

# GYDE

## Planning Proposal



### Patyegarang Project

On behalf of Metropolitan Local Aboriginal Land Council

November 2024

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**Report Version:** Amended Post-Exhibition

## Acknowledgment of Country

The authors of this report acknowledge the Traditional Owners of the land on which we work, learn and play, and pay our respect to Elders past and present.

### Disclaimer

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## EXECUTIVE SUMMARY

This Planning Proposal has been prepared by GYDE Consulting on behalf of Metropolitan Local Aboriginal Land Council (MLALC) (the "proponent") and is submitted to Department of Planning and Environment (DPE) for assessment under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Planning Proposal intends to unlock currently undeveloped and unmanaged land at Morgan Road, Belrose (the "Site"), owned by the MLALC, to facilitate the delivery of new housing, social infrastructure, and conservation of the Site's significant environmental and Aboriginal heritage. The land that is subject to this Planning Proposal is an amalgamation of 22 allotments with a total area of 710,007sqm (71ha) as identified in Table 1.

The Site is identified as a 'Deferred Matter' pursuant to Warringah Local Environmental Plan 2011.

This Planning Proposal will implement the Northern Beaches Development Delivery Plan established under Chapter 3 of State Environmental Planning Policy (Planning Systems) 2021 by:

- providing appropriate zoning to deliver up to 450 dwellings with a range of small, medium to large residential lot sizes, and
- protecting significant biodiversity and cultural values on the site by formalising the ongoing environmental management and bushfire protection mechanisms on site.

This is proposed to be achieved by:

- transferring the Site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones
- introducing maximum building heights (8.5 metres)
- introducing minimum lot sizes (200sqm, 450sqm, 600sqm)
- introduce a zone boundary clause, as per the Standard Instrument Order clause 5.3,
- introducing additional permitted uses (i) within the RE2 Private Recreation zone to enable environmental management works, stormwater services, APZ and bushfire works, utilities and servicing works where required
- introducing dual occupancies (iii) as an additional permitted use within the R2 low density residential zone.

The draft indicative structure plan (Figure 6) prepared by COX Architecture demonstrates the opportunity to implement Designing with Country and best practice urban design principles, which results in the identification of potential areas suitable for residential and public space development, and areas classed as environmentally sensitive land and riparian and habitat corridors, which are to be preserved and protected. The proposed land use outcomes for the Site have been developed following consultation with Aboriginal elders and the stakeholders who understand the cultural heritage of the site. It is also based on years of advanced investigations by a consortium of highly competent and respected experts in the fields of flora and fauna biodiversity, bushfire management, transport planning, Aboriginal heritage, stormwater management and geotechnical surveying.

This Planning Proposal clearly demonstrates:

- **strategic planning merit** by establishing consistency with the objectives of the strategic planning framework established under the NSW Aboriginal Planning Framework. Importantly, the Planning Proposal will provide economic and social benefit to the MLALC and its community, as intended under the *Aboriginal Land Rights Act* 1983, and
- **site specific merit** through its evaluation of a comprehensive suite of site specific technical studies.

Key public benefits addressed in this Planning Proposal and the supporting documentation relate to:

- Conservation of 22.1 hectares (29.7%) of the Site identified to have high ecological, scientific, cultural or aesthetic values, including the riparian areas and 3 currently unprotected AHIMS registered Aboriginal heritage sites;
- Conservation of enhanced bushfire protection, both on site and for adjoining sites;
- Improvements to local waterways management, both on Site and in surrounding areas, including Narrabeen Lagoon;
- Support for 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;
- Delivery of increased housing supply and diversity, including affordable housing to assist in addressing the chronic housing crisis
- Creation of job opportunities through the construction stage and ongoing development operation;
- Augmentation of infrastructure, including public open space, active transport connections, new and upgraded internal roads, stormwater, and provision of a new cultural community centre.

To achieve this outcome, a site specific DCP was prepared to inform the detailed design and future development of the site. There is a preference for the implementation of the detailed design controls to be made via a DCP formally made by the State Government, consistent with the DCP which was publicly exhibited. Though, we recognise that alternative arrangements could be made to achieve the same outcome, whether this is through the amendments of the Planning Systems SEPP 2021 or the Precincts - Eastern Harbour City SEPP 2021.

On 9th June 2023, the Department of Planning and Environment issued a Gateway determination for the planning proposal.

Following the issue of the Gateway determination, the Metropolitan Aboriginal Land Council resolved to adopt an alternative name for the project to reflect the Aboriginal cultural heritage of the site. This report has accordingly been updated to reference the Patyegarang Project.

Following Gateway determination, the proposal was publicly exhibited from Tuesday 26 September to Tuesday 7 November 2023. The submissions from the community, Northern Beaches Council, and relevant agencies were thoroughly considered by the project team. A response to key submissions was provided on behalf of the MLALC on the 22 December 2023 and 5 March 2024, which provided additional information, updated reports and the commissioning of additional reports to supplement the proposal.

A further RFI was issued on 3 July 2024 by DPHI, this update to the proposal and supporting documentation responds to this RFI. Key Amendments include:

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 Rd
- 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 450m<sup>2</sup> minimum lot size adjacent to the Snake Creek corridor to support appropriate APZs
- 4. the introduction of a **zone interface provision**, as per clause 5.3 of the Standard Instrument – Principal Local Environmental Plan (2006 EPI 155a) to provide flexibility across zone boundaries to accommodate topographical elements during design development
- 5. acknowledgement of **alternative legislative mechanisms**, such as [State Environmental Planning Policy \(Precincts – Eastern Harbour City\) 2021](#) to embed detailed design controls, in the event the draft site specific development control plan cannot be delivered by the State Government.

The Gateway determination was revised on 25 July 2024. The timeframe for finalisation of the PP is now 31 March 2025.

## SECTION A - OVERVIEW

### 1. PLANNING PROPOSAL BACKGROUND

On the 5 August 2022, an amendment to the Planning Systems SEPP to include a number of MLALC owned sites was gazetted, and the accompanying Northern Beaches Development Delivery Plan (DDP) was publicly released. The DDP considers the high-level opportunities and constraints associated with 6 MLALC sites in the Northern Beaches LGA. While implementation of the Aboriginal Land Planning Framework does not approve development on the sites, the finalisation of this framework clearly establishes the process to progress planning proposals.

The planning proposal for the Morgan Road site was formally submitted to the Department of Planning and Environment (DPE) on 14 October 2022, supported by a large number of technical studies.

In accordance with Planning Circular PS19-003 Independent review of planning proposals for identified Aboriginal land<sup>1</sup>, the proponent, MLALC has requested an independent proposal review, which is closely aligned with the rezoning review process. An independent proposal review is carried out by the relevant Sydney Region Planning Panel. Therefore, the Sydney North Planning Panel is responsible to undertake a strategic and site-specific assessment of the proposal to determine if it should be submitted for a Gateway determination.

Planning Circular PS19-003 outlines that when considering whether the planning proposal should proceed to Gateway determination, the Panel must first consider the strategic merit and then the site-specific merit of the proposal as follows:

#### Strategic merit test

- *consistent with the relevant development delivery plan for the land to which the proposal applies; or*
- *where no development delivery plan has been published, consistent with any relevant interim development delivery plan, published on the Department's website, or*
- *consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan, within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *consistent with a relevant local strategy that has been endorsed by the Department; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

#### Site-specific merit test

- *the social and economic benefit to the Aboriginal community facilitated by the proposal;*
- *the natural environment (including known significant environmental values, resources or hazards);*

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<sup>1</sup> <https://www.planning.nsw.gov.au/sites/default/files/2023-03/planning-circular-ps-19-003-independent-review-of-planning-proposals-for-identified-aboriginal-land.pdf>

- *the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangement for infrastructure provision.*

The planning proposal was considered by the Sydney North Planning Panel on 21 December 2022 who determined that the planning proposal “*should be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit*”.

A Gateway determination was issued on 9 June 2023. In accordance with the Gateway conditions, the planning proposal has been updated to address the conditions, including the preparation of a site specific DCP (Appendix 27). The planning proposal was updated following the issue of the Gateway determination. Additional information was provided on 22 December 2023 and 5 March 2024 to address the outcomes of the public exhibition period. The proposal and the proposed zoning outcomes has since been revised in response to the RFI dated 3 July 2024. The revised PP incorporates the following amendments to ensure closer alignment between land uses, bushfire protection and environmental management:

- R2 Low Density Residential

The R2 zones across the site have been reduced to provide areas of RE2 Private Recreation zoning for APZ setbacks along the southern perimeter. The R2 zoned elements of site are intended to encompass residential development, roads, and servicing. The detailed design and layout of these forms of development will be developed as part of a future development application which responds to the topography and environmental considerations across the site.

- RE2 Private Recreation

The RE2 Private Recreation zone was removed over the Snakes Creek riparian corridor and parts of its tributaries has been replaced with C2 Environmental Conservation. The RE2 now incorporates the APZs to the south and to the cultural heritage area around the rock carvings. The RE2 Private Recreation zone is the most appropriate zone for these areas, and will remain in community title. These areas are not proposed to be dedicated to Council and therefore an RE1 Public Recreation zone is not appropriate. Alternative conservation zones were considered however these permit dwelling houses which is contradictory to the intention to manage and conserve these areas for heritage, culture and open space.

- C2 Environmental Conservation

The revised proposal expands the proposed C2 Environmental Conservation Area by 2.3 hectares over Snake Creek and its tributaries.

A summary of the changes to the zoning across the site post-exhibition is detailed below:

| Zone       | Exhibited PP       | Post Exhibition PP   |
|------------|--------------------|--|
| <b>C2</b>  | 19.8 hectares, 28% | 22.1 hectares, 29.7% ( <b>Additional 6.59%</b> of site zoned C2) |
| <b>RE2</b> | 3.5 hectares, 4.7% | 6.6 hectares, 8.9% ( <b>Additional 4.14%</b> of site zoned RE2)  |
| <b>R2</b>  | 51 hectares, 68.6% | 45.6 hectares, 61.34% ( <b>7.26% decrease</b> of site zoned R2)  |

In addition to the planning proposal, the following supporting documents have been updated as follows:

- Urban Design Report
- Site Specific Development Control Plan
- Aboriginal Cultural Heritage Assessment Report
- Flood Impact and Risk Assessment Report
- Stormwater Management Plan
- Community Management Strategy (Community Title)

Briefing notes have also been provided in relation to:

- Community Title
- Bushfire
- Traffic and Slip Lane
- Biodiversity

## 2. BACKGROUND

The Metropolitan Local Aboriginal Land Council (MLALC) was created under the *Aboriginal Land Rights Act 1983* (ALR Act). The MLALC is a not-for profit entity which exists to improve the lives of Aboriginal people in the Sydney Metropolitan Region. The Morgan Road site forms part of the significant MLALC land holdings within the Northern Beaches local government area (LGA) granted under ALR Act. The Site is currently underutilised and contains significant Aboriginal Heritage Information Management System (AHIMS) registered Aboriginal cultural heritage items which are unprotected and without the necessary funding to provide on-going maintenance.

The MLALC operates in accordance with the ALR Act by utilising its land assets to support the sustainability of its business to meet the needs of the Aboriginal community. In accordance with Section 51 of the ARLA, the MLALC's primary objectives are *"improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council"*. To achieve these objectives, the functions of the MLALC are to:

- Protect the interests of Aboriginal persons in its area in relation to the acquisition, management, use, control and disposal of land.
- Take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law.
- Manage, in accordance with the ALR Act and consistently with its community, land and business plan, the investment of any assets of the Council.
- Facilitate business enterprise in accordance with the ALR Act, and the regulations, and consistently with the community, land and business plan.

MLALC's boundaries cover a large part of the Sydney basin across (see Figure 1) local government areas (LGA). MLALC has significant land holdings in the Northern Beaches LGA totalling approximately 621m<sup>2</sup>. As part of a land

audit and high-level strategic assessment of MLALC owned sites<sup>2</sup>, the Morgan Road site has been identified as the most suitable site under ownership of the MLALC for innovative, culturally and environmentally sensitive development, and MLALC's best opportunity to generate an economic return that will benefit members and the broader community.

In 2002, the MLALC took its first steps in seeking to pursue more robust use of the Site and undertook an extensive constraints mapping exercise with a team of specialised consultants to identify the Site's development opportunities. In 2004, MLALC members and the NSW Aboriginal Land Council (NSWALC) approved the Site for land dealing, supported by a Project Delivery Agreement.

On 5 June 2012, former Warringah Council resolved to undertake the first of two stages of a Strategic Review of the deferred land in Oxford Falls Valley and Belrose North in partnership with Department of Planning and Environment (DPE). The Strategic Review was initiated in response to stakeholder concern regarding the adequacy of consultation during the preparation of Warringah LEP 2011.

On 24 February 2015, Council resolved to proceed with a Planning Proposal to transfer planning controls for land in Oxford Falls Valley and Belrose North (Deferred Lands) from WLEP 2000 to WLEP 2011. The Planning Proposal was submitted to DPIE on 15 April 2015 for a Gateway Determination. Approximately two and half years later, on 1 November 2017, DPIE issued a Gateway Determination requiring Council to, amongst other things, complete the Stage 2 Review to determine the future urban development potential of four sites in the Deferred Lands area, including the Morgan Road Site, prior to exhibiting the Planning Proposal.

In March 2018, Northern Beaches Council requested the Minister for Planning to determine that the Planning Proposal for Oxford Valley Falls and Belrose North not proceed, with part of Council's rationale being a lack of resources to facilitate the costly and time consuming studies required as part of the Stage 2 Review, which Council believed should be funded by DPE.

In September 2022, the Northern Beaches released a review of how conservation zones are applied across the Northern Beaches LGA. The review is informed by a number of technical studies, however it is noted in relation to the site, these have been undertaken at a high level. The review proposes a C3 Environmental Management zone to the majority of the Site, except for one small parcel on the far east of the site, proposed as C2 Environmental Conservation. The C zone review does not propose any corresponding lot size controls for the various conservation zones. As of June 2024, Northern Beaches Council has now finalised the Conservation Zones (C Zones) Review based on final Department advice among other submissions, studies and review. The outcomes of the C-zone review is expected to inform the development of the new LEP proposed.

## 2.1. Planning Systems SEPP and DDP

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) identifies State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure. The PS SEPP includes provisions that were previously included in State Environmental Planning Policy (Aboriginal Lands)

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<sup>2</sup> [https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub\\_pdf/Keelie+Drupal+Documents/APPEND~2.PDF](https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Keelie+Drupal+Documents/APPEND~2.PDF)

2019 (Aboriginal Land SEPP).

The Planning Systems SEPP framework aligns the NSW planning system with the intent of the ALR Act and stimulates improved governance, empowerment, strategic planning and more efficient land use. Following long-term discussions with Northern Beaches Council and DPE, MLALC submitted a request to DPE in September 2020 for formal inclusion of the Site under the State Environmental Planning Policy (Planning Systems) 2021 via a development delivery plan (DDP).

A DDP is the ongoing link between the requirements of the ALR Act, such as preparation of a Community, Land and Business Plan (CLBP), and the planning and development decisions that occur under the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). A DDP is a plan made under the PS SEPP and is approved by the Minister of Planning, which sets out the development objectives for identified land owned by a Local Aboriginal Land Council. A DDP forms part of a suite of planning mechanisms to assist Local Aboriginal Land Councils (LALCs) achieve economic self-determination for their communities and deliver social, economic and environmental benefits as compensation for the loss and dispossession of their land. A DDP formally recognises the development pipeline for a LALC and must be considered by planning authorities in key planning assessment processes, including Planning Proposals and development applications. Under Chapter 3, this applies to all land owned by an Aboriginal Council, not just the areas identified in the map below.

On the 5 August 2022, an amendment to the Planning Systems SEPP to include the Site was gazetted, and the accompanying Northern Beaches DDP was publicly released.



Figure 1: Land Application Map, showing MLALC land subject to Chapter 3 of the Planning Systems SEPP  
(Source: NSW Legislation)

## 2.2. NSWALC and Member endorsement

NSWALC's Policy No.1 of 2016 (Policy) on the Assessment and Approval of Local Aboriginal Land Council Land Dealings was created pursuant to Division 4 of Part 2 of the ALRA. The policy provides guidance to NSWALC itself, to LALCs, and to persons dealing with LALCs, about how NSWALC will perform its approval functions and exercise its discretions under the ALR Act. Under the Policy, land dealings must be proven to provide benefits to a LALC, for example, by exceeding current land valuation. For a land dealing to be approved, it must first be endorsed by the MLALC Board (10 persons) and voted on by the members with a required approval of 80%. The land dealing process then progresses to the NSWALC for approval. The MLALC's Morgan Road site has followed all requirements in the land dealings process and was granted approval by the NSWALC on 3<sup>rd</sup> November 2004.

In 2017-18 NSWALC recommended the MLALC re-submit the proposal to its members due to the time elapsed since the original 2004 member approval. In 2018 the MLALC updated the original Project Development Agreement by way of a Deed of Variation, to incorporate suggestions by NSWALC. In addition, MLALC members have been provided details of the Feasibility study and supporting information.

### 3. THE SITE AND ITS CONTEXT

#### 3.1. Location and description

The land that is subject to this Planning Proposal is an amalgamation of 22 allotments and the 2 roads on site with a total area of 701,000sqm (70.1ha), as identified in Table 1.

All allotments are now in MLALC ownership totalling a site area of 677,000sqm (67.7ha). A Crown Road purchase application to acquire the unformed roads is well progressed (Cluster 633080 File Ref 22/00848).

*Table 1: Legal description of site, including details of site area and land ownership*

| Lot Description        | Site Area            | Ownership |
|------------------------|----------------------|-----------|
| Lot 89 DP 752038       | 38,503.6sqm (3.85ha) | MLALC     |
| Lot 90 DP 752038       | 43,151sqm (4.32ha)   | MLALC     |
| Lot 91 DP 752038       | 43,961sqm (4.4ha)    | MLALC     |
| Lot 92 DP 752038       | 67,684sqm (6.77ha)   | MLALC     |
| Lot 93 DP 752038       | 42,942sqm (4.29ha)   | MLALC     |
| Lot 176 DP 752038      | 7,504sqm (0.75ha)    | MLALC     |
| Lot 177 DP 752038      | 6,547sqm (0.65ha)    | MLALC     |
| Lot 178 DP 752038      | 10,031.6sqm (1ha)    | MLALC     |
| Lot 189 DP 752038      | 30,379sqm (3.04ha)   | MLALC     |
| Lot 190 DP 752038      | 30,234.5sqm (3.02ha) | MLALC     |
| Lot 191 DP 752038      | 31,064sqm (3.11ha)   | MLALC     |
| Lot 196 DP 752038      | 35,833.5sqm (3.58ha) | MLALC     |
| Lot 197 DP 752038      | 42,239.6sqm (4.22ha) | MLALC     |
| Lot 944 DP 752038      | 32,434sqm (3.24ha)   | MLALC     |
| Lot 945 DP 752038      | 30,303.6sqm (3.03ha) | MLALC     |
| Lot 946 DP 752038      | 30,230.3sqm (3.02ha) | MLALC     |
| Lot 947 DP 752038      | 29,240.9sqm (2.94ha) | MLALC     |
| Lot 948 DP 752038      | 41,331.9sqm (4.13ha) | MLALC     |
| Lot 953 DP 752038      | 22,617.9sqm (2.26ha) | MLALC     |
| Lot 2600 DP 752038     | 23,801.6sqm (2.38ha) | MLALC     |
| Lot 2 DP 1242330       | 28,967.1sqm (2.9ha)  | MLALC     |
| Lot 1 DP 1285945       | 8034sqm (0.8ha)      | MLALC     |
| <b>Total Site Area</b> | 677,000sqm (67.7ha)  |           |

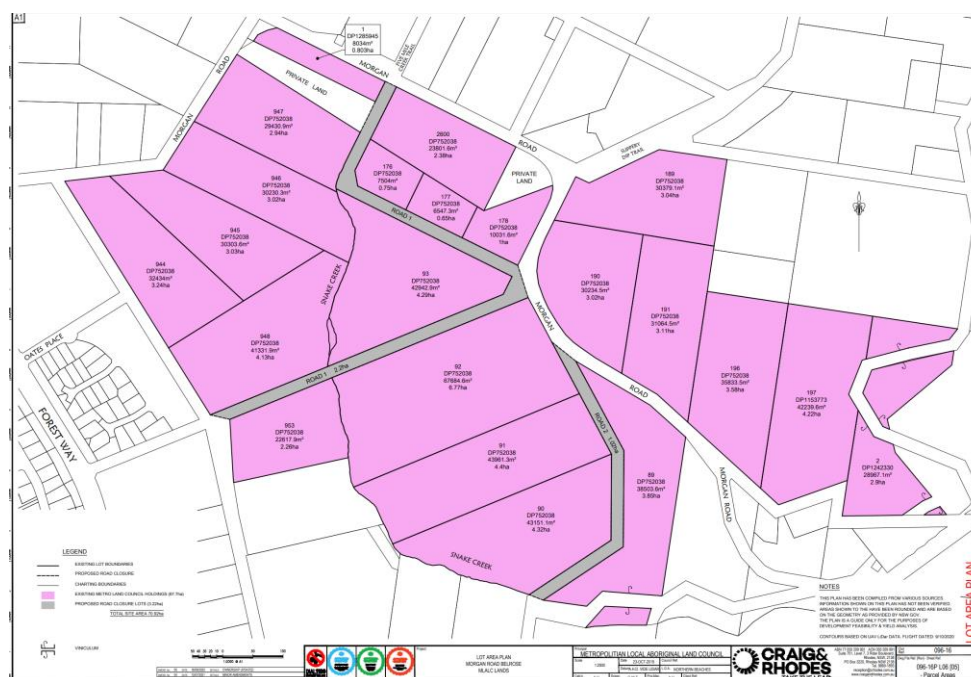


Figure 2. Area Map of site with lots under MLALC ownership shown in purple (Source: Craig & Rhodes, September 2022)



Figure 3: Aerial view of site, outlined in white (Source: Nearmap)

The Site predominately comprises disturbed bushland (refer to Figure 3) and is located east of Forest Way in the suburb of Belrose.



Figure 4: Photographs of the Site (Source: GYDE Consulting)

The Site has over 20,000 years of Aboriginal cultural significance with identified Aboriginal heritage items located on the Site (refer to Figure 4). The known Aboriginal heritage items within the Site, including rock engravings are regularly and repeatedly destroyed by vandals and a significant portion of the Site is suffering from land degradation. Further to this, the site has a history of previous uses including as an orchard and other primary industries which has cleared a large portion of the site in the 20<sup>th</sup> century. The aerial below provides visuals from 1930s where the land suffered large clearing and degradation to the existing bushland, before it was left to densify in the 1980's.



