OEH - Scientific Licence No. SL100777, DPI - Animal Research Authority 04-4786



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Ph: (02) 99188877  
Fax: (02) 99188876

ABN 34 097 138 817

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# 1. Introduction

## 1.1 Background

This report has been prepared in conjunction with the proposed rezoning of the allotments of Lot 3 in DP 251053 & Lot 2 in DP 110299 known as 1596 & 1598 Pittwater Road, Mona Vale. The report identifies the flora species on the site and typical fauna species residing on or using the site as part of their foraging range. Specific assessment of the allotments has been undertaken to identify habitats of threatened species, populations and ecological communities listed in the schedules of the *Threatened Species Conservation Act (NSW) 1995* and the *Environment Protection & Biodiversity Act 1999 (Cwlth)* (EPBC). The report has been commissioned by Pittwater Council and site inspections and field work were conducted between the 10<sup>th</sup> & 15<sup>th</sup> of February 2012 with an additional site inspection carried out on the 30<sup>th</sup> August 2013.

The rezoning arises from the recommendations contained within the Kitchener Park Plan of Management, adopted by Council in September 2009. The rezoning was one of a number of changes/upgrades recommended in the adopted plan of management, which included construction of a new skateboard park and rehabilitation of the riparian corridor through and around the Kitchener Park. In December 2011 Pittwater Council resolved to rezone the site.

For the purposes of this report, Lot 3 in DP 251053 & Lot 2 in DP 110299 known as 1596 & 1598 Pittwater Road, Mona Vale will be referred to as the subject site.

## 1.2 Existing site & proposed rezoning

The site is currently zoned 6(a) Open Space and 9(a) Reservation – Open Space and is owned by Pittwater Council. The site is classified as Community Land under the *Local Government Act 1993 (NSW)* and is included in the Kitchener Park, Mona Vale Plan of Management (2009).

The proposed rezoning involves amendments to the Pittwater LEP by changing the landuse to one that permits medium density housing and reclassifying the land from Community to Operational under the *Local Government Act 1993 (NSW)*.



**Figure 1.1** View of the upper parts of Lot 3 showing typical vegetation.

# 2. The site

## 2.1 General site location

The site is situated on the eastern side of Pittwater Road at Mona Vale and is within a landscape of urban development, commercial areas and the adjacent open space areas of Kitchener Park and Mona Vale Golf Course.



Figure 5.1

## 2.2 The general site characteristics are:

Site area	5,379m <sup>2</sup>
Landform Morphology	Lower simple slope
Aspect	East
Geology	Narrabeen Shale
Soil Landscape	Warriewood Soil Landscape
Watercourse on site	Constructed Drainage Channel along the southern boundary
Catchment	Mona Vale
Receiving Waters	Mona Vale Beach / Tasman Sea
Vegetation	Remnant trees with slashed / mown ground covers

# 3. Flora & fauna survey

## 3.1 Flora species survey methods

### 3.1.1 Flora literature search

Flora records were obtained from the NSW Office of Environment & Heritage's (OEH, 2012) Wildlife Atlas searching a 10km grid square surrounding the site (AMG co-ordinates E 342740 and N 6271860).

### 3.1.2 Flora field surveys

The flora survey covered an area of approximately 5,000m<sup>2</sup> using the Random Meander Method described by Cropper (1993). Where some taxonomic uncertainty exists, samples were taken for verification using recognised floristic keys.

Specific effort was undertaken to identify optimal and sub-optimal habitats of threatened species and communities and in these areas detailed searches were undertaken.

Species identifications are consistent with the nomenclature in Harden (1992, 1993, 2000 & 2002) with recent name changes as amended in the Royal Botanic Gardens Sydney publication *Cunninghamia*.

## 3.2 Fauna species survey methods

### 3.2.1 Fauna Literature search

Fauna records were obtained from the NSW Office of Environment & Heritage's (OEH, 2012) Wildlife Atlas searching a 10km grid square surrounding the site (AMG co-ordinates E 342740 and N 6271860).

### 3.2.2 Fauna field surveys

Because of the extent of disturbance and modifications to the site and the relatively small scale of the site, field surveys have departed from those in the Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft (OEH, 2004). The following assessments were carried out.

#### 3.2.2.1 Habitat Assessment

Because of the extent of site modifications a habitat assessment was conducted noting key habitat features and to identify potential habitats where threatened fauna species could reside or forage.

#### 3.2.2.2 Opportunistic sighting, calls, scats and scratchings

During the course of field work opportunistic observations such as bird sightings, calls, scats, tracks and scratchings were also recorded both within the study area and locally off site.








### 3.3 Survey findings


#### 3.3.1 Flora species data table


The following table identifies flora species:

- listed in the schedules of the *Environment Protection & Biodiversity Conservation Act 1999 (Cwth)* within 5km of the site in the Wildlife Atlas (OEH 2012);
- listed in the schedules of the *Threatened Species Conservation Act 1995 (NSW)* within 5km of the site in the Wildlife Atlas (OEH 2012); and
- recorded on the site as part of field surveys.

OEH Wildlife Atlas (2012)	Recorded on site	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded,  - Planted Native Species. <b>Unprotected / Protected</b> - Schedule 13 National Parks & Wildlife Act 1974 (NSW), Vulnerable NSW / Endangered NSW / Critically Endangered NSW - NSW Threatened Species Conservation Act 1995 (NSW), <b>Noxious</b> - Noxious Weeds Act 1993 (NSW), <b>Critically Endangered Cwth / Endangered Cwth / Vulnerable Cwth</b> - Environment Protection & Biodiversity Conservation Act 1999 (Cwth).		<i>Acacia saligna</i>	Golden Wreath Wattle	Unprotected	Native
	✓	<i>Acetosa sagittata</i>	Potato Vine	Noxious	Exotic
	✓	<i>Agapanthus praecox</i>	Agapanthus	Unprotected	Exotic
	✓	<i>Ageratina adenophora</i>	Crofton Weed	Unprotected	Exotic
	✓ 	<i>Agonis flexuosa</i>	Willow Myrtle/ Peppermint	Unprotected	Native
	✓	<i>Allocasuarina littoralis</i>	Black She Oak	Unprotected	Indigenous
	✓	<i>Angophora costata</i>	Sydney Red Gum	Unprotected	Indigenous
	✓	<i>Araujia sericiflora</i>	Moth Vine	Noxious	Exotic
	✓	<i>Araucaria heterophylla</i>	Norfolk Island Pine	Unprotected	Exotic
	✓	<i>Asparagus aethiopicus</i>	Asparagus Fern	Noxious	Exotic
	✓	<i>Bidens pilosa</i>	Cobbler's Peg	Unprotected	Exotic
✓		<i>Boronia umbellata</i>	Orara Boronia	Vulnerable NSW, Cwth	Native
	✓	<i>Breynia oblongifolia</i>	Coffee Bush Shrub	Unprotected	Indigenous
✓		<i>Callistemon linearifolius</i>	Netted Bottle Brush	Vulnerable NSW	Indigenous
	✓	<i>Canna sp.</i>	Canna Lilly	Unprotected	Exotic
	✓	<i>Casuarina glauca</i>	Swamp Oak	Unprotected	Indigenous
	✓	<i>Cayratia clematidea</i>	Slender Grape	Unprotected	Indigenous

OEH Wildlife Atlas (2012)	Recorded on site	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded,  - Planted Native Species. <b>Unprotected / Protected</b> - Schedule 13 National Parks & Wildlife Act 1974 (NSW), Vulnerable NSW / Endangered NSW / Critically Endangered NSW - NSW Threatened Species Conservation Act 1995 (NSW), <b>Noxious</b> - Noxious Weeds Act 1993 (NSW), <b>Critically Endangered Cwth / Endangered Cwth / Vulnerable Cwth</b> - Environment Protection & Biodiversity Conservation Act 1999 (Cwth).		<i>Centella asiatica</i>	Swamp Pennywort	Unprotected	Indigenous
✓	✓	<i>Chamaesyce psammogeton</i>	Sand Spurge	Endangered NSW	Indigenous
	✓	<i>Cinnamomum camphora</i>	Camphor Laurel	Noxious	Exotic
	✓	<i>Commelina cyanea</i>	Scurvy Weed	Unprotected	Indigenous
	✓	<i>Conyza sp.</i>	Fleabane	Unprotected	Exotic
	✓	<i>Corymbia gummifera</i>	Red Bloodwood	Protected	Indigenous
✓		<i>Cryptostylis hunteriana</i>	Leafless Tongue-orchid	Vulnerable NSW, Cwth	Indigenous
	✓	<i>Cynodon dactylon</i>	Common Couch Grass	Unprotected	Exotic
	✓	<i>Delairea odorata</i>	Cape Ivy	Unprotected	Exotic
	✓	<i>Dianella caerulea</i>	Blue Flax Lily	Unprotected	Indigenous
	✓	<i>Dichondra repens</i>	Kidney Weed	Unprotected	Indigenous
	✓	<i>Dodonaea triquetra</i>	Hop Bush	Unprotected	Indigenous
	✓	<i>Ehrharta erecta</i>	Panic Veldtgrass	Unprotected	Exotic
✓	✓	<i>Entolasia marginata</i>	Bordered Panic	Unprotected	Indigenous
		<i>Epacris purpurascens var. purpurascens</i>	-	Vulnerable NSW	Indigenous
	✓	<i>Erythrina sykesii</i>	Coral Tree	Unprotected	Exotic
	✓	<i>Eucalyptus botryoides</i>	Bangalay	Unprotected	Indigenous
✓		<i>Eucalyptus camfieldii</i>	Heart-Leaved Stringybark	Vulnerable NSW, Cwth	Indigenous
	✓	<i>Eucalyptus haemastoma</i>	Scribbly Gum	Unprotected	Indigenous
✓ 	✓	<i>Eucalyptus nicholii</i>	Narrow-Leaf Peppermint	Vulnerable NSW	Native
	✓	<i>Eucalyptus paniculata</i>	Grey Ironbark	Unprotected	Indigenous
	✓	<i>Eucalyptus robusta</i>	Swamp Mahogany	Protected	Indigenous
	✓	<i>Eucalyptus umbra</i>	Broad-leaved White Mahogany	Unprotected	Indigenous
	✓	<i>Eustrephus latifolius</i>	Wombat Berry	Unprotected	Indigenous
	✓ 	<i>Ficus microcarpa var. hillii</i>	Hills Fig	Unprotected	Native
	✓	<i>Geitonoplesium cymosum</i>	Scrambling Lily	Unprotected	Indigenous
✓		<i>Genoplesium baueri</i>	Midge Orchids	Vulnerable NSW	Indigenous
	✓	<i>Glochidion ferdinandi</i>	Cheese Tree	Unprotected	Indigenous




OEH Wildlife Atlas (2012)	Recorded on site	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded,  - Planted Native Species. <b>Unprotected / Protected</b> - Schedule 13 National Parks & Wildlife Act 1974 (NSW), Vulnerable NSW / Endangered NSW / Critically Endangered NSW - NSW Threatened Species Conservation Act 1995 (NSW), <b>Noxious</b> - Noxious Weeds Act 1993 (NSW), <b>Critically Endangered Cwth / Endangered Cwth / Vulnerable Cwth</b> - Environment Protection & Biodiversity Conservation Act 1999 (Cwth).		<i>Glycine clandestina</i>	Twining Glycine	Unprotected	Indigenous
✓	✓	<i>Grammitis stenophylla</i>	Narrow-leaf Finger Fern	Endangered NSW	Indigenous
✓		<i>Grevillea caleyi</i>	Caley's Grevillea	Endangered NSW, Cwth	Indigenous
	✓	<i>Hibbertia scandens</i>	Climbing Guinea Flower	Unprotected	Indigenous
	✓	<i>Imperata cylindrica</i>	Blady Grass	Unprotected	Indigenous
	✓	<i>Ipomoea indica</i>	Blue Morning Glory	Noxious	Exotic
	✓	<i>Lantana camara</i>	Lantana	Noxious	Exotic
	✓	<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	Unprotected	Indigenous
	✓	<i>Lonicera japonica</i>	Japanese Honeysuckle	Unprotected	Exotic
	✓	<i>Macadamia integrifolia</i>	Macadamia	Unprotected	Exotic
	✓	<i>Macadamia tetraphylla</i>	Macadamia Nut	Unprotected	Exotic
	✓	<i>Microlaena stipoides</i>	Weeping Grass	Unprotected	Indigenous
✓		<i>Microtis angusii</i>	Angus's Onion Orchid	Endangered NSW, Cwth	Indigenous
	✓	<i>Nephrolepis cordifolia</i>	Fishbone Fern	Unprotected	Native
	✓	<i>Ochna serrulata</i>	Ochna	Noxious	Exotic
	✓	<i>Oplismenus imbecillis</i>	Basket Grass	Unprotected	Indigenous
	✓	<i>Osteospermum ecklonis</i>	African Daisy	Unprotected	Exotic
	✓	<i>Parsonia straminea</i>	Common Silkpod	Unprotected	Indigenous
	✓	<i>Paspalum urvillei</i>	Vasey Grass	Unprotected	Exotic
	✓	<i>Pennisetum clandestinum</i>	Kikuyu Grass	Unprotected	Exotic
✓		<i>Persoonia hirsuta</i>	Hairy Geebung	Endangered NSW, Cwth	Indigenous
✓		<i>Persoonia laxa</i>		Extinct NSW, Cwth	Indigenous
	✓	<i>Phoenix canariensis</i>	Canary Island Date Palm	Unprotected	Exotic
	✓	<i>Pimelea curviflora</i> var. <i>curviflora</i>	Curved Rice-flower	Vulnerable NSW, Cwth	Indigenous
	✓	<i>Pittosporum undulatum</i>	Native Daphne	Unprotected	Indigenous
	✓	<i>Polymeria calycina</i>	-	Unprotected	Indigenous
	✓	<i>Pratia purpurascens</i>	Whiteroot	Unprotected	Indigenous
	✓	<i>Pteridium esculentum</i>	Bracken Common	Unprotected	Indigenous

OEH Wildlife Atlas (2012)	Recorded on site	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded,  - Planted Native Species. <b>Unprotected / Protected</b> - Schedule 13 National Parks & Wildlife Act 1974 (NSW), Vulnerable NSW / Endangered NSW / Critically Endangered NSW - NSW Threatened Species Conservation Act 1995 (NSW), <b>Noxious</b> - Noxious Weeds Act 1993 (NSW), <b>Critically Endangered Cwth / Endangered Cwth / Vulnerable Cwth</b> - Environment Protection & Biodiversity Conservation Act 1999 (Cwth).	✓	<i>Ranunculus</i> sp.	Buttercup	Unprotected	Exotic
	✓	<i>Rumex crispus</i>	Curled Dock	Unprotected	Exotic
	✓	<i>Schefflera actinophylla</i>	Umbrella Tree	Unprotected	Exotic
	✓	<i>Sida rhombifolia</i>	Paddy's Lucerne	Unprotected	Exotic
	✓	<i>Stenotaphrum secundatum</i>	Buffalo Grass	Unprotected	Exotic
✓		<i>Syzygium paniculatum</i>	Magenta Lillypilly	Vulnerable NSW, Cwth	Indigenous
✓		<i>Tetradlea glandulosa</i>	Glandular Pink-bell	Vulnerable NSW, Cwth	Indigenous
	✓	<i>Tropaeolum majus</i>	Nasturtium	Unprotected	Exotic

### 3.3.2 Fauna species data table

The following table identifies fauna species:

- listed in the schedules of the *Environment Protection & Biodiversity Conservation Act 1999 (Cwth)* and recorded within 5km of the site in the Wildlife Atlas (OEH 2012);
- listed in the schedules of the *Threatened Species Conservation Act 1995 (NSW)* and recorded within 5km of the site in the Wildlife Atlas (OEH 2012)

OEH Wildlife Atlas (2012)	Opportunistic Record on site	Class	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded / Identified,  Record Highly Probable,  Record Probable,  Record Likely / Possible. <b>Unprotected / Protected</b> - National Parks & Wildlife Act 1974 (NSW), <b>Vulnerable NSW / Endangered NSW</b> - NSW Threatened Species Conservation Act 1995 (NSW), <b>Critically Endangered Cwth / Endangered Cwth / Vulnerable Cwth</b> - Environment Protection & Biodiversity Conservation Act 1999 (Cwth)		Amphibia	<i>Heleioporus australiacus</i>	Giant Burrowing Frog	Vulnerable NSW, Cwth	Native
✓		Amphibia	<i>Pseudophryne australis</i>	Red-crowned Toadlet	Vulnerable NSW	Native
	✓	Aves	<i>Acridotheres tristis</i>	Indian Myna	Unprotected	Introduced
✓		Aves	<i>Botaurus poiciloptilus</i>	Australasian Bittern	Vulnerable NSW	Native
✓		Aves	<i>Burhinus grallaris</i>	Bush Stone-curlew	Endangered NSW	Native

OEH Wildlife Atlas (2012)	Opportunistic Record on site	Class	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded / Identified, ✓ θ Record Highly Probable, ✓ ♀ Record Probable, ✓ ♂ Record Likely / Possible. <b>Unprotected / Protected - National Parks &amp; Wildlife Act 1974 (NSW), Vulnerable NSW - NSW Threatened Species Conservation Act 1995 (NSW), Critically Endangered Cw/wh / Endangered Cw/wh - Environment Protection &amp; Biodiversity Conservation Act 1999 (Cw/wh)</b>						
	✓	Aves	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	Protected	Native
	✓	Aves	<i>Cacatua sanguinea</i>	Little Corella	Protected	Native
✓		Aves	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	Vulnerable NSW	Native
✓		Aves	<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	Vulnerable NSW	Native
	✓	Aves	<i>Cracticus torquatus</i>	Grey Butcherbird	Protected	Native
	✓	Aves	<i>Dacelo novaeguineae</i>	Laughing Kookaburra	Protected	Native
	✓	Aves	<i>Diomedea exulans</i>	Wandering Albatross	Endangered NSW, Vulnerable Cw/wh	Migratory
	✓	Aves	<i>Eurystomus orientalis</i>	Dollarbird	Protected	Native
✓		Aves	<i>Glossopsitta pusilla</i>	Little Lorikeet	Vulnerable NSW	Native
	✓	Aves	<i>Grallina cyanoleuca</i>	Magpie-lark	Protected	Native
	✓	Aves	<i>Gymnorhina tibicen</i>	Australian Magpie	Protected	Native
	✓	Aves	<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	Vulnerable NSW	Native
✓		Aves	<i>Hieraaetus morphnoides</i>	Little Eagle	Vulnerable NSW	Native
✓		Aves	<i>Ixobrychus flavicollis</i>	Black Bittern	Vulnerable NSW	Native
✓		Aves	<i>Lathamus discolor</i>	Swift Parrot	Endangered NSW, Cw/wh	Native
	✓	Aves	<i>Manorina melanocephala</i>	Noisy Miner	Protected	Native
✓		Aves	<i>Neophema pulchella</i>	Turquoise Parrot	Vulnerable NSW	Native
✓		Aves	<i>Ninox connivens</i>	Barking Owl	Vulnerable NSW	Native
✓		Aves	<i>Ninox strenua</i>	Powerful Owl	Vulnerable NSW	Native
	✓	Aves	<i>Pandion cristatus</i>	Eastern Osprey	Vulnerable NSW	Native
	✓	Aves	<i>Podargus strigoides</i>	Tawny Frogmouth	Protected	Native
	✓	Aves	<i>Ptilinopus superbus</i>	Superb Fruit-Dove	Vulnerable NSW	Native
✓		Aves	<i>Puffinus carneipes</i>	Flesh-footed Shearwater	Vulnerable NSW	Migratory
✓		Aves	<i>Thalassarche cauta</i>	Shy Albatross	Vulnerable NSW, Cw/wh	Native
✓		Aves	<i>Thalassarche melanophris</i>	Black-browed Albatross	Vulnerable NSW, Cw/wh	Native
	✓	Aves	<i>Trichoglossus haematodus</i>	Rainbow Lorikeet	Protected	Native
✓		Aves	<i>Xanthomyza phrygia</i>	Regent Honeyeater	Critically Endangered NSW, Endangered Cw/wh	Native



OEH Wildlife Atlas (2012)	Opportunistic Record on site	Class	Genus species	Common Name	Conservation Status	Autochthony
✓ - Recorded / Protected / Endangered Cwth / Vulnerable Cwth	✓ θ Record Highly Probable, ✓ ♀ Record Probable, ✓ ♂ Record Likely / Possible.					
		Mammalia	<i>Cercartetus nanus</i>	Eastern Pigmy-possum	Vulnerable NSW	Native
✓		Mammalia	<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	Vulnerable NSW, Endangered Cwth	Native
✓		Mammalia	<i>Dugong dugon</i>	Dugong	Endangered NSW	Migratory
✓		Mammalia	<i>Eubalaena australis</i>	Southern Right Whale	Vulnerable NSW, Endangered Cwth	Migratory
✓		Mammalia	<i>Isodon obesulus obesulus</i>	Southern Brown Bandicoot	Endangered NSW, Cwth	Native
✓		Mammalia	<i>Megaptera novaeangliae</i>	Humpback Whale	Vulnerable NSW, Cwth	Native
✓		Mammalia	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bent-wing Bat	Vulnerable NSW	Native
✓		Mammalia	<i>Mormopterus norfolkensis</i>	Eastern Freetail Bat	Vulnerable NSW	Native
	✓	Mammalia	<i>Oryctolagus cuniculus</i>	Rabbit	Unprotected	Introduced
	✓	Mammalia	<i>Perameles nasuta</i>	Long-nosed Bandicoot	Protected	Native
✓		Mammalia	<i>Petaurus norfolkensis</i>	Squirrel Glider	Vulnerable NSW	Native
✓		Mammalia	<i>Phascogaleos cinereus</i>	Koala	Vulnerable NSW	Native
✓		Mammalia	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Vulnerable NSW, Cwth	Native
✓		Mammalia	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	Vulnerable NSW	Native
✓		Reptilia	<i>Chelonia mydas</i>	Green Turtle	Vulnerable NSW, Cwth	Native
✓		Reptilia	<i>Varanus rosenbergi</i>	Rosenberg's Goanna /Heath Monitor	Vulnerable NSW	Native

### 3.3.3 Ecological communities data table

The following table identifies ecological communities known to occur within the Pittwater Local Government Areas. The communities are based upon community descriptions identified by NSW Office of Environment & Heritage (2002) supplemented by those identified by Benson & Howell (1994) and include communities:

- listed in the schedules of the Environment Protection & Biodiversity Conservation Act 1999 (Cwth);
- listed in the schedules of the Threatened Species Conservation Act 1995 (NSW); and
- recorded on the site from field surveys.

