

GYDE

Response to Consultation Outcomes Report

Patyegarang Planning Proposal

Submitted to Department of Planning, Housing and Infrastructure
on behalf of MLALC

5 November 2024

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

This report was prepared by:

Approver: Juliet Grant
Author: Sophia Veitch
Project: Patyegarang Planning Proposal
Report Version: Final
This report was reviewed by: Juliet Grant

Disclaimer

This report has been prepared by Gyde Consulting with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. Gyde Consulting accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

Copyright © Gyde Consulting
ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission.

Contents

1. Introduction.....1

2. Actions taken since exhibition.....1

3. Response to Submissions from Community2

4. Submissions made by community groups8

5. Peak Bodies16

1. Introduction

This report responds to the *Patyegarang Planning Proposal Consultation Outcomes Report* (February 2024) prepared by Mecone on behalf of the NSW Department of Planning, Housing and Infrastructure.

The Consultation Outcomes Report provides an overview of the engagement activities and feedback from the community and stakeholders during the exhibition of the Patyegarang Planning Proposal. It is understood that 3,617 submissions were received during this period (26 September - 7 November 2023). As the submissions were assessed independently we have not had access to individual submissions, except those made from Government agencies. As such, the location of these submissions cannot be identified.

This report responds to:

- Community (key themes),
- Community Groups (13),
- Peak Bodies ((1) in support),
- State agency submissions, addressed in separate submission.

2. Actions taken since exhibition

A response to agency submissions was provided by Gyde on behalf of the MLALC on the 22 December 2023 and 5 March 2024. This included additional information, updated reports and the commissioning of additional reports to supplement the proposal.

A further package of updated information was submitted following a request for further information by DPHI on 3 July 2024. The key amendments to the original PP as exhibited are as follows:

1. **revised zoning plan** to incorporate:
 - an extension to the proposed C2 Environmental Conservation zone, incorporating land north along the Snake Creek corridor and along the two feeder streams on the western side
 - additional RE2 Private Recreation zone to function as an APZ adjacent to the property at 20 Morgan Road
2. **revised indicative structure plan**, showing additional connections along sections of the perimeter road to the north and south-west
3. **revised minimum lot size map**, incorporating a 450m² minimum lot size adjacent to the Snake Creek corridor to support appropriate APZs
4. **proposed amendment** to the zone interface clause (cl.5.3 WLEP) to provide flexibility across R2/RE2 zone boundaries to accommodate topographical elements during design development

3. Response to Submissions from Community

A total of 3,591 submissions were received from community members, primarily residents from the Northern Beaches area. The key issues raised by the community are summarised and responded to in Table 1.

TABLE 1: RESPONSE TO SUBMISSIONS MADE BY THE COMMUNITY – KEY THEMES IDENTIFIED BY DPHI/MECONE

Issue	Response
<p>3.1 Loss of bushland and natural habitat</p> <p>87% of submissions express concern about potential impacts associated with the loss of bushland, including:</p> <ul style="list-style-type: none"> • Loss of habitat for native fauna in or near the proposed development area. This includes impacts relating to the displacement of local species and the loss of the wildlife corridor across the site. • Loss of endangered flora and fauna species including the glossy black cockatoo, powerful owl, Rosenberg's goannas, red-crowned toadlet, and the threatened Coastal Upland Swamp Endangered Ecological Community. • Loss of bushland which serves as "green lungs" and a carbon sink for the city to mitigate the impacts of climate change and lower local air temperatures. <p>36% of submissions suggest that clearing the equivalent of 45 football fields is excessive.</p> <p>Approximately 1% of submissions call for the land to be conserved as national park. (see also issue 3.8)</p> <p>27% of submissions express concerns about the loss of bushland which is valued by the community for its contribution to the local character and landscape. Respondents note that, despite the site being private property, bushland is used by the local community for social and recreational purposes and contributes to mental health and wellbeing.</p>	<p>The Structure Plan and corresponding BDAR is the result of a lengthy investigative and assessment process to avoid and minimise impacts on biodiversity values at the regional, site, and project scales.</p> <p>Whilst it is acknowledged that a portion of the site will be cleared to accommodate future development and APZs, the preliminary BDAR and indicative structure plan have been prepared and revised in an iterative process to avoid and minimise impacts. In addition, the key design elements incorporated into the structure plan includes the protection of the riparian corridors. The existing structure plan also allows for flexibility for finer scale avoidance at the detailed design stage. Further to this, R2 and RE2 zoned land may include development areas that are existing disturbed areas (noting the historical use of the site for quarrying and agriculture). (Refer to 6.3.1 of PP). The Structure plan has also been developed in conjunction with the lengthy and comprehensive biodiversity fieldwork completed to date. It should be noted that high value biodiversity habitat is almost entirely located within the C2 & RE2 zones.</p> <p>The proposed Structure Plan would retain 29.7% (22.1 hectares) of native vegetation and habitat as a proposed C2 conservation zone. Additional direct and indirect impacts are minimised through design features of the structure plan and accompanying draft DCP which underpins the Planning Proposal.</p> <p>The subject land does not contain any threatened ecological communities listed under either the NSW BC Act or Commonwealth EPBC Act.</p> <p>The retained bushland will be actively managed in perpetuity and will passively contribute to local amenity that supports mental health and wellbeing. Access throughout the site will be formalised for the public with the proposed roads and walk/cycle paths, thereby facilitating recreational access on private land in less sensitive areas to minimise damage to biodiversity values or disturb the ecological communities.</p>