Figure 5 Excerpt from Aerial – 6/3/1930 (Source: NSW Historical Imagery)



Figure 6 Zoom of above aerial (Source: NSW Historical Imagery)

### 3.2. Adjacent and surrounding development

The Site is located in the Northern Beaches local government area, approximately 20km north from Sydney Central Business District and approximately 6.5km northeast from Chatswood CBD.

The Site forms part of the Belrose suburb and adjoins Oxford Falls to the east. The surrounding area comprises a mixture of land uses as shown in Table 2.

Table 2: Description of surrounding land uses

| LOCATION | SURROUNDING LAND USES   |
|----------|---|
| North    | <ul style="list-style-type: none"> <li>Large residential land holdings, which tend to be partly cleared and contain a range of dwellings and outbuildings, including a low density retirement village development.</li> </ul>   |
| South    | <ul style="list-style-type: none"> <li>Residential dwellings, with a mixture of single detached and large lot properties within the R2 zone</li> <li>Parkland and outdoor recreation spaces - Perentie Park, Bluegum Reserve and Wakehurst FC - County Road Field</li> <li>Belrose Country Club Retirement Village</li> </ul> |
| West     | <ul style="list-style-type: none"> <li>Residential dwellings, with a mixture of single detached and large lot properties</li> <li>Aged care, including Wesley Gardens Aged Care, Japara Corymbia Aged Care Home, Uniting Wesley Gardens Belrose</li> <li>Educational uses such as Uniting Forest Preschool Belrose</li> </ul> |
| East     | <ul style="list-style-type: none"> <li>Natural vegetation and bushland</li> <li>Recreational uses - Five Mile Creek Trail, Slippery Dip Trail</li> <li>Business - Valley Ranch Nursery</li> </ul>   |

The Site has good access to a variety of services and facilities including retail, recreational, recent and major hospital facilities, educational services, public transport, aged care facilities and key utilities and infrastructure. Large retail services are available at a number of nearby shopping centres including Warringah Mall (located approximately 8.5 km from the Site), Forestway Shopping Centre (3.4 km away and anchored by Coles and 52 specialty stores) and Glenrose Shopping Centre (3km away and anchored by Woolworths and 50 plus specialty stores). A neighbourhood supermarket (IGA) is situated within walking distance (approximately 800m) from the Site's western boundary.

There are close to 30 public and private schools within a 5km radius of the Site, including Frenchs Forest Primary School, Mimosa Primary School, Belrose Primary School, Kambora Primary School, Covenant Christian School, and Forest, Davidson and Beacon Hill High Schools, amongst others.

There are significant major industrial and commercial centres in close proximity, providing key sources of employment opportunities. The Austlink business park is situated less than 2km from the Site and is home to the Belrose SuperCenta and major outlets such as Domayne and Bunnings.

Frenchs Forest Health and Education Precinct, which includes major hospitals, universities and medical research

institutions, is 6km to the south and connects the community to health and education services. The new Northern Beaches hospital (3 km away) provides for significant health services in the area. Further east, Dee Why and Brookvale provide further employment opportunities and are a hub for regional public transport services.

### 3.3. Local planning controls

The land is a 'Deferred Matter' pursuant to Warringah Local Environmental Plan 2011 (WLEP2011). As such, the Warringah Local Environmental Plan 2000 (WLEP 2000) is the primary environmental planning instrument (EPI) applicable to the Site.

#### 3.3.1. Zoning

WLEP 2000 does not zone land but rather identifies localities in which certain permissible uses apply.

The Narrabeen Lagoon Catchment Locality Statement is the overarching Locality Statement applicable to the Site.

The Site is identified within Locality B2 – Oxford Falls.

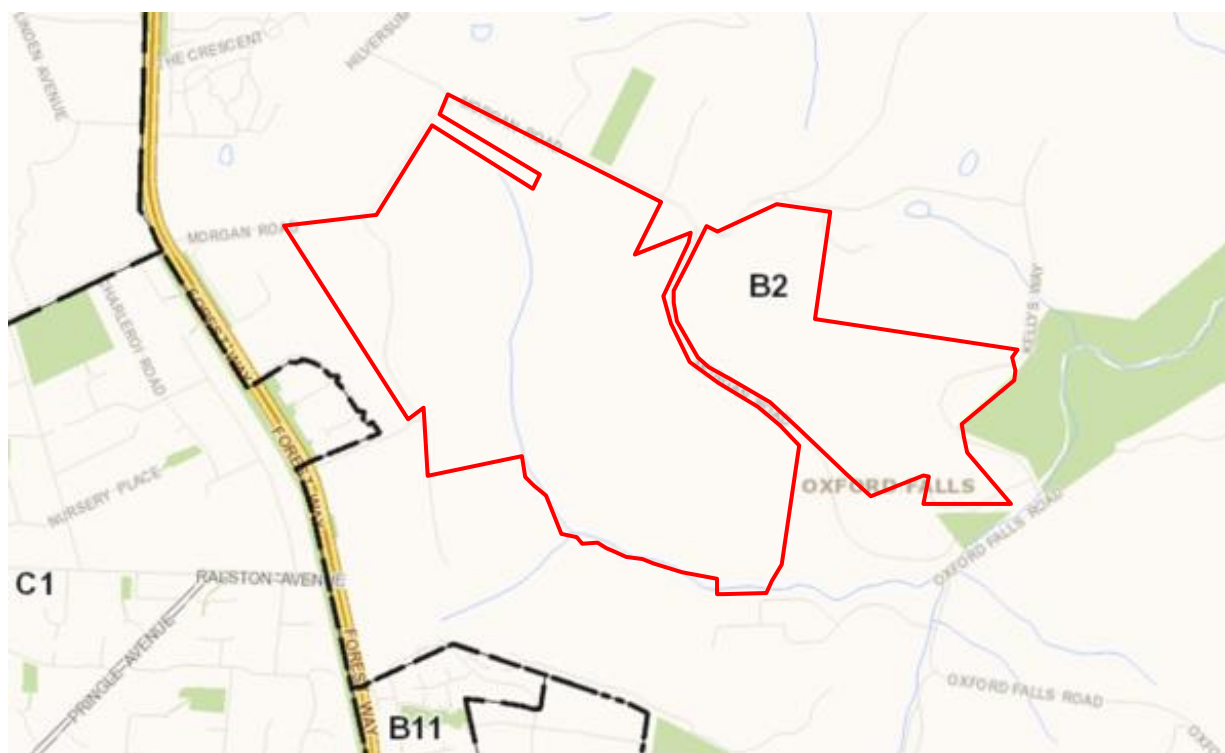


Figure 7: Locality B2 Map with the Site outlined in red (source: Northern Beaches Council)

### 3.3.2. Permissibility

Clause 12(3) of WLEP 2000 requires that before granting consent for development classified as:

*a) Category One, the consent authority must consider the desired future character described in the relevant Locality Statement; or*

*b) Category Two or Three, the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement.*

*Note - Category One development is development that is generally consistent with the desired future character of the locality, Category Two development is development that may be consistent with the desired future character of the locality, and Category Three development is development that is generally inconsistent with the desired future character of the locality.*

The Desired Future Character for Locality B2 is described as:

*The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.*

*Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.*

*The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*

*A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.*

*Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.*

The following Land Use categories apply to the Site:

- Category One: Nil.
- Category Two: Development for the purpose of:
  - Agriculture; housing; housing for older people or people with disabilities (on land described in paragraph (c) under the heading “Housing density” below); other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.
- Category Three: Development for the purpose of:
  - animal boarding or training establishments; bulky goods shops; business premises; child care centres; community facilities; entertainment facilities; further education; health consulting rooms; heliports; hire establishments; hospitals; hotels; industries; medical centres; motor showrooms; offices; places of worship;

primary schools; recreation facilities; registered clubs; restaurants; retail plant nurseries; service stations; shops; short term accommodation; vehicle repair stations; veterinary hospitals; warehouses.

- Development for the purpose of the following is prohibited within the B2 locality:
  - brothels; extractive industries; housing for older people or people with disabilities on land which does not adjoin a locality used primarily for urban purposes; potentially hazardous industries; potentially offensive industries; vehicle body repair workshops; canal estate development

### 3.3.3. Built form

- Housing density: The maximum housing density is 1 dwelling per 20 ha of site area, except—

*(a) where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha, and ...*

*(c) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of “housing for older people or people with a disability” and the development complies with the minimum standards set out in clause 29.*

*However, consent may be granted for development that will contravene these housing density standards but, if by more than 10 per cent, only with the concurrence of the Director.*

- Building Height:

*Buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.*

*Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.*

- Front building setback:

*Development is to maintain a minimum front building setback.*

*The minimum front building setback to all roads is 20 metres. On corner allotments fronting Forest Way or Wakehurst Parkway the minimum front building setback is to apply to those roads and the side setback is to apply to the secondary road.*

*The minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and be free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

- Rear and side building setback:

*Development is to maintain minimum rear and side building setbacks.*

*The minimum rear and side building setback is 10 metres.*

*The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.*

- Landscaped open space:

*The minimum area of landscaped open space is 30 per cent of the Site area.*

*To measure an area of landscaped open space—*

*(a) impervious surfaces such as driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks and the like and any areas with a width or length of less than 2 metres are excluded from the landscaped open space area, and*

*(b) the water surface of swimming pools and impervious surfaces that occur naturally such as rock outcrops are included in the landscaped open space area, and*

*(c) landscaped open space must be at ground level, and*

*(d) the minimum soil depth of land that can be included as landscaped open space is 1 metre.*

- National Park setback

*Development is to maintain a minimum setback from National Park boundaries of 20 metres. The minimum setback area is to be fire fuel reduced and landscaped with local species.*

## SECTION B – PLANNING PROPOSAL

### 4. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

#### 4.1. Objectives of the Planning Proposal

The objectives of this Planning Proposal are to:

- Connect and Design with Country to facilitate a mixture of different and compatible land uses as identified in the Northern Beaches Development Delivery Plan prepared under chapter 3 of State Environmental Planning Policy (Planning Systems) 2021
- Conserve and protect biodiversity and important environmental values of the land
- Conserve and protect the Site's Aboriginal heritage
- Support MLALC achieving economic self-determination and financial stability
- Deliver a quantum of housing that will reasonably meet the forecast housing needs of the Northern Beaches without adverse impacts to the amenity and environment of the local area
- Provide community benefits through the provision of open space and pedestrian connections for recreation and a community cultural centre
- Ensure the use of land is appropriate to managing and minimising environmental risks

#### 4.2. Intended development outcome

The intended outcome of the Planning Proposal is to create a residential community embodying strong conservation principles to support the enhancement of the unique environmental and Aboriginal cultural heritage characteristics of the site.

This outcome will be achieved by amending the applicable local planning controls to accommodate up to 450 new residential dwellings with a variety of scale and character reflective of the dominant dwelling type in the Belrose locality, as well as a new cultural community centre and protection of aboriginal heritage sites.

An indicative draft structure plan has been developed by COX Architecture that is reflective of the site's opportunities and constraints in the areas of flora and fauna biodiversity, bushfire management, transport planning, Aboriginal heritage and stormwater management. The Planning Proposal intends to ensure development outcomes align with traditional indigenous 'Caring for Country' practices and relevant 'Connecting with Country' and 'Designing with Country' principles and strategies.

The draft structure plan has been developed by COX Architecture in conjunction with a consortium of highly competent and respected experts in the fields of flora and fauna biodiversity, bushfire management, transport planning, Aboriginal heritage and stormwater management.

Figures 6 and 7 illustrate the proposed structure plan and concept plan.

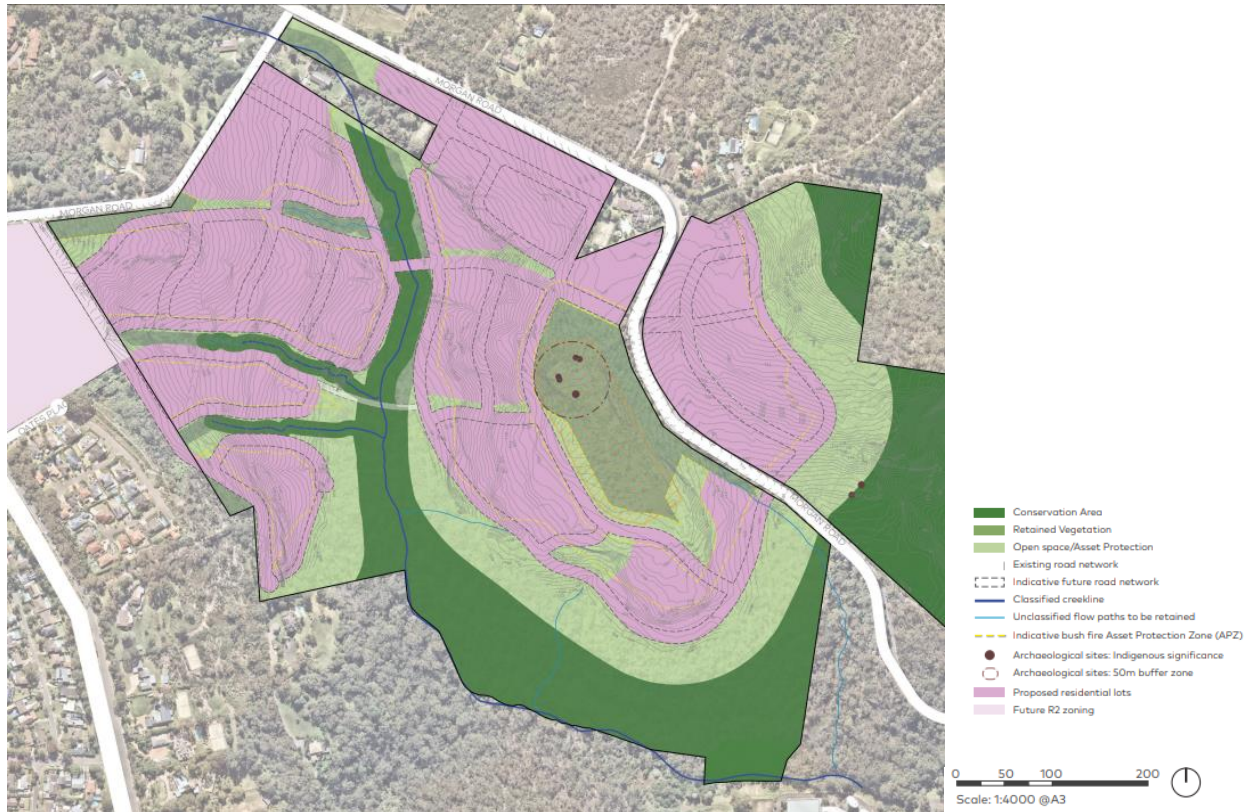


Figure 8. Draft structure plan  
(Source: COX Architecture, August 2024)

### 4.3. Design Principles

The principles and design rationale which have guided the the concept master plan are detailed in the Urban Design Report prepared by COX Architecture (Appendix 8).

In summary, the design principles underpinning concept master plan are to:

- Ensure development respects and responds to the natural environment and its unique characteristics
- Protect and celebrate significant cultural elements
- Ensure that the ridgelines and the valleys are retained as green elements
- Retain and enhance key flora and fauna areas within larger green spaces and networks
- Utilise topographical changes as design cues to inform water sensitive urban design locations, street alignments and to reduce the need for cut and fill within lots
- Provide a range of lot sizes that enable rocky outcrops, existing trees and landscapes to be retained
- Ensure diversity of housing choice and affordability

- Contain the building heights below the tree canopy to protect scenic amenity and maintain local character
- Infuse the Northern Beaches vernacular in the plan, houses nestled within the landscape, retained trees in the public and private domain, leafy outlooks from all aspects
- Provide for local services adjoining the area of high amenity and cultural celebration
- Co-locate public open spaces within broader, contiguous green networks
- Improve onsite and downstream water quality through integrated WSUD in the public and private domain and the expansion of drainage networks as linear parklands in exceedance of those areas classified as riparian corridors
- Protect the natural bushland interface by containing APZs within developable areas where possible and practical
- Respond to bushfire threat on/adjoining the Site by inclusion of local and regional secondary bushfire egress paths
- Prioritise pedestrian and cycle connectivity to key recreation destinations within the plan



*Figure 9. Proposed illustrative concept plan, as part of the concept master plan  
(Source: COX Architecture, August 2024)*



Figure 10: Visual representation of design principles (source: COX Architecture, September 2022)

#### 4.4. Key environmental and social outcomes

- **Improved water quality**

The Planning Proposal ensures future development adopts stormwater management systems and WSUD measures to preserve the natural frequency and volume of flow events in the Site's waterways. The proposal and subsequent future DA will invest in the order of \$18 million to implement the latest technology in water quality treatment to not only treat the stormwater which will be generated by the proposed new housing but also improve the current waterways in the area and ultimately flowing into the Narrabeen Lagoon.

- **Environmental conservation**

The Planning Proposal conserves 22.1 hectares (29.7%) of the Site identified to have high ecological, scientific, cultural or aesthetic values, including the riparian zone, and proposes the rezoning of this land as C2 Environmental Conservation.

- **Strategic bushfire assessment**

The proposal is supported by a Strategic Bushfire Assessment prepared by Travers Bushfire & Ecology (Appendix 12) to assess the proposed development in terms of broader bushfire hazard context. The Strategic Bushfire Assessment considers the bushfire threat to the landscape, existing and proposed bushfire protection measures, the capacity of the site and surrounding areas and overall suitability of the planning proposal from a bushfire perspective.

- **Improved bushfire protection**

The proposal minimises risks and improves resilience against impacts of bushfire for the Morgan Road site's future residents and adjoining neighbours. Extensive analysis has been undertaken in relation to traffic capability, asset protection, emergency management, fire trail construction, hazardous fuels management, building construction standards, water management and peripheral land management for the Site. The Planning Proposal proposes the implementation of the new APZs ranging from 100m at their widest to 20m at their narrowest and fire trails to significantly improve the level of bush fire protection for the Site and to adjoining developments building upon the findings of the Strategic Bushfire Assessment. Refer to Bushfire Protection Assessment prepared by Travers Bushfire & Ecology at Appendix 11.

- **Enhanced bushfire evacuation**

In the event of a fire, new roads within the Site will provide adequate access for firefighting operations, which link to perimeter roads and/or to fire trail networks and adequate water supply. The Site's access points are designed to accommodate expected traffic flows in accordance with Austroads guidelines, including traffic from neighbouring properties. The Planning Proposal proposes the upgrade of the Forest Way / Morgan Road intersection, comprising a left turn slip lane from Morgan Road to facilitate efficient traffic flows out of the Site, particularly during a bushfire emergency situation, and will be the primary egress route for new residents and surrounding residents evacuating from Morgan Road. Refer to the Transport Assessment undertaken by JMT Consulting at Appendix 17.

- **Protection and management of Aboriginal cultural heritage**

The Planning Proposal will facilitate the protection and management of the Site's Aboriginal heritage items, which are AHIMS registered sites, and provide a new cultural community facility which will celebrate the Site's unique Aboriginal heritage. Management of the Site's heritage items and new community centre will provide employment opportunities for Aboriginal people within a creative, educating and management capacity.

- **Cultural Inclusivity and Country**

The Planning Proposal will enable protection of the Site's Aboriginal heritage, share its Aboriginal culture and encourage traditional land management practices by Indigenous Australian's that provide social, cultural, physical and emotional wellbeing benefits to its peoples, as well as environmental benefits, known as 'Caring for Country' practices. The Morgan Road site contains a series of rock engravings of high cultural significance which contribute to our understanding of the land's past Aboriginal use and its place within the broader landscape.

The Planning Proposal will directly enable opportunities for education, training, skill development in traditional Indigenous practices and foster stronger relationships between non-indigenous Australians and Indigenous Australians by knowledge sharing and instilling a sense of belonging and community pride for future residents who can become caretakers of the land.

The Planning Proposal also adopts 'Connecting with Country' Draft Framework principles and the essential elements of 'Designing with Country' through its consideration of significant cultural and environmental heritage in the planning, design and intended delivery of this project which emphasises respect and protection of sensitive sites and opportunities to strengthen culture.

- **Housing supply and diversity**

The Planning Proposal will significantly contribute to the housing supply targets for the LGA and at a district level, as required to meet the housing needs of the growing population. The proposal has potential to yield a significant increase of residential lots 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.

## 5. PART 2 - EXPLANATION OF PROVISIONS

### 5.1. Proposed Statutory Amendments

This Planning Proposal seeks to make the following amendments:

| PROPOSED STATUTORY AMENDMENTS TO THE WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011   |  |
|--|--|
| Remove "Deferred Matter" status of the land  | Transfer the Site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011  |
| Implement standard instrument zones  | <p>The following standard instrument zones are proposed:</p> <ul style="list-style-type: none"> <li>• C2 - Environmental Conservation</li> <li>• R2 - Low Density Residential</li> <li>• RE2 – Private Recreation</li> </ul>       |
| Introduce maximum building height in the R2 zone   | <ul style="list-style-type: none"> <li>• 8.5 metres</li> </ul>   |
| Introduce minimum lot sizes  | Include a range of minimum lot sizes of 200sqm, 450sqm and 600sqm, depending on topography and site access.  |
| Introduce additional permitted use within the R2 Low Density Residential Zone  | Insert within Schedule 1 an additional permitted use clause to include dual occupancies as a permissible use within the R2 zone and a corresponding minimum lot size controls of 600sqm.   |
| Introduce environmental management works, stormwater services, bushfire works and APZs, utilities and services as an additional permitted use within the RE2 Private Recreation zone | Insert within Schedule 1 an Additional permitted use clause to include environmental management works, utilities and services, bushfire works and APZs and stormwater services as permissible uses within the RE2 zone.            |
| Introduce Standard Instrument clause 5.3 – Development near zone boundaries  | Include Standard Instrument clause 5.3 – Development near zone boundaries, for zones R2 and RE2. The relevant distance where this clause applies between zones would be 15m.   |
| OTHER PROPOSED STATUTORY AMENDMENTS  |  |
| Introduce detailed design controls   | Implement detailed design controls either via a DCP formally made by the State Government which is consistent with the DCP which was publicly exhibited. Or, via an amendment to the SEPP (Precincts - Eastern Harbour City) 2021. |

It is understood that Northern Beaches Council has submitted a proposed draft Northern Beaches LEP to DPHI for a gateway determination. This proposed draft LEP has yet to receive Gateway or be publicly exhibited and therefore

has no statutory weight at this time. Should the LEP progress, adjustments may be required to ensure consistency with this PP.