Known to occur in Pittwater LGA	Recorded On Site	Community name	Conservation Status
✓	Vulnerable NSW / Endangered NSW - Threatened Species Conservation Act 1995 (NSW), Critically Endangered Cwth / Vulnerable Cwth - Biodiversity Conservation Act 1999 (Cwth)	Pittwater Spotted Gum Forest	Environment Protection & Biodiversity Conservation Act 1999 (Cwth) - Endangered NSW
✓		Duffys Forest Ecological Community in the Sydney Basin Bioregion	Endangered, NSW
✓	✓ Some component species	Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions	Endangered NSW
✓		Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	Endangered NSW
✓		Sydney Freshwater Wetlands in the Sydney Basin Bioregion	Endangered NSW
✓		Coastal Upland Swamp in the Sydney Basin bioregion (preliminary determination)	Endangered NSW

### 3.3.4 Population data table

The following table identifies threatened populations:

- listed in the schedules of the *Threatened Species Conservation Act 1995 (NSW)* and recorded within 5km of the site in the Wildlife Atlas (OEH, 2012),
- recorded on the site as part of field surveys.

OEH Wildlife Atlas (2012)	Recorded on Site	Type	Population Name	Conservation Status
✓	Vulnerable NSW / Endangered NSW - Threatened Species Conservation Act 1995 (NSW),	Fauna	Koala, <i>Phascolarctos cinereus</i> , in the Pittwater Local Government Area	Endangered NSW
✓		Fauna	Pittwater population of the Squirrel Glider, <i>Petaurus norfolcensis</i> on the Barrenjoey Peninsula, north of Bushrangers Hill	Endangered NSW

# 4. Arboricultural Assessment

## 4.1 Tree locations & reference numbers

The following plan is based upon the survey (Davey, 2010) and identifies the locations of the trees considered in this report.

## 4.2 Tree condition & species

Because the proposal involves rezoning and reclassification of the site, no detailed arboricultural assessment has been carried out, however the tree species have been identified and a general assessment of the condition of the trees has been conducted.

This general assessment involves taking into account consideration of the tree's structure, foliage, branch or trunk wounds, evidence of pests & disease and classifies trees as either:

- dead
- in poor condition;
- in fair condition, or
- in good condition.

## 4.3 Trees, the proposed rezoning & subsequent development of the site

Although conceptual plans, based upon the Feasibility Study plans (Antoniades, 2011) the future development on the site would likely involve removal of the majority of the 97 trees on the site. Approximately 90 trees are likely to be removed of which 20 are Swamp Mahogany (*Eucalyptus robusta*).

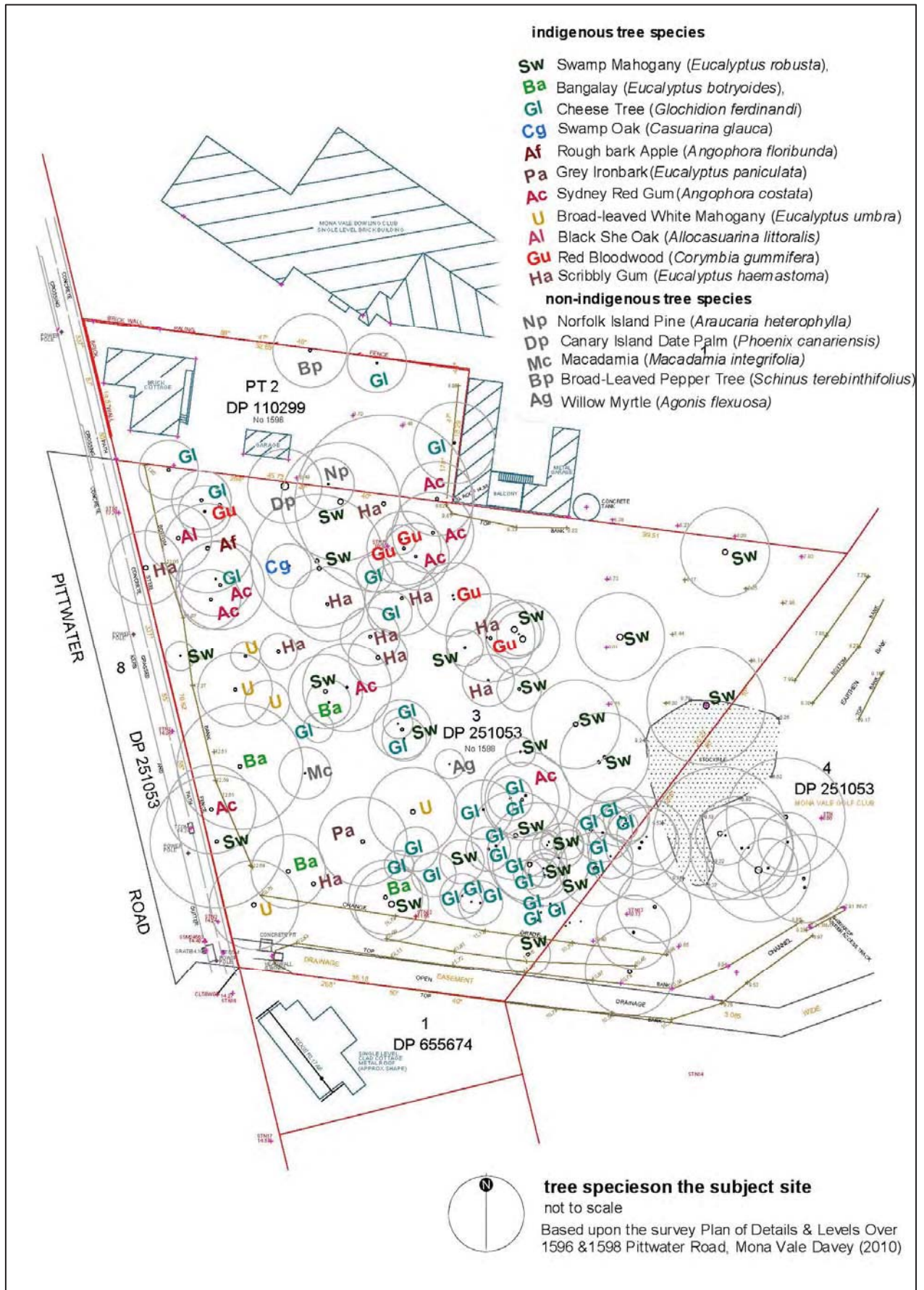


Figure 4.1







# 5. Habitat assessment

## 5.1 Local & regional habitat context

The site is located within 100m of the commercial centre of Mona Vale and forms part of the larger contiguous developed open space areas of Kitchener Park, Mona Vale Golf Course, Mona Vale Bowling Club, Mona Vale Beach Reserve and the grounds surrounding Mona Vale Hospital. These developed open space areas are largely modified open grass areas with scattered stands of predominately indigenous trees and pockets of remnant vegetation.

At a larger scale, the site and the adjacent developed open space is surrounded by commercial, residential and light industrial land and is isolated from the natural bushland habitats of the Warriewood Escarpment approximately 2km to the west.

The remnant trees and pockets of dense vegetation within the local urban landscape can provide foraging opportunities for some or the more resilient arboreal mammals, bats and birds including the Grey-headed Flying-fox (*Pteropus poliocephalus*) which is listed in the schedules of the *Threatened Species Conservation Act (NSW) 1995*. These modified habitats can provide both foraging habitat and core refuge habitat for less sensitive fauna species that are common in urban areas such as Ringtail Possum (*Pseudocheirus peregrinus*), Common Brushtail Possum (*Trichosurus vulpecula*) and Long-nosed Bandicoot (*Perameles nasuta*). Whilst these mammals may be considered common species they are often the prey of threatened species such as Powerful Owl (*Ninox strenua*).

Swamp Mahogany (*Eucalyptus robusta*) on the site, within Kitchener Park and on Mona Vale Golf Course are an important foraging resource for many species during the winter period. They are the only indigenous species that consistently provides winter foraging resources for nectivorous fauna within the region.

Being within an urban context, the local area is not considered habitat for sensitive fauna such as Regent Bowerbird (*Sericulus chrysocephalus*), Red-capped Robin (*Petroica goodenovii*), and Scarlet Honeyeater (*Myzomela sanguinolenta*) whose range does not usually extend outside larger bushland reserves.

Fauna that do not reside locally and have broader foraging ranges are expected to be able to frequent the site. Some of these species such as the Grey-headed Flying-fox (*Pteropus poliocephalus*) and Swift Parrot (*Lathamus discolor*) are listed in the schedules of the *Threatened Species Conservation Act (NSW) 1995*.

The developed urban landscape is also considered core habitat for fauna species typically found in urban areas where there is some tree cover. The faunal composition on the site is also influenced by more typical urban native fauna including aggressive species such as Pied Currawong (*Strepera graculina*) and Noisy Miner (*Manorina melanocephala*) or resilient, adaptable species such as Grass/Delicate Skink (*Lampropholis delicata*) and Common Brushtail Possum (*Trichosurus vulpecula*).

## 5.2 Site habitats

The site is situated on the eastern side of Pittwater Road, encompasses Lot 2 in DP 110299 and Lot 3 in DP 251053 and has a total area of 5,379m<sup>2</sup>.



Figure 5.1

### 5.2.1 Site floristics

#### 5.2.1.1 Lot 2 in DP 110299

Lot 2 in DP 110299 covers an area of 900m<sup>2</sup> and is typical of a developed residential allotment and contains a brick dwelling, open lawn area of exotic grass with several trees along located along the boundaries. The tree species include the introduced Canary Island Date Palm (*Phoenix canariensis*), Norfolk Island Pine (*Araucaria heterophylla*) along with indigenous species such as Red Bloodwood (*Corymbia gummifera*) and Sydney Red Gum (*Angophora costata*). The remainder of the site is mown and the ground covers predominately consist of Kikuyu Grass (*Pennisetum clandestinum*).

#### 5.2.1.2 Lot 3 in DP 251053

Lot 3 in DP 251053 cover an area of 4,479m<sup>2</sup> and has a developed park like character and contains open mown grass and 97 trees.

All of which are indigenous species with the exception of 1 Willow Myrtle (*Agonis flexuosa*) and 1 Macadamia (*Macadamia integrifolia*). The indigenous tree species are Swamp Mahogany (*Eucalyptus robusta*), Bangalay (*Eucalyptus botryoides*), Scribbly Gum (*Eucalyptus haemastoma*), Grey Ironbark (*Eucalyptus paniculata*), Sydney Red Gum (*Angophora costata*) and Broad-leaved White Mahogany (*Eucalyptus umbra*) and Red Bloodwood (*Corymbia gummifera*).



The sub-canopy trees include Swamp Oak (*Casuarina glauca*), Cheese Tree (*Glochidion ferdinandi*) and Native Daphne (*Pittosporum undulatum*).



Figure 5.2 Vegetation at the rear of Lot 2 in DP 110299 looking west.



Figure 5.3 Informal carpark on the rear portion of Lot 3 in DP 251053 looking south west.



**Figure 5.4 Vegetation & habitats on Lot 3 in DP 251053 looking south east towards Mona Vale Golf Course.**

Around the base of the trees where the vegetation is not mown several indigenous species exist such as: Wombat Berry (*Eustrephus latifolius*), Common Silkpod (*Parsonsia straminea*), Spiny-headed Mat-rush (*Lomandra longifolia*), Bordered Panic (*Entolasia marginata*), Whiteroot (*Pratia purpurascens*), Blue Flax Lily (*Dianella caerulea*) and Coffee Bush Shrub (*Breynia oblongifolia*).

The mown grass areas, whilst consisting of exotic species such as Common Couch Grass (*Cynodon dactylon*), Kikuyu Grass (*Pennisetum clandestinum*), Buffalo Grass (*Stenotaphrum secundatum*) and Panic Veldtgrass (*Ehrharta erecta*), also contains indigenous species including Blady Grass (*Imperata cylindrica*), Weeping Grass (*Microlaena stipoides*), Kidney Weed (*Dichondra repens*) and Basket Grass (*Oplismenus imbecillis*) and Swamp Pennywort (*Centella asiatica*).

Along the southern boundary of the site there is an excavated drainage line which is dominated by exotic and environmental weed species such as Blue Morning Glory (*Ipomoea indica*) Ochna (*Ochna serrulata*) and others.

### **5.2.2 Drainage line habitats on Lot 3**

The drainage channel along the southern boundary appears to have been excavated to allow stormwater to drain off Pittwater Road and the upper catchment areas. This drainage channel is dominated by exotic weeds and contains few if any indigenous vegetation. The drainage channel contains urban litter and debris and is also likely to be subject to pollutants such as oil & grease from Pittwater Road. The aquatic and immediate riparian habitats associated with the drainage channel are considered to be severely degraded.



### 5.2.3 Faunal habitats on Lot 3

The canopy trees also provide refuge and foraging potential for arboreal and avifauna. The canopy trees are likely to provide foraging habitat for the Common Brushtail Possum (*Trichosurus vulpecula*) and the Common Ringtail Possum (*Pseudocheirus peregrinus*). A colony of Noisy Miners (*Manorina melanocephala*) were observed on the site and other more resilient species such as Rainbow Lorikeet (*Trichoglossus haematodus*) were observed using the smaller tree hollows. Other bird species observed on the site were Tawny Frogmouth (*Podargus strigoides*) being harassed by Noisy Miners (*Manorina melanocephala*), Dollarbird (*Eurystomus orientalis*) and Magpie-lark (*Grallina cyanoleuca*)

The range and populations of several native hollow using bird species has increased significantly since European settlement (Gibbons & Lindenmayer, 2002) and these species typically include Rainbow Lorikeet (*Trichoglossus haematodus*) and Sulphur-crested Cockatoo (*Cacatua galerita*). Being more resilient to habitat modification and/or aggressive to other species, these species tend to dominate where there is competition for nest sites.

Noisy Miners (*Manorina melanocephala*) are also known to defend territories and aggressively drive other bird species away. It is thought that aggressive species particularly Noisy Minors (*Manorina melanocephala*) may be displacing the threatened species Regent Honeyeater (*Xanthomyza phrygia*) (Franklin et al., 1989, Grey et al., 1998).

The trees on the site do not appear to contain constructed bird nests or possum dreys; however a Possum carcass was present on the site. The Possum remains were relatively intact and it is likely that the animal was hit by a car rather than being the prey of a large forest Owl. Rabbit (*Oryctolagus cuniculus*) scats were also evident over most of the site

Several of the old Red Bloodwood (*Corymbia gummifera*) exhibit feeding scars on the bark caused by Sugar Gliders (*Petaurus breviceps*). These feeding scars are old trunk and branch wounds and are not recent and suggest a colony of Sugar Gliders (*Petaurus breviceps*) once occurred in the area.

There is 1 dead tree is present on the site which was previously a semi-mature specimen which does not appear to contain substantial habitat hollows.

One tree hollow is evident in a mature twin trunk Swamp Mahogany (*Eucalyptus robusta*) towards the northern boundary of Lot 3. The hollow is approximately 2.2m above ground with a vertical opening of 0.3m a depth of 0.2m with the cavity marginally extending below the opening. The hollow was inspected on 2 separate occasions during the day and no nocturnal fauna were roosting in the hollow and no bird species were using the hollow.



### 5.3 The endangered Swamp Sclerophyll Forest ecological community

The Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions was listed as an endangered ecological community in the schedules of the *Threatened Species Conservation Act 1995 (NSW)* in 1999.

The ecological community is described in the determination (NSW Scientific Committee, 2004) as:

- occurring below 20 m (though sometimes up to 50 m) elevation, often on small floodplains or where the larger floodplains adjoin lithic substrates or coastal sand plains;
- associated with humic clay loams and sandy loams, on waterlogged or periodically inundated alluvial flats and drainage lines associated with coastal floodplains.
- having a structure which is typically open forest, although partial clearing may have reduced the canopy to scattered trees, and
- having characteristic tree species that include, amongst others, Swamp Mahogany (*Eucalyptus robusta*), Bangalay (*Eucalyptus botryoides*), Swamp Oak (*Casuarina glauca*) and Cheese Tree (*Glochidion ferdinandi*).

Based upon the tree species that remain, the Swamp Mahogany (*Eucalyptus robusta*), Bangalay (*Eucalyptus botryoides*), together with the Swamp Oak (*Casuarina glauca*) suggest that the site once partly contained Swamp Sclerophyll Forest.

Other tree species on the site such as Sydney Red Gum (*Angophora costata*), Scribbly Gum (*Eucalyptus haemastoma*) and Red Bloodwood (*Corymbia gummifera*) suggest the site was Sydney Sandstone Woodland.

Because of this overlap between vegetation associations, it is considered that the site was on the ecotone between the Swamp Sclerophyll Forest and the Sydney Sandstone Gully Forest. The Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions is listed as an endangered ecological community in the *Threatened Species Conservation Act (NSW) 1995* and the ecotone between this community and adjoining vegetation associations are considered to be part of the endangered ecological community.

#### 5.3.1 Extent of the Swamp Sclerophyll Forest endangered ecological community on the site

The habitats on the site are modified and cleared and have been subject to ongoing disturbance through mowing. A drainage channel has also been excavated along the site's southern side boundary.

It is considered that the site was once the ecotone of the Swamp Sclerophyll Forest and the Sydney Sandstone Woodland, however currently the excavated drainage channel and banks on Lot 3 in DP 251053 are so degraded they are no longer habitat of either community. Lot 2 in DP 110299 also has few indigenous flora species and is not representative of either community.

Although it is difficult, if not impossible, to define boundaries of ecological communities at such a small scale, based upon the tree species remaining the southern and eastern parts of Lot 3 in DP 251053, outside the drainage channel, is notionally considered to contain components of the Swamp Sclerophyll Forest community which remains as scattered trees with some patches of indigenous ground covers.