Refer to Appendix 10 – Preliminary Biodiversity Development Assessment Report (BDAR).

The outcomes of the BDAR have been confirmed by the Peer Review prepared by Biosis to meet the requirements of the Biodiversity Assessment Method under the *Biodiversity Conservation Act 2016*.

3.2 Location within area of bushfire risk

73% of respondents highlight the risk of bushfire, expressing concern that rezoning land identified as bush fire prone land for residential development may present a risk to life and dwellings.

24% of submissions identify that the limited ingress and egress routes may not be able to facilitate effective evacuation in the case of a bushfire and may hinder access for firefighters.

The Planning Proposal is supported by a strategic review, detailed assessment against *Planning for Bushfire Protection 2019 (PfBP)*, and a subsequent peer review which detail the hazards and mitigation measures to ensure the future development is capable of managing any bushfire risks.

All recommendations have been considered and incorporated into the design and the PP demonstrate that compliance with the PfBP 2019 has been achieved for the purposes of strategic planning and rezoning. The project is also capable of compliance at DA Stage. (Refer to Appendix 6 for compliance with Ministerial Direction 4.3 Planning for Bushfire Protection). The recommendation incorporated also ensure additional benefit and protection is provided to existing adjoining land uses.

Where residential uses are located near protected bushland, the structure plan includes significant APZs to mitigate potential risk. To the south and east, the APZs extend to 100m as to ensure an extensive buffer to residential uses. (Refer to Appendix 11 – Bushfire Protection Assessment. Refer to Appendix 12 – Strategic Bushfire Study)

The Transport Assessment confirms that egress in a bushfire evacuation scenario can be accommodated safely pending the upgrade of the Morgan Road / Forest Way intersection. (Refer to Appendix 17 – Transport Assessment)

3.3 Availability of infrastructure and services

65% of submissions relate to potential issues relating to availability of adequate infrastructure. Submissions note the high cost of providing the infrastructure and express concern that this will need to be borne by the residents of the Northern Beaches Council area or the residents of the proposed development.

About 23% of submissions identify that the existing roads may not be able to cope with the increased traffic likely to result from development facilitated by the rezoning. A

The Infrastructure Delivery Plan accompanying the PP demonstrates the likely development of the Belrose Precinct can be serviced adequately for potable water, wastewater electricity and telecommunications. The costs and responsibility of delivering this infrastructure is with the proponent and not the public. (Refer to the Appendix 20 – Infrastructure Delivery Plan)

The Transport Assessment confirms that the surrounding road network, including Forest Way and the signalised intersection of Morgan Road / Forest Way can accommodate the expected level of day-to-day traffic generated under the rezoning proposal. (Refer to Appendix 17 – Transport Assessment)

further 18% of submissions note that the public transport services may be inadequate to service the area. 4% of submissions comment on the availability of other infrastructure, including (but not limited to) schools, hospitals, wastewater and electricity.

3.4 Alignment with broader strategic planning directions

65% of submissions refer to strategic planning for the area. These submissions provide feedback on the proposed rezoning in the context of the current strategic planning frameworks such as the Greater Sydney Region Plan, the Northern Beaches Local Planning Statement – Towards 2040 and Local Housing Strategy which do not identify this land for future housing. A small number of submissions discuss the policy directions for housing to be located near to services and infrastructure, transport and existing centres.