## 6. PART 3 – JUSTIFICATION

### 6.1. Need for a Planning Proposal

#### 6.1.1. *Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes. The Planning Proposal implements the Development Delivery Plan (Appendix 25) prepared by DPE. Specifically, it is consistent with the potential planning opportunities identified which included a range of uses, including low density housing, new recreation areas, conservation areas, and cultural community space. The DDP recognises that the site *“could provide for an opportunity for improved conservation outcomes, including arrangements for the ongoing management and protection of bushland areas, riparian corridors, and Aboriginal cultural heritage as part of any development proposal for the site. Upgrades to the Morgan Road and Forest Way intersection, and local road upgrades to Morgan Road, would provide improved access to the site. The Strategic Assessment indicates there is no flooding, drainage, salinity, acid sulfate soils or land contamination constraints, and there may be potential for sensitively located development along the ridgelines to minimise development in areas with steep slopes and watercourses. Protecting scenic values and landscape character would be an important consideration in any development proposal”*.

The Planning Proposal is aligned with the key opportunities outlined in the DDP (Appendix 25) which include:

- Economic self determination
- New housing supply and diversity
- Biodiversity conservation
- Informing the review of the Metropolitan Rural Area (MRA).

The site is within the *“Northern Beaches Towards 2040”* Local Strategic Planning Statement (LSPS) as endorsed by the Greater Sydney Commission on 20 March 2020. As outlined in Appendix 3 and the key priorities summarised below, the planning proposal is consistent with the planning priorities and actions outlines in the LSPS.

*Table 3: Summary of Key LSPS Planning Priorities*

| LSPS Planning Priority  | Comment  |
|---|--|
| PLANNING PRIORITY 2: PROTECTED AND ENHANCED BUSHLAND AND BIODIVERSITY | Extensive biodiversity investigations and analysis have been undertaken by the Hayes Environmental project team for this Planning Proposal. The investigations have identified areas of high biodiversity value on the Site which should be protected and, as such, zoned C2 – Environmental Conservation, and biodiversity offsets obligations in accordance with Biodiversity Conservation Act 2016. It has also identified significant areas within the 71ha site that do not require conservation or environmental |

| LSPS Planning Priority   | Comment  |
|--|--|
|  | <p>zoning and provide opportunities for alternative land uses as proposed in this Planning Proposal. Refer to the Preliminary Biodiversity Development Assessment Report at Appendix 10 for further detail.</p>  |
| <p>PLANNING PRIORITY 3: PROTECTED SCENIC AND CULTURAL LANDSCAPES</p> | <p>The Landscape Visual Assessment Report prepared by Urbis confirms “Geographically nearly one third of the site will be left in its current state with no changes made to its visual character... visually significant features across other parts of the site will be retained”.</p> <p>The key design principles of this Planning Proposal include:</p> <ul style="list-style-type: none"> <li>• development will have building heights below the tree canopy to protect scenic amenity and maintain local values; and</li> <li>• ensuring ridgelines and the valleys are retained as green elements where possible.</li> </ul> <p>Areas with cultural significance will be protected and celebrated for the community to enjoy.</p>   |
| <p>PLANNING PRIORITY 4: PROTECTED METROPOLITAN RURAL AREA</p>        | <p>The Planning Systems SEPP provides for the making of Development Delivery Plan (DDP – see Appendix 25) for land owned by Local Aboriginal Land Councils that must be considered when preparing Planning Proposals or assessing development applications. The PS SEPP and the approved DDP applies to all land included in this Planning Proposal.</p> <p>The Morgan Road site is identified as MRA and future MRA investigation area in the LSPS.</p> <p>The objectives of this Planning Proposal generally align with the above MRA principles. One notable exception is the principle to ‘Avoid urban intensification and subdivision in the MRA and future MRA investigation area’. Under Action 4.7, Northern Beaches Council commits to working with MLALC to better understand constraints, as well as feasible and appropriate land use opportunities on these lands. This is further enforced within the Northern Beaches Local Housing Strategy.</p> <p>The Site has the capability to deliver tangible economic, social and cultural benefits to the Aboriginal and local communities and generate economic means to protect and preserve the Site’s significant environmental and heritage value. This Planning Proposal provides the opportunity to work with Council to achieve feasible and appropriate land use for MLALC owned land on the urban-rural fringe. Further, it is</p> |

| LSPS Planning Priority   | Comment  |
|--|--|
|  | <p>consistent with the GSRP and North District Plan's intent to provide "flexibility" in future planning for LALC owned land in the urban-rural fringe within the MRA.</p>   |
| <p>PLANNING PRIORITY 8: ADAPTED TO THE IMPACTS OF NATURAL AND URBAN HAZARDS AND CLIMATE CHANGE</p> | <p>Extensive analysis has been undertaken in relation to traffic capability, asset protection, emergency management, fire trail construction, hazardous fuels management, building construction standards, water management and peripheral land management for the Morgan Road site. Travers Bushfire &amp; Ecology have undertaken a Bushfire Protection Assessment of the Site and Strategic Bushfire Assessment which has importantly informed the design of the concept master plan. The proposed concept master plan includes measures taken to reduce or avoid harm and loss due to bush fire, such as APZs, and the protection of other values such as biodiversity and the functioning of natural systems, including the Site's waterways.</p> <p>The Planning Proposal has considered all necessary and relevant environmental hazards and the bushfire protection measures required for future development in accordance with Environmental Planning and Assessment Act 1979, Section 9.1 (2) Direction 4.3 and in accordance with Planning for Bush Fire Protection 2019 and Community Resilience Practice Note 2/12 Planning Instruments and Policies.</p> <p>Land capability assessments in relation to contamination, soil salinity and slope stability was undertaken by SMEC Australia and accompanies this Planning Proposal. Refer to the preliminary Site Investigation Report and Slope Risk Assessment Report prepared by SMEC at Appendix 13 and 13, respectively. Overall, the assessments find the areas assessed to be suitable for the proposed development. A future development application is capable of compliance with relevant environmental management controls during construction and operational phases.</p> |
| <p>PLANNING PRIORITY 9: INFRASTRUCTURE DELIVERED WITH EMPLOYMENT AND HOUSING GROWTH</p>            | <p>This Planning Proposal will facilitate the delivery of new and upgraded infrastructure by way of increased revenue for Council, increased provision of housing, and future Section 7.12 contributions payments required in future development applications. Additionally, proponent-led and funded proposed infrastructure delivery will comprise of:</p> <ul style="list-style-type: none"> <li>• new transport infrastructure comprising road infrastructure,</li> <li>• new social infrastructure including a community cultural centre,</li> <li>• stormwater management infrastructure to improve water quality of</li> </ul>  |

| LSPS Planning Priority  | Comment   |
|---|---|
|   | Narrabeen Lagoon.   |
| PLANNING PRIORITY 13: STRONG ENGAGEMENT AND COOPERATION WITH ABORIGINAL COMMUNITIES   | <p>This Planning Proposal encourages strong collaboration between the MLALC and Northern Beaches Council to deliver tangible economic, social and cultural benefits to the Aboriginal community, in conjunction with increasing housing supply and opportunities for more diverse housing within Belrose and Northern Beaches LGA. The project has established a project team comprising the MLALC, DPIE and Northern Beaches Council to review and assess the site-specific merits of this Planning Proposal as part of the DDP. This Planning Proposal gives effect to MLALC's community land and business plan and is consistent with this priority.</p>   |
| PLANNING PRIORITY 15: HOUSING SUPPLY, CHOICE AND AFFORDABILITY IN THE RIGHT LOCATIONS | <p>The LHS reaffirms the LGA's need to meet the overarching North District Plan's 6-10 year housing target. Based on the projected increase in population for the LGA, approximately 12,000 new dwellings will be required by 2036 to house 288,431 people, an increase of 22,963 people. The LHS aims to deliver more affordable market-based housing to meet this demand.</p> <p>Existing key services and local infrastructure support the development potential of the Site. The Site is defined by an existing local road, Morgan Road, and is within a well serviced area comprising of retail, new major hospital facilities, arterial roads, schools, public transport and key utilities. This Planning Proposal will provide an increased supply of housing to assist in reaching the local housing targets, as this project can provide a significant increase in residential lots and is a logical release area that can start delivering immediately.</p> <p>This Planning Proposal's proposed lot sizes and opportunity to provide residential lots of varying housing typologies, including secondary dwellings and dual occupancies – as a proposed additional permitted use, can deliver more diverse and affordable housing options to a wider range of households within a suitable location.</p> |
| PLANNING PRIORITY 18: PROTECTED, CONSERVED AND CELEBRATED HERITAGE                    | <p>This Planning Proposal will facilitate the protection of the Site's known Aboriginal heritage items in conjunction with a community cultural centre to celebrate and educate the community about the history and cultural significance of the Site.</p>  |

The Northern Beaches Local Housing Strategy (LHS) was endorsed by the Department of Planning and Environment on 16 December 2021 subject to a number of conditions identifies Belrose as an area to support housing diversity in the form of dual occupancies and seniors housing. Priority 13 of the LHS – *Strong Engagement and cooperation with Aboriginal communities*. Includes a commitment from Council to undertake this, including engagement with the Metropolitan Aboriginal Land Council (MLALC) as a large landowner in the Northern Beaches LGA. The LHS acknowledges that these require development to respect existing character, contribute to sustainability and make the Northern Beaches a better place to live, which is the intended outcome of this Planning Proposal.

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

Yes, Planning Proposal is the only mechanism to introduce Standard Instrument zones and associated height and lot size controls on the Site. WLEP 2000 does not zone land but rather identifies localities in which certain permissible uses apply. The Site is located within Locality B2 – Oxford Falls. Housing is currently permissible on the Site; however, the controls provide insufficient housing density (currently a maximum of 1 dwelling per 20 ha of site area) to feasibly deliver the intended outcome.

## 6.2. Relationship to Strategic Planning Framework

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

Yes. The Planning Proposal will give effect to the Greater Sydney Regional Plan - A Metropolis of Three Cities (Regional Plan) and the North District Plan (District Plan). Consistency with the objectives of the Regional Plan and planning priorities of the District Plan is demonstrated in detail Appendix 3 and summarised below:

Liveability –

- Objective 7: Communities are healthy, resilient and socially connected
- Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods
- Objective 10: Greater housing supply
- Objective 11: Housing is more diverse and affordable
- Objective 13: Environmental heritage is identified, conserved and enhanced.

Productivity –

- Objective 14: A Metropolis of Three Cities - integrated land use and transport create walkable and 30 minutes cities.

Sustainability

- Objective 25: The coast and waterways are protected and healthier
- Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective 28: Scenic and cultural landscapes are protected
- Objective 29: Environmental, social and economic values in rural areas are protected and enhanced
- Objective 31: Public open space is accessible, protected and enhanced.

In summary, this Planning Proposal directly supports and implements the priorities for the Northern Beaches LGA,

identified in the Regional Plan and the District Plan by:

- providing sufficient housing supply to meet the 2021–2026 'minimum' housing supply target and Greater Sydney Commission's (GSC's) indicative 6-10 year housing target of 3,500 – 4,000 dwellings for the Northern Beaches LGA;
- supporting self-determination of the Aboriginal people through fostering opportunities for economic participation, culturally appropriate social infrastructure and contemporary cultural expression;
- protecting and enhancing scenic and cultural landscapes;
- identification and protection of environmentally sensitive land and protected flora/fauna
- improving water quality through snake creel by WSUD methods.
- providing a range of lot sizes to ensure affordability options
- providing publicly accessible parks, walking trails and cultural spaces.and
- supporting MLALC owned land development that is on the urban fringe and conducive to its local context that balances rural values with the objectives of greater economic participation and community and cultural use of the land.

### Assessment Criteria

Table 4: DPIE Assessment Criteria for assessing PP's.

| DOES THE PROPOSAL HAVE STRATEGIC MERIT?   | COMMENT  |
|---|--|
| Give effect to the Greater Sydney Region Plan, the relevant district plan or corridor/precinct plans ; <b>or</b>  | The Planning Proposal seeks to give effect to the objectives of the Greater Sydney Region Plan and is consistent with a number of its objectives.                |
| Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; <b>or</b> | The Planning Proposal is consistent and gives effect to a number of the endorsed Northern Beaches LSPS Planning Priorities.                                      |
| Respond to a change in circumstances that has not been recognised by the existing planning framework  | <b>YES</b><br><br>The Planning Proposal primarily and directly responds to the 2022 amendment to the Planning Systems SEPP and NB DDP which applies to the Site. |

| DOES THE SITE HAVE SITE-SPECIFIC MERIT?  | COMMENT   |
|--|---|
| The natural environment on the site to which the proposal relates and other affected land (including known significant environmental | <b>YES</b><br>The proposal includes the management and protection of the natural bushlands and creeks, local flora and fauna, and will preserve a |

| DOES THE SITE HAVE SITE-SPECIFIC MERIT?  | COMMENT   |
|--|---|
| <p>areas, resources or hazards)</p>  | <p>substantial amount of the natural environment and culturally significant Aboriginal artefacts. The concept master plan identifies environmentally sensitive land and riparian and habitat corridors home to vulnerable or threatened species to be preserved and protected.</p> <p>The proposal will ensure:</p> <ul style="list-style-type: none"> <li>• Conservation of 22.1 hectares (29.7%) of the Site identified to have high ecological, scientific, cultural or aesthetic values;</li> <li>• Protection and improved ecological conditions in catchments, creeks and water quality run-off into Narrabeen Lagoon providing public benefit to the broader community;</li> <li>• Green and resilient urban environments by retaining and providing tree cover, native vegetation, landscaping and water management system, as part of its principle of ecologically sustainable development.</li> <li>• Retention of the Site's aesthetic values with nearly one third of the Site to be left in its current state with no changes made to its visual character;</li> <li>• Protection from further degradation and preservation the Aboriginal rock carvings and paintings,</li> <li>• Preservation of natural land features including many rock-shelves;</li> <li>• Proposed walking trails, cycling paths and open spaces will be collocated with contiguous green networks designed around the existing waterways, creeks, riparian corridors, and conservation areas that respond to Country; and</li> <li>• Reduced bushfire hazards with recommended APZs which exceed the minimum requirements outlined in PBP 2019 for subdivision development and improved access for firefighting operations.</li> </ul> <p>The Planning Proposal will benefit the Site's natural environment as well as immediately surrounding lands and the greater community.</p> |
| <p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and</p> | <p><b>YES</b></p> <p>The Planning Proposal has taken into consideration its surrounding mixed urban and bushland context. The majority of the surrounding land is zoned R2 – Low density residential with a maximum building height of 8.5m. The majority of the remaining land is deferred land, pursuant to WLEP 2011, which comprises a mixture of low to medium density development, including seniors housing, and undeveloped bushland. There are some pockets of R3 – Medium density residential zones immediately south of the site; areas zoned RE1 and</p>  |

| DOES THE SITE HAVE SITE-SPECIFIC MERIT?  | COMMENT   |
|--|---|
|  | <p>RE2 for recreational uses; and a single B1 Neighbourhood Centre zoned site west of Forest Way. Environmental conservation and management areas, comprising C1 and C2 zoned land, sit beyond the periphery of the site.</p> <p>The indicative concept design is consistent with the existing pattern of surrounding land use zones and/or land uses and potential future redevelopment of adjoining sites.</p> <p>The Planning Proposal's proposed height controls are consistent with WLEP 2011, surrounding development and the proposed amendments for ground floor commercial floor to ceiling heights in neighbourhood centres identified in the LEP/DCP Discussion Paper. The Site's significant bushland character will be retained, with future development contained below tree canopy to protect scenic amenity and maintain local character.</p> <p>The proposed land uses are compatible with the surrounding predominately residential and bushland context, with the proposed cultural facilities and commercial/retail uses will be of appropriate scale and located centrally within the 71ha site, away from surrounding sites.</p> <p>The proposed environmental management and conservation improvements for the Site, including enhanced bushfire management, will improve safety of surrounding properties and ensure areas of significant ecological value are protected for the community.</p> |
| <p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p> | <p><b>YES</b></p> <p>Future development as a result of this Planning Proposal can be adequately serviced with water, gas, electricity and NBN, as confirmed in the accompanying Infrastructure Delivery Plan prepared by Craig &amp; Rhodes (refer to Appendix 20).</p> <p>The Site's proposed new social infrastructure and services, including open space and recreation facilities and cultural centre will support its future development and surrounding existing uses.</p> <p>All new road/access infrastructure will be funded by the proponent and arranged as part of future development applications.</p>   |

6.2.2. *Will the Planning Proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategic or strategic plan?*

This Planning Proposal will give effect to the Northern Beaches Local Strategic Planning Statement - *Towards 2040* (LSPS) and/or is not inconsistent with the planning priorities of the LSPS.

Refer to Appendix 4 for the consideration of each LSPS planning priority and relevant associated actions. LSPS actions that are not applicable to this Planning Proposal have not been included.

6.2.3. *Is the Planning Proposal consistent with applicable state environmental planning policies?*

This Planning Proposal has been considered against the relevant State Environmental Planning Policies (SEPPs) and is determined to be consistent with all relevant provisions as set out in Appendix 5.

A summary of the applicable SEPPs as set out in Table 4

Table 5: Consistency with state environmental planning policies.

| SEPP TITLE  | CONSISTENT? |
|---|-------------|
| SEPP Resilience and Hazards 2021<br>Chapter 4 Remediation of Land   | YES         |
| SEPP Housing 2021<br>Chapter 2 Affordable Housing and Chapter 2<br>Diverse Housing  | YES         |
| SEPP Planning Systems 2021<br>Chapter 2 State and Regional Development and<br>Chapter 3 Aboriginal Land                       | YES         |
| SEPP Transport and Infrastructure 2021 –<br>Chapter 2 Infrastructure, Educational<br>establishments and child care facilities | YES         |
| SEPP Biodiversity and Conservation 2021<br>Chapter 4 Koala Habitat Protection 2021  | YES         |
| SEPP (Sustainable Buildings) 2021   | YES         |
| SEPP (Exempt and Complying Development<br>Codes) 2008   | YES         |

6.2.4. Is the Planning Proposal consistent with the applicable Ministerial directions (s.9.1 directions)?

This Planning Proposal is consistent with the relevant Directions issued under Section 9.1(2) of the Act by the Minister to Councils, as demonstrated in the assessment set out in Appendix 6. A summary of the applicable Ministerial directions is set out below:

Table 6: Consistency with S9.1(2) Ministerial Directions.

| DIRECTION TITLE  | CONSISTENT? | COMMENT   |
|--|-------------|---|
| <b>1.1 Implementation of Regional Plans</b>            | <b>YES</b>  | The Planning Proposal is consistent with the Metropolis of Three Cities Sydney region plan as demonstrated in Appendix 3.   |
| <b>1.2 Development of Aboriginal Land Council land</b> | <b>YES</b>  | The site is identified on the Land Application Map, and has been prepared with consideration and is consistent with the approved Development Delivery Plan, see Appendix 25.  |
| <b>3.1 Conservation Zones</b>                          | <b>YES</b>  | <p>The planning proposal will facilitate the protection and conservation of nearly a third of the site (29.7%) that has high ecological, scientific, cultural and aesthetic values. The Planning Proposal proposes to zone sensitive areas C2 Environmental Conservation. Under the most recent plan, the C2 zone was expanded to include Snake Creek and its tributaries. The planning proposal does not remove any current conservation zone.</p> <p>The site is currently a deferred matter. A Preliminary Biodiversity Development Assessment Report has been prepared to assess and support the planning proposal which considers the objective of this Direction. In addition, the site specific DCP includes provisions to ensure biodiversity management. The amendments made post-exhibition increase the protection of biodiversity values and do not alter the findings of the preliminary biodiversity assessment for the project. Refer to BDAR and letter at Appendix 10.</p> |
| <b>3.2 Heritage Conservation</b>                       | <b>YES</b>  | The planning proposal will facilitate the conservation of 3 AHIMS registered Aboriginal archaeological sites. The Aboriginal Archaeological Assessment (Appendix 23) concludes that the planning proposal will not have an unacceptable adverse impact with the conservation and protection of the Aboriginal heritage items located within the nominated open space. These areas are isolated from residential areas to ensure the heritage sites are  |

| DIRECTION TITLE                             | CONSISTENT? | COMMENT   |
|---|-------------|---|
|   |             | <p>appropriately protected.</p> <p>In addition to the this, the Aboriginal Cultural Heritage Assessment Report (Appendix 22) has reviewed and consulted with the relevant stakeholders to provide a set of recommendations for the ongoing management of any cultural heritage items of significance, and values associated with the site. It works to ensure protection is designed into the planning proposal and at DA stage. As such additional measures at DA stage will be undertaken to protect the existing engraving sites from any additional damage, and measures for protection if any sites, objects, or remains are discovered during the activity works.</p>   |
| <b>3.6 Strategic Conservation Planning</b>  | <b>YES</b>  | <p>The site is not located in an area to which this Direction applied and is not mapped as avoided land or as a strategic conservation area.</p> <p>Nevertheless, the proposal works has zoned Snake Creek and its tributaries, along with high value biodiversity vegetation as C2 Environmental Conservation, which will ensure their protection. In addition, a community title scheme which will work to fund the ongoing conservation.</p>   |
| <b>4.3 Planning for Bushfire Protection</b> | <b>YES</b>  | <p>The Site is located within a Bushfire prone area. Accordingly, Direction 4.4 applies.</p> <p>A Strategic Bushfire Assessment has been undertaken in compliance with Planning for Bushfire 2019 (Appendix 12). In addition, a Bushfire Protection Assessment has been undertaken by Travers Bushfire &amp; Ecology in accordance with Planning for Bushfire Protection 2019 (PBP 2019) and accompanies this Planning Proposal (Appendix 11).</p> <p>In addition, the Peer Review of Strategic Planning Report by Grahame Douglas, provided on March 2024, details that the development is capable of compliance with the PBP 2019. As per the recommendations in the peer review, detailed analysis of water supplies will take place to ensure at DA stage that water pressure and quantity in adequate. The updated structure has been altered to respond to the peer review recommendations, with larger lot sizes provided in the south and in sensitive interfaces to allow for the necessary setbacks to APZs, creeks, and residual C2 land. The perimeter road to the south-west of the site has</p> |

| DIRECTION TITLE | CONSISTENT? | COMMENT  |
|-----------------|-------------|--|
|                 |             | <p>been extended to further address compliance.</p> <p>The Planning Proposal is consistent with this direction in the following ways:</p> <ul style="list-style-type: none"> <li>• The nature of the residential development is an appropriate use and the proposed hazard management controls are in accordance with, and often beyond, PBP 2019 to effectively address the level of hazard.</li> <li>• The proposal does not involve “inappropriate development” such as schools.</li> <li>• The proposed Aboriginal Cultural Centre is a commercial type facility and will provide no accommodation capability.</li> <li>• Significant environmental studies have been undertaken to ensure APZs have been excluded from environmentally sensitive land.</li> <li>• Additionally, where development is proposed, the Planning Proposal is compliant with provisions 6(a) to (f) of Direction 4.4, as demonstrated below:</li> <li>• The APZs recommended exceed the minimum requirements outlined in PBP 2019 for subdivision development.</li> <li>• This is an integrated Planning Proposal that will result in a new subdivision and this be responsive to Section 100B of the Rural Fire Act.</li> <li>• provisions for two-way access roads which links to perimeter roads and/or to fire trail networks and adequate water supply for firefighting purposes are included.</li> <li>• The perimeter is located on a level terrace and circumscribes the edge of the downslopes resulting in the best design possible. Intrusions of bushland into the development have been removed and minimised to allow safe evacuation.</li> <li>• Controls on the placement of combustible materials in the Inner Protection Area can be a condition of consent at DA stage.</li> <li>• The Planning Proposal will provide a future development in accordance with the planning principles of PBP 2019 and Community Resilience Practice Note 2/12 Planning Instruments and Policies, and as shown</li> </ul> |

| DIRECTION TITLE                               | CONSISTENT? | COMMENT  |
|---|-------------|--|
|   |             | on the bushfire protection plan. The identified bushfire risk can be mitigated as part of any future development proposal.   |
| <b>6.1 Residential zones</b>                  | <b>YES</b>  | The Planning Proposal will rezone the site for low density residential uses, The proposed additional permitted use of dual occupancies will broaden the forms of housing provided, improving choice and assisting in meeting future housing needs. |
| <b>5.1 Integrating land use and transport</b> | <b>YES</b>  | The planning proposal will enable residential development and community infrastructure in close proximity to jobs and services, encouraging walking, cycling and the use of public transport.  |

#### 6.2.5. Recognition of Council's intention for a Comprehensive Northern Beaches LEP

Northern Beaches Council proposes to replace the 4 existing LEPs in the LGA with a comprehensive LEP, and as per the Extraordinary Council meeting held on 17 June 2024 Council resolved to submit a Planning Proposal for the LEP to the Minister. The LEP is in preliminary draft stage and has yet to receive Gateway, therefore having no statutory weight on this proposal.