Figure 5.5

## 5.4 Critical habitat

Critical habitat is declared under the provisions of the Threatened Species Conservation Act 1995. This site is not listed as being part of any gazetted critical habitat. Currently the critical habitats listed in the schedules of the Act are

- Gould's Petrel;
- Little Penguin habitat in Sydney's North Harbour;
- Mitchell's Rainforest Snail in Stott's Island Nature Reserve;
- *Wollemia nobilis* (The Wollemi Pine);
- *Bomaderry zieria* within the Bomaderry bushland - critical habitat recommendation;
- Eastern Suburbs Banksia Scrub Endangered Ecological Community - critical habitat recommendation, and

The site is not considered to be critical habitat for the purposes of the *Threatened Species Conservation Act 1995* (NSW).

# 6. Proposed rezoning

## 6.1 Existing site & proposed rezoning

The existing site is described as 2 separate allotments that are zoned as 6(a) Open Space consisting of:

- Lot 2 in DP 110299 contains a residential dwelling and the allotment has an area of 900m<sup>2</sup> of which approximately 730m<sup>2</sup> is exotic mown grass with 3 indigenous trees;
- Lot 3 in DP 251053 contains an excavated drainage channel with exotic vegetation and covers approximately 290m<sup>2</sup>;
- Lot 3 in DP 251053 contains an open parkland area of approximately 4,479m<sup>2</sup> which contains 94 trees of which approximately 1,850 m<sup>2</sup> is notionally modified Swamp Sclerophyll Forest and approximately 2,310m<sup>2</sup> is modified Sydney Sandstone Woodland with the remainder being an excavated drainage channel.

Whilst the rezoning will not directly result in any works, it will impose the expectation that the land can be used for its intended purpose, to permit medium density housing.

## 6.2 Nature of impacts

In terms of the ecology, biophysical changes to the site can have impacts that are:

- direct, affecting the site, or
- indirect, affecting the down stream or adjacent environment.

These impacts can also be considered as being:

- short term, during construction / demolition activities, or
- long term, extending over the life of the development and are influenced by the development design.

Impacts on the natural environment, whether direct or indirect, short term or long term are also considered generally in the context of having either a negative or positive effect.

## 6.3 Scope of rezoning impact and potential development on the site

### 6.3.1 Potential direct long term negative impacts

Feasibility Plans (Antoniades, 2011) for medium density development of the site have been prepared showing the location of building footprints and typical sections.

Whilst these are conceptual, the future development on the site would involve removal of the majority of the trees on the site. Approximately 90 trees of which 20 are Swamp Mahogany (*Eucalyptus robusta*).

The modified Swamp Sclerophyll Forest (1,850m<sup>2</sup>) and the modified Sydney Sandstone Woodland (2,310m<sup>2</sup>) would also largely be removed,

### **6.3.2 Potential indirect long term negative impacts**

#### **6.3.2.1 Hydrological impacts**

Taking into account the location of the site the nature of the upstream urban catchment and the modified down stream drainage lines it is unlikely that the habitats downstream of the site will experience substantial changes provided that suitable on site stormwater detention measures are incorporated into the development design.

### **6.3.3 Potential indirect short term negative impacts**

Development of the site will have some short-term impacts associated with building activities including noise and soil disturbance.

#### **6.3.3.1 Noise during construction**

Taking into account the typical urban fauna found on site and within the surrounding areas, there may be some displacement of native fauna whilst works are in progress. The ecological impact as a result of construction noise is considered to be minimal after considering the existing habitats on the site, the background levels and the ability of urban fauna to use habitats on site for foraging during the night. Whilst there may be some temporary displacement of more common native fauna as a result of construction noise a detailed assessment on the impact on threatened species is considered in the following sections.

#### **6.3.3.2 Soil disturbance during construction**

During construction soil disturbance will occur. To minimise the impact on the natural environment and the receiving waters down stream standard industry erosion & sediment controls will need to be in place, be functional and maintained.

## **6.4 Recommended measures to minimise the impact on the local ecology**

To minimise the potential impact on the local ecology and to ensure that there is no net loss of the Swamp Sclerophyll Forest ecological community, it is recommended that future development on the site should provide for both on site and off site compensatory works.

On site compensatory works should include:

- rehabilitation of the drainage channel on the southern side of the site as an open watercourse with a 5m riparian zone rehabilitated as Swamp Sclerophyll Forest, and
- indigenous tree plantings as part of the landscape plan using a mix of indigenous species that occur locally and are part of the Sydney Sandstone Woodland and Swamp Sclerophyll Forest.

To ensure the long term viability of the off site compensatory works, proposed revegetation/rehabilitation activities should be consistent with the management principals outlined in the Kitchener Park Plan of Management (Pittwater Council, 2009). The Kitchener Park Plan of Management (Pittwater Council, 2009) identifies various management precincts amongst which is Precinct 6 - Stream Rehabilitation and Riparian Corridor.





**Figure 6.1 Extract from Kitchener Park Plan of Management (Pittwater Council, 2009) showing management precincts in particular: Precinct 8 - the Subject Site and Precinct 6 - Stream Rehabilitation and Riparian Corridor.**

Currently the habitats in Precinct 6 are degraded Swamp Sclerophyll Forest and contain high levels of noxious and environmental weeds and some remnant indigenous trees.

Off site compensatory works should include:

- rehabilitation of the drainage channel (part of Precinct 6) between Precincts 5 & 7 and revegetation / regeneration of the riparian areas as Swamp Sclerophyll Forest, and
- a minimum of 40 Swamp Mahogany (*Eucalyptus robusta*) be planted as part of the Precinct 6, Swamp Sclerophyll Forest rehabilitation or planted in other precincts within Kitchener Park.





**Figure 6.2 Typical view of the proposed rehabilitation offset area in Precinct 6 of the Kitchener Park Plan of Management (Pittwater Council, 2009) currently with dense cover of Wandering Jew on the creek banks.**



**Figure 6.3 Current view of the proposed rehabilitation offset area in Precinct 6 of the Kitchener Park Plan of Management (Pittwater Council, 2009) showing dense cover of Lantana and Madeira Vine in the riparian areas.**

# 7. SEPP No.19 – Bushland in Urban Areas

## 7.1 Aims of the SEPP No. 19

The general aim of the Policy is to protect and preserve bushland within the urban areas 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.

## 7.2 Application of SEPP No.19 on this site

Clause 3 of SEPP No.19 refers to Schedule 1 which lists the local government areas to which the policy applies.

Clause 3 of SEPP No.19 also states that within these local government areas the SEPP does not apply to National Parks, State Forests or Western Sydney Parkland.

The site is within the Pittwater Local Government Area which is not listed in schedule 1 of the SEPP. Notwithstanding this, SEPP No.19 was introduced in 1986, prior to the establishment of the Pittwater Local Government Area and the site was within the former Warringah Local Government Area. The Warringah Local Government Area is listed in schedule 1 of the SEPP and despite this anomaly, the provisions of SEPP No.19 were originally intended to apply to the area now known as the Pittwater Local Government Area. Therefore SEPP No.19 has been considered in this report.

For the purposes of the SEPP 19 the definition of the bushland is:

*“bushland” means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.”*

Currently the site has a park like appearance and consists of an open mown grass area, with no understorey shrub vegetation and an indigenous tree canopy.

Although some indigenous species remain, the vegetation on the site is not considered to be adequately representative of the structure and floristics of the natural vegetation that would have occurred on the site and therefore the site is not considered to be bushland for the purposes of SEPP No.19.

# 8. SEPP 44 Koala Habitat Protection - Assessment

## 8.1 Application of the Policy

The Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The SEPP 44 applies to land in the Pittwater Local Government area and assessment under this policy applies to the land upon which a development application is made if the land is more than 1 hectare, whether or not the development application applies to the whole or part of the land.

SEPP 44 also applies to rezoning of land (c16) where the proposed draft Local Environment Plan affects land that is potential Koala habitat or core Koala habitat.

In lieu of any directions issued under c16 of the policy, consideration has been giving to Part 2 of the policy and the potential subsequent development on the site.

The subject site is less than 1ha in area, however the site together with the Mona Vale Bowling Club and part of Kitchener Park is in Council Ownership and together is greater than 1 ha in area, therefore the Policy applies.

## 8.2 General species information

Koalas are generally solitary except during the mating season and have a home range of about 3 hectares. They can roam considerable distances in search of a mate or new food (Phillips 1990) and adolescent males can travel up to 10km in search for a mate. The breeding season begins around September when males commence calling and searching for reproductive females.

Koalas have been recorded feeding on tree species from *Eucalyptus*, *Corymbia* and *Angophora* genera. The preferred species of tree varies from region to region (Callaghan & Phillips 1995) and even within a region alternate species of trees may be favoured when growing on different soil landscapes (Jurskis 1996).

Typical Koala feed trees in Pittwater include Grey Gum (*Eucalyptus punctata*), Scribbly Gum (*Eucalyptus haemastoma*), Swamp Mahogany (*Eucalyptus robusta*), Spotted Gum (*Corymbia maculata*), Red Bloodwood (*Corymbia gummifera*), Bangalay (*Eucalyptus botryoides*), Grey Ironbark (*Eucalyptus paniculata*), Sydney Red Gum (*Angophora costata*), Broad-leaved White Mahogany (*Eucalyptus umbra*), Large-fruited Red Mahogany (*Eucalyptus scias*), Rough-barked Apple (*Angophora floribunda*) and other eucalypts (Smith & Smith 2000).



### 8.3 Regional distribution

Koalas occur widely in NSW but most commonly on the central and north coasts (OEH 2000). They have a very patchy and disjunct distribution in the Sydney basin bio-region.

### 8.4 Local distribution

Sightings of Koalas have been recorded in Ku-ring-gai Chase National Park particularly in the Cottage Point area, Muogamarra National Park and in Berowra Valley Bushland Park and there have been an extremely limited number of sightings of Koalas in these areas after the 1994 bushfires (Smith & Smith 1990).

Philips & Callaghan (1997) note that bush fires can potentially result in mortality as high as 60%-70% in a breeding population of a local area, with recovery of the population dependent upon factors such as the size and composition of the remaining population, recruitment levels from adjoining populations and the intensity and frequency of subsequent fires.

There has been a decline in the Koala population on the Barrenjoey Peninsula between 1959 (estimated 120) and 2000 (1 record) (Smith & Smith 2000), the northern population on the Peninsula is thought to be extinct.

The population in the Ingleside and Ku-ring-gai Chase National Park areas also appears to have declined with only 3 records occurring since 1990 (Smith & Smith 2000, OEH 2012), 2 within Ku-ring-gai Chase National Park and 1 record on the slopes above Elvina Bay on the western foreshore of Pittwater.

### 8.5 Potential & core Koala habitat investigations

Whilst SEPP 44 does apply to the site consideration has been given to the criteria in the SEPP that defines potential Koala habitat.

Schedule 2 of SEPP 44 identifies the Koala feed tree species. The tree species on the site include Swamp Mahogany (*Eucalyptus robusta*), Bangalay (*Eucalyptus botryoides*) and Scribbly Gum (*Eucalyptus haemastoma*) which are listed in schedule 2 of the SEPP. Of the 97 indigenous trees on the site these species make up just over 15% of the trees on the site and therefore by the definition in SEPP 44 the site is potential Koala habitat.

To determine whether or not the site is core Koala habitat an assessment of the level of Koala activity is necessary. The most commonly used and recognised technique is the revised Spot Assessment Technique (Phillips & Callaghan 2001) which is based upon the presence / absence of Koala faecal pellets or scats at the base of trees. A minimum of 30 trees are to be sampled and a survey duration of 2 minutes per tree is to be carried out.

The individual Koala feed trees on the site were assessed together with other species adjacent the site to determine whether Koalas were using the trees as foraging habitat and the surrounding areas were searched for Koala scats.

Based upon the field survey methods above, no Koala faecal pellets or scats were found. Therefore the site is not considered to be core Koala habitat for the purposes of SEPP 44.

# 9. Relationship between habitats of threatened species and site habitats

## 9.1 Threatened species habitat assessment

The following assessment is made of the species, communities or populations identified in the Survey Findings (refer 3.3) the following habitat assessment takes into account the habitats on the site and the relationship between these habitats and those of threatened species, communities and populations.

The following habitat assessment takes into account the Threatened Species Assessment Guidelines (OEH, 2007) in so much that; if adequate surveys or studies have been carried out that clearly show that a species: does not occur within the study area; will not use the habitats on the site on occasion, or will not be influenced by off-site impacts, the species does not need further consideration.



Figure 9.1 Site frontage on Pittwater Road, Mona Vale looking north.



## 9.2 Threatened flora habitat assessment

Conservation Status	Genus species	Common Name	Habitat Requirements	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✘ Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>						
Vulnerable NSW, Cwth	<i>Boronia umbellata</i>	Orara Boronia	The species is found at only a few locations north of Coffs harbour between Glenreagh and Lower Bucca but it is locally common in the restricted area where it occurs (OEH, 2005). This species occurs in coastal ranges, in sclerophyll forest on sandstone & metasediments at 100-600 m alt. (Weston 1990) and also occurs in (or is likely to occur in) heath, mainly at low to medium altitudes. The species has been confused with <i>Boronia rubiginosa</i> and <i>Boronia keyssii</i> but differs in its leaflet morphology (Weston 1990).	1	Habitat not present, unlikely to occur	✘
Vulnerable NSW	<i>Callistemon linearifolius</i>	Netted Bottle Brush	The species has been recorded growing in dry sclerophyll forest on the coast and adjacent ranges. Its known distribution occurs from the Georges River to Hawkesbury River in the Sydney area and north to Nelson Bay. Other records in 2000 have been from Coal Cliffs in the Southern Rivers CMA. Within the Sydney area, recent records are predominately limited to the Hornsby Plateau area near the Hawkesbury River and 4 records of the species also occur within Pittwater. Currently only 5-6 populations of the previous 22 populations remain. Three of these populations occur within Ku-ring-gai Chase National Park, Lion Island Nature Reserve, and Spectacle Island Nature Reserve.	4	Habitat not present, unlikely to occur	✘
Endangered NSW	<i>Chamaesyce psammogeton</i>	Sand Spurge	The species has a habitat on coastal foredunes and occasionally is found on exposed sites on headlands (Smith & Smith 2000).	1	Habitat not present, unlikely to occur	✘
Vulnerable NSW, Cwth	<i>Cryptostylis hunteriana</i>	Leafless Tongue-orchid	<i>Cryptostylis hunteriana</i> can be found from southern Queensland through NSW to Victoria. This leafless saprophytic orchid is rarely seen but flowers from December through to February, often in association with <i>Cryptostylis erecta</i> and <i>Cryptostylis subulata</i> . Flowers are green, red, black, and are carried on an auxiliary (lateral) raceme. It is chiefly a coastal species but can be found in a range of habitats including areas bordering swamps to open forest. This species, favours dry sclerophyll forests, heaths, dunes (including stabilised sands), riparian (stream-side) areas, swampy forests, swampy areas and wetlands.	1	Habitat modified, unlikely to occur	✘
Vulnerable NSW	<i>Epacris purpurascens</i> var. <i>purpurascens</i>	-	<i>Epacris purpurascens</i> var. <i>purpurascens</i> is found at 30 locations in and around Sydney extending from Gosford in the north, Narrabeen in the east, Silverdale in the west and Avon Dam vicinity in the south. Its habitat consists of ridgetop drainage depressions supporting wet heath within or adjoining shale cap communities such as Stringybark and Ironbark woodlands and various shale/sandstone transition forest (OEH, 2002).	1	Habitat not present, unlikely to occur	✘
Vulnerable NSW, Cwth	<i>Eucalyptus camfieldii</i>	Heart-Leaved Stringybark	This species is found on lateritic soils of the Mittagong formation and in Hawkesbury sandstone. Usually located on upper slopes and ridge tops its habitat is characterized by well drained soils and associated with dry sclerophyll woodlands and scrub.	9	Habitat not present, unlikely to occur	✘
Vulnerable NSW	<i>Eucalyptus nicholii</i>	Narrow-Leaf Peppermint	The species is endemic on the northern tablelands of NSW however it is widely planted as an urban street tree and in gardens it is quite rare in the wild and is confined to the New England Tablelands of NSW, where it occurs from Nundle to north of Tenterfield, largely on private property. The species grows in dry grassy woodland, on shallow and infertile soils, mainly on growing on porphyry or granite soils (Brooker & Kleinig, 1999).	4	Natural habitat not present, unlikely to occur	✘

Conservation Status	Genus species	Common Name	Habitat Requirements	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species. ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>						
Vulnerable NSW	<i>Genoplesium baueri</i>	Midge Orchids	Is a terrestrial herb that grows in sparse sclerophyll forests and moss gardens over sandstone from the Hunter Valley to the Nowra district (Harden 1993). The species has been recorded from locations between Nowra and Pittwater and may occur as far north as Port Stephens. About half the records were made before 1960 with most of the older records being from Sydney suburbs including Asquith, Cowan, Gladesville, Longueville and Wahroonga. The species has been recorded at locations now likely to be within the following conservation reserves: Berowra Valley Regional Park, Royal National Park and Lane Cove National Park (NSW Scientific Committee 2004).	3	Habitat not present, unlikely to occur	✗
Endangered NSW	<i>Grammitis stenophylla</i>	Narrow-leaf Finger Fern	The species is an epiphyte or lithophyte and is known to occur in Queensland and eastern New South Wales. Its habitat includes moist areas on rocks or in trees, usually near streams, in rainforest and moist eucalypt forest. 1 sighting of the species has been recorded in the Berowra Valley Regional Park in Hornsby and 2 within Pittwater LGA.	1	Habitat not present, unlikely to occur	✗
Endangered NSW, Cwth	<i>Grevillea caleyi</i>	Caley's Grevillea	This species typically grows on Mittagong soil landscapes characterized by lateritic soils rich in iron and can be associated with the Duffys Forest vegetation association.	22	Habitat not present, unlikely to occur	✗
Endangered NSW, Cwth	<i>Microtis angusii</i>	Angus's Onion Orchid	The habitat is somewhat unclear as the species occurs west of Lithgow NSW near Sunny Corner and at Ingleside in an old roadside soil dump stockpile area. Both locations have been highly disturbed, however the natural soils are the ridgetop lateritic soils that occur in the Terrey Hills, Duffys Forest, Ingleside and Belrose areas.	1	Habitat not present, unlikely to occur	✗
Endangered NSW, Cwth	<i>Persoonia hirsuta</i>	Hairy Geebung	The species typically grows on sandstone amongst heath and low woodland. It has been recorded growing in the Duffy's Forest association on lateritic soils. It occurs in small numbers in woodlands and dry sclerophyll forest on sandstone and is known from a number of locations from Gosford and Hill Top to Glen Davis, at Putty and in the Royal National Park.	4	Habitat not present, unlikely to occur	✗
Extinct NSW, Cwth	<i>Persoonia laxa</i>	-	<i>Persoonia laxa</i> occurred in Newport and Manly on the northern beaches of Sydney, New South Wales. The species was known from just two specimens; the first collected at Manly in 1907 and the second at Newport in 1908 (Nat. Herb., 2012). A specimen from Dee Why, collected in 1922, was morphologically intermediate between <i>P. laxa</i> and <i>P. levis</i> and could have been a hybrid of these species (Weston 1995). <i>Persoonia laxa</i> presumably grew in heath or dry sclerophyll eucalypt woodland, or forest on sandstone, or in coastal sand (Weston 1995).	1	Habitat not present, unlikely to occur	✗
Vulnerable NSW, Cwth	<i>Pimelea curviflora</i> var. <i>curviflora</i>	Curved Rice-flower	This species is confined to the coastal areas around Sydney found growing on Hawkesbury sandstone (Harden 2000) or on lateritic soils in similar habit to that occupied by the Duffys Forest association (Smith & Smith 2000).	2	Habitat not present, unlikely to occur	✗
Vulnerable NSW, Cwth	<i>Syzygium paniculatum</i>	Magenta Lillypilly	The species has been known to be associated with coastal dunes and Littoral Rainforest and is also found in riparian habitats (Payne 1997). The species has been commercially propagated and sold and is known to have been planted in a variety of urban habitats. The species been recorded growing on moist slopes on Narrabeen Group geology (Smith & Smith 2000).	14	Not recorded on site however some habitat potential.	✓
Vulnerable NSW, Cwth	<i>Tetratheca glandulosa</i>	Glandular Pink-bell	This species typically grows on dryer open sites of Hawkesbury sandstone and can be found in open forests, woodlands and scrub. Grows in sandy or rocky heath or scrub (Gardner & Murray ex. Harden 1992).	24	Habitat not present, unlikely to occur	✗

### 9.3 Threatened fauna habitat assessment

Marine mammals such as the Humpback Whale (*Megaptera novaeangliae*), Dugong (*Dugong dugon*) and Australian Fur-seal (*Arctocephalus pusillus doriferus*) have been excluded from this habitat assessment along with the Green Turtle (*Chelonia mydas*) and the Leatherly Turtle (*Dermochelys coriacea*) as they are unlikely to be directly or indirectly affected.