Some submissions also note that the proposed rezoning may not align with the proposed zoning of the land as C2 Conservation Zone as proposed by Northern Beaches Council's Environment Conservation Zone review.

The site is included within the amendment to the Planning Systems SEPP in 2022, which included a number of MLALC owned sites which were gazetted. This included the accompanying Northern Beaches Development Delivery Plan (DDP) which details the inclusion of this site. Section 5.2 of the Planning Proposal details the relationship to the strategic framework and Appendices 3-6 provide greater detail to the considerations and consistency with the relevant strategic plans and policies.

The Sydney North Planning Panel (SNPP) has confirmed on 2 occasions (21 December 2022 and 23 May 2023) that the site has strategic merit, as follows:

- The Planning Proposal primarily and directly responds to the 2022 amendment to the Planning Systems SEPP and Northern Beaches Development Delivery Plan which applies to the site.
- The Planning Proposal gives effect to the objectives of the Greater Sydney Region Plan and is consistent with key objectives.
- The Planning Proposal is consistent with and gives effect to a number of the endorsed Northern Beaches LSPS Planning Priorities.

(Refer to the Appendix 25 – Development Delivery Plan)

3.5 Increased traffic and congestion

30% of submissions indicate concerns that the proposed rezoning may result in increased traffic volumes, congestion and commute times on local streets and/or major arterial roads on the Northern Beaches.

Discussion highlights that the area is not served by nearby shops or social facilities, the topography is not conducive to walking and the location is not well served by public transport, resulting in a reliance on private cars.

Specific feedback comments on the limited capacity of Morgan Road to accommodate the increased traffic and increasing congestion on

The surrounding road network, including Forest Way and the signalised intersection of Morgan Road / Forest Way can accommodate the expected level of day to day traffic generated under the rezoning proposal. The internal street network will be designed to limit through traffic movements within the site, accommodate movement of pedestrians and cyclists and allow for the safe and efficient movement of various vehicle types (including first responder vehicles). (Refer to Appendix 17 – Transport Assessment)

The Morgan Road, Belrose site is not deemed as an area which is at risk of either flash flooding or lagoon flooding. The natural topography of the site also reduces the need for evacuation in the event of a flood. Any road crossings over flood ways and overland flow

Forest Way, Wakehurst Parkway and Warringah Road.

Respondents also note that congestion could be compounded by the closure of Morgan Road and Wakehurst Parkway due to flooding during severe storms.

paths will need to be designed as bridges or contain culverts to allow flood waters to be conveyed underneath. (Refer to Appendix 16 – Flood Impact and Risk Assessment)

3.6 Negative impacts on waterways

26% of submissions raise concerns about the potential impacts of future development on the Narrabeen Lagoon and its catchment. These suggest that construction activity and the day-to-day work associated with development could increase hard surfaces and erosion on the edge of creeks leading to increasing siltation and decreased water quality of flows into Narrabeen Lagoon. Respondents also comment on the potential consequences of these impacts for species living in or dependent on the lagoon e.g. red-crowned toadlet.

At present, stormwater and overland flow on the site is unmanaged. Craig & Rhodes has confirmed that the upstream water catchment is currently untreated and as such, enters lagoon untreated. The Stormwater Management Plan prepared as part of the PP details an effective stormwater footprint and management system, which mimics flow volumes to the waterway. These strategies and WSUD are designed to preserve the natural frequency and volume of flow events in waterways which would otherwise result in erosion and the waterways' ecological degradation. The development of this site would in fact improve water quality into downstream creeks and waterways.

Critically the stormwater footprint methodology focuses on ensuring actions and design further support waterway health. (Refer to Appendix 19 – Stormwater Management Plan)

The preliminary BDAR reinforces this by noting that the retained riparian corridor along Snake Creek has been designed to better maintain connectivity and protect water quality. (Refer to Appendix 10 – Preliminary Biodiversity Development Assessment Report)

3.7 Setting a precedent for rezoning and development

22% of submissions comment on the potential impact of the planning proposal on future expectations for rezoning and development in areas of bushland. Submissions discuss the possibility that the development facilitated by the planning proposal will encourage more development in the local area.

The NSW Government has established a planning proposal process that requires the strategic and site-specific merit of any rezoning proposal be determined based on the unique context and circumstances applicable.