The preliminary draft Comprehensive LEP has put forward the intention to implement a C3 Environmental Management zone over the Patyegarang site. This recommendation does not recognise that the blanket rezoning will result in an inferior environmental outcome than the rezoning proposed by MLALC as it will provide weaker controls to preserve protect significant bushland areas within the C2 zone with limited opportunity for ongoing control or management of habitats, waterways and connectivity. The land adjoining the Patyegarang site on the north-west border is proposed to be zoned R2 low-density residential, this is consistent with this Planning Proposal and reinforces the existing urban character.

### 6.3. Environmental, Social and Economic Impact

The Planning Proposal is supported by the studies/reports outlined in the Section below. The outcomes and conclusions of these studies/reports show that the proposal does not include any unreasonable or unmanaged environmental, social or economic effects.

The following studies/reports/plans accompany this Planning Proposal:

- **Urban Design Report**, prepared by COX, August 2024 (Appendix 8)
- **Social Impact Assessment**, prepared by GYDE, July 2023 (Appendix 9)
- **Preliminary Biodiversity Development Assessment Report**, prepared by Hayes Environmental, July 2023 - & Cover Letter, August 2024 (Appendix 10)
- **Bushfire Protection Assessment**, prepared by Travers Bushfire and Ecology, July 2023 - & Cover Letter (John Travers), August 2024 (Appendix 11)
- **Strategic Bushfire Study**, prepared by Travers Bushfire and Ecology, July 2023 - & Cover Letter (Grahame Douglas), August 2024 (Appendix 12)
- **Preliminary Site Investigation**, prepared by SMEC, July 2023 (Appendix 13)
- **Slope Risk Assessment**, prepared by SMEC, July 2023 (Appendix 14)
- **PFAS Investigation**, prepared by SMEC, July 2023 (Appendix 15)
- **Flood Impact and Risk Assessment**, prepared by Craig and Rhodes, August 2024 (Appendix 16)
- **Transport Assessment**, prepared by JMT Consulting, July 2023 - & Cover Letter, August 2024 (Appendix 17)
- **Preliminary Landscape Visual Assessment**, prepared by Urbis, July 2023 (Appendix 18)
- **Stormwater Management Plan**, prepared by Craig and Rhodes, August 2024 (Appendix 19)
- **Infrastructure Delivery Plan**, prepared by Craig and Rhodes, July 2023 (Appendix 20)
- **Economic Impact Statement**, prepared by Macroplan, July 2023 (Appendix 21)
- **Aboriginal Cultural Heritage Assessment Report** – prepared by Biosis, August 2024 (Appendix 22)
- **Aboriginal Archaeology Report**, prepared by Dominic Steele, July 2023 (Appendix 23)
- **Acoustic Assessment**, prepared by Acoustic Logic, October 2022 (Appendix 24)
- **Development Delivery Plan** – prepared by DPE in collaboration with the Department of Planning, Industry and Environment (Appendix 25)
- **Site Specific DCP** – prepared by Gyde and COX, August 2024 (Appendix 27)
- **Community Title Letter** – prepared by Colliers (Appendix 28)

#### 6.3.1. *Is there any likelihood that critical habitat or threatened species will be adversely affected as a result of the proposal?*

The Site is approximately 71 hectares and comprises naturally vegetated land which supports a range of relatively intact plant species, as well as some areas of weed invasion occur around some boundaries and along drainage lines. The Site incorporates almost all of the upper catchment of Snake Creek, a riparian corridor mapped on the Biodiversity Values Map prepared by Hays Environmental, as shown on Figure 9.



Figure 11. Site map showing cadastre, existing development, landscape features, areas of native vegetation, and specific habitat features (source: Hays Environmental / Nearmap, October 2022).

A preliminary Biodiversity Development Assessment Report (BDAR) prepared by Hays Environmental accompanies this Planning Proposal at Appendix 10. The primary purpose of the BDAR is to assess the feasibility of the structure plan developed by COX Architecture as part of the concept master plan in terms of biodiversity constraints and biodiversity offset requirements. We have reviewed recent LEC cases and distinguish this project from those on the basis those applicants had not fully considered options and justified impacts. We have considered options and put effort into avoidance. The BDAR identifies Prescribed Biodiversity Impacts, which are potential impacts on threatened entities and their habitat in addition to, or instead of, impacts from clearing of vegetation, as set out in Clause 6 of the *NSW Biodiversity Conservation Regulation*, and their relevance to the Site. Details of the assessment are provided in Table 6 of the BDAR and discussed below.

Threatened species means species and ecological communities that are listed as either 'vulnerable', 'endangered' or 'critically endangered' under the NSW BC Act and/or the Commonwealth EPBC Act. A list of all threatened flora and fauna species recorded or predicted to occur in the Pittwater (SYB07) Interim Biogeographic Regionalisation for Australia (IBRA) sub-region and in Plant Community Types (PCTs) 1250, 1783 and 1824 is provided in Appendix C and D of the BDAR.

None of the predicted and candidate species that are identified in the Threatened Biodiversity Data Collection as

being at risk of a Serious and Irreversible Impact (SAIL) occur within the development site (being land that would be affected either directly or indirectly by the proposal) is approximately 51 hectares. Therefore, future development as a consequence of this Planning Proposal is not likely to have a Serious and Irreversible Impact on any threatened entity.

The Commonwealth Environment Protection & Biodiversity Conservation Act 1999 requires that an action which has, will have or is likely to have a significant impact upon one or more matters of National Environmental Significance (NES) must be referred to the Commonwealth Minister for Environment & Heritage for approval. These actions are referred to as 'controlled actions'. Matters of NES include World Heritage properties, listed Ramsar Wetlands of international importance, listed threatened species and communities, listed migratory species, nuclear actions and Commonwealth marine areas.

Matters of National Environmental Significance for assessment relevant to this Planning Proposal are listed in Table 6 below.

*Table 7: Relevant Matters of National Environmental Significance (source: Hayes Environmental)*

| NES                      | RELEVANCE TO PROJECT   |
|--------------------------|--|
| Threatened plant species | Cryptostylis hunteriana – assumed present and assessed under BOS   |
| Threatened fauna species | <p>Broad-headed Snake – predicted and assessed under BOS</p> <p>White-throated Needletail – assumed present and assessed under BOS</p> <p>Swift Parrot – assumed present and assessed under BOS</p> <p>Regent Honeyeater – assumed present and assessed under BOS</p> <p>Spotted-tailed Quoll – assumed present and assessed under BOS</p> <p>Koala – previously recorded within the Site, assessed under BOS</p> <p>Greater Glider – assumed present and assessed under BOS</p> <p>Grey-headed Flying-fox – previously recorded within the Site, assessed under BOS</p> <p>New-Holland Mouse – assumed present and assessed under BOS</p> |
| Migratory species        | <p>A large number of listed migratory bird species are known to occur in the Region.</p> <p>Many would be likely to range over the Site on occasions, and could use habitats within the Site opportunistically.</p> <p>The Site does not contain unique features that would be of value for migratory birds. The proposed development would not be likely to significantly affect migratory species listed under the EPBC Act.</p>   |

The proposed development would impact upon a number of threatened plant and animal species, as listed in Table 6 above. The action is likely to be a controlled action and would require a referral to be made to the Commonwealth.

The Commonwealth have endorsed the NSW Biodiversity Offset Scheme such that offsets for threatened species and threatened ecological communities calculated under this scheme are deemed to satisfy the provisions of the EPBC Act.

The BDAR, using the results of desktop investigation, aerial photography and preliminary site inspections, recorded and mapped three Plant Community Type (PCTs) within the Site (PCTs 1250, 1783 & 1824). None of these are part of a threatened ecological community listed under either the NSW BC Act or the Commonwealth EPBC Act.

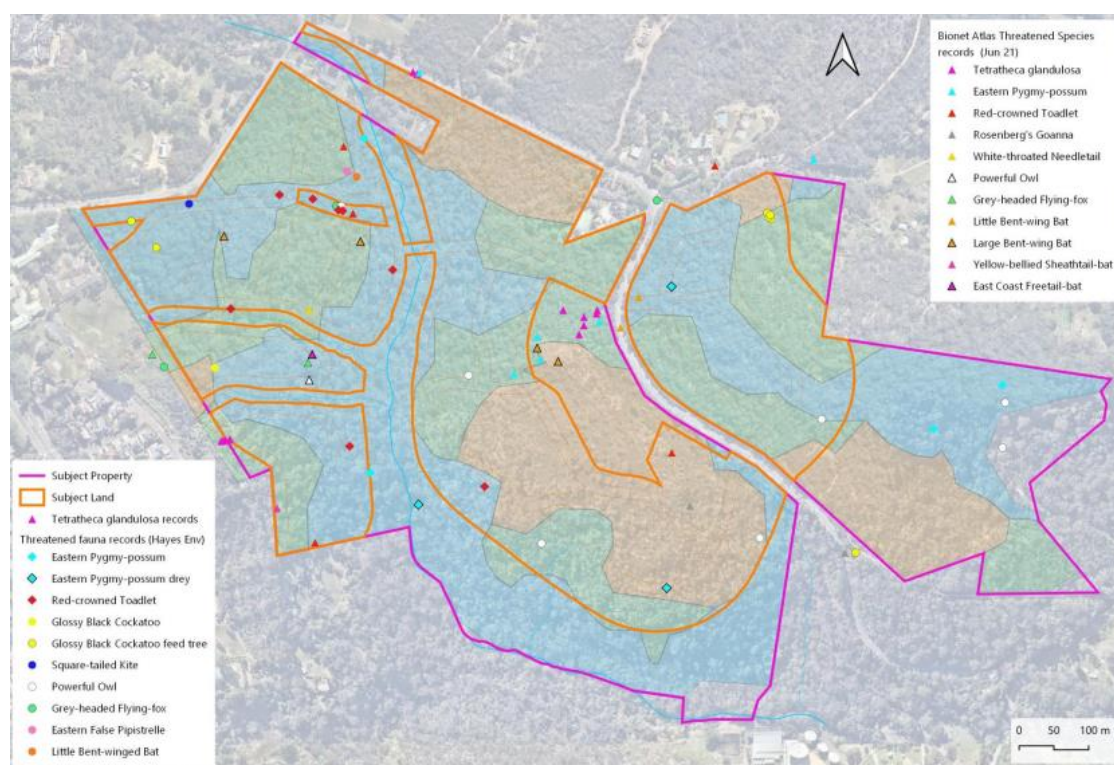


Figure 12. Confirmed candidate threatened fauna and flora species as species credit species (Source: Hayes Environmental, October 2022)

One threatened plant species, *Tetradletha glandulosa*, has been recorded at several locations within the Site. One additional threatened species, the terrestrial orchid *Cryptostylis hunteriana*, has been assumed present on the basis of likelihood of occurrence and lack of appropriate survey. Both are candidate species credit species. The Site provides habitat for thirty-five threatened fauna species predicted to occur (ecosystem credit species).

The Site provides habitat for two candidate threatened fauna species (species credit species), the Redcrowned Toadlet and Eastern Pygmy-possum.

All relevant threatened species are included in the BAM-Calculator and have been assessed under the NSW

#### Biodiversity Offset Scheme.

The Planning Proposal avoids ecological impacts and retains 29.7% (22.1 hectares) of native vegetation and habitat as a proposed C2 conservation zone. In addition, the BDAR has not identified endangered Ecological Communities or serious or irreversible impact Threatened Species. The Planning Proposal has adopted the following avoidance strategy which encompass:

- A strategic review of MLALC land ownership has been undertaken to identify land of high value that should be avoided and not included in DDP as suitable for future development (Refer to GYDE's Strategic Review Report);
- The protection of south-eastern part of the site which is more remote and not bordered by existing development. This is reflected within the development of the Structure Plan which sought where constraints were identified to provide protection via an environmental conservation zoning and proposes development to be located where of least impact; and
- Protection of riparian corridor to protect/enhance water quality and provide habitat protection and connectivity. It is proposed that the Snake Creek riparian corridor and parts of its tributaries will be zoned RE2 Private Recreation.

The proposed Structure Plan would impact upon 51.2 hectares of native vegetation within the Site, however it proposes to conserve an additional 6.9 hectares of native vegetation through reserves and corridors and additional vegetation will be located within bushfire Asset Protection Zone (APZ).

Additional direct and indirect impacts are minimised through design features of the structure plan which underpins this Planning Proposal, including:

- Use of perimeter roads around all residential zones, to enable collection and treatment of stormwater run-off from the Site, prevent encroachment of backyards into bushland, and reduce antisocial activities such as rubbish dumping and vandalism.
- Retention of riparian corridors, in some cases to a width greater than required based on the Strahler classification.
- Implementation of a Stormwater Management Plan designed so that Snake Creek experiences no notable change in the hydrological regime, and to meet water quality improvement objectives for the precinct.
- Location of stormwater discharge points to avoid known habitat for the Red-crowned Toadlet and minimise impact on natural hanging swamp features downstream of the development.

#### NSW Biodiversity Offset Scheme Entry Threshold

The Commonwealth have endorsed the NSW Biodiversity Offset Scheme (BOS) such that offsets for threatened species and threatened ecological communities calculated under this scheme are deemed to satisfy the provisions of the EPBC Act. All relevant threatened species are included in the BAM-Calculator and have been assessed under the BOS.

The project would exceed the Biodiversity Offset Scheme Entry Threshold (BOSET). An off-set is required in accordance with the BOS. Details of the indicative off-set requirement are provided in Section 10.1 of the BDAR. No offsets relating to indirect impacts or prescribed impacts are currently proposed. This is a matter to be considered

further at the development application stage.

The BDAR concludes that sufficient work has been conducted to demonstrate that the concept aster plan is substantially permissible and is feasible. The scale of the project at DA stage warrants referral to the Commonwealth under the EPBC Act. It is anticipated that the BDAR would provide sufficient information for consideration of the proposal by the Commonwealth, and that the off-set calculation set out in this BDAR would be sufficient to meet requirements under the EPBC Act.

Refer to the Preliminary BDAR at Appendix 10 for further details.

A peer review of the Preliminary BDAR was undertaken by Biosis (28 February 2024). The peer review confirmed that the BDAR prepared by Hayes Environmental met the requirements of both table 24 and 25 of the BAM. Areas identified for more information by agencies during public exhibition were considered suitable to be provided at a detailed design stage.

Hayes Environmental has confirmed that the changes made in response to the 24 July RFI will increase the certainty around the protection of biodiversity values on the site as there is an improvement in the conservation zone outcome, and the zone change would not alter the findings of the preliminary biodiversity assessment for the project.

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

### **Bushfire Protection**

The Morgan Road site is identified as bushfire prone land and is required to adopt bushfire management and protection measures for future development in accordance with Planning for Bush Fire Protection 2019.

A Strategic Bushfire Assessment (SBS) has been undertaken by Travers Bushfire & Ecology (refer to Appendix 12). The SBS acknowledges that the bushfire can potentially affect the proposed development from the extensive bushfire vegetation surround the development, with nine potential fire runs. The SBS finds that all the potential fire runs area are capable of mitigating impacts or do not pose a significant impact. Overall, the SBS concludes that the selection of the site is in balance with the aims and objectives of Planning for Bushfire Protection 2019 in providing a relatively safe location, not exposes to high bushfire risk, capable of providing bushfire protection measures as appropriate to the assessed risk. Finally, the SBS concludes that the Planning Proposal will improve the current bushfire protection for existing development such as residential dwellings to the north, west and south, in particular the Aged Care Facility directly to the west of the site.

In addition to the Strategic Bushfire Assessment, a Bushfire Protection Assessment has also been undertaken by Travers Bushfire & Ecology, refer to Appendix 11). The Assessment identifies matters for consideration for the Planning Proposal and highlights the required 'bushfire protection measures' for future development under the Environmental Planning and Assessment Act 1979, Section 9.1 (2) Direction 4.3 and in accordance Planning for Bush Fire Protection 2019 (PBP) and Community Resilience Practice Note 2/12 Planning Instruments and Policies.

In response to the Strategic Bushfire Assessment, the Peer Review by Grahame Douglas assessed the reports and scheme to provide a set of key recommendations which have been considered in the design development of this

proposal. The Review confirms that the provision of APZs is strategic, compliant and well located, and as such are suitable for the development of residential uses with minimal environmental effects. The addition of the perimeter road in the south-west responds to the review, and enhances the site's ability to address potential bushfire risks, comply with PBP 2019, and allow for necessary evacuation. No buildings will be located in the APZ buffer zones.

The proposed scheme will be subject to a community title scheme, which will support the ongoing management of C2 lands. As per Appendix 28, the bushfire management approach to address conclusion A of the review. The revised zoning and lot sizes have been reviewed by Grahame Douglas (see Appendix 12) who confirms that steps have been taken to address his peer review recommendations. This includes the confirmation that the new conceptual arrangement of 200sqm lots to the north of the site and the larger 600sqm further to the south is also consistent with the peer review recommendation for the lot size arrangements as it provides a progression of defendable lot sizes closer to the bushland interface transitioning to a more suitable higher density lot arrangements further away from associated bushfire threats. The draft and alternate zoning plan also will provide greater certainty for the consideration of the Department of Planning, Housing and Infrastructure regarding zone boundary interfaces that allow for APZs.

Additional detail on the provision of adequate water supplies will be undertaken at the detailed design stage to ensure adequate risk minimisation and mitigation.

In accordance with the relevant provisions, the following planning for bushfire protection and mitigation measures have been adopted by the proposal:

- The APZs recommended exceed the minimum requirements outlined in PBP 2019 for subdivision development.
- This is an integrated Planning Proposal that will result in a new subdivision and must be responsive to Section 100B of the Rural Fire Act.
- Provisions for two-way access roads which links to perimeter roads and/or to fire trail networks and adequate water supply for firefighting purposes are included, including Reticulated water is to be provided to the development, where available.
- The perimeter is located on a level terrace and circumscribes the edge of the downslopes resulting in the best design possible. Intrusions of bushland into the development have been removed and minimised to allow safe evacuation.
- Controls on the placement of combustible materials in the Inner Protection Area can be a condition of consent at DA stage.
- The nature of the residential development is an appropriate use and the proposed hazard management controls are in accordance with, and often beyond, PBP 2019 to effectively address the level of hazard.
- The proposal does not involve "inappropriate development" such as schools or retirement villages.
- The proposed Aboriginal Cultural Centre is a commercial type of facility and will provide no accommodation capability.
- Significant environmental studies have been undertaken to ensure APZs have been excluded from environmentally sensitive land.

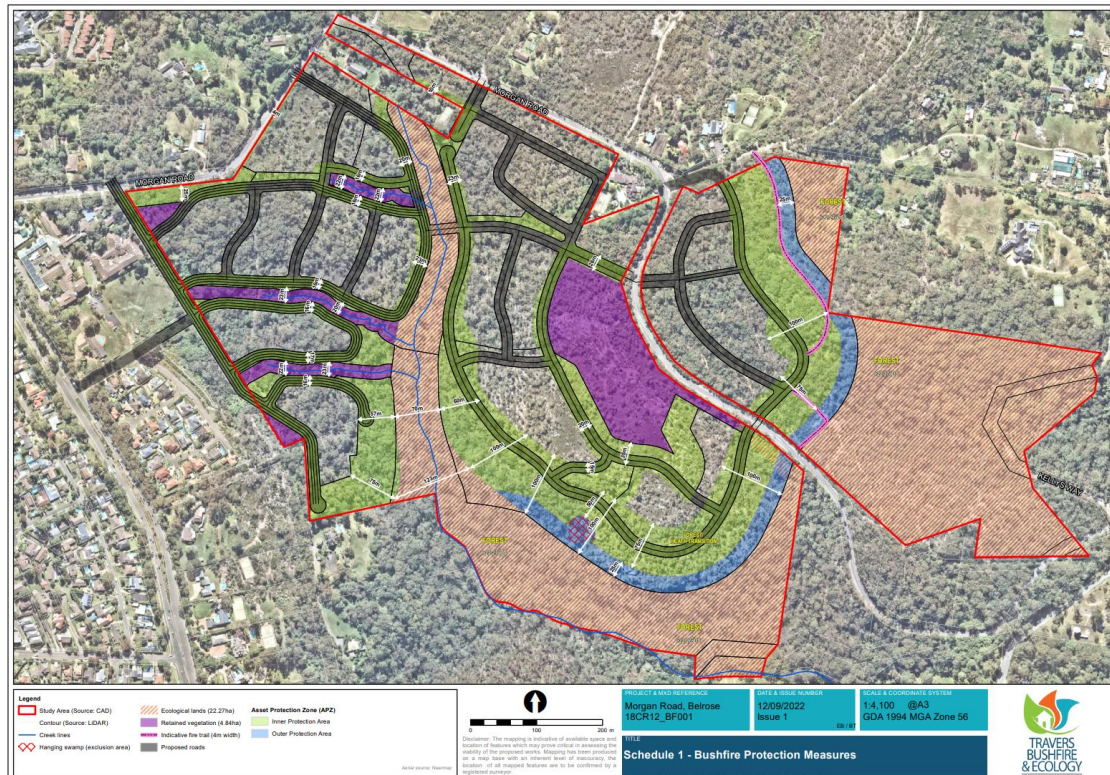


Figure 13. Bushfire Protection Plan (source: Travers Bushfire & Ecology, September 2022)

The Planning Proposal includes implementation of new APZ's and fire trails which will provide bushfire protection to new residents and significantly improve the level of bush fire protection to adjoining dwellings and aged care facilities in the location. The proposed APZs are contained within the proposed developable land area so as not to encroach on the objectives of the proposed environmental protection areas. New access roads with adequate water supply for firefighting purposes are included and will reduce bushfire risk. The bushfire protection assessment by Travers Bushfire and Ecology (Appendix 11) finds the identified bushfire risk can be mitigated as part of any future development proposal. Mitigation measures will be required to comply with NSW Planning for Bushfire Protection 2018. A Bushfire Evacuation Plan is recommended for development application (DA) stage.