In considering the number of records for each species in the region it is worthy to note that many of these species were recorded in the larger natural habitat reserves within Garigal National Park, Ku-ring-gai Chase National Park and the bushland areas associated with the Warriewood Escarpment.

Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species, ✓</p> <p>Vulnerable NSW, Cwth</p>	Amphibia	<i>Heleioporus australiacus</i>	Giant Burrowing Frog	<p>Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p> <p>Sandy soil on sandstone ridges where sandy creek banks provide opportunities for burrowing. Tadpoles are typically found in rocky pools in the upper reaches of permanent and ephemeral creeks (Mahoney 1993)</p>	17	Natural habitat not present, unlikely to occur.	✗
Vulnerable NSW	Amphibia	<i>Pseudophryne australis</i>	Red-crowned Toadlet	<p>Red-crowned Toadlets do not usually live along permanent flowing water courses such as occur in gullies, instead preferring permanently moist soaks, areas of dense ground vegetation or litter along or near head-water stream beds. It is known to inhabit upper forested slopes and ridges on Hawkesbury sandstone or Narrabeen group preferring is moist sandstone habits with grass and debris near ephemeral watercourses. Red-crowned Toadlets have not been recorded breeding in permanently flowing streams or waters that are even mildly polluted (OEH, 2002).</p>	19	Habitat not present, unlikely to occur.	✗
Vulnerable NSW	Aves	<i>Botaurus poiciloptilus</i>	Australasian Bittern	<p>The Australian Bittern inhabits terrestrial and estuarine wetlands, generally where there is permanent water. The species prefers shallow, freshwater or brackish swamps and wetlands with dense vegetation, including sedges, rushes and reeds. (Marchant &amp; Higgins 1990; Garnett 1992). The nest is constructed of trampled reeds and rushes and is generally located amongst dense vegetation over shallow water and at dusk, the species forages in shallow water up to 30cm deep, primarily feeding on frogs, fish, invertebrates (including crayfish), leaves and fruit (Barker &amp; Vestjens 1989).</p>	1	Habitat not present, unlikely to occur.	✗

Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p><b>X</b> Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>							
Endangered NSW	Aves	<i>Burhinus grallarius</i>	Bush Stone-curlew	The species is widespread in northern & north eastern Australia. Once common along the east coast of NSW, records indicate the species has contracted in range to Pittwater, Gosford, Port Stevens, Grafton, Karuah and Port Macquarie. Their habitat is considered to be eucalypt woodland with dry grassy understorey although recent records indicate that typical habitats are associated with mangrove, saltmarsh, and Swamp Oak ( <i>Casuarinia glauca</i> ) forest (Smith & Smith 2000).	15	The site is not considered to be core breeding habitat, very limited foraging potential	<b>X</b>
Vulnerable NSW	Aves	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	With a range restricted to south eastern NSW and south eastern Victoria the species feeds on terminal leaves of eucalypts or in hawthorn hedges and nests in deep hollows in eucalypts (Slater 1993). The species occurs in a variety of forests and woodlands and the last known breeding population in metropolitan Sydney area is in the Hornsby/ Ku-ring-gai area. The species shows a strong nest site fidelity (NSW Scientific Committee 2001).	2	The site is not considered to be core breeding habitat, some foraging potential.	✓
Vulnerable NSW	Aves	<i>Calyptrorhynchus lathamii</i>	Glossy Black-Cockatoo	Considered rare in a national context, but moderately common in N.S.W. Because of its dependence on one type of food it is considered to be vulnerable. It nests in large hollows of dead trees and roosts in both wet and dry eucalypts, feeding in open Casuarina woodland, primarily where the Black She-oak ( <i>Allocasuarina littoralis</i> ) and Forest Oak ( <i>Allocasuarina torulosa</i> ) occurs.	35	The site is not considered to be core breeding habitat very limited foraging potential.	<b>X</b>
Endangered NSW, Vulnerable Cwth	Aves	<i>Diomedea exulans</i>	Wandering Albatross	The species breeds in Australia, South Africa and South Georgia and in Australia it breeds on Macquarie Island. The immature birds remain at sea for the first 3-11 years of their life, until they return to their natal colony (DSEWPC2001).	1	Habitat not present, unlikely to occur.	<b>X</b>
Vulnerable NSW	Aves	<i>Glossopsitta pusilla</i>	Little Lorikeet	Little Lorikeet occur along the east coast of Australia from Cairns to Adelaide. In New South Wales their distribution extends from the coast to the western slopes of the Great Dividing Range to Albury, Parkes, Dubbo and Narrabri (Barrett et al. 2003). They are generally considered to be nomadic in small flocks with numbers increasing when nectar and pollen, particularly on profusely-flowering eucalypts, is available. The species also feed on flowering Melaleucas and Mistletoes. (NSW Scientific Committee, 2009). Little Lorikeets nest in small hollows usually in live trees and nest-hollows are used "traditionally", with the same hollow known to be occupied for at least 29 years (not necessarily by the same individuals) (Courtney & Debus 2006). The breeding season extends from May to September (Higgins 1999).	5	The site is not likely to be core breeding habitat and the resident avifauna is dominated by aggressive or dominant bird species.	<b>X</b>

Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>							
Vulnerable NSW	Aves	<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	<p>Sooty Oystercatchers are found around the entire Australian coast, and the offshore islands, being most common in Bass Strait. Small numbers of the species are evenly distributed along the NSW coast. The species breeds in spring and summer, almost exclusively on offshore islands, and occasionally on isolated promontories (OEH, 2005) and is not known to breed in northern Sydney (Smith J &amp; Smith P 2000). The species foraged on inter-tidal rock platforms along the coast favouring rocky headlands, rocky shelves, exposed reefs with rock pools, beaches and muddy estuaries where it feeds on limpets and mussels.</p>	2	Habitat not present, unlikely to occur.	✗
Vulnerable NSW	Aves	<i>Hieraaetus morphnoides</i>	Little Eagle	<p>The Little Eagle occurs throughout Australia and occupies habitats that are rich in prey within open eucalypt forest, woodland or open woodland habitats. Sheoak or acacia woodlands and riparian woodlands of interior NSW are also used. The species nests in tall living trees within a remnant patch of vegetation, where pairs build a large stick nest in winter and lay in early spring. The species preys on birds, reptiles and mammals and occasionally large insects (NSW Scientific Committee, 2009).</p>	2	Not considered to be core breeding habitat, very limited foraging potential.	✗
Vulnerable NSW	Aves	<i>Ixobrychus flavicollis</i>	Black Bittern	<p>Is known to inhabit mangroves and streamside vegetation including small creeks. Feeding is mostly undertaken at night where they stand and wait for small insects, crustaceans and small fish.</p>	8	Habitat not present, unlikely to occur.	✗
Endangered NSW, Cwlth	Aves	<i>Lathamus discolor</i>	Swift Parrot	<p>The Swift Parrot inhabits eucalypt forests and breeds in hollows of mature and senescing trees in Tasmania. On the mainland it feeds off winter flowering Eucalypts although it will also feed on lerps, honeydew, Banksia nectar, fruits, seeds and other plant material as well as insects and their larvae (Forshaw &amp; Cooper 1981, Garnett 1992). In New South Wales important foraging tree species include, <i>Eucalyptus macrocarpa</i> (Grey Box), <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) on the western slopes and <i>Eucalyptus tereticornis</i> (Forest Red Gum), <i>Eucalyptus fibrosa</i> (Red Iron Bark), <i>Corymbia maculata</i> (Spotted Gum), <i>Eucalyptus robusta</i> (Swamp Mahogany) and <i>Corymbia gummifera</i> (Red Bloodwood) (Swift Parrot Recovery Team, 2000). Since 1980 there have been some 60 sightings recorded in the Wildlife Atlas database (NSW National Parks &amp; Wildlife Service 2003) within the Sydney Metropolitan Areas and locally small flocks were reported at Ingleside in 1986 (Cooper 1990). In 1938 hundreds of Swift Parrots were reported feeding in <i>Eucalyptus robusta</i> (Swamp Mahogany) in Warriewood (Hindwood 1939).</p>	6	Not considered to be core breeding habitat, some winter foraging opportunities available.	✓



Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>							
Vulnerable NSW	Aves	<i>Neophema pulchella</i>	Turquoise Parrot	The Turquoise Parrot is an inhabitant of the steep, rocky ridges and gullies, rolling hills, valleys and river-flats and the nearby plains of the Great Dividing Range (Higgins 1999) in open eucalypt woodlands and forests that have a grassy or sparsely shrubby understorey. Its preferred habitat is typically occurs as grasslands on the edge of open woodland or open forest where it can be seen in pairs or groups on the ground searching for seeds of grasses. Individuals generally breed from August to January laying 4-5 eggs in hollows, in trees, stumps or even fence posts, and it feeds on the seeds of native and introduced grasses and other herbs, including weeds (Quin, 1990, Quin and Baker-Gabb, 1993, Higgins, 1999).	1	The site is not likely to be core breeding habitat and the resident avifauna is dominated by aggressive or dominant bird species.	✗
Vulnerable NSW	Aves	<i>Ninox connivens</i>	Barking Owl	The species can be found inhabiting Eucalypt forests, Paperbark and other woodlands, dense scrubs, foothills; river red gums and other large trees near watercourses. The species is dependant on large hollows of mature eucalypts for nests. The bird feeds on prey such as rabbits, rats, gliders and birds such as Rosella and starlings (Smith & Smith 2000).	9	Core breeding habitat not present, low foraging potential taking into account the range of the species.	✗
Vulnerable NSW	Aves	<i>Ninox strenua</i>	Powerful Owl	The species has a range of 400 -1500ha (Davey 1993) and is known to nest in hollows in Eucalypts between 9-37m above ground usually in secluded well-vegetated gullies and usually occupying the largest emergent trees. Powerful Owls live alone or in pairs which occupy a permanent territory containing a number of roost sites and one or more nesting sites. The species feeds over a large range on small to medium sized mammals, including gliders, ringtail possum and immature brushtail possums.	51	Core breeding habitat not present, low foraging potential taking into account the range of the species.	✗
Vulnerable NSW	Aves	<i>Pandion cristatus</i>	Eastern Osprey	In NSW, the breeding population occurs from the Queensland border (contiguous with the Queensland population) south to Gosford and recently (2005-2007) to Sydney, with a more recent (2008) breeding attempt recorded further south at Ulladulla, where a bird has been observed nest-building (NSW Scientific Committee, 2009). The Eastern Osprey forages over clear estuarine and inshore marine waters and coastal rivers, and nests in tall (usually dead or dead-topped) trees in coastal habitats from open woodland to open forest, within 1-2 km of water. Its preferred habitat is sheltered waters in bays estuaries and coastal river. In NSW their diet consisted primarily of mullet species, particularly the Sea Mullet ( <i>Mugil cephalus</i> ), and Yellowfin Bream ( <i>Acanthopagrus australis</i> ). Resident pairs of Eastern Ospreys defend exclusive breeding territory from against other Ospreys and other raptors.	10	Unlikely to be core breeding habitat, likely to be displaced by more dominant urban fauna, no foraging opportunities on site.	✗

Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>							
Vulnerable NSW	Aves	<i>Ptilinopus superbus</i>	Superb Fruit-Dove	It is a nomadic species known to occur from Indonesia, New Guinea, and north-eastern Queensland. It is considered to be a regular Autumn Winter migrant to the Hunter, Sydney and Illawarra regions. It is a common species in much of its usual range in northern Australia and is considered a vagrant but scarce species in N.S.W. (Slatter 1993).	1	Not considered to be core breeding habitat low foraging potential.	✗
Vulnerable NSW	Aves	<i>Puffinus carneipes</i>	Flesh-footed Shearwater	Flesh-footed Shearwaters are sea going birds and generally only visit land to breed. The flesh-footed shearwater returns from the seas off Japan and Siberia to the same nesting burrows on Lord Howe Island. The species feeds off fish, squid, crustaceans, molluscs and plankton.	1	Habitat not present, unlikely to occur.	✗
Vulnerable NSW, Cwth	Aves	<i>Thalassarche cauta</i>	Shy Albatross	<i>Diomedea cauta</i> is a large albatross with a wide distribution in the southern hemisphere. In Australia it breeds on islands off Tasmania, but is a visitor to New South Wales waters. Birds in NSW waters may include individuals from New Zealand Colonies (NSW Scientific Committee, 1997)	3	Core breeding habitat not present, likely to be displaced by more dominant urban fauna, no foraging opportunities on site.	✗
Endangered NSW, Cwth	Aves	<i>Xanthomyza phrygia</i>	Regent Honeyeater	Once considered abundant across south-eastern Australia its population is in decline (Garnett 1992). In New South Wales, the species are mostly recorded in forest associations of box/ironbark and they prefer the wetter sites within these associations. Riparian forests of <i>Casuarina cunninghamiana</i> (River Oak) with <i>Amyema ambagei</i> , (Needle-leaf Mistletoe) are also important for feeding and breeding. Nectar is the principal food, but sugary exudates from insects are also used, and insects are essential for breeding (Oliver, 1998, 2000). Important feed trees are <i>Eucalyptus sideroxylon</i> (Mugga Ironbark), <i>Eucalyptus albens</i> (White Box), <i>Eucalyptus melliodora</i> (Yellow Box) and <i>Eucalyptus leucoxylon</i> (Yellow Gum) however the species also use other woodland types and wet lowland coastal forest dominated by <i>Eucalyptus robusta</i> (Swamp Mahogany) or <i>Corymbia maculata</i> (Spotted Gum) when shortages of preferred food trees occur (Franklin et al., 1989, Ley and Williams, 1992, Webster and Menkhorst, 1992, Geering and French, 1998, Oliver et al., 1999). It is thought that aggressive species particularly <i>Manorina melanoccephala</i> (Noisy Miner) may be displacing the Regent Honeyeater (Franklin et al., 1989, Grey et al., 1998).	4	Not considered to be core breeding habitat low foraging potential, likely to be displaced by more aggressive urban fauna. No records of the species visiting Pittwater since 1998.	✗

Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p><b>X</b> Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>							
Vulnerable NSW	Mammalia	<i>Cercartetus nanus</i>	Eastern Pigmy-possum	Is found in a range of habitats from rainforest, sclerophyll forests to sclerophyll tree heath and the species range extends from south eastern Qld to south eastern SA and Tasmania (Australian Museum 2000). It feeds primarily on nectar and pollen from banksias, eucalypts and callistemon. It is generally nocturnal and whilst preferring to nest in small tree hollows it has been found in small constructed nests of shredded bark. It appears to be solitary with males having a range of about 0.68 ha and females having a range of 0.35 ha (Australian Museum 2000, Turner & Ward 2000).	8	Unlikely to be core breeding habitat and unlikely to occur in urbanised areas.	X
Vulnerable NSW, Endangered Cwth	Mammalia	<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	Found in a range of habitats and generally preying on medium size mammals and birds such as possums, small wallabies, rats, birds, domestic fowl, bandicoots, rabbits and also feed on insects and carrion. It is estimated that the range of the species is in the order of 500 – 3000ha using hollow-bearing trees, fallen logs, small caves, rock crevices, boulder fields and rocky-cliff faces as den sites.	7	Habitat not present, unlikely to occur.	X
Endangered NSW, Cwth	Mammalia	<i>Isoodon obesulus</i>	Southern Brown Bandicoot	The species has a patchy distribution along the southeast coast in NSW and reaches its most northern limit at the Hawkesbury River and has been recorded in the larger tracts of bushland in Ku-ring-gai Chase, Garigal National Parks and in Nadgee Nature Reserve. This species prefers sandy soil with scrubby vegetation and /or areas of low ground cover that is periodically burnt (Braithwaite 1995). The species displays a preference for regenerating sites following disturbance (OEH, 2006) The species is known to feed on ants, beetle larvae and plant material and some fungal species and whilst recorded in Ku-ring-gai Chase and Garigal National Parks. The species is not known to occur in small patches of bushland <40ha in size (Atkin, 1983) and adjacent the urban / bushland interface. The Long-nosed Bandicoot is common in smaller reserves and urban areas of Ku-ring-gai.	19	Habitat not present, unlikely to occur.	X
Vulnerable NSW, Cwth	Mammalia	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bent-wing Bat	The species has been recorded along the north coast of Australia from Qld to Vic and parts of northern WA and NT. Having been recorded in a variety of habitats it is typically found in well-timbered valleys. It roosts during the daylight hours in caves and has been recorded roosting in large storm water pipes. They fly quickly above tree tops in valleys, making fast dives to catch prey which are insects, mostly moths.	16	Breeding or roosting habitat not present, low foraging potential.	X
Vulnerable NSW	Mammalia	<i>Mormopterus norfolkensis</i>	Eastern Freetail Bat	Has a range along the eastern coastal strip Australia extending from southern Queensland to southern NSW. Has been recorded roosting in tree hollows and feeds on flying insects. They forage above the tree canopy in forests or along the edges of forests (Allison & Hoyer 1995). The habitat preference of this species is unclear. It has been predominantly recorded in dry eucalypt forest and woodland, but has been recorded in moist and edge environments. The wing morphology indicates that this species is adapted to the more open habitats.	1	Likely to be displaced by more aggressive urban fauna.	X

Conservation Status	Class	Genus species	Common Name	Habitat	No. of records within 10km grid search (OEH, 2012)	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>							
Vulnerable NSW	Mammalia	<i>Petaurus norfolcensis</i>	Squirrel Glider	The glider inhabits sclerophyll forests and woodlands of south eastern Australia extending from Vic. to Nth Qld. In NSW and Qld the species inhabits coastal forests and in some wet forests bordering on rainforest. They have been found in a range of habitats from forests, low woodlands and scrub. The availability of all year round nectar or sap is considered as the critical factor determining their presence. Important food sources are likely to be <i>Banksia integrifolia</i> , <i>Corymbia maculata</i> in winter and <i>Banksia serrata</i> and <i>Eucalyptus paniculata</i> in summer (Smith & Smith 2000). The Squirrel Glider feeds on insects (beetles and caterpillars) the gum and seeds of acacias the sap, nectar and pollen of eucalypts. Individual gliders have been recorded to range over an average of 3 ha (Quin 1995).	1	Unlikely to be core breeding habitat limited foraging potential. Unlikely to occur.	✗
Vulnerable NSW	Mammalia	<i>Phascolarctos cinereus</i>	Koala	Koalas are generally solitary except during the mating season and have a home range of about 3 hectares. They can roam considerable distances in search of a mate or new food (Phillips 1990) and adolescent males can travel up to 10km in search for a mate. The breeding season begins around September when males commence calling and searching for reproductive females. Feeding on foliage. Koalas have been recorded feeding on tree species from Eucalyptus, Corymbia and Angophora genera. The preferred species of tree varies from region to region (Callaghan & Phillips 1995) and even within a region alternate species of trees may be favoured when growing on different soil landscapes (Jurskis 1996).	66	Unlikely to occur in the urban areas. Not considered to be core Koala habitat	✗
Vulnerable NSW, Cwth	Mammalia	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	The species has 2 permanent maternal colonies in Sydney at Gordon and at Cabramatta. Other temporary colonies exist at the Botanical Gardens. The species predominately feeds on nectar and when blossoms are unavailable it feeds on fruit.	34	Not considered to be core roosting or breeding habitat some seasonal foraging opportunities present.	✓
Vulnerable NSW	Mammalia	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	The species occurs along the Australian east coast from the New South Wales / Victorian border to Cairns. It is found in a variety of habitats but its slow and direct flight favours habitats such as open woodlands, cleared lands and open creek corridors. It usually flies at a height of 3-6m and feeds off large slow flying insects such as beetles. It is thought that it may also prey on other bats. The species roosts in tree hollows and females congregate in suitable trees to give birth (Hoye & Richards ex Australian Museum 2000).	2	Not considered to be core breeding habitat, low foraging potential.	✗
Vulnerable NSW	Reptilia	<i>Varanus rosenbergi</i>	Rosenberg's Goanna /Heath Monitor	The species is typically found in woodland and heathland on sandy soils associated with ridge top plateaus (Smith & Smith 2000). It is diurnal scavenger and shelters in burrows logs and rock crevices (Cogger 2000). It breeds in spring and summer and lays eggs in termite mounds that are important habitat features. It feeds on a range of species, including invertebrates, small lizards, snakes and bird eggs. The species can be confused with the more common <i>Varanus varius</i> (Lace Monitor) which more commonly occurs in gully forests.	13	Habitat not present, unlikely to occur.	✗