The strategic merits of this site have been determined through a long and detailed process including the Northern Beaches Development Delivery Plan, which applies to a limited number of sites, including this site.

(Refer to the Planning Proposal for details on the project history and its relationship to the wider planning framework.)

3.8 Potential loss of cultural heritage

4% of submissions note that there is potential for sites of cultural and heritage significance

A key objective of the planning proposal is to conserve and protect the Site's Aboriginal heritage. The structure plan has been designed around the cultural site and

to be lost or damaged if the land is rezoned and developed.

Submissions note the land council's intention to raise funds through development of the land. Some respondents support development while others want the site retained as a valued cultural asset. A small number of submissions suggest the site should form part of an Aboriginal National Park or call on the NSW government to work with the MLALC to consider alternatives, including a land swap.

Some submissions indicate support for the proposed cultural centre.

A small proportion of respondents comment on the process for consultation with local Aboriginal groups in the Northern Beaches.

utilises design to preserve the site while utilising the surrounding area to enhance the future cultural significance. (Refer to Appendix 22 – Aboriginal Cultural Heritage Assessment Report and Appendix 23 – Aboriginal Archaeology Report)

In addition, the development, including the cultural centre works to support the self-determination of the Aboriginal people through land development that is within the urban context and balance environmental values with the objectives of greater economic participation and cultural use of the land. We acknowledge the comments in support of the cultural centre.

The land is in freehold ownership and not all of the site is of cultural significance.

3.9 Suitability of the site for development

4% of submissions raise comments about the suitability of the land identified for residential development. Respondents note that the geographic features of the site will result in high development costs and have flow-on effects across the ecosystem. These include:

- Topography and steep slopes, which will require substantial preparation work and clearing prior to development.
- Instability of ground surfaces and general erodibility of soils will be exacerbated by land clearing and an increase in hard surfaces and runoff.

Some respondents suggest that that the high development costs will mean that housing may not be as affordable as other homes in the area.

ACHAR has been prepared in accordance with established statutory consultation requirements. (Refer to Appendix 22 – Aboriginal Cultural Heritage Assessment Report)

Detailed studies including a Land capability in relation to contamination, soil salinity and slope stability assessments were undertaken by SMEC Australia and accompany this Planning Proposal. Overall, the assessments find the areas assessed to be suitable for the proposed development. (Refer to the preliminary Site Investigation Report and Slope Risk Assessment Report prepared by SMEC at Appendix 13 and 14)

The indicative structure plan is based on the site's constraints and opportunities, including topography. The indicative structure plan identifies of potential areas suitable for residential and public space development, and areas classed as environmentally sensitive land and riparian and habitat corridors.

The accompanying site-specific DCP sets out detailed controls on the future layout and development of the site that respond to the topography, natural features and landforms. (Refer to Appendix 27 – Site Specific DCP)

3.10 Housing supply

4% of submissions address housing supply. Of these, 1% support the planning proposal highlighting that the rezoning will allow for

The Northern Beaches Local Housing Strategy stipulates that the Northern Beaches need to plan for about 12,000 new dwellings by 2036.

additional housing in the area. These submissions highlight the limited housing supply in the Northern Beaches area and express the hope that the additional housing will improve affordability in the area.

1% of submissions suggest that the Northern Beaches Council does not require this additional housing to meet its housing target.

The NSW Government has committed to building 377,000 new homes across the state in the next 5 years to align with the National Housing Accord. Under this commitment, the Northern Beaches Council has a housing target of 5,900 new to be completed homes by 2029.

The proposal has been designed to yield a maximum of 450 residential dwellings in a suitable location adjacent to existing residential development and infrastructure with good access to jobs, education, health facilities, and services to enable sustainable residential development to positively impact the housing supply targets.

The development proposes various lot sizes, ranging from small to larger lots to ensure diversity of housing choice and is underpinned by necessary finance feasibility assessment which incorporates an offer of affordable housing. (Refer to Appendix 23 - Non-binding VPA offer).

We acknowledge the submissions in support of housing delivery in the area, including the letter of support from NCOSS – detailed in Section 5 of this report.

3.11 Scale of proposed development

3% of respondents address the scale or density of development that will be facilitated by the planning proposal, with approximately 1/3 of these submissions in favour of higher density.

The proposal seeks to introduce an R2 low density zone with a maximum of height of 8m, which is consistent with adjoining and nearby residential land. It also seeks to establish a dwelling cap of 450 dwellings which together with the substantial consideration and recreational areas proposed is considered a suitable and contextually appropriate development response for the site.