The Planning Proposal will provide a future development in accordance with the planning principles of PBP 2019 and *Community Resilience Practice Note 2/12 Planning Instruments and Policies*, and as shown on the bushfire protection plan (Figure 13). Future subdivision approval will be required to provide the minimum APZ in accordance with AS3959 Construction of buildings in bushfire prone areas (2018) and Section 7.5 of Planning for Bush Fire Protection 2019. The APZs will be contained wholly within the subject land, and incorporate fire trails, perimeter road verges, riparian buffers, and corridors. This will significantly improve the level of bush fire protection to adjoining developments, improving bushfire management both locally and regionally, including several adjoining seniors housing estates.

The revised zoning map would not include the C2 zoning over Snake Creek at the upper-most portion (10m in depth) where it adjoins Lot 1 in DP 1285945 and as such will require an alternative zoning (RE2) in order that the private land can be protected from a possible fire run into that property. Thus, this 10m zone will act as a buffer so that APZ management can be affected without limitation from a C2 zoning. The updated scheme has been reviewed by John Travers (Appendix 11), confirming that the changes to the zoning have no detrimental impact bushfire planning and the amended draft zone plan complies with Planning for Bushfire Protection 2019.

The assessment by Travers Bushfire and Ecology finds the identified bushfire risk can be mitigated as part of any future development proposal.

### **Aboriginal Heritage**

The wider Northern Beaches region is the traditional home of the Garigal people. The land in and around the Site has a significant indigenous heritage value.

A key objective for the Planning Proposal is the management and protection of the known Aboriginal artefacts to prevent further destruction. To date, the land within the Site has been unmanaged and unprotected, resulting in a number of incidents recorded by the MLALC in relation to frequent illegal trespassing and the associated damage caused to the Site's Aboriginal Culture and Heritage.

Given the known Aboriginal cultural significance of the Site, an Aboriginal Archaeological Heritage Assessment has been prepared by Dominic Steele Consulting Archaeology and accompanies this Planning Proposal at Appendix 23. The assessment report has been prepared in conjunction with ongoing consultation and fieldwork undertaken with MLALC. The assessment report identifies if any existing or potential Aboriginal archaeological heritage constraints exist in relation to the proposed rezoning, including legislative requirements under the National Parks and Wildlife Act 1974, and has guided the proposed Structure Plan so that it will not adversely impact upon the Aboriginal archaeological heritage values of the Site.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared by Biosis and accompanies this planning proposal at Appendix 22. The ACHAR undertook a review, consultation, and analysis of any Aboriginal cultural heritage, whether that be tangible or intangible heritage, and considered Aboriginal heritage in the statutory context and Aboriginal values. From this, the ACHAR provides a set of recommendations for the ongoing management of the identified heritage values on site. These recommendations will be undertaken in the planning proposal and future DA stage as to ensure the ongoing management and protection of identified and potential heritage items and values.

Heritage NSW is the principal government agency with responsibility for the protection and management of Aboriginal archaeological sites and Aboriginal cultural heritage values. AHIMS, a database regulated under section 90Q of the NPW Act, contains information about registered Aboriginal archaeological sites (as defined under the NPW Act) and declared Aboriginal places (as defined under the NPW Act) in NSW.

The structure plan has been developed by COX Architecture in consultation with the MLALC and designed to protect and conserve the important Aboriginal archaeological and cultural heritage sites that are known to occur on the land, including the three (3) AHIMS registered engraving sites (refer to Table 7) within the Site's boundaries.

Table 8: AHIMS registered sites located within the Morgan Road, Belrose site.

| SITE ID     | SITE NAME     | GRID REFS   | SITE TYPE      | FIRST RECORDED | DESCRIPTION                  |
|-------------|---------------|---|----------------|----------------|------------------------------|
| 45-6-1219   | Morgan Road 1 | <ul style="list-style-type: none"> <li>E335660</li> <li>N6266860</li> </ul> | Rock engraving | 1975           | Kangaroo and nine footprints |
| 45-6-2196   | Morgan Road 2 | <ul style="list-style-type: none"> <li>E335670</li> <li>N6266890</li> </ul> | Rock engraving | 1990           | Human figure and footprints  |
| 45-6-1-2197 | Morgan Road 3 | <ul style="list-style-type: none"> <li>E338820</li> <li>N6266810</li> </ul> | Rock engraving | 1990           | Two elliptical shield motifs |

Images of the engraved kangaroo and footprint at AHIMS registered 'Morgan Road 1' site are shown below.



Figure 14: Images of AHIMS registered 'Morgan Road 1' site (source: COX Architecture)

A sketch showing the extremely faint engraving of a human figure registered as 'Morgan Road 2' is shown below. The engraving displays damage and erosion from ongoing use of the place for recreational purposes.

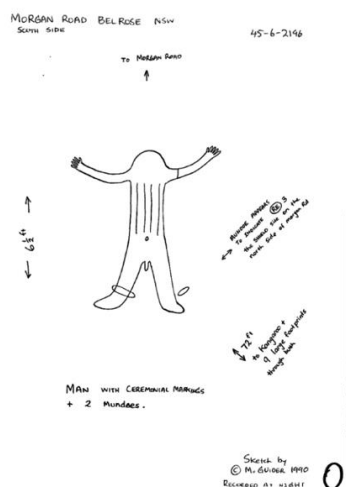


Figure 15: Sketch of AHIMS registered 'Morgan Road 2' site (source: Dominic Steele Consulting Archaeology)

An image of the two engraved elliptical shield motifs first recorded in 1990 on a sandstone surface at AHIMS registered 'Morgan Road 3' site are shown below.



Figure 16: Image of AHIMS registered 'Morgan Road 3' site (source: Dominic Steele Consulting Archaeology)

Additionally, there are two (2) AHIMS registered sites adjacent to the Site. They are:

- Site Name: 'Shelter with Art' (Site ID: 45-6-0526 / Grid Reference: E336780, N6266190)
- Site Name: 'FW 3' – Five footprints (Site ID: 45-62335 / Grid Reference: E335840 / N6266730). First recorded in 1992.

The cluster of engravings (rock carvings of a large male figure, two footprints and a kangaroo) is found on the elevated rock platform within the western precinct which can be accessed via an informal trail.. To preserve the carvings, it is proposed to zone around this area as RE2 Private Recreation, in addition, the Structure Plan provides for a curtilage around these carvings that the urban design framework and master plan must adhere to (refer to Figure 6).

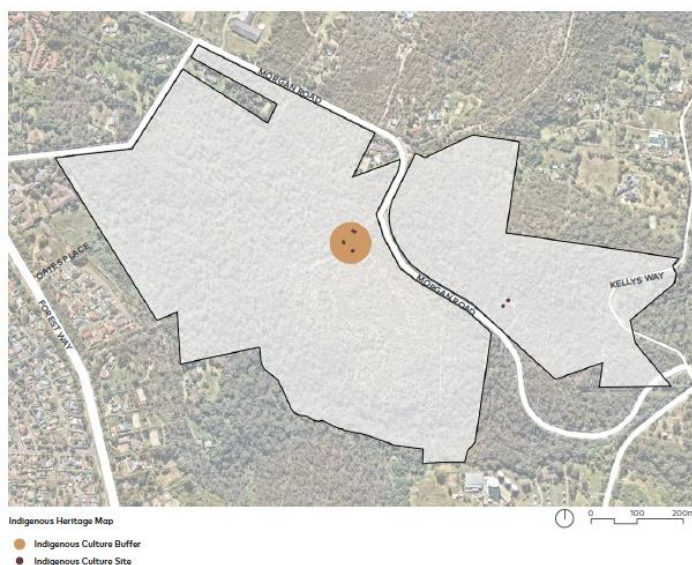


Figure 17: Aboriginal heritage map (Source: COX Architecture, September 2022)

Future construction and vegetation clearance activities have the potential to expose previously obscured sandstone surfaces that may contain undetected rock engravings and axe grinding grooves. An Aboriginal Heritage Impact

Permit (AHIP) issued under the National Parks and Wildlife Act 1974 would be required for this activity, and for any vegetation removal that may be undertaken in the future for the specific purposes of locating further engravings. An AHIP is recommended by the ACHAR (Appendix 22) at DA stage for the installation of protective fencing around the sandstone containing AHIMS sites to act as a permanent deterrent to prevent further unauthorized access to the engraving sites.

However, excluding the principal rock platforms that contain the three (3) AHIMS registered Morgan Road Aboriginal Sites, no other specific areas of *potential Aboriginal Archaeological Sensitivity* have been identified on the basis of the results of the current site investigation or through consultation undertaken with MLALC. It is also considered unlikely that extensive archaeological deposits (such as midden materials and/or flaked stone artefact scatters) remain undetected within the Site.

The assessment determines the Morgan Road site to contain a series of rock engravings of high cultural significance which contribute to our understanding of past Aboriginal use of this part of Sydney. Their long-term conservation within a large open-space context and future management under the decision-making of the MLALC will enable their continued and ongoing protection. This Planning Proposal will facilitate the required economic resources to provide protection of the Aboriginal heritage sites and support 'Caring for Country' practices which benefits the land, environment, traditional landowners and broader community. This will be particularly realised through the proposed cultural centre which will inform the community about the Site's heritage significance and protect its heritage values by mitigating any adverse impacts associated with increased pedestrian traffic, as stated in the Aboriginal Archeological Assessment:

*The creation of a cultural centre with an appropriate timber boardwalk design within the vicinity of the Aboriginal engravings will help better define the access to the sandstone platform and reduce accumulated impacts to the sites that may result from increased public visitation.*

Subject to addressing the issues for consideration and future implementation of the heritage management recommendations provided in the report, it is concluded that this Planning Proposal as presented in the Structure Plan will not have a significant or unacceptable impact on the Aboriginal archaeological, cultural, educational, or scientific significance of the place.

Refer to the accompanying Aboriginal Cultural Heritage Assessment Report at Appendix 22 and Aboriginal Archaeological Heritage Assessment at Appendix 23 for further detail.

### **Visual Impacts**

The Landscape Visual Assessment Report prepared by Urbis has analysed the potential view impacts in relation to the proposal. The following is a summary of the analysis and conclusions of the report.

External views to and into the Site are limited to the closest roads and dwellings. Public views will be available from parts of Morgan Road where it navigates the Site including from key view places as shown on the Visual Catchment. Views into the Site are mostly available from the elevated west edge of the Site near Lyndhurst Way, the elevated slopes at the west end of Morgan Road and in axial views towards the Site along Morgan Road.

Visual catchment is a term that refers to the likely extent of visibility of all or part of the site. Potential visual catchment areas are shown at Figure 16, this includes the locations and direction of key vista points within and

surrounding the Site.



Figure 18: Potential Visual catchments and location/direction of key viewpoints (Source: Urbis, September 2022)

The majority of views from Morgan Road into the Site will be available for short sections of the road dependent on the retention of vegetation within the road reserve and along the Site boundary. Some northerly views towards the Site will be available from dwellings in Harstaf Close and Childs Circuit.

Dwellings potentially most affected are those located closest to the Site including in Morgan Road and Lyndhurst Way. See below for existing development and increased elevation on Lyndhurst Place adjacent to the Site and views from Lyndhurst Way over the Site.



Figure 19: Photos showing elevation and dwellings located at Lyndhurst Road and south-east view over the Site (source: Urbis)

See below for existing development on Morgan Road and views to the Site.



*Figure 20: View of site from Uniting Church grounds (left), Snake Creek north entry to the Site (middle) and adjacent development on Morgan Road near Hilversum Crescent (source: Urbis)*

Visual impact mitigation recommendations were provided by Urbis to inform the Structure Plan. These have been adopted where applicable for a Planning Proposal or will be considered in a subsequent development application.

As will the opportunity to relocate the existing overhead powerlines within the Site to below ground, which will improve existing views within the Site and from surrounding properties.

The visual assessment concludes future development facilitated from this Planning Proposal will be compatible with the visual character of the Site and surrounding visual context. Visual impact mitigation recommendations provided by Urbis to inform the structure plan have been adopted where applicable for a Planning Proposal and/or will be considered in a subsequent development application. It is therefore anticipated that the visual impact from future development will be minor and reasonable.

### **Acoustic Impacts**

Acoustic Logic have provided an acoustic assessment of potential noise impacts associated with future development in relation to the Planning Proposal for land located at Morgan Road, Belrose (refer to Appendix 24). The assessment addresses noise impacts associated with:

- noise intrusion to the Site from adjacent roadways; and
- noise emissions from the mechanical plant to service the Site (in principle).

The nearest noise received around the Site are shown at Figure 19.

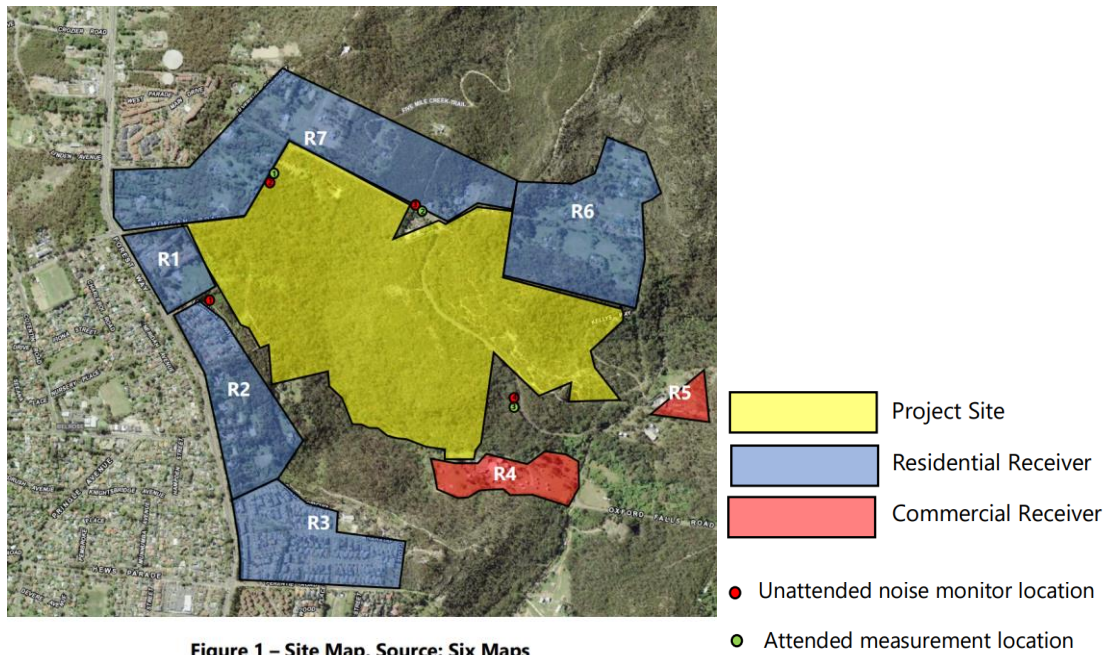


Figure 1 – Site Map. Source: Six Maps

Figure 21. Aerial site map with measurement locations and surrounding nearest receivers (Source: Acoustic Logic, September 2022)

The noise intrusion assessment has been conducted based on the following criteria and standards:

- Warringah Development Control Plan 2011;
- Australian Standards AS/NZS 3671:1989 'Acoustics-Road traffic noise intrusion-Building siting and Construction'; and
- Australian Standards AS2107:2016- 'Recommended Design Sound Levels and Reverberation Times for Building Interiors.'

The major external noise source is from traffic movements along the Morgan Road perimeter and will require acoustic treatment. Other buildings facing internal local roads will not require acoustic treatment. The assessment finds that future development will be capable of complying with the above criteria and standards for noise intrusion. A full acoustic assessment will be required during the detailed design stage and for future development applications.

The noise emissions assessment has been conducted based on the following documents:

- Warringah DCP 2011; and
- NSW Department of Environment and Heritage, Environmental Protection Authority document - 'Noise Policy for Industry' (NPI) 2017 for the from the mechanical noise emissions from the Site.

It should be noted that the proposed uses are primarily low-density residential uses, which is not noise generating. Proposed cultural facilities will be located centrally within the 71ha site. These uses will not be large-scale and are not likely to emit noise emission to surrounding external receivers.

The assessment concludes satisfactory levels of noise emissions will be achievable through appropriate plant selection, location and if necessary, standard acoustic treatments.

## Traffic Impacts

JMT Consulting was engaged to prepare a strategic transport assessment to support the Planning Proposal for the Site.

### Traffic Flow Impacts

The strategic traffic assessment calculated the potential maximum traffic generation that could arise as a consequence of the rezoning of the site

The potential resultant impact on the Forest Way / Morgan Road intersection is illustrated in Figure 20. These traffic flows have been used as the basis for the peak hour traffic modelling undertaken for the study. The traffic modelling demonstrate that the Morgan Road / Forest Way intersection will perform acceptably during both the AM and PM peak hours following the full development of the Site.

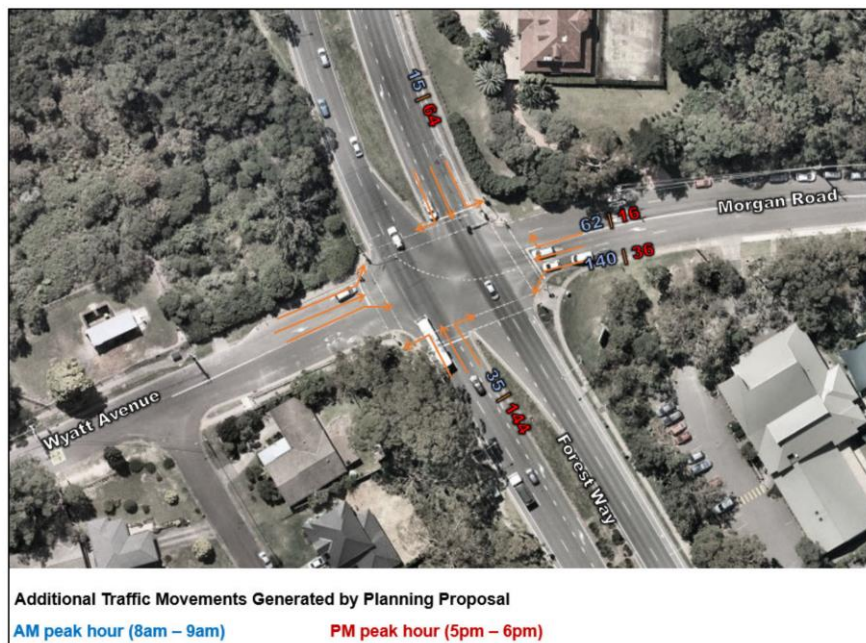


Figure 22. Forecast additional traffic flows – Forest Way / Morgan Road (source: JMT Consulting, September 2022)

It should be noted that the analysis undertaken is considered conservative and represents a worst case scenario for the operation of the intersection given that:

- An upper limit development yield of 500 dwellings has been considered in the modelling, despite the current structure plan contemplating up to 450; and
- 90% of all traffic is assumed to travel through the Morgan Road / Forest Way intersection. This is a conservative estimate as a higher percentage of vehicles may choose to travel east from the Site along Morgan Road towards the Wakehurst Parkway.

The proposed connections between the perimeter roads in the north and south-west has been reviewed, with the Traffic Cover letter confirming that the amendments are not considered to change the outcomes of the previous traffic assessment (Appendix 17) as no amendments are proposed to the location of vehicular access points from the external road network, specifically Morgan Road, and the number of points of access from the external road network remain unchanged.

Similarly, the changes proposed to the lot sizes along the Snake Creek corridor and the introduction of the RE2 strip (functioning as an APZ) will also not change the outcomes of the traffic assessment as the number of lots proposed will not increase the anticipated level of traffic, which is deemed acceptable.

#### Bushfire Evacuation

Based on work undertaken by Cox Architecture the total maximum development yield considered for the assessment was 500 residential dwellings. In addition, the existing dwellings adjacent to Morgan Road east of Forest Way have been taken into consideration, which number approximately 50 households. During a bushfire evacuation the following traffic egress routes would be available to residents:

- Morgan Road (westbound) via the Morgan Road / Forest Way intersection. This is assumed to be the primary egress route and would accommodate approximately 80% of traffic movements
- Via the Oates Place / Forest Way intersection as a secondary egress route, assumed to take the remaining 20% of traffic movements.

A bridge will be provided within the Site to link the eastern and western precincts together and provide for additional egress routes in the case of a bushfire or other emergency. Egress via Oates Place to Forest Way is similarly only required during an emergency and will not be available for daily traffic movements.

SIDRA modelling has been undertaken at the Forest Way / Morgan Road intersection which considers existing traffic movements as well as those generated by the rezoning. This includes an upgrade of the Forest Way / Morgan Road intersection to facilitate efficient traffic flows out of the Site, particularly during a bushfire emergency situation. This upgrade would involve the creation of a left turn slip lane from Morgan Road and allow traffic to bypass the traffic lights and directly enter Forest Way.