## 9.4 Threatened ecological community habitat assessment

Conservation Status	Ecological Community	Habitat	Likelihood of Occurrence on site	Relationship to the site
<p>✗ Site not considered significant habitat of the species,</p> <p>Endangered</p>	Pittwater Spotted Gum Forest	<p>✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p> <p>The forest occurs on shale-derived soils from the Newport Formation geology of the Narrabeen group in Pittwater. Characteristic species include <i>Corymbia maculata</i>, <i>Eucalyptus punctata</i>, <i>Eucalyptus umbra</i>, <i>Angophora floribunda</i> and <i>Corymbia gummifera</i>. (NSW Scientific Committee 1998).</p>	Habitat not present	✗
Endangered	Duffys Forest Ecological Community in the Sydney Basin Bioregion	The forest occurs on lateritic soils and deeply weathered shale soils typically found on lower ridges in Kuring-gai. Characteristic tree species include <i>Eucalyptus capitellata</i> , <i>Eucalyptus sieberi</i> , <i>Eucalyptus oblonga</i> , and <i>Angophora costata</i> . (NSW Scientific Committee 1998).	Habitat not present	✗
Endangered	Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions	The forest complex is found on the Cockle Bay, Tacoma Swamp and Warriewood Soil Landscapes and the vegetation structure ranges from forest to scrub to reedland and includes open-forest. Characteristic species include <i>Eucalyptus robusta</i> , <i>Eucalyptus botryoides</i> , <i>Livistona australis</i> , <i>Melaleuca linariifolia</i> , <i>Melaleuca styphelioides</i> , <i>Melaleuca ericifolia</i> and in some cases <i>Phragmites australis</i> .	Some component species present in parts of the site.	✓
Endangered	Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	The Forest Littoral Rainforest generally is a closed forest, the structure and composition of which is strongly influenced by proximity to the ocean. The plant species in this ecological community are predominantly rainforest species with evergreen mesic or coriaceous leaves. Several species have compound leaves, and vines may be a major component of the canopy. The community comprises the <i>Cupaniopsis anacardioides</i> - <i>Acmena spp.</i> alliance of Floyd (1990) which includes five sub-alliances which include <i>Syzygium leuhmannii</i> , <i>Acmena smithii</i> , <i>Ficus sp.</i> , <i>Livistona sp.</i> & <i>Podocarpus sp.</i> (NSW Scientific Committee 2004).	Habitat not present	✗
Endangered	Sydney Freshwater Wetlands in the Sydney Basin Bioregion	Sydney Freshwater Wetlands are a mosaic community with considerable variation due to fluctuating water levels and seasonal conditions. Characteristic vegetation is sedges and aquatics particularly <i>Eleocharis sphacelata</i> , <i>Baumea juncea</i> , <i>Baumea rubiginosa</i> , <i>Baumea articulata</i> , <i>Gahnia sieberiana</i> , <i>Ludwigia peploides subsp. montevidensis</i> and <i>Persicaria species</i> . The community is restricted to freshwater swamps in swales and depressions on sand dunes and low nutrient sandplain sites in coastal areas (NSW Scientific Committee, 2000).	Habitat not present	✗
Endangered	Coastal Upland Swamp in the Sydney Basin bioregion (preliminary determination)	Coastal Upland Swamp is associated with periodically waterlogged soils on Hawkesbury sandstone plateaus and occurs primarily on impermeable sandstone plateaus in the headwater valleys of streams and on sandstone benches with abundant seepage moisture. The vegetation is dominated by sclerophyll shrubs and/or sedges, with dynamic mosaics of structural forms that may include tall scrub, open heath and/or sedgeland. Although typically treeless, Coastal Upland Swamp may include scattered trees (NSW Scientific Committee, 2011).	Habitat not present	✗



## 9.5 Threatened population habitat assessment

Conservation Status	Type	Population Name	Habitat	Likelihood of Occurrence on site	Relationship to the site
<p>✘ Site not considered significant habitat of the species, ✓ Potentially affected species requiring future assessment under s.5a of <i>Environmental Planning and Assessment Act 1979 (NSW)</i></p>					
Endangered NSW	Fauna	Koala, <i>Phascolarctos cinereus</i> , in the Pittwater Local Government Area	The population occurs between Ingleside and Elanora heights to Palm Beach on the Barrenjoey Peninsula. Koalas are generally solitary except during the mating season and have a home range of about 3 hectares. They can roam considerable distances in search of a mate or new food (Phillips 1990) and adolescent males can travel up to 10km in search for a mate. The breeding season begins around September when males commence calling and searching for reproductive females. Feeding on foliage, Koalas have been recorded feeding on tree species from Eucalyptus, Corymbia and Angophora genera. The preferred species of tree varies from region to region (Callaghan & Phillips 1995) and even within a region alternate species of trees may be favoured when growing on different soil landscapes (Jurskis 1996).	Not Applicable	✘
Endangered NSW	Fauna	Pittwater population of the Squirrel Glider, <i>Petaurus norfolcensis</i> on the Barrenjoey Peninsula, north of Bushrangers Hill	The population of <i>Petaurus norfolcensis</i> north of Bushrangers Hill (Bungan Head) is listed as an endangered population. The glider inhabits sclerophyll forests and woodlands of south eastern Australia extending from Vic. to Nth Qld. In NSW and Qld inhabits coastal forests and in some wet forests bordering on rainforest. They have been found in a range of habitats from forests, low woodlands and scrub. The availability of all year round nectar or sap is considered as the critical factor determining their presence. Important food sources are likely to be <i>Banksia integrifolia</i> , <i>Corymbia maculata</i> in winter and <i>Banksia serrata</i> and <i>Eucalyptus paniculata</i> in summer (Smith & Smith 2000). The Squirrel Glider feeds on insects (beetles and caterpillars) the gum and seeds of acacias the sap, nectar and pollen of eucalypts. Individual gliders have been recorded to range over an average of 3 ha (Quin 1995).	Not Applicable	✘

# 10. Threatened species assessment

## 10.1 Background & definitions

### 10.1.1 General background

The habitat assessments and the following impact assessments made in this report have focused on identifying the relationship of threatened species, populations and communities to the habitats on the site as well as determining the suitability of these to support resident populations of threatened species.

### 10.1.2 Definitions

Definitions for the terms “Composition”, “Extent”, “Habitat”, “Life cycle”, “Local occurrence”, “Local population”, “Risk of extinction”, “Study area”, “Subject site”, “Viable”, used in this assessment are consistent with the Threatened Species Assessment Guidelines (OEH 2007) being:

- “Composition” refers to both the assemblage of flora and fauna species, and the physical structure of the ecological community;
- “Extent” refers to the physical area removed and/or to the compositional components of the habitat and the degree to which each is affected;
- “Habitat” is the area occupied or periodically or occasionally occupied, by any threatened species, population or ecological community and includes all the different aspects (both biotic and abiotic) used by the different stages of their life cycles;
- “Life cycle” is the series or stages of reproduction, growth, development, aging and death of an organism;
- “Local occurrence” is the community that occurs within the study area. In the case of an ecological community the local occurrence may include adjacent areas if the community forms part of a larger contiguous area of that ecological community;
- “Local population” is the local population that occurs in the study area. In cases where multiple populations occur in the study area, each population should be assessed separately.
- “Risk of extinction” is the likelihood that the local population will become extinct either in the short- term or in the long term as a result of direct or indirect impacts on the viability of that population.
- “Study area” means the subject site and any other areas which are likely to be affected by the proposal, either directly or indirectly.
- “Subject site” means the area directly affected by the proposal.
- “Viable”, is the capacity to successfully complete each stage of the life cycle under normal conditions.

## 10.2 Section 5a EP&A Act, 1979 (NSW) assessment

The following sections of this report address the threatened species, communities and populations identified as having some relationship to the site. Each assessment addresses the 7 points of consideration identified in section 5A of the *Environmental Planning and Assessment Act 1979 (NSW)* and is referred to as an Assessment of Significance.

The Assessment of Significance is not a “pass or fail” test and the purpose of the assessment is to allow proponents to undertake a qualitative assessment analysis of the likely impacts and whether further detailed assessment is necessary in the form of a Species Impact Statement (OEH 2007).

The NSW Office of Environment & Heritage’s guidelines (OEH, 2007) outline that mitigating, ameliorative or compensatory measures proposed as part of the development should not normally be considered in determining the degree of the effect on threatened species, populations or ecological communities, unless the measure has been proven successful for that species in a similar situation. Where complex mitigating, ameliorative or compensatory measures are required, such as translocation, bush restoration, purchase of land, further assessment through the Species Impact Statement process is likely to be required.

Whilst the recommendations (refer 6.4) made in this report do provide for some compensatory measures, these measures are not considered to be complex. The floristic and faunal composition of the local community on the site is considered to be poor and rehabilitation, whilst having technical considerations, is not considered to be complex in this situation. Therefore compensatory measures have been taken into account in the following assessments.

Through field surveys, habitat assessments and literature/database searches a number of the threatened species, populations and communities have been identified as having potential habitat relationships with the site. These being;

- Magenta Lillypilly (*Syzygium paniculatum*);
- Gang-gang Cockatoo (*Callocephalon fimbriatum*);
- Swift Parrot (*Lathamus discolor*);
- Grey-headed Flying-fox (*Pteropus poliocephalus*), and
- Swamp Sclerophyll Forest on Coastal Floodplains - Ecological Community

## 10.3 EPBC Act, 1979 (Commonwealth) assessment

Part 13 Division 1 of the *Environment Protection & Biodiversity Act 1999 (Cwlth)* (EPBC) lists flora, fauna and ecological communities that are considered to be “matters of national environmental significance”. Under the Act consideration must be given as to whether the proposed actions will, or is likely to have a “significant impact” on “matters of national environmental significance”.

To minimise duplication in the environmental assessment procedures, a bilateral agreement was made in January 2007 between the Commonwealth & NSW Governments giving accreditation of New South Wales assessment processes in relation to threatened species, populations and ecological communities.

The agreement provides for “Controlled actions” as defined in the *Environment Protection & Biodiversity Act 1999 (Cwlth)* relating to threatened species, no longer require assessment under Part 8 of the *Environment Protection & Biodiversity Act 1999 (Cwlth)* where they are assessed under Part 3A, 4 or 5 of the *Environmental Planning and Assessment Act 1979 (NSW)*.

## 10.4 Species – Magenta Lilly-Pilly (*Syzygium paniculatum*)

(a) " in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that viable local population of the species is likely to be placed at risk of extinction. "

There has been considerable botanical revision of this and the related genera *Acmena* and *Eugenia* and the species formerly known as *Eugenia australis* is regarded as two separate species, *Syzygium australe* and *Syzygium paniculatum*.

The natural distribution of Magenta Lilly-Pilly (*Syzygium paniculatum*) has been recorded in patches along the NSW east coast from Jervis Bay to Bulahdelah.

The species has been recorded in natural habitats at; Myall Lakes National Park (unknown population size: Briggs and Leigh, 1996), Munmorah State Recreation Area (a few isolated plants: Payne, 1991; 1997), Wamberal Lagoon Nature Reserve (unknown population size: Payne, 1997), Glenrock State Recreation Area (unknown population size), Wyrabalong National Park (<100 plants: Payne, 1991), Booti Booti National Park (<1000 plants: Briggs and Leigh, 1996) Towra Point Nature Reserve (<1000 plants: Briggs and Leigh, 1996) Jervis Bay National Park (<1000 plants: Briggs and Leigh, 1996).

Magenta Lilly-Pilly (*Syzygium paniculatum*) has been widely cultivated in Australia and distributed by commercial nurseries as an ornamental plant for in excess of 40 years. The species is currently commercially available and has been planted as street trees and garden specimens. In addition to these plants, many hybrid cultivars have been produced 3 of which are subject to plant breeders rights in Australia.

The species is also grown and is available in the United States of America and is popular in California. The species is also propagated in European countries and *Syzygium paniculatum* is available through world wide seed distributors, however quarantine services in many countries may restrict its distribution on a global scale.

The natural habitats of Magenta Lilly-Pilly (*Syzygium paniculatum*) have been identified as in littoral rainforest remnants on coastal sand dunes, associated with *Ficus fraseri*, *Elaeocarpus obovatus*, *Acmena smithii* and *Rhodomyrtus psidioides* (Payne 1991). The species has also been recorded on alluvial soils in gallery rainforest habitats dominated by *Cryptocarya glaucescens* and *Acmena smithii*, along Ourimbah Creek (Payne 1991). The species appears to tolerate both wet and dry conditions on sand, as evidenced by flooding regimes of Ourimbah Creek and the presence of *Melaleuca quinquenervia* in nearby locations at some sites (Payne, 1991).

In addition to these habitats the species has also been recorded growing in wetter eucalypt forests of Swamp Mahogany (*Eucalyptus robusta*) in alluvial soil along Mullet Creek in Pittwater (Cunninghamia in Smith & Smith 2000) and in some locations on moist slopes on soils derived from the Narrabeen geological group in Pittwater.

The species has been planted and can survive well in residential areas and as street trees. Based upon its natural habitat one of the main factors limiting the distribution of the species appears to be soil moisture levels. In urban areas where reticulated water is readily available for domestic and commercial purposes and the frequency of stormwater run off from impervious surfaces is higher, the potential habitat for the species may have expanded beyond its natural range.

The species was not recorded during the site surveys and it is unlikely that a viable local population of the species at risk of extinction.

(b) " in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that viable local population of the species is likely to be placed at risk of extinction. "

Endangered populations are listed in Schedule 1 Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(c) " in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to be substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Endangered ecological communities are listed in Schedule 1 Part 3 of the Threatened Species Conservation Act 1995 and critically endangered ecological communities are listed in Schedule 1a Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(d) " in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed and,

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality".

The site is considered to be marginal habitat for the species primarily in the drainage channel and the ecotone areas between the Swamp Sclerophyll Forest and the Sandstone Woodland These habitats are in the southern and eastern parts of the site (approximately 2,140m<sup>2</sup>).

Taking into account the surrounding urban development it is unlikely that the proposed rezoning and subsequent development will fragment or isolate habitat that is essential to the long term survival of the species.

The species was not recorded on the subject site and based upon the current site conditions and the potential habitats both on the site and on the adjoining Golf Course land, the habitats to be removed or modified are not considered significant for the species

(e) " whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)."

The area is not listed as critical habitat under Part 3 Division 1 of the Threatened Species Conservation Act 1995. There is no critical habitat within the site or in close proximity to the proposed development.



(f) " whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan".

Recovery plans are prepared under the provisions of Part 4, Division 1 of the Threatened Species Conservation Act 1995. There is no recovery or draft recovery plan prepared for the species.

Threat Abatement Plans are prepared under the provisions of Part 5, Division 1 of the Threatened Species Conservation Act 1995 for key threatening processes. Currently there are three Threat Abatement Plans relating to Bituo Bush and Boneseed, Predation by Red Fox (*Vulpes vulpes*) and Predation by *Gambusia holbrooki* (Plague Minnow). The proposed development is not inconsistent with the objectives these plans.

(g) " whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process."

Currently there are 36 Key Threatening Processes listed in the Threatened Species Conservation Act 1995. Key Threatening Processes relevant for the species include:

- Clearing of Native Vegetation, and
- Ecological Consequences of High Frequency Fires

Although the Clearing of Native Vegetation and Ecological Consequences of High Frequency of Fires are listed as a threatening process, it is considered that these will not have an impact on this species, provided that the recommended measures to minimise the impact on the local ecology (refer 6.4) are implemented.

#### **10.4.1 Summary: Species - Magenta Lilly-Pilly (*Syzygium paniculatum*)**

Whilst the species was not recorded through field surveys the site does, in part, have some potential habitat for Magenta Lilly-Pilly (*Syzygium paniculatum*).

It is considered that, based upon the scope of the proposed rezoning and subsequent development (refer 6.3), it is unlikely that future development on the site will have a significant impact on the species provided that the recommendations (refer 6.4) are implemented.

### **10.5 Species - *Callocephalon fimbriatum* (Gang-gang Cockatoo)**

(a) " in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that viable local population of the species is likely to be placed at risk of extinction. "

Gang Gang Cockatoos have a relatively restricted distribution in South-eastern Australia and are mainly found in the higher altitude old growth eucalypt forests. In winter the species is known to move down into lower altitude woodlands and are regularly seen in the Australian Capital Territory.

A population of Gang-gang Cockatoos persists in the Hornsby and Ku-ring-gai Local Government Areas. This population is bounded by Beecroft – Cheltenham in the west, Epping – North Epping in the south, Turramurra – South Turramurra in the east, and Thornleigh – Wahroonga to the north. The population encompasses, but is not restricted to, Pennant Hills Park and parts of Lane Cove National Park. Individual birds are likely on occasion to move across the population boundary. This population is estimated to be between 18 and 40 pairs. Birds have been observed nesting in hollows in large, old trees, and

breeding has been documented at least since 1994. The species shows strong nest site fidelity.

The population used to extend across Baulkham Hills, Castle Hill, Cherrybrook and Dural, but due to initial clearing for farmland and more recently to urban releases and road construction, the habitat of the population has been greatly reduced. Loss of habitat, particularly core food and breeding trees, continues to be a major threat to the population. Other threats include competition for nest hollows with other species. The species breed in large tree hollows in late spring to early summer and are commonly seen in flocks of up to 20 individuals. Their diet consists of seeds of eucalyptus and acacias, supplemented by other plant material and insects and they are known to feed on Cotoneaster and Hawthorn berries in winter.

The site is not considered to be core breeding habitat and may provide some foraging opportunities.

Taking into account the foraging range of the species and based upon the scope of rezoning impact and potential development (refer 6.3), it is unlikely that a local population of the species is to be placed at risk of extinction provided that the recommendations (refer 6.4) are implemented.

(b) " in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that viable local population of the species is likely to be placed at risk of extinction. "

The endangered Population - Gang-gang Cockatoo, *Callocephalon fimbriatum* (Grant), population in the Hornsby and Ku-ring-gai Local Government Areas is also listed in the Schedule 1 Part 2 of the Threatened Species Conservation Act 1995 (refer comments above (a)).

(c) " in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to be substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

Endangered ecological communities are listed in Schedule 1 Part 3 of the Threatened Species Conservation Act 1995 and critically endangered ecological communities are listed in Schedule 1a Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(d) " in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed and,

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality".

The extent of potential habitat removal and/or modification is summarised in section 6.3 of this report. Taking into account the mobility of the species and their

foraging range, the proposed rezoning and potential development on the site will not isolate foraging habitat of the species.

The site is not considered to be core roosting or breeding habitat but may provide some seasonal foraging potential. Provided that the recommendations (refer 6.4) are implemented foraging opportunities shall remain in the local area and the habitats to be removed and or modified are not considered to be important for the long term survival of the species.

(e) " whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)."

The area is not listed as critical habitat under Part 3 Division 1 of the Threatened Species Conservation Act 1995. There is no critical habitat within the site or in close proximity to the proposed development.

(f) " whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan"

Recovery plans are prepared under the provisions of Part 4, Division 1 of the Threatened Species Conservation Act 1995. There is no recovery or draft recovery plan prepared for the species.

Threat Abatement Plans are prepared under the provisions of Part 5, Division 1 of the Threatened Species Conservation Act 1995 for key threatening processes. Currently there are three Threat Abatement Plans relating to Bituo Bush and Boneseed, Predation by Red Fox (*Vulpes vulpes*) and Predation by *Gambusia holbrooki* (Plague Minnow). The proposed development is not inconsistent with the objectives these plans.

(g) " whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process."

Currently there are 36 Key Threatening Processes listed in the Threatened Species Conservation Act 1995. Key Threatening Processes relevant for the species include:

- Clearing of Native Vegetation
- *Psittacine circoviral* (beak and feather) Disease
- Loss of Hollow-bearing Trees

Whilst the Clearing of Native Vegetation is listed as a key threatening process, based upon the nature and of the proposed rezoning and subsequent development (refer 6.3) the rezoning will not significantly increase threats in relation to this species provided that the recommendations (refer section 6.4) are implemented.