3.12 Process

Some submissions provide feedback on the process for the rezoning. Some of these submissions address the role of the department in the rezoning process. Other submissions request that the same planning 'rules' apply to the MLALC as apply to other landowners.

Two submissions request that a public hearing be held in relation to the planning proposal.

The planning proposal process set out under Part 3 of the *Environmental Planning and Assessment Act 1979* and the NSW Government's Local Environmental Plan Making Guideline (August 2023) has been adhered to throughout the project timeline.

A public hearing is not a requirement in this circumstance.

4. Submissions made by community groups

Thirteen submissions were made by community groups with an interest in the environment. The key issues raised by the community groups are summarised and responded to in Table 2.

TABLE 2: RESPONSE TO SUBMISSIONS MADE BY THE COMMUNITY – SORTED INTO KEY THEMES

Community Group	Key Themes	Response
4.1 Australian Conservation Foundation Northern Beaches (ACFNB) Community Group	• Loss of high biodiversity value bushland providing habitat for flora and fauna and serving as 'green lungs' for Sydney.	Refer to item 3.1 in Table 1.
	• Negative impacts on the Narrabeen Lagoon, its catchment and threatened species from stormwater.	Refer to item 3.6 in Table 1.
	• Risks associated with locating housing in an area of very high to extreme bush fire risk.	Refer to item 3.2 in Table 1.
	• Likely increase in traffic and local congestion.	Refer to item 3.5 in Table 1.
	• Poor alignment with broader strategic planning being undertaken by Northern Beaches Council.	Refer to item 3.4 in Table 1.
	• Potential to set a precedent for the rezoning privately owned bushland in the Metropolitan Rural Area	Refer to item 3.7 in Table 1.
4.2 Coastal Environment Association	• Inadequate consideration of the increased risk of bush fire due to climate change and difficulties with evacuation.	As detailed in Appendix 12A the current PBP still does not address climate change as part of strategic planning decision-making, and hence it would be difficult for any proponent to address this without a clear policy framework in which to address this issue of impacts of climate change. (Refer to Appendix 12A – Peer Review to Strategic Bushfire Study)
	• Loss of natural bushland and biodiversity.	Refer to item 3.1 in Table 1.
	• Lack of alignment with broader strategic planning objectives and strategies.	Refer to item 3.4 in Table 1.
	• Insufficient buffer areas to protect Aboriginal cultural sites and landscapes.	The structure plan, and future cultural centre will enable the long-term and ongoing care and protection of the Aboriginal heritage sites. The cultural centre will help better define the access to the sandstone platform and reduce

		accumulated impacts to the sites that may result from increased public visitation. (Refer to Appendix 23 – Aboriginal Archaeology Report)
	<ul style="list-style-type: none"> • Inconsistencies with management strategies for the Narrabeen Lagoon catchment and potential for siltation of water courses leading to increased flood risk. 	Refer to item 3.5 in Table 1.
	<ul style="list-style-type: none"> • Poor resolution of requirement for asset protection zones with protection of natural conservation areas. 	All APZs are located within urban zoned areas, and will not impact the proposed conservation area. (Refer to Appendix 10 – Preliminary Biodiversity Development Assessment Report)
	<ul style="list-style-type: none"> • The high cost of required urban infrastructure and services. 	Refer to item 3.3 in Table 1.
4.3 Friends of the Narrabeen Lagoon Catchment	<ul style="list-style-type: none"> • The potential loss of a large area of native bushland and the lack of reference to the requirements of the NSW Biodiversity Conservation Act 2016 in the proposal. 	Refer to item 3.1 in Table 1.
	<ul style="list-style-type: none"> • The lack of consideration of the importance of bushland in supporting mental and physical health. 	Refer to item 3.1 in Table 1.
	<ul style="list-style-type: none"> • The location of the site within an area of bushfire risk with limited evacuation routes, and extensive clearing required for asset protection zones. 	Refer to item 3.2 in Table 1.
	<ul style="list-style-type: none"> • The potential for increased stormwater runoff and potential negative impacts on water flows and quality and vegetation buffers. 	Refer to item 3.6 in Table 1.
	<ul style="list-style-type: none"> • Poor alignment with the strategic planning studies and strategies which do not support urban development in this location. 	Refer to item 3.4 in Table 1.
	<ul style="list-style-type: none"> • The site is in an isolated location with no infrastructure and no public transport services and will place an increased burden on Council, community and emergency services. 	Refer to item 3.3 in Table 1.
	<ul style="list-style-type: none"> • The scale and density of development proposed for the site is an overdevelopment, compared to the scale of development 	Refer to item 3.11 in Table 1.

permissible under current controls and will have high environmental impacts.