The proposed slip lane concept is shown in **Error! Reference source not found.** below. The extent of the slip lane is within land owned by TfNSW and the Proponent and will not utilise Council land.

Subject to the implementation of the Morgan Road slip lane, the modelling concludes traffic can efficiently exit the

precinct during a bushfire evacuation.

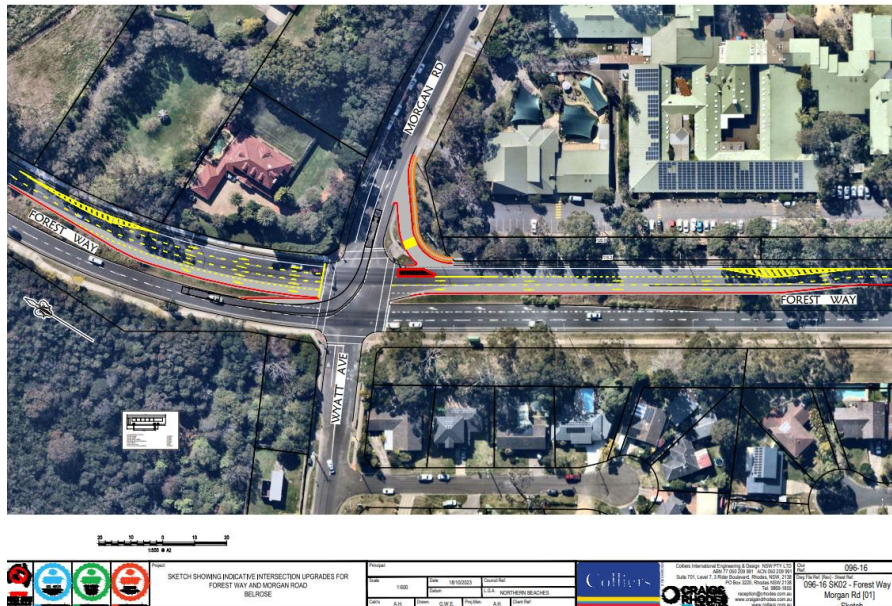


Figure 23. Proposed upgrade to Morgan Road / Forest Way intersection (Colliers, August 2024)

A Pre-DA Application form was provided to the Rural Fire Service (RFS) with a copy of the Bushfire Protection Assessment to ensure that the RFS had the information required to consider the project at an early stage.

A project meeting was held with Transport for NSW and the Rural Fire Service to discuss the Bushfire Protection Assessment and transport implications for the site.

### Sustainable Transport

Existing bus services will provide public transport options for future residents of the Site. The Site's proximity to existing bus services and nearby employment hubs such as Austlink business park (2km from the Site directly north on Forest Way) and Frenchs Forest Health and Education Precinct (approximately 6km to the south of the Site) will support a reduction in private vehicle dependency. There is also an opportunity to provide new bus routes within the new precinct, with proposed road design capable of accommodating new buses routes or on-demand services incorporated into the wider public transport network.

The Planning Proposal's proposed active transport routes (separated walking and cycling paths) are shown in orange at Figure 22. Prioritised pedestrian and cycle connectivity is a key design principle of the concept master plan. The proposed walking paths are designed around the Site's existing waterways, creeks, riparian corridors, and conservation areas and will connect users to the new open space and recreation areas, cultural heritage and facilities within the Site. New dedicated walking and cycling pathways within the Site, combined with proximity to public transport and nearby retail and employment, will promote public and active transport uptake for future residents.



Figure 24. Open Space Structure Plan (Source: COX Architecture, August 2024)

This Planning Proposal is therefore considered to promote sustainable transport options which can contribute to reducing emissions within the locality and passively impact the environment.

## Land Capability

Land capability of the Site has been assessed in relation to contamination, soil salinity and slope stability.

### Contamination

Based on the review of the Site history and observations undertaken by SMEC (Appendix 13), three potential Areas of Environmental Concern (AEC) and associated contaminants of concern were identified at the Site, comprising:

- Areas with fly tipped waste/stockpiles of unknown origin and quality in areas observed during site walkover (but other areas near current/former roads and tracks could also be affected), known as AEC 1;
- Patchy bare areas of the Site observed in 1950's and 1960s aerial photographs due to unknown activities (north-west and central areas), known as AEC 2; and

- Offsite rural fire station practices (if firefighting aqueous film forming foams were used - with PFAS), known as AEC 3.

The Preliminary Site Investigation prepared by SMEC (Appendix 13) concluded that it generally considered that the Site should be able to be made suitable for the proposed residential development with respect to land contamination, subject to the above recommendations of further assessment and also implementing an unexpected finds procedure during construction (such as within the Construction Environmental Management Plan).

SMEC recommended further assessment and mitigation measures to be adopted in relation to the areas of concern with respect to land contamination. Accordingly, additional PFAS testing was undertaken (see Appendix 15). Based on the results of this investigation, PFAS was not considered to be present at the site in concentrations which may pose a risk to human health and the environment as a result of activities at the Rural Fire Service.

#### Soil Salinity

SMEC's preliminary soil salinity assessment indicates saline soils are not present at the Site and, therefore, is not considered to be a constraint for the Site.

#### Slope stability

SMEC undertook the slope stability assessments involving a review of landslide hazard, including a site walkover (conducted on 15 October 2020 by a Senior Geotechnical Engineer) recording surface features including geomorphological characteristics, evident failure mechanisms, erosion and indications of slope instability. Due to the topography and vegetation cover over the Site some areas presented restricted access.

Landslide hazard is defined as "the movement of a mass of rock, debris or earth down a slope and identified current and potential 'failure mechanisms'". The analysis of the failure mechanisms has been carried out by SMEC in accordance with Australian Geomechanics Society method "A National Landslide Risk Management Guideline for Australia (2007)". Six main slope instability mechanisms were identified with a risk analysis undertaken for each of the slope instability mechanisms based on the proposed residential, roads and recreation future land uses. Accordingly, the report provides stability treatment recommendations to reduce the risk level in locations classified as unacceptable or tolerable upon treatment to tolerable low risk levels.

The slope stability assessment concludes the areas assessed to be suitable for the proposed development and provides mitigation measures, where applicable, to ensure stability of the land for future development and provide adequate safety for future residents or visitors.

Refer to the Preliminary Site Investigation Report and Slope Risk Assessment Report prepared by SMEC at Appendix 13 and 14, respectively.

### **Stormwater Management**

The primary potential impact of future development on the Site is impacts on local waterways due to an increase in stormwater runoff volume. Secondary impacts are the deterioration of water quality.

A Stormwater Management Plan has been prepared by Craig & Rhodes for the Site (refer to Appendix 19). A key objective of the stormwater management approach to the Site is to *"Mimic natural stormwater flows by minimising*

*impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle", which is aligned to Part C4, objective 5 of the Warringah DCP.*

Ensuring that ecological values of natural watercourses are maintained is a key principle of the proposal. The proposal includes infiltration systems, which mimic baseflow by infiltrating stormwater along the creek corridors that will improve the runoff into the main feeding creeks and not create siltation or pollution of Narrabeen Lagoon, rather it will provide improvements to the water quality and sediment in the Narrabeen Lagoon.

The management plan provides the strategy necessary to maintain pre-development flow regimes and the natural frequency and volume of flow events in waterways, further supporting waterway health. In utilising the Stormwater Management Plan, the development aims to protect and safeguard the waterway ecology and that the focus is to preserve the natural frequency and volume of flow events in the waterways.

An updated Flood Impact and Risk Assessment (FIRA) was also prepared by Colliers (refer to Appendix 16) to accompany the planning proposal which has provided findings and recommendations which will inform the management of stormwater and flooding outcomes on the site.

The updated FIRA tested a concept design for the key flood management and water quality measures proposed for the site to support the planning proposal and to ensure that there are no adverse impacts on the downstream environment. From this, the assessment confirms that the proposed layout plan is found to be compatible with the existing floodplain environment and is adequate to support the planning proposal from a flooding perspective.

The FIRA provides additional detail and modelling to confirm that the site can be developed in accordance with Council and DoPE's flood planning requirements without causing adverse offsite impacts to water levels and peak discharge downstream of the site. The FIRA provides a set of recommendations that will be incorporated at DA stage with further detailing and refinement of the various flood, water quantity and quality management elements proposed. This will ensure that any measures taken for management will be suited to the development and ensure the ongoing protection of the site and water quality on and off the site.

Based on the recommendations of the Stormwater Management Plan, FIRA, and design of the proposed structure plan, this Planning Proposal will provide opportunities to:

- introduce water sensitive urban design measures to ensure improved water quality to Snake Creek and Narrabeen Lagoon and to manage stormwater.
- ensure nil increase in stormwater runoff is achieved through retention and detention provided within individual housing lots, bioswales along roads and water quality ponds within open space.
- ensure any road crossings over floodways and overland flow paths will need to be designed as bridges or contain culverts to allow flood waters to be conveyed underneath.

As such, this Planning Proposal has greatly reduced any potential for adverse impacts on the local waterways and is highly likely to have a positive environmental impact.

See the Flood Impact and Risk Assessment at Appendix 19 and the Stormwater Management Plan at Appendix 16 for further detail.

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

**Housing**

The concept master plan identifies opportunities for housing whilst preserving and protecting environmentally and culturally significant land. This Planning Proposal will significantly contribute to the housing supply targets of the district and LGA to meet the housing needs of the growing and diversifying population. The Planning Proposal proposes subdivision of the Site into various lot sizes and configurations to accommodate new residential lots within the R2 - Low density residential zone. The development proposes various lot sizes, ranging from small to larger lots to ensure diversity of housing choice and improved housing affordability to enable the development of dwelling houses, secondary dwellings and dual occupancies, which is proposed to be an additional permitted use within the R2 zone. Permitting dual occupancies will provide more diverse housing options, which can provide opportunities for smaller households (typically younger couples) with more affordable housing options. Secondary dwellings are currently permitted within the R2 zone. Permitting more diverse affordable housing options such as these will address the *"lack of housing diversity is especially prevalent in the current Warringah...R2 zones"* (Northern Beaches LEP/DCP Discussion Paper, June 2021, p.106), where single dwellings dominate.

Furthermore, this Planning Proposal will unlock the currently undeveloped and unmanaged land, providing economic return for the MLALC and to benefit its members and community. These benefits will include the ability for the MLALC to provide social services to its people, including social housing and potentially homeownership schemes.

The latest data shows between the 5 years (June 2016 to June 2021) 2,318 new homes were built in the Northern Beaches. The district target set for the LGA by the GSC was 3,400. The LGA fell short of the target by 1,082 homes. The latest population and household projections by DPE published in 2022 projected that there will be a need for an additional 15,922 new homes between June 2022 and June 2041 (19 years) to accommodate population growth and change. To achieve this, on average the LGA will need to deliver approximately 840 new homes each year. In the last 5 years (2017-18 to 2021-22) the LGA has averaged 450 new homes each year.

The current projected household trends for 2041 (refer to Figure 24) show families with children households increasing by 5,687 between 2022 and 2041, as well as an increase in non-family households. The projections demonstrate that the strong demand for family dwellings will continue.

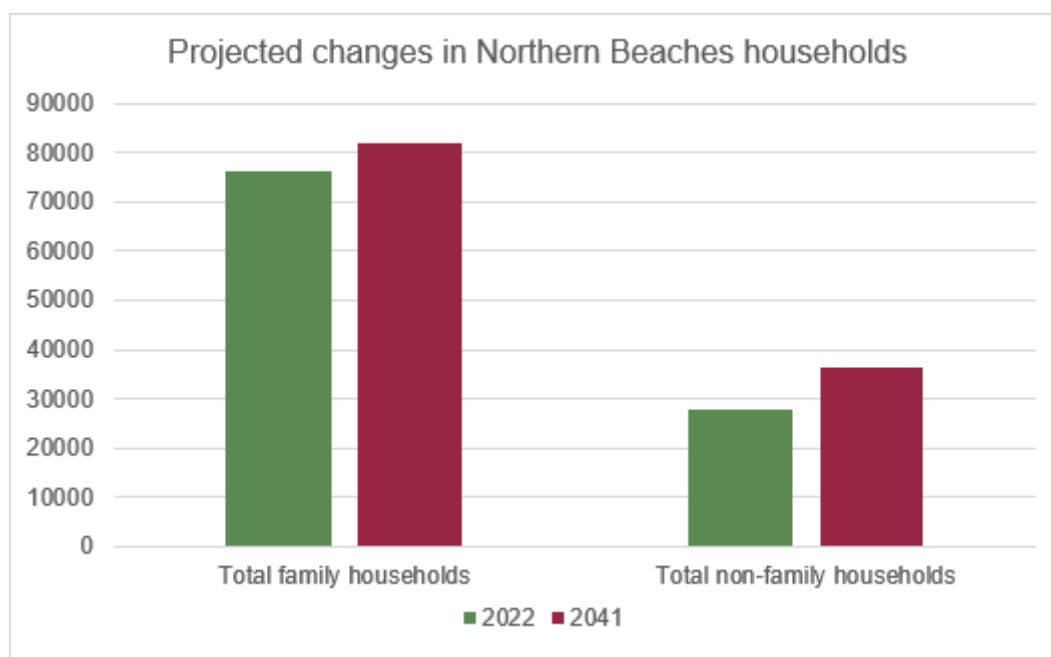


Figure 25. Project Changes in Northern Beaches Households

According to the Economic Impacts Statement prepared by Macroplan (refer to Appendix 21) for this Planning Proposal:

*"The lack of new supply of detached housing is a factor restricting the ability of the next generation of young families to settle in the Northern Beaches. In Belrose, the construction of an additional 400 plus detached houses would allow for a similar number of younger households – and young people - to have the opportunity to live in the Northern Beaches."*

In line with current trends, the Northern Beaches draft Local Housing Strategy (LHS) adopted by Council in April 2021 identifies demand for 3,303 detached dwellings or about 22% of total demand to 2036. However, the LHS also identifies potential supply based on feasibility capacity of less than 100 detached dwellings. This is a shortfall of 3,203 detached dwellings.

Based on the projected household trends for 2041 and shortfall of capacity for detached dwellings within the LGA to meet the housing demand, future development should have the capacity to provide additional detached houses. The Site's proposed R2 zoning permits 'Dwelling houses' (with consent) to enable the development of detached dwellings to cater for the trends of larger family households.

The continuing strong housing demand within Belrose is reflected in the price premium and decrease in affordable housing options. This likely correlates with the projected decrease in the 30-44 age cohort, who are typical first home buyers and less likely to enter into the local housing market. This Planning Proposal can facilitate additional and improved housing choice to assist in retaining a younger working population by providing a range of lot sizes and dwelling types to increase the supply of smaller and more diverse homes. The Planning Proposal proposes dual

occupancies to provide more affordable options to suit younger couples or small families, and lot sizes suitable for secondary dwellings which can increase housing options appropriate for seniors.

For further detail on this Planning Proposal's overwhelmingly positive housing impacts, refer to the accompanying Social Impact Assessment and Economic Impact Statement at Appendix 9 and 21, respectively.

## Cultural Benefits

### Aboriginal people

MLALC, as the landowner, is seeking to pursue development of their Morgan Road site in accordance with the principle of self-determination which underpins the NSW Aboriginal Land Rights Act 1983 (ALR Act) by utilising its land assets to deliver tangible economic, social and cultural benefits to the Aboriginal community.

Under the ALR Act, all lands acquired and managed by LALCs serve as an economic base for Aboriginal communities, as compensation for historic dispossession and in recognition of their ongoing disadvantage. It is the intention of the ALR Act that some economic development will arise from Land Council land, that it is not granted solely for cultural purposes or to be kept in its natural state.

As stated in the accompanying DDP:

*"[This Planning Proposal] enables the opportunity for the implementation of the District Plan through engagement with Aboriginal communities founded on self-determination and mutual respect to foster opportunities for economic participation, culturally appropriate social infrastructure and contemporary cultural expression.*

...

*The Department of Planning, Industry and Environment recognises the planning system can and should do more to support Local Aboriginal Land Councils to achieve their aspirations so they are well positioned to use their land to achieve strong, economic, social and cultural outcomes to benefit Aboriginal people across NSW" (p.5-6).*

This Planning Proposal will unlock the currently undeveloped and unmanaged land, providing economic return for the MLALC and to benefit its members and community. These benefits will include the ability for the MLALC to provide social services to its people, including:

- Health, education and employment support and initiatives,
- Social Housing and potentially homeownership schemes,
- Funeral assistance and programs,
- Training for MLALC activities including culture heritage and land management,
- Sponsorships including youth scholarships-cultural, academic and sporting, and
- Funding for MLALC culture and heritage sites.

This Planning Proposal will provide opportunities for Aboriginal people to receive a range of social and economic benefits, in conjunction with the cultural benefits afforded by protecting and celebrating the Site's unique Aboriginal heritage sites. Increased employment opportunities will be available to the Aboriginal community as a direct result of the Planning Proposal's proposed Cultural Community Centre, as well as opportunities to work in associated on-site

offices in a creative, educating and management capacity.

### Cultural Inclusivity

As stated in the *Connected Through Creativity 2029 – Northern Beaches Arts and Creativity Strategy*, the “*Northern Beaches community has strongly indicated that they want to see Aboriginal heritage and culture receive greater public value, including respect for Aboriginal knowledge and how it can be shared to learn better care of the land and how to live in place.*” (p.42)

Cultural inclusivity involves mutual respect and effective communication between people of all cultural orientations. Aboriginal cultural values their cultural traditions, history, diversity and important knowledge of land management as this lands First People.

The Morgan Road site contains a series of rock engravings of high cultural significance which contribute to our understanding of the land's past Aboriginal use and its place within the broader landscape. Preserving the heritage significance of the Site along with the future development of a new cultural community centre will celebrate and share Aboriginal culture within the community and provide opportunities for education, training and skill development and improved social opportunities for Indigenous people. Sharing knowledge between cultures will foster non-Indigenous people's understanding of 'Country' and stronger relationships between non-indigenous Australians and Indigenous Australians, instilling a sense of belonging and community pride.

- 'Country'

““Country” (capital C) has a specific and significant meaning for Aboriginal peoples. In the Aboriginal sense of the word, Country relates to the nation or cultural group and land that we belong to, yearn for, find healing from and will return to. However, Country means much more than land, it is our place of origin in cultural, spiritual and literal terms. It includes not only land but also skies and waters. Country incorporates both the tangible and the intangible, for instance, all the knowledges and cultural practices associated with land. People are part of Country, and our identity is derived in a large way in relation to Country” — Dr Danièle Hromek, Budawang/Yuin, Researcher and spatial designer, 2019 (*Connecting with Country Draft Framework*, Government Architect NSW, p.14)

The term 'Caring for Country' reflects the traditional land management practices by Indigenous Australian's that provide social, cultural, physical and emotional wellbeing benefits to its peoples, as well as environmental benefits, such as bushfire management, weed control, feral animal control, biodiversity conservation and water resource management, to name a few. *The Benefits of Caring for Country - Literature Review*, prepared by Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) as commissioned by the Department of Sustainability, Environment, Water, Population and Communities states: “*For Indigenous people, it is increasingly documented that caring for country is intricately linked to maintaining cultural life, identity, autonomy and health... These benefits are shared with members of the wider community, who live together with Indigenous people, and facilitate a better community and environment for all Australians (Hunt 2010:19).*” (p.5)

Government Architect NSW's (GANSW) *Connecting with Country Draft Framework* is a framework for developing connections with Country that can inform the planning, design, and delivery of built environment projects in NSW. *Connecting with Country* aims to realise three long-term goals, being:

1. reduce the impacts of natural events such as fire, drought, and flooding through sustainable land and water use practices;
2. value and respect Aboriginal cultural knowledge with Aboriginal people co-leading design and development of all NSW infrastructure projects; and
3. ensure Country is cared for appropriately and sensitive sites are protected by Aboriginal people having access to their homelands to continue their cultural practices.

*Connecting with Country* has been informed largely by the experiences and knowledges of people who work on, and are from, Countries in and around the Sydney basin. Strategy 2.1 of the framework (Pathways for Connecting) recognises the importance of building relationships with Country, knowledge-sharing and requirement to undertake consultation with local Aboriginal communities, lands councils, such as MLALC, and recognised Aboriginal knowledge-holders should be seen as a valuable foundation on which to build long-term relationships and who can provide leadership and guidance for built environment projects from the beginning and throughout the project life cycle.

*Designing with Country*, a discussion paper released by GANSW in March 2020, recognises that Designing with Country is not possible without engaging with, and more importantly, being guided by Aboriginal community and recognised knowledge holders. Put into practice, designing with Country involves the balance of three elements, being nature, people and design.

This Planning Proposal seeks to enhance, conserve, protect and connect with the natural and culturally significant areas of the Site. Future development will qualify as a 'flagship' development in environmental terms by taking an innovative approach to conserving and enhancing natural elements of the landscape and its visual character as guided by the MLALC and a consortium of environmental experts. The social benefits of this Planning Proposal are largely integrated with the environmental benefits, which focus on improving bush land management and regeneration outcomes, improving bushfire management and enhancing the water quality. The Planning Proposal's principles are aligned with caring for Country practices, as well as the strategies and principles of both *Connecting with Country* and *Designing with Country*, which commit to supporting the health and wellbeing of Country by valuing, respecting, and being guided by Aboriginal people.

The MLALC is guided by its members and Aboriginal community. This Planning Proposal will directly enable opportunities for education, training, skill development in caring for Country practices and can contribute to making the value of Aboriginal culture visible in the design and planning of our built environment. Sharing of knowledge between non-indigenous Australians and Indigenous Australians can foster stronger relationships, instilling a sense of belonging and community pride and allow future residents to act as caretakers of the land.

### **Community Facilities**

As demonstrated in the accompanying Social Impact Assessment (Appendix 9), there is an identified need to upgrade existing community facilities in the Frenchs Forest Planning Catchment and current and future gap in provision of centres due to the anticipated increase in housing, density and population in Frenchs Forest.

The proposed concept master plan includes a cultural community facility (approximately 400-500sqm in GFA) to celebrate and protect the Site's Aboriginal heritage and known artefacts. Currently, there are no Aboriginal cultural

centres located within Belrose.

The new centre will be integrated with the Site's Aboriginal heritage items and surrounding landscape, to create a 'cultural hub' for the community which can be integrated with Council's existing community centres. The centre will positively contribute to the social and cultural needs of the community and increase the provision of community centres within the locality to support a growing population.

### **Healthy Lifestyles**

This Planning Proposal provides public infrastructure next to residential development, including walking and cycling tracks and open space for passive and active recreation, to strengthen opportunities for healthy lifestyles, including physical activity and other forms of leisure activity for the Northern Beaches community.