*Psittacine circoviral* (beak and feather) disease is a virus that infects and kills the cells of the feather and beak, as well as cells of the immune system, leaving birds vulnerable to bacterial and other infections. It is considered that the impacts of the proposed development will not increase the spread or infection of *Psittacine circoviral* disease.

None of the trees that are to be removed contain substantial habitat hollows and therefore the proposed development will not contribute to the Loss of Hollow-bearing Trees for this species or population.

### 10.5.1 Summary: Species & Population - *Callocephalon fimbriatum* (Gang-gang Cockatoo)

Based upon the nature and scope of the proposed rezoning and subsequent development (refer 6.3) and provided that the recommendations (refer section 6.4) are implemented, is unlikely that the proposed rezoning and subsequent development on the site will have a significant impact on the species - *Callocephalon fimbriatum* (Gang-gang Cockatoo).

## 10.6 Species – Swift parrot (*Lathamus discolor*)

(a) " in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that viable local population of the species is likely to be placed at risk of extinction. "

The Swift Parrot inhabits eucalypt forests and breeds in hollows of mature and senescing trees in Tasmania. The population migrates to the Australian mainland during winter where they feed off winter flowering Eucalypts although the species will also feed on lerps, honeydew, Banksia nectar, fruits, seeds and other plant material as well as insects and their larvae (Forshaw & Cooper 1981, Garnett 1992).

In New South Wales important foraging tree species include, Grey Box (*Eucalyptus macrocarpa*), Mugga Ironbark (*Eucalyptus sideroxylon*) on the western slopes and Forest Red Gum (*Eucalyptus tereticornis*), Red Iron Bark (*Eucalyptus fibrosa*), Spotted Gum (*Corymbia maculata*), Swamp Mahogany (*Eucalyptus robusta*) and Red Bloodwood (*Corymbia gummifera*) (Swift Parrot Recovery Team, 2000). Since 1980 there have been some 45 sightings recorded in the Wildlife Atlas database (OEH, 2012) within the Sydney Topographic Map Sheet and locally small flocks were reported at Ingleside in 1986 (Cooper 1990).

In 1938 hundreds of Swift Parrots were reported feeding in *Eucalyptus robusta* (Swamp Mahogany) in Warriewood (Hindwood 1939). The site is not core breeding habitat but may provide some seasonal foraging opportunities provided by the Swamp Mahogany (*Eucalyptus robusta*) and to a lesser degree the Red Bloodwood (*Corymbia gummifera*) on the site.

The site is not considered to be core breeding habitat and may provide some foraging opportunities.

Taking into account the foraging range of the species and based upon the scope of rezoning impact and potential development (refer 6.3), it is unlikely that a local population of the species is to be placed at risk of extinction provided that the recommendations (refer 6.4) are implemented.

(b) " in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction. "

Endangered populations are listed in Schedule 1 Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(c) " in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to be substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

Endangered ecological communities are listed in Schedule 1 Part 3 of the Threatened Species Conservation Act 1995 and critically endangered ecological communities are listed in Schedule 1a Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(d) " in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed and,

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality".

The extent of potential habitat removal and/or modification is summarised in section 6.3 of this report. Taking into account the mobility of the species and their foraging range, the proposed rezoning and potential development on the site will not isolate foraging habitat of the species.

The site is not considered to be core roosting or breeding habitat but may provide some seasonal foraging potential. Provided that the recommendations (refer 6.4) are implemented foraging opportunities shall remain in the local area and the habitats to be removed and or modified are not considered to be important for the long term survival of the species.

(e) " whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly."

The area is not listed as critical habitat under Part 3 Division 1 of the Threatened Species Conservation Act 1995. There is no critical habitat within the site or in close proximity to the proposed development.

(f) " whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan".

Recovery plans are prepared under the provisions of Part 4, Division 1 of the *Threatened Species Conservation Act 1995 (NSW)*. There is no recovery or draft recovery plan prepared for the species specifically for NSW however the Swift Parrot Recovery Plan (Swift Parrot Recovery Team, 2001) exists.

Threat Abatement Plans are prepared under the provisions of Part 5, Division 1 of the Threatened Species Conservation Act 1995 for key threatening processes. Currently there are three Threat Abatement Plans relating to Bituo Bush and Boneseed, Predation by Red Fox (*Vulpes vulpes*) and Predation by *Gambusia holbrooki* (Plague Minnow). The proposed development is not inconsistent with the objectives these plans.

Provided that the recommendations (refer section 6.4) are implemented the proposed rezoning and subsequent development of the site is not inconsistent



with objectives of the Swift Parrot Recovery Plan (Swift Parrot Recovery Team, 2001)

(g) " whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process."

Currently there are 36 Key Threatening Processes listed in the Threatened Species Conservation Act 1995. Key Threatening Processes relevant for the species include:

- Clearing of Native Vegetation

Whilst the Clearing of Native Vegetation is listed as a key threatening process, based upon the nature and scope of the proposed rezoning and subsequent development (refer 6.3) the rezoning will not significantly increase threats in relation to this species provided that the recommendations (refer section 6.4) are implemented.

#### **10.6.1 Summary Species – Swift parrot (*Lathamus discolor*)**

Based upon the nature and scope of the proposed rezoning and subsequent development (refer 6.3) and provided that the recommendations (refer section 6.4) are implemented, is unlikely that the proposed rezoning and subsequent development on the site will have a significant impact on the species –Swift parrot (*Lathamus discolor*).

### **10.7 Species - Grey-headed Flying-fox (*Pteropus poliocephalus*)**

(a) " in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that viable local population of the species is likely to be placed at risk of extinction. "

The species has 2 permanent maternal colonies in Sydney, one at Gordon and the other at Cabramatta. Other temporary colonies exist at the Sydney Botanical Gardens. The species predominately feeds on nectar and when blossoms are unavailable it feeds on fruit. Grey-headed Flying-fox (*Pteropus poliocephalus*) individuals have been recorded travelling 100's of kilometres within weeks (Eby 1991, Spencer et al 1991) and nightly foraging distances from roosting camps are commonly 20km and can be up to 50km (Eby 1996).

The site is not considered to be core breeding or roosting habitat and taking into account the scope of proposed development (refer section 5), and the foraging range of the species, it is unlikely that a viable local population of the species is to be placed at risk of extinction.

The site is not core breeding or roosting habitat but may provide some seasonal foraging opportunities provided by the winter flowering Swamp Mahogany (*Eucalyptus robusta*) on the site.

Taking into account the foraging range of the species and based upon the scope of rezoning impact and potential development (refer 6.3), it is unlikely that a temporary local population of the species is to be placed at risk of extinction provided that the recommendations (refer 6.4) are implemented.

(b) " in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction. "

Endangered populations are listed in Schedule 1 Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(c) " in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Endangered ecological communities are listed in Schedule 1 Part 3 of the Threatened Species Conservation Act 1995 and critically endangered ecological communities are listed in Schedule 1a Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(d) " in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed and,

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality".

The extent of potential habitat removal and/or modification is summarised in section 6.3 of this report. Taking into account the mobility of the species and their foraging range, the proposed rezoning and potential development on the site will not isolate foraging habitat of the species.

The site is not considered to be core roosting or breeding habitat but may provide some seasonal foraging potential.

Provided that the recommendations (refer 6.4) are implemented, foraging opportunities shall remain in the local area and the habitats to be removed and or modified are not considered to be important for the long term survival of the species.

(e) " whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)."

The area is not listed as critical habitat under Part 3 Division 1 of the Threatened Species Conservation Act 1995. There is no critical habitat within the site or in close proximity to the proposed development.

(f) " whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan".

Recovery plans are prepared under the provisions of Part 4, Division 1 of the Threatened Species Conservation Act 1995. There is no recovery or draft recovery plan prepared for the species.

Threat Abatement Plans are prepared under the provisions of Part 5, Division 1 of the Threatened Species Conservation Act 1995 for key threatening processes. Currently there are three Threat Abatement Plans relating to Bituo Bush and Boneseed, Predation by Red Fox (*Vulpes vulpes*) and Predation by *Gambusia holbrooki* (Plague Minnow). The proposed development is not inconsistent with the objectives these plans.

(g) " whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process."

Currently there are 36 Key Threatening Processes listed in the Threatened Species Conservation Act 1995. Key Threatening Processes relevant for the species include:

- Clearing of Native Vegetation

Whilst the Clearing of Native Vegetation is listed as a key threatening process, based upon the nature and scope of the proposed rezoning and subsequent development (refer 6.3) the rezoning will not significantly increase threats in relation to this species provided that the recommendations (refer section 6.4) are implemented.

#### **10.7.1 Summary Species – Grey-headed Flying-fox (*Pteropus poliocephalus*)**

Based upon the nature and scope of the proposed rezoning and subsequent development (refer 6.3) and provided that the recommendations (refer section 6.4) are implemented, is unlikely that the proposed rezoning and subsequent development on the site will have a significant impact on the species Grey-headed Flying-fox (*Pteropus poliocephalus*).

### **10.8 Community – Swamp Sclerophyll Forest on Coastal Floodplains**

(a) " in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that viable local population of the species is likely to be placed at risk of extinction. "

Threatened species are listed in Schedule 1, Part 1 and Schedule 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(b) " in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction. "

Endangered populations are listed in Schedule 1 Part 2 of the Threatened Species Conservation Act 1995. - Not applicable.

(c) " in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to be substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction."

The Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions occurs on flats and drainage lines associated with coastal floodplains which are generally below the 20m elevation but sometimes occurs up to 50m. Soils are typically humic clay loams and sandy loams (NSW Scientific Committee 2004).

The community typically occurs as open forest, although partial clearing may have reduced the canopy to scattered trees (NSW Scientific Committee 2004).

Characteristic species include, amongst other species, canopy trees of Swamp Mahogany (*Eucalyptus robusta*), Bangalay (*Eucalyptus botryoides*), Paperbark (*Melaleuca quinquenervia*), with small trees of Green Wattle (*Acacia irrorata*), Lilly-pilly (*Acmena smithii*), Blueberry Ash (*Elaeocarpus reticulatus*), Cheese Tree (*Glochidion ferdinandi*), Narrow-leaved Paperbark (*Melaleuca linariifolia*) and Prickly-leaved Paperbark (*Melaleuca*).

The community exists on the site as remnant trees with patches of indigenous ground covers in the eastern and southern parts of the site outside the drainage channel. Locally the community extends along the drainage line within the golf course land and also extends north along the eastern end of Kitchener Park playing fields. Other remnant trees of the Swamp Sclerophyll Forest occur on the slightly elevated parts of Mona Vale Golf Course adjacent the site.

Although the community is modified on the site and across all these landuses, it is expected that the ecological interactions take place across these areas.

Taking into account the ecological interactions between flora and fauna species associated with the community in this modified environment, based upon the scope of rezoning impact and potential development (refer 6.3), it is unlikely that the ecological community is to be placed at risk of extinction provided that the recommendations (refer 6.4) are implemented.

(d) " in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed and,

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality".

The extent of the habitat of Swamp Sclerophyll Forest that is likely to be removed is outlined in section 6.3 of this report.

Taking into account the location of the site in relation to the Swamp Sclerophyll Forest community and the surrounding developed urban areas, it is considered that the proposed rezoning and subsequent development will not contribute substantially to the further isolation of the community.

The site is not classified as a Natural Area under the *Local Government Act 1993 (NSW)* and is included in the Kitchener Park, Mona Vale Plan of Management (2009). The site is managed to achieve the relevant objectives in the *Government Act 1993 (NSW)* and the management involves regular mowing of the ground covers. The floristic and faunal components of the community, on and adjacent the site, are poor in comparison with larger more natural Swamp Sclerophyll Forest habitats and the long term survival of the community will very much depend upon the management of the remaining components of the community and rehabilitation of the community particularly where opportunities do not conflict with the various current landuses.

Provided that the recommendations (refer section 6.4) are implemented, it is considered that the habitats to be removed will not affect the long term survival of the local occurrence of Swamp Sclerophyll Forest community.

(e) " whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)."

The area is not listed as critical habitat under Part 3 Division 1 of the Threatened Species Conservation Act 1995. There is no critical habitat within the site or in close proximity to the proposed development.

(f) " whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan".

Recovery plans are prepared under the provisions of Part 4, Division 1 of the Threatened Species Conservation Act 1995. There is no recovery or draft recovery plan prepared for the community.

Threat Abatement Plans are prepared under the provisions of Part 5, Division 1 of the Threatened Species Conservation Act 1995 for key threatening processes. Currently there are three Threat Abatement Plans relating to Bituo Bush and Boneseed, Predation by Red Fox (*Vulpes vulpes*) and Predation by *Gambusia holbrooki* (Plague Minnow). The proposed development is not inconsistent with the objectives these plans.

(g) " whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process."

Currently there are 36 Key Threatening Processes listed in the Threatened Species Conservation Act 1995. Key Threatening Processes relevant for the species include:

- Clearing of Native Vegetation

Whilst the Clearing of Native Vegetation is listed as a key threatening process, based upon the nature of the proposed rezoning and subsequent development (refer 6.3) the rezoning will not significantly increase threats in relation to this community provided that the recommendations (refer section 6.4) are implemented. .

### **10.8.1 Summary Ecological Community – Swamp Sclerophyll Forest on Coastal Floodplains**

Based upon the nature and scope of the proposed rezoning and subsequent development (refer 6.3) and provided that the recommendations (refer section 6.4) are implemented, is unlikely that the proposed rezoning and subsequent development on the site will have a significant impact on the Swamp Sclerophyll Forest on Coastal Floodplains.



# 11. Summary

## 11.1 Conclusion

This report has been prepared in conjunction with the proposed rezoning of the allotments of Lot 3 in DP 251053 & Lot 2 in DP 110299 known as 1596 & 1598 Pittwater Road, Mona Vale. The report identifies the flora species on the site and typical fauna species residing on or using the site as part of their foraging range. Specific assessment of the allotments has been undertaken to identify habitats of threatened species, populations and ecological communities listed in the schedules of the *Threatened Species Conservation Act (NSW) 1995* and the *Environment Protection & Biodiversity Act 1999 (Cwlth)* (EPBC).

The site is currently zoned 6(a) Open Space and 9(a) Reservation – Open Space and is owned by Pittwater Council. The site is classified as Community Land under the *Local Government Act 1993 (NSW)* and is included in the Kitchener Park, Mona Vale Plan of Management (2009). The site is not categorised as a bushland reserve and is not included in Pittwater Council's Natural Area Plan of Management.

The proposed rezoning involves amendments to the Pittwater LEP by changing the landuse to one that permits medium density housing and reclassifying the land from Community to Operational under the *Local Government Act 1993 (NSW)*.

The rezoning arises from the recommendations contained within the Kitchener Park Plan of Management, adopted by Council in September 2009. The rezoning was one of a number of changes/upgrades recommended in the adopted plan of management, which included construction of a new skateboard park and rehabilitation of the riparian corridor through and around Kitchener Park. In December 2011 Pittwater Council resolved to rezone the site.

The site is situated on the eastern side of Pittwater Road, encompasses Lot 2 in DP 110299 and Lot 3 in DP 251053 and has a total area of 5,379m<sup>2</sup>.

Lot 2 in DP 110299 covers an area of 900m<sup>2</sup> and is typical of a developed residential allotment and contains a brick dwelling, open lawn area of exotic grass with several trees along located along the boundaries.

Lot 3 in DP 251053 cover an area of 4,479m<sup>2</sup> and has a developed park like character with mown open grass areas and contains 97 trees. All of the trees are indigenous species with the exception of 1 Willow Myrtle (*Agonis flexuosa*) and 1 Macadamia (*Macadamia integrifolia*). The allotment has frontage on Pittwater Road is bounded by developed residential properties to the north & south. Whilst there is some habitat connectivity to the Mona Vale Golf Course land to the east, both the vegetation & habitats on the golf course and the vegetation & habitats on the allotment have been modified and disturbed and are developed recreational open space areas.

Whilst the rezoning will not directly result in any works, it will impose the expectation that the land can be used for its intended purpose, to permit medium density housing. The Feasibility Study plans (Antoniades, 2011) for a medium density development have been prepared showing the location of building footprints and typical sections etc. Whilst these feasibility plans provide conceptual designs, future development of the site should minimise the impact

on the local ecology and in particular potential impacts on threatened species, populations and ecological communities.

Specific Consideration has been given to State Environmental Planning Policy (SEPP) No 19- Bushland in Urban Areas and SEPP 44 Protection of Koala Habitat. Based upon assessment criteria in the State planning policies, the site is not considered to be bushland as defined by SEPP 19 and the site is not considered to be core Koala habitat for the purposes of SEPP 44.

Through field surveys, habitat assessments and literature/database searches a number of the threatened species, populations and communities have been identified as having some habitat relationships with the site. These being;

- Magenta Lillypilly (*Syzygium paniculatum*);
- Gang-gang Cockatoo (*Callocephalon fimbriatum*);
- Swift Parrot (*Lathamus discolor*);
- Grey-headed Flying-fox (*Pteropus poliocephalus*), and
- Swamp Sclerophyll Forest on Coastal Floodplains - Ecological Community

Based upon the 7 points of consideration identified in section 5A of the *Environmental Planning and Assessment Act 1979 (NSW)* and taking into account the modified nature of the habitats on the site, it is considered that the proposed rezoning and subsequent development will not have a significant impact on threatened species, populations or ecological communities provided that the following recommendations are implemented.

## 11.2 Recommendations

To minimise the potential impact on the local ecology and to ensure that there is no net loss of the Swamp Sclerophyll Forest ecological community, it is recommended that future development on the site should provide for both on site and off site compensatory works.

On site compensatory works should include:

- rehabilitation of the drainage channel on the southern side of the site as an open watercourse with a 5m riparian zone rehabilitated as Swamp Sclerophyll Forest, and
- indigenous tree plantings as part of the landscape plan using a mix of indigenous species that occur locally and are part of the Sydney Sandstone Woodland and Swamp Sclerophyll Forest communities.

Off site compensatory works should include rehabilitation of the riparian habitats shown as Precinct 6 (Stream Rehabilitation and Riparian Corridor) in the Kitchener Park Plan of Management and should include:

- rehabilitation of the drainage channel (part of Precinct 6) between Precincts 5 & 7 and revegetation / regeneration of the riparian areas as Swamp Sclerophyll Forest, and
- a minimum of 40 Swamp Mahogany (*Eucalyptus robusta*) be planted as part of the Precinct 6, Swamp Sclerophyll Forest rehabilitation or planted in other precincts within Kitchener Park.

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**TRANSPORT IMPACT ASSESSMENT  
PROPOSED RESIDENTIAL DEVELOPMENT  
1596 – 1598 PITTWATER ROAD  
MONA VALE**

**Ref: 11-128**

**NOVEMBER 2011**

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## **APPENDICES**

1. Site Plans
2. Traffic Survey Output

## 1. INTRODUCTION

This Practice has been engaged by Pittwater Council to undertake an assessment of the likely transport impacts associated with a rezoning application involving the development of two parcels of land located on the eastern side of Pittwater Road, Mona Vale. The land currently forms part of Kitchener Park and is zoned Open Space and is proposed to be rezoned to accommodate a residential apartment development comprising two buildings containing a total of 24 residential apartments.

Left in / left out vehicular access between the southbound Pittwater Road carriageway and the development is proposed within the north-western corner of the site. This access is proposed to provide connectivity to a ramp linking with a basement parking level containing 56 passenger vehicle spaces.

The purpose of this report is to assess and document likely transport impacts resulting from the proposed rezoning and to recommend treatments to ameliorate such impacts. In this regard, this report undertakes assessment of the following:

- Determines the suitability and safety of the proposed access and internal circulation arrangements as relevant to the site and the local conditions;
- Assesses the adequacy of the proposed parking provision with reference to the development yield, the available public transport facilities in the subject vicinity and the existing planning documents relating to the site;
- Assesses the existing transport conditions within the vicinity of the site;
- Distinguishes traffic likely to be generated by the proposed development based on the proposed yield, the Roads & Maritime Services established trip generation rates and the available surrounding public transport infrastructure; and
- Assesses the ability of the surrounding road network to accommodate the traffic movements projected to be generated by the proposed development.