- Crown lands within the site should remain within public ownership.

There is an established process for transfer of surplus Crown lands into private holdings. This is a separate and parallel process, which is currently underway.

- That not all issues identified in the independent assessment of the Development Delivery Plan, particularly relating to the natural environment, have been investigated and informed the proposal.

The DDP identifies that the detailed planning, technical studies and assessment of the strategic and site-specific merits of the proposal are undertaken at the planning proposal stage. The planning proposal and the associated appendices have adequately addressed this

- The planning proposal is inconsistent with the Aboriginal Land Rights Act 1983, which requires that the land is not identified for residential purposes before transfer to the MLALC.

The lands identified in this proposal are existing landholdings of the MLALC and were identified as an opportunity for residential development under the Development Delivery Plan which assisted in the amendment of the State Environmental Planning Policy (Aboriginal Land) 2019 (Aboriginal Land SEPP). The SEPP Amendments have since been gazetted. Refer to Appendix 25 – Development Delivery Plan.

- The planning proposal and accompanying non-binding offer by the MLALC offer no benefit for the broader community or the environment, beyond what is usually required for subdivision, apart from the dedication of some conservation land.

The non-binding VPA offer various benefits to the community, including 10% affordable housing, new slip lane, retention of the 19.8 hectares of land and its ongoing maintenance.

- The role of the Department of Planning, Housing and Infrastructure in the Development Delivery Plan, recommending the inclusion of sites including Patyegarang in the previous Aboriginal Lands SEPP and assessing this planning proposal.

The amendment to the Aboriginal Lands SEPP was gazetted in 2022. As below, the role of DPHI is defined in the LEP Making Guidelines.

The Friends of the Narrabeen Lagoon Catchment recommends that submissions received, and the planning proposal are assessed by an independent planning authority.

As per the LEP Making Guidelines, the PPA will evaluate and assess the submissions and the proponent response.

	<p>It also suggests alternative solutions for funding Aboriginal Land Councils to reduce the need for the Aboriginal Land Councils to develop their landholdings.</p>	<p>The proposal works to establish self-determination of the Aboriginal people through land development. This proposal reflects the rights of MLALC to development the land via the appropriate planning pathways and establish the cultural protection within their landholdings. The funding of the MLALC is outside the scope of the Planning Proposal.</p>
4.4 Northern Beaches Labor Environmental Action Network (NBLEAN)	<ul style="list-style-type: none"> • Poor alignment with the state and Northern Beaches Council strategic planning framework. • Loss of biodiversity, remnant bushland and core habitat for threatened species of flora and fauna. • The location within an area of high bushfire risk. • Negative impact on wetlands, watercourses and soils within the Narrabeen catchment. • Lack of support by Northern Beaches Council, local community and the principal environmental groups. • The potential to establish a precedent for rezoning of other areas of urban bushland. 	<p>Refer to item 3.4 in Table 1.</p> <p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.6 in Table 1.</p> <p>The concerns raised by the community, and community groups have been addressed via the amendments to the planning proposal and detailed within this report. Refer to Table 1. Gyde has also provided a separate response to Council's concerns. (Refer to Appendices 0B, 0C and 0D for the Response Letters)</p> <p>Refer to item 3.7 in Table 1.</p>
4.5 Friends of the Ku-ring-gai Environment	<ul style="list-style-type: none"> • Impact of clearing of bushland on habitat, endangered species, air quality and urban temperatures. • Negative impact on the Narrabeen Lagoon from stormwater runoff. • Risks associated with development in an area of extreme bushfire risk with limited evacuation routes. • Poor alignment with broader strategic plans and policies. • Lack of infrastructure and services servicing the site. • Potential for increased traffic congestion. • The potential to establish a precedent for similar rezoning requests. • Lack of support from the local community. 	<p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.6 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.4 in Table 1.</p> <p>Refer to item 3.3 in Table 1.</p> <p>Refer to item 3.5 in Table 1.</p> <p>Refer to item 3.7 in Table 1.</p> <p>The concerns raised by the community, and community groups have been addressed via</p>