New housing development will be integrated with outdoor passive and active recreation distributed throughout the precinct. This will include numerous parks and dedicated walking and cycling tracks which will encourage outdoor recreation uptake for new residents and existing surrounding residents. Walking and cycling tracks will connect to internal scenic places and to existing and recently proposed\*\* surrounding active and public transport infrastructure to provide active transport connections for future residents and promote healthy lifestyles. The Site's proximity to national parks and existing private recreation facilities further promotes recreational activity uptake.

The proposal provides an opportunity to locate housing within close proximity to existing nearby employment hubs, being Austlink Business Park and Frenchs Forest Hospital Precinct. This, combined with delivering new walking and cycling paths connected to surrounding existing infrastructure, promotes active and public transport uptake and can reduce commute times and commuter stress.

Belrose has a significant aging population, and the Site is close to existing aged care facilities. The proposal has an opportunity to provide safe contiguous walking paths to encourage its future senior residents to walk instead of drive when commuting, as well as provide opportunities for seniors within the nearby aged care facilities and the broader community to engage in physical and leisure activities within an environmental and cultural setting.

Overall, this Planning Proposal provides infrastructure to strengthen opportunities for healthy lifestyles, including physical activity and other forms of leisure activity. Refer to the accompanying Social Impact Assessment at Appendix 9 for further details.

*\*\*Northern Beaches Council has recently released its new shared path plan for Forest Way, Belrose. The new path is located on the opposite side of the Forest Way and Morgan Road intersection and will connect active travel commuters to Belrose Retail and Employment Zone. The new path is consistent with the Morgan Road proposal's inclusion of walking and cycling paths to promote active travel in the locality.*

### **Employment and Economic Impacts**

This Planning Proposal has engaged economic experts Macroplan to undertake economic research and analysis for the Morgan Road project (refer to the Economic Impact Statement at Appendix 21).

#### Local jobs creation

The economic research and analysis undertaken by Macroplan shows this Planning Proposal has the potential to facilitate the development of employment floorspace and cultural community centre which will require employment of

approximately 125 to 146 full-time direct local and indigenous workers and could generate an IVA of close to \$25 to \$30 million per annum contribute to the local economy. Additional on-site jobs such as transport workers, cleaning, maintenance (i.e., landscaping) and repair would also generate on-going employment opportunities.

Indirect employment has also been analysed by Macroplan. Their analysis is based on a ratio of 1.66 jobs for each direct job which means 100 direct 'retail' jobs at the future development will generate about 66 indirect and induced jobs outside the development. Based on their multiplier assessment, 125 to 146 additional direct jobs at the subject land will generate additional 84 to 95 indirect and induced jobs outside the future development at the subject land.

With good access to local employment hubs (Austlink Business Park and Frenchs Forest Hospital Precinct) future development of this site will attract local existing local workers to live closer to their employment and increase new local employment opportunities by the increased population contributing to new local business growth or existing business growth.

Further, as we have experienced during COVID-19, working from home on a semi or permanent basis should be considered in future planning. The proposal provides new residential lots of various sizes to accommodate a size of development, i.e., home with additional bedrooms or study, which would allow persons to work from home. The proposed R2 zoning currently permits Home occupations and Home businesses within the zone. Bed and breakfast accommodation is also permitted in the R2 zone, which would allow for additional income for future landowners.

#### Construction Economic Benefits

During construction and operation, the potential subject land development will provide both permanent and transient employment. The estimated project cost of the subsequent development (i.e., after Planning Proposal and development application approvals) is expected to be approximately \$144 million, which comprises site works, construction, road upgrade and site remediation etc. It is estimated that future development would take approximately 6 years and generate 50 to 60 full-time equivalent jobs per annum directly in the construction industry and a further 80 to 90 full-time equivalent jobs per annum indirectly (for example, jobs in transport, manufacturing, fabrication, design etc) during that period.

Based on Macroplan's research, it is estimated that during the construction period local employee spend would be about \$0.5 million to \$0.6 million each year over the 6-year period and, when operational, persons employed at the subject land would spend between \$1.3 million and \$1.5 million each year in the local area. This local spend and new employment generated during the construction phase will have significantly positive impacts to the local economy.

In summary, if the development does not proceed, the subject land would not generate any employment opportunities for the people of Belrose and the Northern Beaches LGA.

#### State revenue

The development of the Site is expected to generate additional land tax which will benefit the State Government revenues to the order of \$1.75 million per annum. Further, based on employment projections, the development of the Site will generate payroll tax revenue of between \$0.6 million and \$0.8 million per annum based on 125 to 146 persons directly employed, and potentially another \$0.2 million to \$0.3 million in payroll revenues based on 84 to 95 persons indirectly employed. Based on the projected direct and indirect employment at Belrose, Macroplan estimate that it will generate another \$0.3 million to \$0.4 million in additional GST revenue.

#### Council revenue

The Planning Proposal will facilitate significant new residential development, which will increase the quantity of Council ratepayers and increase fee contributions for other chargeable Council services. Additionally, Council's Section 7.12 Contributions Plan which would apply a levy of 0.5% to any works with a value between \$100,000 - \$200,000, and a levy of 1% to any works with a value of greater than \$200,000. These levies will be applicable for any future development application subsequent to the approved Planning Proposal.

Accordingly, it is considered that the Planning Proposal will have a positive effect on the local economy and community.

### 6.4. State and Commonwealth interests

#### 6.4.1. Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal has considered the availability of existing and future public infrastructure and proposed new and upgraded infrastructure to improve or mitigate impacts of future development.

#### **Social Infrastructure**

To support the delivery of new housing within the locality and utilise the Site's opportunities, the following social infrastructure is proposed:

- Active transport links, comprising new prioritised pedestrian and cycling paths. New pedestrian and cycling paths will provide opportunities for the public to engage in physical activities, including jogging/running, to promote health and well-being within the new precinct.
- A total of seven (7) new public open spaces for a variety of uses including picnic and BBQ areas, children's playgrounds, shelter, lookout points and tree reserves
- A cultural community centre;
- Signage and Wayfinding will also assist visitors to navigate the precinct's public recreation and cultural offerings. Signage will be informative, as well as creative and a celebration of the Site's Aboriginal significance.

The Site's proposed new social infrastructure and services will support its potential future development and surrounding existing uses. Refer to the Social Impact Assessment at Appendix 9 for further details.

#### **Civil Infrastructure**

The proposal includes the delivery of civil infrastructure, such as new roads, bushfire facilities and stormwater services to support the delivery of the proposed potential future development.

Future development as a result of this Planning Proposal can be adequately serviced with water, gas, electricity and NBN, as confirmed in the accompanying Infrastructure Delivery Plan prepared by Craig & Rhodes (refer to Appendix 20).

All new required road, stormwater and bushfire infrastructure and open spaces/recreation infrastructure for public use

will be provided and funded by proponent /developer. This includes the proposed new slip lane at the Morgan Road and Forest Way intersection. Additionally, costs associated with the relocation of overhead powerlines within the Site underground will also be the responsibility of the developer.

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

The Gateway Determination was issued by the Minister for Planning on the 9<sup>th</sup> July 2023, which identified the following agencies to be consulted with:

- Greater Cities Commission
- Transport for NSW
- NSW State Emergency Service
- NSW Rural Fire Service
- Fire and Rescue NSW
- NSW Environment and Heritage
- NSW Environment Protection Authority
- Commonwealth Department of Climate Change, Energy, the Environment and Water
- Natural Resource Access Regulator
- Department of Education
- NSW Health – Northern Local Health District
- Sydney Water
- Jemena
- Ausgrid
- NBN Co.

The details of the agencies consulted with are included in Appendix 7. The significant agency consultations are detailed below.

- Transport for NSW – in relation to proposed road upgrade of Forest Way, a State road.
  - A project meeting was held with Transport for NSW and the Rural Fire Service to discuss the Bushfire Protection Assessment and transport implications for the site.
- NSW Rural Fire Service – PBP 2019 stipulates that if a proposed amendment to land use zoning or land use affects a designated bushfire prone area then Section 9.1(2) of the EP&A Act (1979) must be applied. This requires Council to consult with the Commissioner of the NSW RFS and to take into account any comments by the Commissioner and to have regard to the planning principles of PBP 2019.
  - A Pre-DA Application form was provided to the Rural Fire Service (RFS) with a copy of the Bushfire Protection Assessment to ensure that the RFS had the information required to consider the project at an early stage.
  - Recommendations were received from RFS on 13 May 2022.

- Commonwealth Minister for Environment & Heritage – in relation to the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 which requires referral for an action which has, will have or is likely to have a significant impact upon one or more matters of National Environmental Significance (NES), as identified in the BDAR.
- Department of Planning and Environment
  - 14 September 2022 A Project presentation was held, a copy of the project presentation was provided to the DPE Environment and Heritage Group.

Since the gateway determination, the planning proposal went on public exhibition from September to November in 2023, where the agencies provided comment on the proposal. These comments have been addressed in the initial response dated 22 December 2023, and the additional information provided on the 5 March 2024.

#### 6.5. Response to Northern Beaches Council Panel Submission

Prior to the consideration of the planning proposal by the Sydney North Planning Panel, Northern Beaches Council was provided with an opportunity to review the planning proposal. Appendix 2 summarises the contents of Council's submission dated 24 November 2022. The Proponents response (dated 15 December 2022) was provided to the Sydney North Planning Panel. However, since that time the planning proposal package had been updated and as such many of the Council comments have been superseded.

## 7. PART 4 – MAPPING

To implement the outcomes identified in this Planning Proposal will require mapping changes to:

- The WLEP 2011 Land Zoning Map, Sheet 007, as identified in Figure 25 and Figure 26;
- The WLEP 2011 Height of Building Map, Sheet 007, as identified in Figure 27 and Figure 28;
- The WLEP 2011 Lot Size Map, Sheet 007, as identified in Figure 29;
- The WLEP 2011 Additional Permitted Uses, Sheet 007, as identified in Figure 30.

### Existing

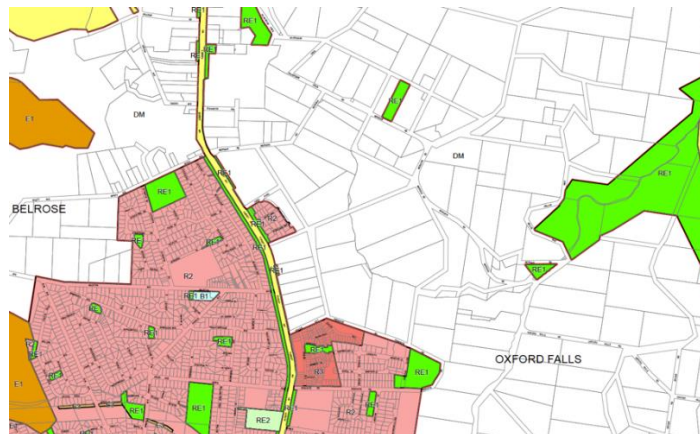


Figure 26: Existing Land Zoning Map, Sheet 007 (extract)

### Proposed



Figure 27: Proposed Land Zoning Map, Sheet 007 (Cox Architecture)

## Existing

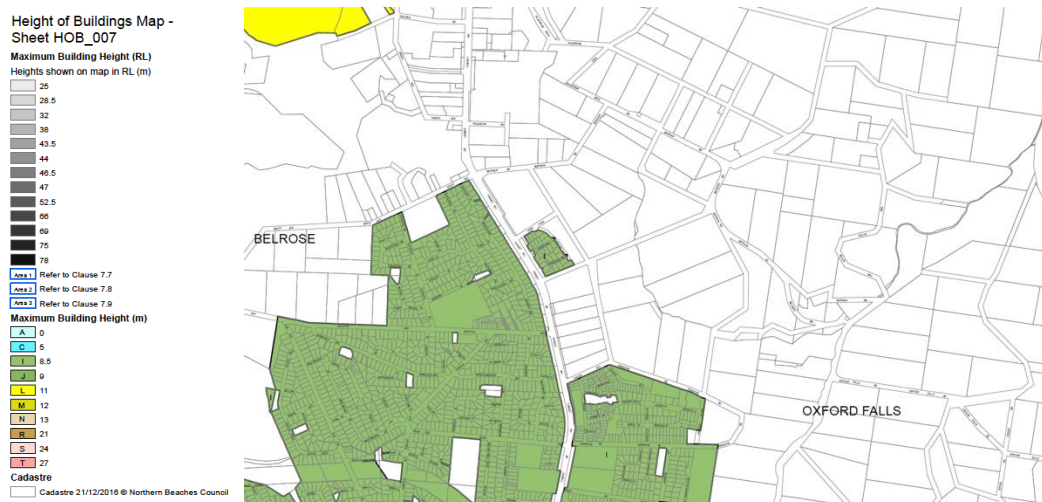


Figure 28: Existing Height of Buildings Map, Sheet 007 (extract)

## Proposed

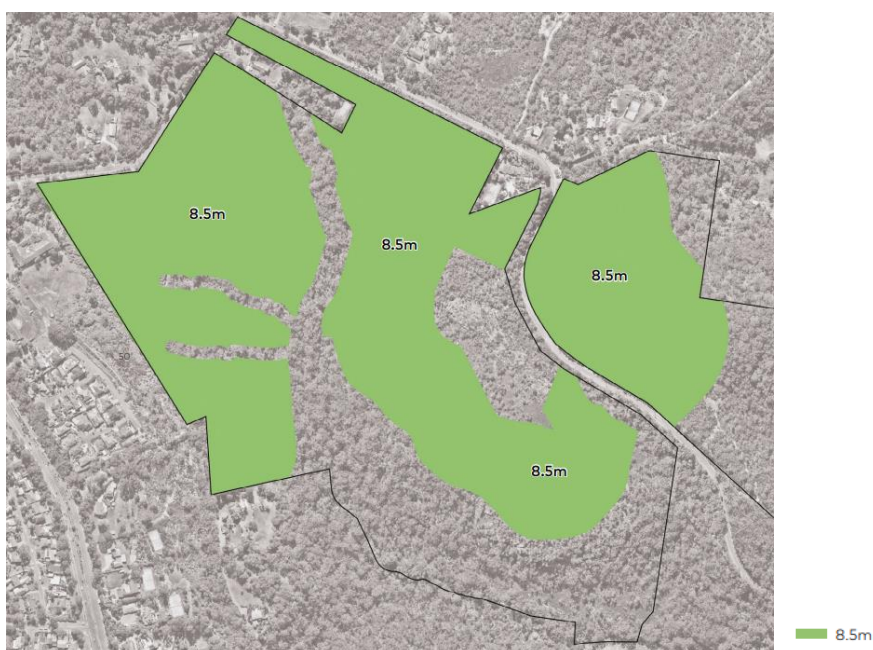


Figure 29: Proposed Height of Buildings Map, Sheet 007 (extract) (Cox Architecture)

## Existing



Figure 30: Existing Lot Size Map, Sheet 007 (extract)

## Proposed

The planning proposal seeks to apply minimum lot size controls within the relevant local environmental plan (LEP) mapping. In addition, it seeks to apply a minimum lot size for dual occupancies of 600m<sup>2</sup>

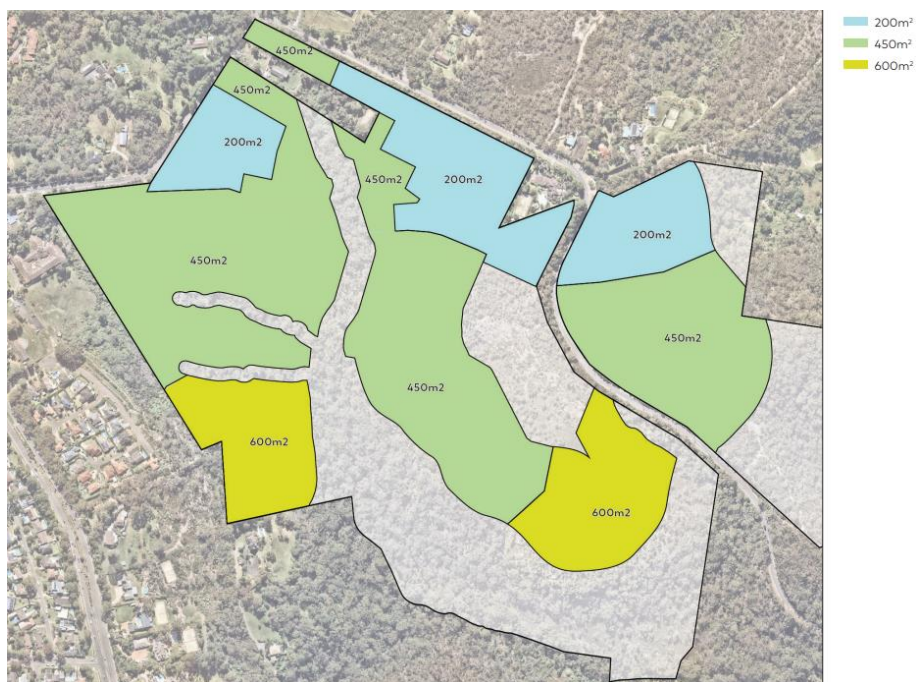


Figure 31: Proposed minimum lot size map – Sheet LSZ007 (Source: Cox Architecture)

In addition, the density of the site will be managed through a maximum dwelling clause local provision. A draft of the proposed local provision is outlined below:

- (1) Without limiting clause 4.1(3), the subdivision of Morgan Road, Belrose site —
  - (a) must not result in the creation of more than 450 dwellings, and
  - (b) must preserve existing bushland in the C2 Conservation zones within the site, and
  - (c) must include adequate stormwater management and sewer infrastructure.

## Existing



Figure 32: Existing Additional Permitted Uses Map, Sheet 007 (extract)

## Proposed

The proposed additional permitted use map will identify the site to enable the following to be permissible with consent within the low density residential zone including, dual occupancies, environmental management works, bush fire works and APZs, stormwater works and utilities and services to be permissible with consent within the RE2 Private Recreation zone.

## 8. PART 5 – COMMUNITY CONSULTATION

Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that the Gateway Determination will:

- require the Planning Proposal to be publicly exhibited for a minimum of 28 days
- specify appropriate notification requirements, such as via local newspaper and/or relevant website/s.
- specify the nature and form of material to be made available for inspection during exhibition.

In accordance with the [Local Environmental Plan Making Guideline](#) (DPE, 2022) extensive pre-lodgement consultation has been undertaken in the development of the Planning Proposal (PP). This is not a legislative requirement, but is highly recommended as the first stage for a complex PP. The purpose of the pre-lodgement consultation is to:

- provide early feedback to proponents and councils, in particular about the strategic and site-specific merits of a proposal
- understand the expectations for what justification and key supporting studies are required to support a planning proposal
- facilitate early consultation with key authorities and government agencies to understand and resolve agency issues earlier in the process, which is expected to facilitate a quicker consultation during exhibition
- identify infrastructure needs and determine what form of infrastructure funding may be needed to support the proposal
- resolve planning issues upfront to enable a streamlined LEP making process

Consultation has included meetings with Northern Beaches Council and NSW Government agencies including Department of Planning and Environment, Transport for NSW, Rural Fire Service and Greater Cities Commission to determine the viability of the project proposal, project requirements and best practice outcomes. Consultation has been undertaken with utility providers, including Telstra, Ausgrid, Sydney Water, NBN and Jemena with a particular focus on ensuring services can be provided in a cost efficient and timely manner. Importantly, consultation has also occurred with the aboriginal community through the Metropolitan Local Aboriginal Land Council.

The PP has also had the benefit of an extensive consultation process associated with the amendment to State Planning Systems SEPP and preparation of the DDP. This included consultation with Northern Beaches Council as part of the terms of reference and project control group for the development and preparation of the DDP.

The Department of Planning and Environment exhibited the SEPP amendment and draft DDP for public comment from 7 February to 21 March 2022. The Department received 1,132 submissions on issues including bushland and environmental impact, traffic, infrastructure, open space, bushfire and Aboriginal heritage. The submissions received during the consultation period were summarised in the Consultation Outcomes Report, prepared by WSP Australia (May 2022). WSP subsequently produced an Independent Planning Review that considered the outcomes of the submissions, identified the planning implications and recommended actions which emerged from the relevant key themes. These recommendations have been addressed throughout the body of this PP.

Following the Gateway Determination, the planning proposal and all supporting documentation was publicly exhibited from Tuesday 26 September and Tuesday 7 November 2023. During the exhibition period, approximately 3,700

submissions were received from the community and stakeholders. Proponent responses to public and agency submissions were provided To DPHI in December 2023, March 2024, and August 2024.

| Consultation theme  | WSP Recommendation   | Relevant PP reference  |
|---------------------|--|--|
| Strategic merit     | Any future planning proposal would need to demonstrate sufficient strategic planning merit, including alignment the relevant priorities, objectives and actions in the Region and District Plan and local strategic plans as set out in the relevant DDP.  | Consideration and consistency with applicable plans and policies. (Appendix 3, 4, 5 and 6) |
| Site specific merit | Planning proposals and subsequent DAs continue to be subject to the same environmental assessment criteria and legislative requirements as any other proposal at the planning proposal stage.  | Development Delivery Plan (Appendix 25)  |
|                     | Site specific merit is to be addressed through technical reports to support future planning proposals and DAs and to ensure that any future development and or change of land use is compatible with the constraints of the site.  | See Appendices 8 – 24.   |
|                     | Any environmental assessment is considered in both the planning proposal and DA stages and strong guidance in terms of adequacy of supporting technical documentation is provided to ensure the appropriate and efficient assessment by the relevant Planning Proposal Authority.  | Preliminary Biodiversity Development Assessment Report (Appendix 10)                       |
|                     | Planned future development will require identification of the relevant funding mechanism to support additional State and local infrastructure contributions.<br><br>This would comprise a contributions schedule including local infrastructure items, proposed timing/staging of delivery, cost of land and infrastructure works and assumptions with the | Infrastructure Delivery Plan (Appendix 20)   |

|              |   |   |
|--------------|---|---|
|              | planning proposal and supporting reports.   |   |
| Consultation | Additional community consultation is undertaken at the planning proposal stage (pre and post-gateway) to support transparency and enable further community input into the planning process progression as per the Department of Planning and Environment's <i>Local Environmental Plan Making Guideline December 2021</i> | Summary of Consultation Undertaken (Appendix 7) |

## 9. PART 6 – PROJECT TIMELINE

The timeframe for the completion of the Planning Proposal will depend on the complexity of the matters, the nature of any additional information that may be required and the need for agency and community consultation. Table 9 details the proposed indicative timeframes which consider the benchmark timeframes outlined in the LEP Making Guideline for a Complex Proposal as outlined in Table 9.