This report has been prepared with reference to the following documents:

- Roads & Maritime Services' (formally the Roads & Traffic Authority) *Guide to Traffic Generating Developments*;
- Pittwater Council's Pittwater 21 DCP;
- The Australian Standard for *Parking Facilities Part 1: Off-Street Car Parking* (AS2890.1-2004) and *Parking Facilities Part 2: Commercial Vehicle Facilities* (AS2890.2-2002); and
- State Environmental Planning Policy (Infrastructure) 2007.

The report should be read in conjunction with architectural plans prepared by Antoniades Architects, reduced copies of which are contained within **Appendix 1**.

## **2. SITE DETAILS**

### **2.1 Site Location**

The subject site is located the eastern side of Pittwater Road immediately to the north of its junction with Turimetta Street, Mona Vale. This location is illustrated overleaf within a neighbourhood context by **Figure 1** being an extract of the UBD *Australian City Streets CDROM - 4<sup>th</sup> Edition*.

### **2.2 Site Description**

The subject site comprises two allotments being Lot 2 DP 110299 and Lot 3 DP 251053 providing a street address of 1596 – 1598 Pittwater Road, Mona Vale. The site forms an irregularly shaped parcel of land providing an approximate frontage to Pittwater Road of 92m. The site extends to the east away from Pittwater Road up to approximately 97m providing a total area of 5,404m<sup>2</sup>. The land falls away from the Pittwater Road frontage to provide a height differential of up to 5.5m between the western and eastern site boundaries.

### **2.3 Existing Uses**

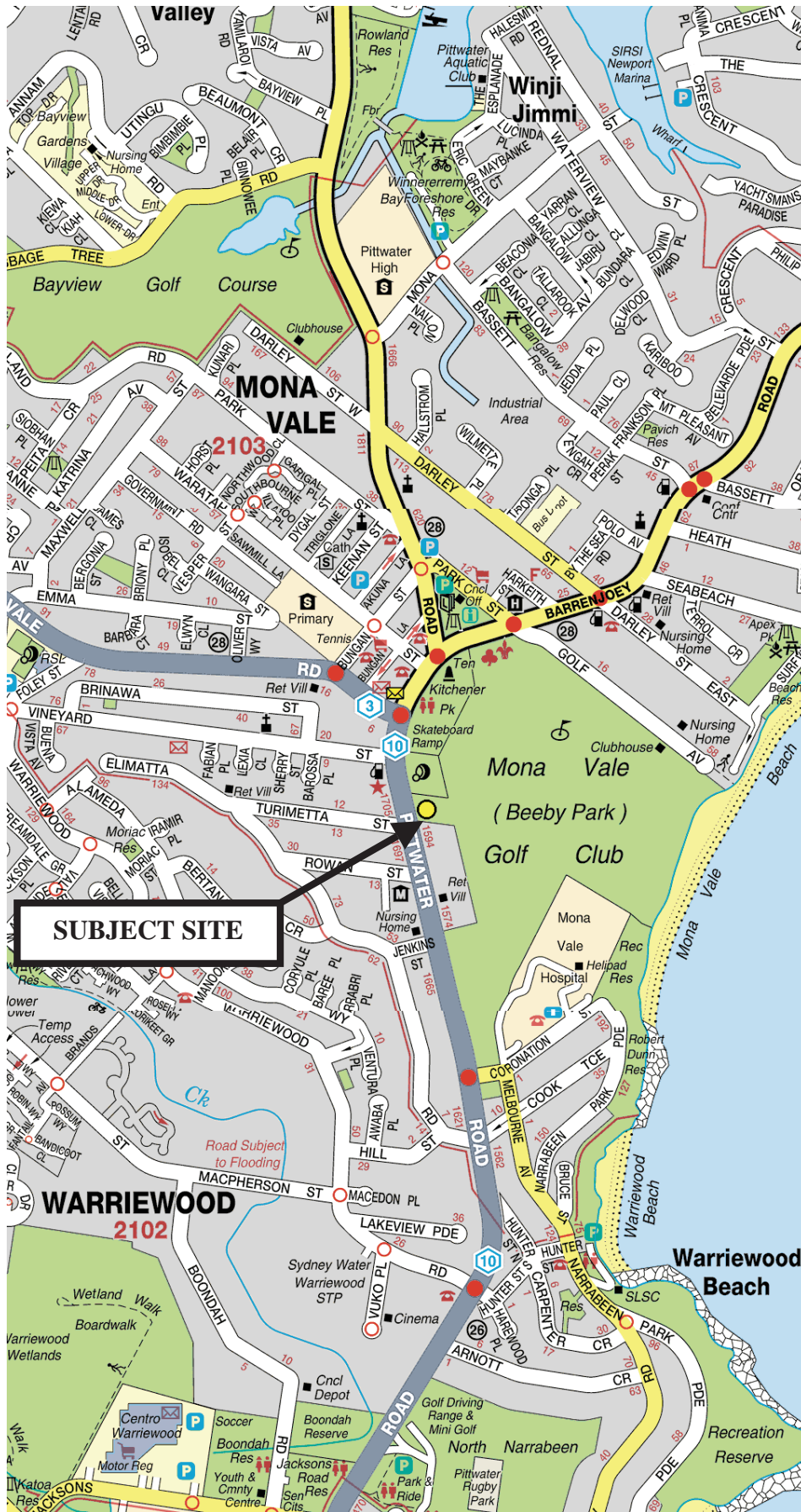
The northern lot currently accommodates a detached residential dwelling, providing a single combined ingress / egress driveway connecting with the Pittwater Road southbound carriageway. The southern lot is currently undeveloped .

### **2.4 Surrounding Uses**

The subject site is surrounded by a mixture of land-uses as follows:

- Mona Vale Bowling Club adjoins the site to the north;
- Mona Golf Course adjoins the site to the east;
- Detached residential dwellings occupy land to the south; and
- Detached residential dwellings occupy land to the west on the opposite side of Pittwater Road (with the exception of Mona Vale Police Station which is located on the north-western corner of Pittwater Road and Turimetta Street).

The Mona Vale town centre and associated retail / commercial land-uses is located approximately 250m to the north of the site generally being bounded by Pittwater Road to the east and Mona Vale Road to the south.



**FIGURE 1 – SITE LOCATION**

### **3. PROPOSED DEVELOPMENT**

#### **3.1 Built Form**

The subject proposal requests consent for the rezoning of the subject land to be capable of accommodating a residential apartment development comprising two buildings containing a total of 24 dwellings as follows:

- 12 two bedroom dwellings; and
- 12 three bedroom dwellings.

The buildings are proposed to comprise two storeys generally running in an east-west alignment adjoining the northern and southern site boundaries. The buildings are proposed to be separated by a centrally located courtyard area.

The residential development is proposed to be serviced by a single level of basement car parking located below the abovementioned buildings and central courtyard area. The basement parking area is proposed to contain a total of 56 passenger vehicle and 8 bicycle parking spaces.

Left in / left out vehicular access between the Pittwater Road southbound carriageway and the development is proposed within the north-western corner of the site. Connectivity between this access driveway and the basement parking area is proposed via a ramp running approximately parallel to the Pittwater Road alignment.

Pedestrian access between is proposed from Pittwater Road.

A review of the suitability of the internal parking, circulation, access and servicing arrangements in relation to current relevant Council, Roads & Maritime Services and Australian Standard specifications is contained within the subsequent section of this report.



## **4. ACCESS ARRANGEMENTS & INTERNAL CONSIDERATIONS**

### **4.1 Access Arrangements**

#### **4.1.1 Vehicle Access**

Vehicular access to the subject site is proposed via a 6m wide (measured at the property boundary) combined ingress / egress driveway connecting with the Pittwater Road southbound carriageway in the north-western corner of the site. The driveway is proposed to be splayed on approach to the Pittwater Road eastern kerb alignment to provide a widened gutter crossing of approximately 11m.

The divided nature of Pittwater Road will result in access movements to and from the subject site being restricted to left in / left out movements to / from the southbound carriageway.

In order to assess the suitability of the design of the proposed access driveway, reference is made to AS2890.1-2004. This document provides driveway design recommendations based on a number of site characteristics such as the land-use accommodated on-site, the number of parking spaces provided and the functional hierarchy of the access road.

Based on the basement car parking area servicing a residential development, accommodating 58 passenger vehicle parking spaces and the arterial nature of Pittwater Road, AS2890.1-2004 specifies, at minimum, the driveway is required to provide a width of between 6m and 9m. The proposed access driveway width is therefore considered to be satisfactorily in accordance with AS2890.1-2004.

The consistent vertical and horizontal alignment of Pittwater Road in the immediate vicinity of the subject site is such that a sight distance between the proposed access driveway and the southbound frontage road carriageway in excess of 120m is provided. Such a sight distance suitably accords with the desirable minimum sight distance provision of 97m for a sign posted speed limit of 70km/h as specified by AS2890.1-2004.

#### **4.1.2 Pedestrian Access**

Pedestrian access to both residential buildings is proposed to be provided via Pittwater Road. Whilst not specifically defined on the architectural plans, it is recommended that a single pedestrian access gate be located approximately central to the site frontage (thereby being separated from the abovementioned vehicular access). This access gate would then link with internal paths which in turn provide connectivity to a series of pedestrian access points to the buildings accessed from the central courtyard.

## 4.2 Parking Provision

### 4.2.1 Vehicular Parking

The basement parking area is proposed to provide 56 parking spaces as follows:

- 8 visitor parking spaces; and
- 48 resident parking spaces (including two disabled spaces).

Pittwater Council provides locally sensitive parking requirements for new developments within Pittwater 21 DCP. This document provides the following requirements for multi unit housing relevant to the subject application:

*2 resident spaces per 2 or more bedroom dwelling*

*1 visitor space per 3 dwellings rounded up*

*3% of the total parking spaces to be capable of accommodating disabled users*

Based on 24 two and three bedroom dwellings, the development is required to provide 48 resident spaces and 8 visitor spaces. Of the 56 total spaces, 1.68 (adopt 2) are required to be disabled. Compliance with the relevant Pittwater 21 DCP requirements is therefore achieved.

Further to the above, it is further noted that Pittwater 21 DCP requires that multi unit housing developments with greater than 10 units are required to provide a space which is designated as a car wash bay. The architectural plans do not provide for a car wash bay however it is reasonable and recommended that one of the visitor spaces double as a car wash bay.

### 4.2.2 Bicycle Parking

Pittwater 21 DCP provides the following bicycle parking requirements for multi unit housing:

*Security enclosed bicycle storage facilities must be provided within the building ... at a rate of 1 bicycle rack per 3 dwellings*

Based on 24 dwellings being proposed, a total of 8 bicycle racks are required. The architectural plans do not provide details of bicycle parking therefore it is recommended that provision be made within the secure basement car park for 8 bicycle racks.

### 4.3 Passenger Vehicle Internal Circulation

#### 4.3.1 Access Ramp

Connectivity between the access driveway and the basement car parking area is proposed to be facilitated via an access ramp which curves to the south immediately within the subject site and runs parallel to Pittwater Road for a length of approximately 25m prior to curving to the east to form the northern east-west parking aisle of the basement car par.

Dimensional details of the access ramp are not included on the architectural plans however it is recommended that the following minimum design criteria be accommodated to ensure compliance with the relevant AS2890.1-2004 specifications:

- Maximum grade for the first 6m inside the property boundary = 1 in 20;
- Maximum change in grade = 1 in 8;
- Maximum grade = 1 in 5;
- Minimum transitional grade length = 2m;
- Minimum straight roadway width = 5.5m plus 300mm wide kerbs;
- Minimum curved roadway width = 6.7m plus 300mm and 500mm inside and outside kerbs respectively; and
- Minimum outside curved roadway radius = 15m.

The alignment of the access ramp with the Pittwater Road southbound carriageway is such that exiting vehicles will be required to undertake a u-turn from the access ramp through the access driveway to access the frontage road kerb-side lane. Whilst it would appear from the overlaying of B85 passenger vehicle swept turning templates (as provided by AS2890.1-2004) over the architectural plans that there is adequate room between the centre of the access ramp and the Pittwater Road southbound kerb side lane line for a passenger vehicle to undertake the required u-turn manoeuvre, it is recommended that such suitability of such manoeuvring be assessed through the preparation of swept path plans using Autoturn or similar on detailed plans at development application stage.

It is further recommended that consideration be given to the provision of a painted median within the curved section of the access ramp as well on approach to Pittwater Road to ensure that there is no unreasonable conflict between entering and exiting vehicles when both manoeuvring through the curved ramp within the site and importantly when accessing Pittwater Road both for ingress and egress movements .

Incorporating the abovementioned recommendations, the access ramp design would be satisfactory.

### 4.3.2 Car Parking Layout

The basement car park has been designed to incorporate connected parking aisles, each servicing two rows of 90 degree angled parking bays. The visitor parking spaces (8 in total) are proposed to be provided at the immediate entrance to the basement parking area such that they are readily accessible for non-regular site users.

Dimensional details of the basement car parking area are not included on the architectural plans however it is recommended that the following minimum design criteria be accommodated to ensure compliance with the relevant AS2890.1-2004 and Pittwater 21 DCP specifications:

- Minimum normal car parking space width = 2.4m;
- Minimum first disabled car parking space width = 4.2m;
- Minimum second disabled car parking space width = 3.5m;
- Minimum additional parking space width where the space adjoins a physical obstruction (such as a wall) = 0.3m;
- Minimum car parking space length = 5.4m;
- Minimum parking aisle width = 5.8m;
- Minimum parking aisle extension past a dead end space = 1m; and
- Minimum clearance = 2.2m (2.5m above the disabled spaces).

Sections of mini ramps are proposed to be provided within the northern east-west and the north-south parking aisle to account for changes in basement car park level. The dimensional details of these mini ramps are not included on the architectural plans however it is recommended that the minimum design criteria contained within Section 4.2.1 of this report be accommodated to ensure compliance with the relevant AS2890.1-2004 specifications.

Structural details of the basement car park is not provided within the architectural plans however it is recommended that the following minimum design criteria be accommodated to ensure compliance with the relevant AS2890.1-2004 sections:

- Columns are not to encroach into parking space envelopes (i.e., parking space widths are to be measured from the face of any adjoining column); and
- Columns are to be located within 0.75m – 1.75m from the opening of the parking space.

Incorporating the recommendations contained within this section of the report, the basement car park layout would be considered to be satisfactory.

#### **4.4 Site Servicing**

Pittwater 21 DCP states that provision of on-site servicing should be provided for the following in multi-unit housing:

- Garbage collection vehicles;
- Removalist vans; and
- Emergency vehicles.

The following sub-sections of this report provide an assessment of the ability of the subject site to accommodate the abovementioned vehicles.

##### **4.4.1 Garbage Collection Vehicles**

Garbage collection vehicles are typically 8.8m long Medium Rigid Vehicles (MRVs). A garbage collection room is located within the basement vehicle parking area, in the vicinity of the intersection of the northern east-west and north-south parking aisles. A garbage collection vehicle would therefore be required to access the subject site from Pittwater Road and travel in a forward direction to access the basement car parking area via the access ramp.

Following the servicing of the garbage room, the collection vehicle would then reverse into the north-south parking aisle and exit the site in a forward direction via the access ramp and driveway connecting with the Pittwater Road southbound carriageway.

##### **4.4.1.1 Garbage Vehicle Manoeuvrability**

In order to undertake a preliminary assessment of the ability of the subject site to accommodate a MRV collection vehicle, this Practice has overlaid swept turning paths provided by AS2890.2-2002 over the architectural plans. This assessment has indicated that such vehicles are suitably capable of undertaking the abovementioned manoeuvring.

It is noted that such manoeuvring will impede internal passenger vehicle manoeuvrability, however such impedance will only be temporary in nature associated with the weekly servicing of the site. Additionally, such servicing of the site will most likely to be undertaken during non peak operational periods of the site as is industry expectation.

It is further noted that MRVs undertaking the required u-turn exit manoeuvre will be required to turn across all three Pittwater Road southbound lanes. Such a manoeuvring arrangement is however not uncommon for heavy vehicles exiting private developments (or even public road intersections). In this regard, service vehicle exit movements can be reasonably undertaken within breaks in the frontage road southbound traffic flow associated with the operation of traffic signals located to the north of the site.



Notwithstanding this assessment, it is recommended that a detailed swept path assessment of garbage collection vehicles be undertaken at development application stage to ensure that such vehicles can enter the site, manoeuvre throughout the site and exit the site in a safe and efficient manner.

#### **4.4.1.2 Garbage Vehicle Clearance**

AS2890.2-2002 specifies that MRVs require a clearance of 4.5m. The architectural plans indicate that there is a clearance of 3.0m between basement floor to ground floor, which is likely to provide a maximum clearance within the basement of 2.5m. It is therefore recommended that the clearance of the basement car park be increased to 4.5m to accommodate garbage collection vehicles.

#### **4.4.1.3 Concluding Comment**

The assessment provided within Sections 4.4.1.1 and 4.4.1.2 of this report assumes that garbage collection will be undertaken by MRVs. If site constraints limit the size of vehicles capable of servicing the subject site, it is common for private developments to be serviced by private contractors whom utilise smaller collection vehicles. Accordingly if necessary, the detailed assessment undertaken at development application stage of garbage collection should consider the possibility of utilising smaller private contractor collection vehicles.

#### **4.4.2 Removalist Vans**

Toll Transitions, a national removalist company with over 50 years of experience has the following removalist truck recommendations for residents moving home:

- Studio and one bedroom units (local and interstate relocations) = one trip by 3 tonne truck (SRV);
- Two bedroom units (local relocations) = two trips by 3 tonne truck (SRV);
- Three bedroom units ( local relocations) = three trips by 3 tonne truck (SRV); and
- Two and three bedroom units (interstate relocations) = one trip by 8 tonne truck (MRV).

The above indicates that the vast majority of removalist needs of the development would be SRVs, 6.4m long rigid trucks.

The architectural plans do not provide any loading bay which would suitably accommodate such vehicles without impeding internal passenger vehicle movements. Accordingly, it is recommended that a loading bay be provided which is suitably capable of accommodating an SRV within the basement car parking area, providing dimensions of 3.5m x 6.4m to accord with the requirements of AS2890.2-2002. It is noted that such vehicles will require a minimum clearance of 3.5m within the basement car parking area (or at least between the site access and the loading dock location).

#### **4.4.3 Emergency Vehicles**

The architectural plans do not provide a formal area for the accommodation of emergency vehicles. It is however considered suitable that such vehicles could be accommodated within the previously recommended SRV loading dock.

## 5. EXISTING TRANSPORT CONDITIONS

### 5.1 Surrounding Road Network

The subject site provides a sole frontage to Pittwater Road. Pittwater Road performs an arterial function under the care and control of the Roads & Maritime Services. It provides a north-south arterial road function between Church Point in the north and North Manly in the south.

Pittwater Road intersects with other important arterial roads in Barrenjoey Road and Mona Vale Road to the north and Wakehurst Parkway, Warringah Road and Condamine Road to the south.

In the vicinity of the subject site, Pittwater Road primarily provides a six lane divided carriageway providing one through lane of traffic in each direction. Traffic flow is governed by a sign posted speed limit of 70km/h.

The three through Pittwater Road southbound lanes form two public access lanes to the south of the subject site with the kerb-side lane forming a marked and signposted bus lane (operable during the morning commuter peak, being 6.00am – 10.00am).