		the amendments to the planning proposal and detailed within this report. Refer to Table 1.
	Friends of Ku-ring-gai Environment recommends that the site, that they consider rich in Aboriginal cultural heritage and high conservation value should be celebrated and protected.	We agree with Friends of Ku-ring-gai Environment, as the this proposal works to protect and manage the Aboriginal cultural heritage site, and produce an opportunity for education and celebration of the Aboriginal culture in the cultural centre that could be provided in the future.
4.6 Pittwater Environmental Heritage Group	<ul style="list-style-type: none"> • The loss of bushland, biodiversity and habitat. • Potential risk associated with bush fire and lack of evacuation routes. • Poor alignment with broader strategic planning directions. • Lack of community support and understanding of the outcomes and impacts of the proposal. <p>The Group notes that a key challenge associated with the proposal is achieving asset protection while conserving and protecting Aboriginal heritage.</p>	<p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.4 in Table 1.</p> <p>The concerns raised by the community, and community groups have been addressed via the amendments to the planning proposal and detailed within this report. Refer to Table 1.</p> <p>The key Aboriginal heritage site is not located within an APZ and is topographically isolated from areas of APZ. The Aboriginal cultural heritage site will be subject to ongoing protection and conservation.</p>
4.7 Birdlife Australia	<ul style="list-style-type: none"> • The likely loss of threatened woodland bird species, native birds and their habitat associated with the proposal. The critically endangered Regent Honeyeater and Swift Parrot are specifically referenced. • Fragmentation of bushland caused by clearing, roads and increased urbanisation generally, with remnant forest and woodland that comprises the most significant wildlife corridors in Snake Creek and Upper Oxford Creek being separated the Deep Creek area of bushland and ultimately Ku-rig-gai Chase National Park 	<p>The issues put forward under this submission have been addressed in the updated planning proposal and the associated appendices.</p> <p>Refer to Appendix 10 – Preliminary Biodiversity Development Assessment Report for a detailed assessment on any impacts on species and habitats. The BDAR also assesses the potential impacts on the quality of the bushland should the development proceed. Since the time of this submission, the C2 zoned land has been expanded in the August 2024 amendment.</p>
4.8 The Mosman Parks and Bushland Association	<ul style="list-style-type: none"> • supports the cultural centre and recommends that it contain a natural history section. 	We acknowledge and thank the Mosman Parks and Bushland Association for their support on the cultural centre. Any detailed

	<p>The Association is concerned about the loss of biodiversity and bushland. It recommends that the area to be developed is reduced and the environmental conservation area increased.</p>	<p>design of the cultural centre will be subject to the DA stage.</p> <p>Refer to the table above, which provides a direct response in relation to the concerns relating to the biodiversity and bushland. Since the time of this submission, the C2 zoned land has been expanded in the August 2024 amendment.</p>
4.9 Northern Beaches branch of the Australian Plant Society	<ul style="list-style-type: none"> • The richness of the vegetation across the site. • The high bushfire risk and limited evacuation routes. • Potential negative stormwater impacts downstream from the development. • Poor alignment with strategic planning directions and policies. 	<p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.6 in Table 1.</p> <p>Refer to item 3.4 in Table 1.</p>
	<ul style="list-style-type: none"> • Poor alignment with national endeavours to reduce carbon emissions. 	<p>The urban design principles that inform the structure plan and the controls within the site-specific DCP work to reduce the impacts on the climate. Detailed design of built forms to directly address ongoing carbon emissions will be undertaken at DA stage.</p>
	<p>The Society recommends:</p> <ul style="list-style-type: none"> • Additional biodiversity studies are conducted to address shortcomings in the existing biodiversity survey. 	<p>The outcomes of the BDAR have been confirmed by the Peer Review prepared by Biosis to meet the requirements of the Biodiversity Assessment Method under the <i>Biodiversity Conservation Act 2016</i>.</p>
	<ul style="list-style-type: none"> • An independent review of submissions and assessment of the proposal. 	<p>As per the LEP Making Guidelines, the PPA will evaluate and assess the submissions and the proponent response.</p>
4.10 Save Northern Beaches Bushlands	<ul style="list-style-type: none"> • Loss of bushland, biodiversity, habitat and established ecosystems which support native flora and fauna. • The land is subject to bushfire risk and identified as a flood prone area. • Increase in pollution of air, land, and waterways. • Impact on health and wellbeing of the community living in the area. 	<p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.1 and 3.6 in Table 1.</p> <p>Refer to item 3.1 in Table 1.</p>

	<p>Save Northern Beaches Bushlands suggests that the bushland should be protected in perpetuity. It recommends reconsideration of a previous proposal for an Aboriginal Owned National Park (Gai-mariagal National Park) on this and other land in the Northern Beaches.</p>	<p>The proposed development will be subject to a community title scheme which will ensure that the conservation areas will be protected in perpetuity. An indicative community management plan has been submitted as part of the PP to demonstrate how this can occur at DA Stage.</p> <p>This proposal does not relate to an Aboriginal Owned National Park and therefore should not be considered in the assessment of this PP.</p>
4.11 Save Manly Dam Catchment Committee	<ul style="list-style-type: none"> • Poor alignment with the strategic planning directions on the location of housing. • Location in a bushfire prone area. • Loss of a significant area of bushland, habitat and wildlife corridors which connect to national parks. • Potential negative impacts on the Narrabeen Lagoon Catchment. • Traffic impacts and availability of infrastructure. <p>It requests that alternative ways to support the MLALC are investigated as there is limited remaining urban bushland in Sydney</p>	<p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.5 in Table 1.</p> <p>Refer to item 3.1 in Table 1.</p> <p>MLALC's Community Land and Business Plan outlines operating procedures and includes approval for land dealing on this site. Other sites considered for protection under the DDP.</p>
4.12 National Parks Association - Sydney Region Branch (NPA)	<ul style="list-style-type: none"> • Substantial loss of vegetation and loss and fragmentation of habitat for threatened species. • Lack of consideration of or planning for climate change effects. • The potential impacts of development on water flows and availability for vegetated areas, both within the proposed conservation areas and outside the site. • The extent of bush fire risk in the area and limited evacuation routes. • The scale of development requiring significant loss of tree canopy and urban green space to deliver more dwellings than 	<p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.1 in Table 1.</p> <p>Refer to item 3.6 in Table 1.</p> <p>Refer to item 3.2 in Table 1.</p> <p>Refer to item 3.11 in Table 1.</p>

	required in the Local Housing Strategy and only 45 affordable dwellings.	
4.13 Garigal Landcare Group	• Loss of high quality bushland and biodiversity.	Refer to item 3.1 in Table 1.
	• High risk of bushfire with few evacuation routes.	Refer to item 3.2 in Table 1.
	• The creation of a car dependent community.	Refer to item 3.5 in Table 1.
	• Poor alignment with overall strategic planning policies and strategies.	Refer to item 3.4 in Table 1.
	• Potential for increased localised flooding and negative impact on water quality of local creeks.	Refer to item 3.6 in Table 1.
	• The geological dyke and kaolin deposits in the area may have Aboriginal cultural significance which has not been assessed.	The Aboriginal Cultural Heritage Assessment Report details that any artefacts of cultural significant Aboriginal items found during construction would require a stop working order to assess its ongoing protection. Refer to Appendix 22.
	The Garigal Landcare Group requests that the planning proposal is independently assessed.	The assessment of the Planning Proposal will be undertaken by the Planning Panel, as per the LEP Making Guidelines and relevant legislation.

5. Peak Bodies

One submission was made by a peak body. The response is detailed in Table 3 below.

TABLE 3: RESPONSE TO PEAK BODIES – SORTED INTO KEY THEMES

Community Group	Key Themes	Response
NSW Council of Social Service (NCOSS)	<p>NCOSS supports the planning proposal as it will:</p> <ul style="list-style-type: none"> • Provide an opportunity for self-determination by the Metropolitan Local Aboriginal Land Council. • Increase housing supply, diversity and affordable housing in the Northern Beaches LGA. • Provide a range of community benefits including pedestrian and cycling paths and public open space. • Provide bushfire protection and management for the site through new Asset Protection Zone and fire trails and improve the level of bushfire protection for adjoining development. • Provide an opportunity for the broader community to engage with and better understand Aboriginal heritage through protection of Aboriginal heritage items, a proposed new cultural community facility and informative and interpretive signage and wayfinding. • assists State government and the Northern Beaches Council in meeting their responsibilities under the Closing the Gap agreement. 	We acknowledge and thank NCOSS for its support of the planning proposal, it's intent and objectives, and its opportunity for the Aboriginal community.

GYDE