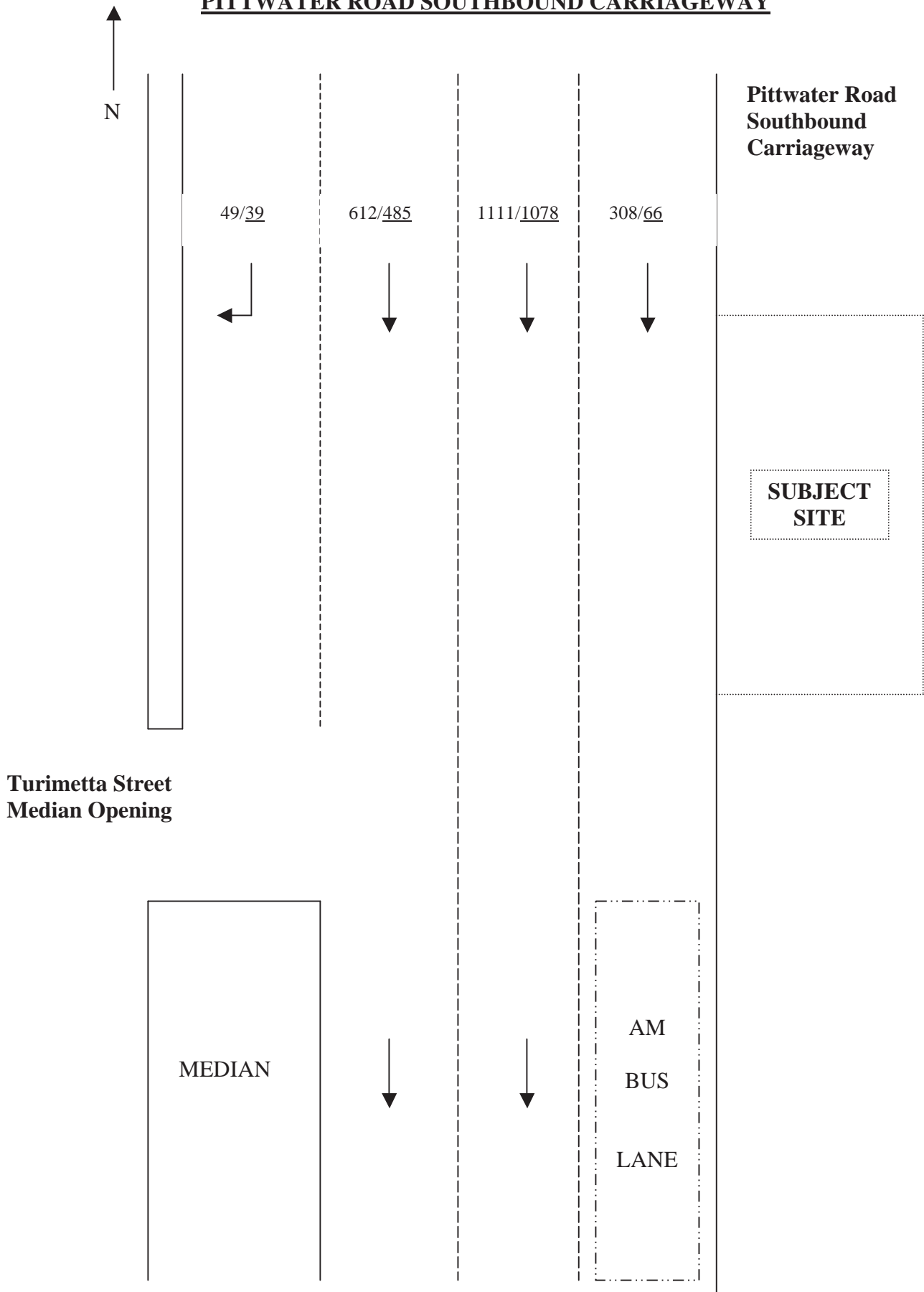
Immediately adjoining the southern site boundary, Pittwater Road forms a t-junction with Turimetta Street, operating under major / minor priority control with Pittwater Road forming the priority route. A break in the median at this junction facilitates unrestricted turning movements to and from Turimetta Street. In addition, an exclusive right turn bay is provided within the Pittwater Road central median assisting right turn movements.

Turimetta Street performs a local access function under the care and control of Pittwater Council. It provides an east-west alignment connecting abutting development (primarily residential) and intersecting lower order access streets to Pittwater Road. Traffic flow is governed by a sign posted 50km/h speed limit.

### 5.2 Traffic Volumes

In order to obtain an indication of the traffic demands during peak periods within the road network immediately adjoining the subject site, this Practice has undertaken surveys of traffic volumes within the Pittwater Road southbound carriageway immediately adjoining the subject site. Surveys were undertaken between 8.00am – 9.00am and 5.00pm - 6.00pm and on 11 November 2011. **Figure 2** overleaf provides a graphical representation of the afternoon peak hour traffic volumes surveyed whilst full survey output is contained within **Appendix 2**.

**FIGURE 2**  
**EXISTING PEAK HOUR TRAFFIC VOLUMES**  
**PITTWATER ROAD SOUTHBOUND CARRIAGEWAY**



**Figure 2** indicates the following:

- Pittwater Road southbound traffic volumes are significant during peak periods, comprising approximately 2,100 and 1,700 vehicles during the morning and evening peak periods respectively;
- The kerb-side lane accommodates significantly reduced volumes as a result of the marked bus lane to the south of the site, despite being sign posted as being operable only during the morning peak period;
- The middle lane accommodates significant volumes during both peak periods as a result of the above situation; and
- Right turning traffic into Turimetta Street is reasonably low during both peak periods.

### **5.3 Public Transport Accessibility**

The subject site is located in close proximity to bus services which operate along Pittwater Road and those that service the Mona Vale town centre. In this regard, bus stops are located on both sides of Pittwater Road within approximately 50m of the subject site.

#### **5.3.1 Bus Services**

Sydney buses operate the following bus services which operate along Pittwater Road servicing the previously presented bus stops:

- Route 151, Mona Vale to the City via Manly and Military Road;
- Route 155, Bayview to Manly via the Narrabeen Peninsula and Dee Why;
- Route 156, McCarrs Creek to Manly via Mona Vale and Warringah Mall;
- Route 184, Mona Vale to the City via Warringah Mall;
- Route 187, Newport to Milsons Point via Mona Vale and North Sydney;
- Route 188, Mona Vale to the City via Warringah Mall; and
- Route 190 Palm Beach to the City via Mona Vale, Warringah Mall and Balgowlah.

A majority of the above routes provide high frequency (10 – 15 minute) services during peak commuter periods with less frequent services (30 – 60 minutes) during non-peak periods.

The subject site is also located in close proximity to Mona Vale town centre which also provides connectivity to numerous other bus services which operate along Mona Vale Road to the west.



### **5.3.2 Bus Lanes**

It has previously been presented that there is a bus lane within the Pittwater Road southbound kerb side lane to the immediate south of the subject site. This lane complements a bus lane operating within the northbound kerb side lane in the vicinity of Mona Vale.

Roads and Maritime Services, in consultation with Transport for NSW, is implementing a northern beaches busway strategy to improve bus travel times and the reliability of bus services by providing continuous bus priority between Seaforth and Mona Vale. Whilst there are significant sections of bus lanes along the route currently, a key element of the strategy is the infill and connection of the existing sections of bus lane thereby providing continuous bus lanes on Pittwater Road between Seaforth and Mona Vale.

The bus priority measures introduced in recent times have improved the reliability of regional and city-bound bus services and the flow of general traffic along Pittwater Road linking Mona Vale with the Sydney CBD. A 5km long AM bus lane on Pittwater Road between North Narrabeen and the Dee Why shops is currently being implemented. The bus lane extension is planned to improve the reliability and efficiency of bus services and improve traffic and pedestrian safety.

### **5.4 Pedestrian / Cycle Network**

Pittwater Road provides paved footpaths along both verges and pram ramps are provided at junctions with minor roads to assist pedestrian crossing movements.

The closest formalised pedestrian crossing treatment provided over Pittwater Road is at its signalised junction with Mona Vale Road approximately 200m to the north of the site, thereby providing safe and efficient connectivity to the Mona Vale town centre.

Formalised cycle facilities in the immediate vicinity of the site are limited.

## **6. PROJECTED TRANSPORT GENERATION & IMPACTS**

### **6.1 Traffic Generation**

The proposed development is defined as a high-density residential flat building according to the Roads & Maritime Services' *Guide to Traffic Generating Developments*. The Roads & Maritime Services provides the following traffic generation rates for such buildings within metropolitan sub-regional centres:

$$\text{Peak hour vehicle trips} = 0.29 \text{ trips per unit}$$

In applying Roads & Maritime Services' traffic generation rate to the subject proposal, this results in a peak hour traffic generation of 7 vehicle trips. For the purposes of this assessment, these trips are assumed to be egress trips during the morning peak and ingress trips during the evening peak associated with journeys to and from places of employment.

### **6.2 Traffic Impact**

The above assessment estimates that the development will generate 7 peak hour trips. This equates to approximately one vehicle movement every 8 to 9 minutes. Such a level of additional traffic is not projected to have any noticeable impacts on the operation of the greater surrounding road network. Accordingly, it is considered that impacts of the subject development are limited to the ability or otherwise of the subject development to provide safe and efficient site access.

#### **6.2.1 Safety**

##### **6.2.1.1 Exit Movements**

The level of safety of vehicles exiting a private site access driveway is primarily a factor of the extent of sight distance provided between the frontage roadway and vehicles exiting the driveway. Section 4.1.1 of this report presents that the consistent vertical and horizontal alignment of Pittwater Road in the immediate vicinity of the subject site is such that sight distance between the proposed access driveway and the southbound frontage road carriageway is in excess of 120m is provided. Such a sight distance suitably accords with the desirable minimum sight distance provision of 97m for a sign posted speed limit of 70km/h as specified by AS2890.1-2004, thereby allowing motorists to exit the site into gaps in the public road traffic stream with a suitable level of safety.

##### **6.2.1.2 Ingress Movements**

The previously presented consistent vertical and horizontal alignment of Pittwater Road will assist trailing through vehicles within Pittwater Road to view vehicles decelerating to enter the subject site. These trailing vehicles will therefore be able to themselves decelerate appropriately or indeed, make the require merge manoeuvre into the middle Pittwater Road travel lane to overtake the decelerating vehicle.

Ingress movements originating from Mona Vale Road are slightly more complicated as these movements are required to weave from the Pittwater Road southbound median lane into the kerb side lane and then decelerate to access the site. This situation is however assisted by the reduced utilisation of the kerb side lane as a result of the bus lane located to the south of the subject site and the operation of the traffic signals at the junction of Pittwater Road and Mona Vale Road which, at times, separates platoons of traffic originating from Pittwater and Mona Vale Roads.

Notwithstanding this, consideration should be given to one or both of the following:

- Relocating the site access driveway to the south to provide greater clearance between the junction of Pittwater Road and Mona Vale Road and the site access driveway; and/or
- Extending the median separating Pittwater Road southbound traffic flow from right turning traffic from Mona Vale Road to a point to the south of the site access driveway.

It is acknowledged that the second of the abovementioned recommendations will impact the accessibility of the adjoining bowling club access driveway however it will eliminate an existing potentially unsafe movement. In any event, it is not considered that the detour required by vehicles accessing the bowling club from Mona Vale Road (via the Mona Vale town centre) is unreasonably inconvenient.

Incorporating the abovementioned recommendations, it is considered that the proposed access arrangements are capable of providing safe conditions with which to access and vacate the site.

## 6.2.2 Efficiency

### 6.2.2.1 Exit Movements

Whilst traffic volumes are considerable within the adjoining Pittwater Road southbound carriageway, regular and extended gaps are provided within the traffic stream by the operation of the traffic signals governing the junction of Pittwater Road and Mona Vale Road to the north of the site. These regular and extended gaps in the southbound traffic flow are anticipated to allow motorists to be able to exit the site into the Pittwater Road southbound carriageway with a reasonable level of efficiency. **Figure 2** also indicates that the kerb side lane utilisation is significantly lower than the middle and median lanes thereby providing for increased capacity to accommodate turning traffic.

The restricted access arrangement facilitated by the separated nature of the Pittwater Road carriageways is anticipated to result in some minor inefficiency when vehicles wish to exit the site to the north. These vehicles are most likely to utilise either Turimetta or Jenkins Streets (for which, right turn bays are provided within Pittwater Road) to turn around and access the state road northbound carriageway or indeed then continue through the local road network west of Pittwater Road to access Foley Street which in turn provides connectivity to Mona Vale Road. Whilst gaps are provided within Pittwater Road southbound traffic flow as a result of the operation of the

signals at Mona Vale Road, it is considered most likely that these vehicles will travel the additional 300m to the south to access Jenkins Street in order to safely and efficiently weave across the three southbound lanes to access the exclusive right turn bay.

### **6.2.2.2 Ingress Movements**

Vehicles will be able to simply access the subject site from the Pittwater Road southbound carriageway in an unopposed manner. Similarly to that stated above however, the restricted access arrangements are likely to introduce some minor inefficiency for vehicles wishing to access the site from the south. These vehicles are most likely to utilise the Mona Vale town centre road network to turn around (i.e., left turn into Mona Vale Road, right turn into Bungan Street and thence a right turn into Pittwater Road).

The additional distance required to be travelled to access the site is not considered to be unreasonable, particularly considering the minor volumes of traffic projected to be required to undertake the required movements throughout the surrounding local road network (a maximum of approximately of 4 vehicles per hour). Further, it is noted that the proposed restricted access arrangements are the same as that provided for a multitude of developments fronting the full length of Pittwater Road.

## **6.3 Public Transport Generation and Impacts**

It can be expected that the additional population accommodated within the subject development will generate a minor level of additional bus, pedestrian and cyclist demand, particularly during peak weekday commuter periods. The various infrastructure available to future residents (and visitors) will however ensure that such demand is spread throughout the above travel modes such that impact on any one particular infrastructure component will be negligible.

## 7. CONCLUSION

This report details our assessment of the traffic generation, access and safety considerations associated with an application involving the development of two parcels of land located on the eastern side of Pittwater Road, Mona Vale. The land currently known as Kitchener Park is zoned Open Space and is proposed to be rezoned to accommodate a medium density residential development comprising two buildings containing a total of 24 residential apartments. Having regard to the contents of this report, the following conclusions are now made:

- The proposed access and internal circulation arrangements will provide for safe and efficient vehicular movements during peak times, incorporating the below recommendations;
- Pittwater Road currently accommodates significant traffic demands during peak periods;
- The proposed development has been projected to generate approximately 7 peak hour trips throughout the surrounding road network; and
- Such a level of additional traffic is not anticipated to result in any noticeable impacts on the operation of the greater road network.

Based on the contents of this report, the following recommendations are provided:

- A single pedestrian access gate be located approximately central to the site frontage (thereby being separated from the abovementioned vehicular access) linking within internal paths which provide connectivity to a series of pedestrian access points to the buildings accessed from the central courtyard;
- One of the visitor car parking spaces located within the basement car park double as a car wash bay;
- Provision to be made within the secure basement car park for 8 bicycle racks;
- The suitability of the ability of the proposed access ramp and driveway to accommodate incoming and outgoing passenger vehicle movements in combination be assessed through the preparation of swept path plans using Autoturn or similar on detailed plans at development application stage;
- Consideration be given to the provision of a painted median within the curved section of the access ramp and on approach to Pittwater Road to ensure that there is no unreasonable conflict between entering and exiting vehicles;
- A detailed swept path assessment of garbage collection vehicles be undertaken at development application stage to ensure that such vehicles can enter the site, manoeuvre throughout the site and exit the site in a safe and efficient manner;



- The clearance of the basement car park be increased to 4.5m to accommodate garbage collection vehicles , sizes of which are as nominated in section 4.4.1.3 of this report;
- A loading bay be provided which is suitably capable of accommodating an SRV within the basement car parking area, providing dimensions of 3.5m x 6.4m to accord with the requirements of AS2890.2-2002; and
- Consideration be given to one or both of the following:
  - Relocating the site access driveway to the south to provide greater clearance between the junction of Pittwater Road and Mona Vale Road and the site access driveway; and/or
  - Extending the median separating Pittwater Road southbound traffic flow from right turning traffic from Mona Vale Road to a point to the south of the site access driveway.

Incorporating the abovementioned recommendations, there are no transport related issues associated with the proposed development which would prevent this Practice from recommending the proposal for Council approval.

## ***Annexure G:***

***Geotechnical report: Crozier***



# CROZIER - Geotechnical Consultants

*Engineering Geologists & Geotechnical Engineers*

*( A Division of P.JC Geo-Engineering Pty Ltd)*

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Date: 16<sup>th</sup> February 2012

No Pages: 1

Project No.: 2012-010A

Mr. Glenn Davis  
Principal Officer - Commercial  
Pittwater Council.  
Village Park, 1 Park Street,  
Mona Vale. N.S.W. 2103.

Re: Geotechnical Evaluation of Land at 1596 – 1598 Pittwater Road, Kitchener Park, Mona Vale.

Sir,

We understand that Council would like to rezone the above property and part of this rezoning requires a Geotechnical Assessment to verify that there are no existing or potential landslide hazards on the site that could affect its future development.

The above property is located at the southern end of Kitchener Park with Pittwater Road forming the west boundary and Mona Vale Golf Course forming the east boundary. There is an open stormwater drain running from Pittwater Road along the southern boundary towards the east and Mona Vale Golf Course while a raised single storey brick house with garage are located in the north-west corner of the site abutting Pittwater Road and Mona Vale Bowling Club.

The site was inspected on the 14<sup>th</sup> February 2012, following a period of heavy summer rainfall to assess the sites surface morphology and conditions.

There is a 2 to 3m wide steep (-21° to -28°) embankment along the Pittwater Road boundary that supports the road reserve and a 4 to 5 m wide moderate (-13°) slope along the south boundary that supports the stormwater drain. Both slopes are grass covered and show no signs of erosion, deformation or instability. The main body of the site is gentle sloping towards the north-east (-3°/059°mN), grass covered with a random scattering of native trees. The trees are relatively straight and showed no signs of soil creep movement. Surface soils are silty sands covered by grass and show no signs of gulley erosion. Overall there are no signs of existing or potential landslide instability on the site.

Provided Pittwater Councils Geotechnical Risk Management Policy of 2009 is applied to this site for any future development we see no Geotechnical reasons why the property could not be developed.

Hope the above comments meet Council's requirements, if we can be of further assistance please don't hesitate to contact the undersigned.

Yours faithfully,



Peter Crozier

Principal

MIE Aust. CPEng – NPER, 691550

## ***Annexure H:***

### ***Practice Note PN 09-003: Classification and Reclassification of Public Land***





<b>Note</b>	PN 09–003
<b>Date</b>	12 June 2009
<b>Related</b>	Supersedes (re)classification advice in Best Practice Guideline (1997)

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

### Introduction

‘Public land’ is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

‘Community’ land is generally open to the public, for example, parks, reserves or sports grounds.

‘Operational’ land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

‘Classification’ of public land refers to the process when this land is first acquired and first classified as either ‘operational’ land or ‘community’ land.

‘Reclassification’ of public land refers to the process of changing the classification of ‘operational’ land to ‘community’ land or from ‘community’ land to ‘operational’ land.

### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

### Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner’s consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).<sup>1</sup>

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

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<sup>1</sup> In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.



To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act **prior to** the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under ‘Exhibition’. Other matters for exhibition and later stages are listed separately in that attachment.

## Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

### Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

#### Part 1 Schedule 4—change to ‘operational’ land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to ‘operational land’, i.e. where **no** interests will change.

#### Part 2 Schedule 4—change to ‘operational’ land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as ‘operational land’ and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

#### Part 3 Schedule 4—change to ‘community’ land

Land proposed to be classified or reclassified as ‘community land’ through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

## General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council’s response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

## Public hearing

A public hearing must be held when ‘community land’ is proposed to be reclassified as ‘operational land’.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published **at least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

## Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department’s website <http://www.planning.nsw.gov.au/lep/index.asp>

### Authorised by:

Sam Haddad, Director-General

### List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

## Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
<p>Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&amp;A Act).</p> <p>This notification is accompanied by an appropriate level of information including for the following:</p> <ul style="list-style-type: none"> <li>- a justification for the proposal</li> <li>- reasons why council acquired an interest</li> <li>- details that would also accompany a plan at exhibition stage (see <b>Attachment 2</b>)</li> <li>- any proposal to extinguish or retain other interests in the land through the reclassification</li> <li>- a justification /explanation as to why such interests are being extinguished</li> <li>- any rezoning associated with the classification/ reclassification</li> <li>- any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council</li> <li>- consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.</li> </ul>	<p>A planning proposal is forwarded by council to the Minister (new section 56 of the EP&amp;A Act), including a proposal to classify or reclassify public land.</p> <p>This proposal contains an appropriate level of information including for the following:</p> <ul style="list-style-type: none"> <li>- a justification for the planning proposal</li> <li>- reasons why council acquired an interest</li> <li>- details that would also accompany a plan at exhibition stage (see <b>Attachment 2</b>)</li> <li>- any proposal to extinguish or retain other interests in the land through the reclassification</li> <li>- a justification /explanation as to why such interests are being extinguished</li> <li>- any rezoning associated with the classification/ reclassification</li> <li>- any preliminary comments by a relevant government agency, including an agency in which the land is vested or held</li> <li>- consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.</li> </ul>
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	<p>Consultation for a planning proposal under new section 57 of the EP&amp;A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing.</p> <p>Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&amp;A Act).</p>
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

### Notes:

\* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

\*\* Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

## Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

### Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

### Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

### Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

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#### Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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