*Table 9: Indicative project timeline.*

| STEP                                      | INDICATIVE DATE           |
|---|---------------------------|
| Lodgement of Planning Proposal            | October 2022              |
| Referral to Northern Beaches Council      | November 2022             |
| Report to Sydney North Planning Panel     | January 2023              |
| Gateway Referral                          | February 2023             |
| Gateway Determination received            | March 2023                |
| Resubmission of updated Planning Proposal | August 2023               |
| Public Exhibition                         | September - November 2023 |
| Consideration of Submissions              | November - December 2023  |
| Responding to Agency comments             | December 2023 – July 2024 |
| Report to RPP                             | November 2024             |
| Notification of Determination             | December 2024             |

*Table 10: LEP Making Guidelines Benchmark Timeframes*

| STAGE                                    | COMPLEX BENCHMARK TIMEFRAMES |
|--|------------------------------|
| Stage 2 Planning Proposal                | 120 days                     |
| Stage 3 Gateway Determination            | 45 days                      |
| Stage 4 Post Gateway                     | 70 days                      |
| Stage 5 Public Exhibition and Assessment | 115 days                     |
| State 6 Finalisation                     | 70 days                      |

## 10. CONCLUSION

This Planning Proposal will enable the future residential development of the MLALC owned site, in conjunction with the retention and protection of environmental and cultural conservation areas and delivery of new social infrastructure.

A draft structure plan prepared and accompanying this Planning Proposal has been informed by a range of specialist investigations. These studies have demonstrated the Site can accommodate the proposed potential future development without posing adverse impacts to the surrounding environment.

The Planning Proposal demonstrates consistency with the applicable strategic planning framework in terms of:

- Generation of tangible economic, social and cultural benefits to the Aboriginal community in accordance with Schedule 3 of the Planning Systems SEPP and the associated DDP
- Delivery of greater housing supply, including diverse housing typologies, to meet the district's and LGA's local housing targets suitable to the locality
- Implementation of Aboriginal cultural heritage and environmental conservation objectives of the Greater Sydney Region Plan, North District Plan and Northern Beaches Local Strategic Planning Statement
- Compliance with the relevant Ministerial Directions under Section 9.1 of the Act; and
- The scale of surrounding development established under the existing Warringah Local Environmental Plan 2011.

Site specific merit is also demonstrated, including:

- Conservation of environmentally significant portions of the land
- Protection of the AHIMS registered items and culturally significant areas
- Enhancement of bushfire protection
- Improvements to local stormwater and waterways management
- release of land adjacent to existing urban development with access to existing infrastructure, utilities and services
- Provision of suitable access and transport connections and new cultural community centre; and
- Increased provision of public open space collocated with contiguous green networks and active transport linkages to promote healthy lifestyles and the local character.

Key public benefits addressed in this Planning Proposal and the supporting documentation relate to:

- Conservation of 22.1 hectares (29.7%) of the Site identified to have high ecological, scientific, cultural or aesthetic values, including the riparian areas and 3 currently unprotected AHIMS registered Aboriginal heritage sites;
- Conservation of enhanced bushfire protection, both on site and for adjoining sites;
- Improvements to local waterways management, both on Site and in surrounding areas, including Narrabeen Lagoon;
- Support for 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;

- Delivery of increased housing supply and diversity, including affordable housing to assist in addressing the chronic housing crisis
- Creation of job opportunities through the construction stage and ongoing development operation;
- Augmentation of infrastructure, including public open space, active transport connections, new and upgraded internal roads, stormwater, and provision of a new cultural community centre.

All matters raised through the public exhibition of this planning proposal have now been carefully considered and responded to. The next step in the planning process is for the Sydney North Planning Panel, acting as Regional Planning Authority, to review the revised planning proposal package and recommend the making of the amendments to the Local Plan Making Authority.



## APPENDIX 1

### RESPONSE TO GATEWAY CONDITIONS

The response to gateway conditions have been continuously updated based on the availability of new information from updated reports and studies since Gateway, including previous proponents responses in November 2023 and March 2024. The most recent response to the gateway conditions is summarised below.

*Table 11: Response to Gateway conditions*

| Item | Condition   | Response  |
|------|---|---|
| a    | Adopt an appropriate residential zone, rather than proposing controls subject to final selection of a zone to be applied to the site; | <p>Refer to revised proposed Land Zoning Map at Figure 27.</p> <p>The planning proposal seeks to apply a mixture of zones including R2 Low Density Residential, RE2 Private Recreation and C2 Environmental Conservation zoning as per the proposed Land Zoning Map. This more accurately reflects the vision for land uses across the site, the current status of the Northern Beaches Conservation Zone review, and the proposed R2 zoning under the draft Comprehensive Northern Beaches LEP.</p>  |
| b    | address how the 450 dwelling cap will be achieved so it is an effective cap, rather than an aspirational cap;                         | <p>The proposed dwelling cap draft LEP provision outlined in this planning proposal is modelled on the existing clause 6.8 under the Warringah LEP 2011 which restricts the number of lots within other areas in Belrose.</p> <p>For the avoidance of doubt, this planning proposal seeks only to introduce a dwelling cap, rather than a cap of lots.</p> <p>The dwelling cap will be managed by both Council as the consent authority for any future development applications and as part of the community-title scheme for the ongoing management of the development.</p> <p>It is intended that the records of approvals and documentation of adherence of the dwelling cap will be retained by Council/Consent Authority following the approval of any future subdivision development consent.</p> <p>As part of the assessment of any future subdivision and/or development application, the Council will need to consider the proposed LEP local provision applying the dwelling cap as part of any subdivision application or individual development application.</p> |

| Item   | Condition   | Response   |
|--------|---|--|
|        |   | <p>As a result of the determination of any subdivision application it is envisaged that Council would apply a condition of consent stating that no future development application or complying development certificate can be approved or permitted where the total number of dwellings on the site exceeds 450, in perpetuity. This would ensure the appropriate control of the number of dwellings on the site in perpetuity, noting that a complying development certificate cannot be inconsistent with an overarching condition of consent.</p> <p>Appropriate restrictions will be placed on individual titles or through the community title management plan to ensure that the dwelling cap cannot be exceeded through the development actions of future individual landowners in perpetuity.</p>  |
| c (i)  | review the zoning of the Lizard Rock sacred site;   | <p>The revised planning proposal and proposed land use zoning map applies a RE2 Private Recreation zoning (previously Zoned R2) to the Aboriginal carvings located within the north-east of the site. The RE2 zoning allows for community facilities to be permissible with consent, with the intention that a cultural facility will be located near to the carvings to enable ongoing celebration and teaching of the Aboriginal heritage of the site. Any future development application would need to consider and address the heritage values and impacts on the AHIMS listed carvings in accordance National Parks and Wildlife Acts 1974. The final ACHAR does not identify any issues with the proposed zoning over the sacred site.</p>   |
| c (ii) | review the zoning for the northwest portion of the Snake Creek riparian corridor including tributaries and retained vegetation identified on the indicative structure plan; | <p>Refer to revised proposed Land Zoning Map at Figure 27</p> <p>The revised planning proposal applies has provided an alternative zoning plan over the northwest Snake Creek riparian corridor and parts of its tributaries which identifies the site for C2 Environmental Conservation. This reflects the proponent's intention to retain vegetation within these areas and enable their ongoing protection and management by future residents. With exception of a small section of RE2 to the north as to accommodate for necessary infrastructure.</p> <p>The planning proposal seeks to include Additional Permitted Uses (APU) within these areas to enable works to enable the servicing and utilities of the adjoining R2 Low Density Residential zone to occur within these areas. This provision is to purely ensure that the RE2 zone can be provided without disconnecting the R2 Low Density residential zones roads and servicing across these areas. Environmental management works, bushfire works and APZs and stormwater services are sought as</p> |

| Item    | Condition  | Response  |
|---------|--|---|
|         |  | additional permitted uses within the RE2 zone. The majority of these works would be exempt development under the State Environmental Planning Policy (Transport and Infrastructure) 2021 if undertaken on or behalf of a public authority, i.e. Council and Sydney Water.   |
| c (iii) | proposed bushfire Asset Protection Zones (APZ) should have a zone that reflects the role of the APZ, given the indicative structure plan suggests the APZs are open space; and | An Asset Protection Zone (APZ) is a fuel reduced area surrounding a built asset or structure. This can include any residential building or major building. The APZs are related to the residential development and are intended to be predominately provided within the R2 zoned land and boundaries of the proposed RE2 zones. The detailed requirements and extent of the APZs will not be finalised until the development application stage to respond to the subdivision and proposed building siting and use. It is therefore not appropriate to apply a conservation or open space zoning. In addition, RFS generally will not support the zoning of APZs as a conservation zone as this impacts the ability for ongoing management and clearing.   |
| c (iv)  | investigate appropriate zone options to identify the proposed open spaces.   | The provision of open space and pocket parks within the residential zone will be developed as part of the detailed design development. At this stage it is not appropriate to zone these areas as the configuration of the lot subdivision has not been investigated and developed to a fine grain level. DCP controls are proposed to ensure that future urban design guidelines and subdivision pattern provide for open space and pocket parks within the residential zoned land.  |
| d       | introduce a discussion of how the proposal will deliver affordable housing in a manner consistent with the Northern Beaches Council Affordable Housing Contribution Scheme;    | The planning proposal will seek to align with the principles outlined in section 1.7 of the Northern Beaches Affordable Housing Contribution Scheme (NBAHC Scheme). The proponent will, prior to finalisation to the LEP, confirm and document the proposed mechanism of the delivery of affordable housing. This will involve the consideration of whether the proponent, Metropolitan Aboriginal Land Council, will provide and retain affordable housing at the site as a community housing provider or whether an affordable housing contribution will be provided and whether or not the contribution will be made to an Indigenous Community Housing Provider. It is intended that the viability of any affordable housing provision, whether through provision of housing as community housing provider or financial contribution will be based on a financial viability assessment. The proposed Affordable Housing Contribution rate will be documented and considered prior to finalisation of the LEP. |
| e       | introduce minimum lot sizes through LEP mapping, rather than the Development Control Plan;   | Refer to proposed minimum lot size map at Figure 31.<br><br>The planning proposal seeks to apply minimum lot sizes for the site under the LEP comprising of 200sqm, 450sqm and 600sqm lots. The lot   |

| Item     | Condition   | Response   |
|----------|---|--|
|          |   | <p>sizes and their location respond to the topography, conservation interfaces, and key environmental features of the site. It is intended that a minimum lot size for dual occupancies of 600sqm will also apply within the R2 Low Density Residential zone.</p> <p>The minimum lot size control will work alongside the 450 dwelling cap to ensure the appropriate distribution of development across the site and enable provision of a diverse range of housing typologies.</p>  |
| <b>f</b> | if the planning proposal adopts the R2 zone, Additional Permitted Uses for seniors housing and community facilities should be removed, otherwise provide further justification and reasoning to support the introduction of these APUs; | The planning proposal intends to enable dual occupancies to be permitted with consent within the R2 Low Density Zone. This will support housing diversity across the site and within the locality. The permissibility of dual occupancies will not impact the dwelling cap, with the resultant dwellings from any dual occupancy development counting towards the dwelling cap. As part of a future detailed development application, lot sizes will be suitably managed to ensure that the number of lots that permit dual occupancies will not exceed the dwelling cap.  |
| <b>g</b> | clarify references to the B1 Local Centre zone that are not depicted on any maps; and   | The planning proposal has been updated to remove references to a local centre zone. The planning proposal does not seek to rezone any of the site as B1 Local Centre.  |
| <b>h</b> | prepare a site-specific Development Control Plan.   | <p>A site-specific DCP has been prepared to support the planning proposal (refer to Appendix 27). The DCP outlines the vision for the future development of the site, outlining the precinct structure, designing with country, urban design and built form principles.</p> <p>We recommend that the detailed design controls should be implemented via a DCP let by the State Government, which reflects the outcomes of the DCP exhibited. However, we note that this can be achieved via alternative outcome, where this is done via the amendment of the Planning Systems SEPP of the Precincts – Eastern Harbour Cities SEPP.</p> |

## APPENDIX 2

### RESPONSE TO COUNCIL SUBMISSION (SUPERSEDED)

The below provides a summary of the NBC submission and the proponent response prior to the revision of the planning proposal package for Gateway and public exhibition.

#### Summary of NB Council Submission and Proponent Response

| Council issue   | MLALC Response   |
|---|--|
| <b>Alignment with relevant Strategic Plans and Council Policy</b> |  |
| Planning Systems SEPP and DDP                                     | <p>Chapter 3 of the Planning Systems SEPP (formerly the Aboriginal Lands SEPP) sits above Region and District Plans within the strategic hierarchy.</p> <p>Local Planning Direction 1.2 Development of Aboriginal Land Council Land, requires that any PPA when preparing a planning proposal, take into account any <b>Development Delivery Plan (DDP)</b> and any inconsistency must be justified.</p> <p>In addition, when considering whether a PP has strategic merit, the PPA must consider if the proposal is consistent with the relevant DDP. In this regard, the <a href="#">Northern Beaches DDP</a> notes the site has the potential for “a range of land uses, including low density housing, new recreation areas, conservation areas, and cultural community space, subject to further investigation”.</p>  |
| Greater Sydney Region Plan and North District Plan                | <p>The Greater Cities Commission (GCC) was briefed on the PP prior to lodgment and raised no fundamental issues.</p> <p>Objective 8 of the Greater Sydney Regional Plan states:<br/> <i>“engagement with Aboriginal communities should be founded on self determination, economic participation and mutual respect. This includes facilitating the ability of Local Aboriginal Land Councils to more readily derive economic, community and cultural use of Aboriginal land acquired under the Aboriginal Land Rights Act 1983”.</i></p> <p>Rezoning of the Morgan Road site will align with this objective, enabling self-determination and facilitating tangible economic, social and cultural prosperity for MLALC members and its community.</p> <p>Objective 29 of the Greater Sydney Region Plan relating to Metropolitan Rural Area, and associated Planning Priority N18 states:<br/> <i>“Parts of the urban-rural fringe are owned by the Local Aboriginal Land Council. Future planning of these areas may require flexibility in order to balance rural values with the objectives of greater economic participation and community and cultural use of these areas by Aboriginal people”.</i></p> |

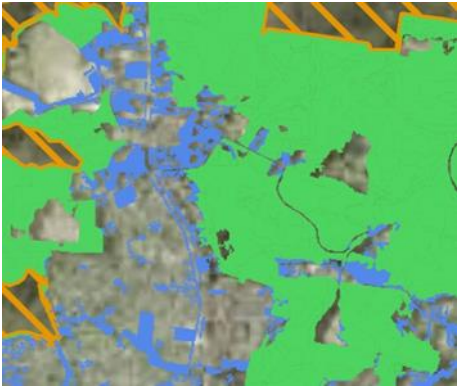
| Council issue                    | MLALC Response  |
|----------------------------------|---|
|                                  | <p>The site is located on the fringe of the existing established suburb of Belrose and is therefore a prime candidate for the flexible application of the MRA.</p> <p><b>Appendix 3</b> to the PP provides a detailed response demonstrating compliance with the Greater Sydney Region Plan and the Northern District Plan.</p>   |
| Northern Beaches LSPS            | <p>The proposal will result in improvement to the stormwater run-off and water quality both within the site and the wider Narrabeen Lake catchment area. This will be achieved through integrated WSUD within the public and private domains, together with the expansion of drainage networks through parklands, in exceedance of the existing riparian corridors.</p> <p>As noted in the Landscape Visual Assessment Report: “<i>geographically nearly one third of the site will be left in its current state with no changes made to its visual character...visually significant features across other parts of the site will be retained</i>”.</p> <p><b>Appendix 4</b> to the PP provides a detailed response demonstrating compliance with Council’s LSPS.</p>   |
| Northern Beaches LHS             | <p>We note Council’s comments regarding additional housing provided however it is not clear whether this relates to net or gross increases, or whether this data is publicly available.</p> <p>The latest DPE projections indicate a decrease in the total population compared to the 2019 release. However, changes to the total population do not mean that the housing need also goes down. When calculating the overall housing need, the age and living arrangements of the population need to be considered. As part of the Population projections release, DPE publish an implied dwelling need. This number calculates the number of dwellings needed for the total population based on ABS household composition and age.</p> <p>Comparing the 2019 and 2022 population projections, the total dwelling need has increased. By 2041, to meet updated population projections 130,106 extra dwellings are needed. This is an increase of 3,703 additional homes when compared to the 2019 release.</p> |
| Inconsistency with C zone review | <p>Council’s C zone review is in draft form and recently finished exhibition. It is not yet finalised or adopted. There is no certainty of outcome nor statutory requirement for the PP to be consistent.</p> <p>The PP acknowledges this piece of work and can be translated into this framework if/when progressed to a statutory stage considering the draft LEP is 12 months away.</p> <p>A copy of our submission to the C zone review is attached. The submission highlights the introduction of a blanket C3 Environmental Management zoning on the majority of the site will result in an inferior environmental outcome</p>  |

| Council issue  | MLALC Response   |
|--|--|
|  | <p>compared to the approach proposed as part of this PP which enables the preservation of significant bushland without any direct or indirect impacts.</p>   |
| <p>Insufficient affordable housing</p>   | <p>The intended outcome of the PP is to generate funding to allow MLALC to continue to provide housing for Aboriginal people and deliver their core business (established under the NSW ALR Act) as outlined in their Community Land Business Plan.– refer to: <a href="https://metrolalc.org.au/housing/">https://metrolalc.org.au/housing/</a></p> <p>Following the Independent Aboriginal Review by Sydney North Planning Panel, the proponent has confirmed its position in relation to the provision of Affordable Housing. Prior to the finalisation of the LEP, the proponent will undertake further analysis of the project viability to enable the provision of affordable housing which is consistent with the Northern Beaches Affordable Housing Contribution scheme which does not currently apply to the site.</p> |
| <b>Process</b>   |  |
| <p>Non-compliant process</p>   | <p><a href="#">Planning Circular PS 21-032</a> relating to the Independent Review of Planning Proposals for Aboriginal Land establishes that Council has 28 days to provide comments from the date of request.</p> <p>MLALC and the project team have followed the relevant pre-lodgement processes in accordance with the LEP Making Guidelines. Pre-lodgement consultation was undertaken with a wide range of NSW Government Agencies and utility providers – as documented in Appendix 7 of the PP.</p> <p>In each case, a comprehensive briefing was provided and feedback sought on matters to be addressed in the PP documentation.</p>   |
| <p>Short consultation timeframe</p>  | <p>The process for Council feedback at this stage in the PP process is established in the <a href="#">LEP Making Guidelines</a> and the Planning Circular PS19-003.</p> <p>MLAC and the project team have been in regular contact with Council officers over the last 2 years, providing multiple site visits and project briefings. The most recent meeting was 1 September 2022 – prior to lodgement of the planning proposal. In addition, DPE convened a PCG throughout 2021-21 attended by Council officers.</p> <p>MLALC and the project team have regularly indicated a willingness to work with Council.</p>   |
| <b>Urban Design</b>  |  |
| <p>The proposal cannot be supported from an urban design perspective. Proposing a new green-field land release and a new settlement of 450 dwellings is untenable given the site constraints</p> | <p>The Planning Proposal identifies two land use zones to specifically cater for the intended conservation purposes and low density residential uses.</p> <p>The PP is consistent with the objectives of the R2 Low Density Residential Zone in WLEP, namely:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>  |

| Council issue   | MLALC Response   |
|---|--|
| <p>and location. The proposal seems to mimic the urban form of the 1970s creating a sparse, isolated, car-reliant, enclave. It is also unclear from the information supplied how the proposed new settlement relates to or integrates with Belrose.</p>   | <ul style="list-style-type: none"> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah</li> </ul> <p>The illustrative concept plan is conceptual and will be subject to further design refinement as the planning process progresses.</p>   |
| <p>The Design Principles set out in Patyegarang Project, Urban Design Framework, October 2022, prepared by COX Architecture and submitted with the planning proposal, assumes a sparse, low-density, high environmental impact, car-dependent settlement form. Large areas of bushland are proposed to be cleared to provide Asset Protection Zones (APZ) which would remove the leafy outlook. Constraints of the land (i.e., habitat areas, very steep sloping land) do not seem well responded to.</p> | <p>The design principles in the Urban Design framework directly respond to the planning opportunities identified in the DDP (refer page 19).</p> <p>The illustrative concept plan reflects the site's natural environment, unique characteristics and opportunities to conserve and restore more than 50% of the site as green and blue spaces.</p> <p>The concept plan has been prepared by a process that firstly considered caring for country and existing landscape elements and has resulted in a design outcome that:</p> <ul style="list-style-type: none"> <li>• Reduces the impacts of natural events such as fire, drought, and flooding, exacerbated by unsustainable land- and water-use practices.</li> <li>• Values and respects Aboriginal cultural knowledge.</li> <li>• Ensures that Aboriginal people have access to their homelands so they can continue their responsibility to care for Country and protect sensitive sites.</li> <li>• Protects and celebrates significant cultural elements</li> <li>• Ensures that the ridgelines and the valleys are retained as green elements</li> <li>• Retains and enhances key flora and fauna areas within larger green spaces and networks</li> <li>• Utilises topographical changes as design cues to inform water sensitive urban design locations, street alignments and to reduce the need for cut and fill within lots</li> <li>• Provides for a range of lot sizes that enable rocky outcrops, existing trees and landscapes to be retained</li> </ul> <p>The illustrative concept plan within the Urban Design Report represents one of many permutations as to how the vision may be realised on the site. This realisation will be informed by detailed design studies through development application pathways and a site-specific Development Control Plan which will be prepared in collaboration with Council.</p> <p>The site-specific DCP outlines the statutory controls the vision and principles for the site. This will ensure a design response that not only creates housing</p> |

| Council issue  | MLALC Response   |
|--|--|
|  | opportunities in a natural setting, but that also supports and enhances the local ecology and is respectful of the continuing connections that Aboriginal people have to this Country. In line with this APZ's can be managed in a way which is consistent with the leafy character of parts of the Northern Beaches and, in some areas of the site, will result in higher quality vegetation than is currently present.   |
| Alternative settlement forms should be explored, such as a more sustainable, compact, walkable, and diverse neighbourhood with good access to public transport, considering the topography of the land, and with rocky outcrops, trees and significant habitats protected. Scenic and district views should be protected, and bushfire risk managed. | <p>We would welcome the opportunity to continue to develop this from a PP in to more detailed studies, through ongoing engagement with the Council and their Northern Beaches Design &amp; Sustainability Advisory Panel (DSAP), particularly through the preparation of the site-specific Development Control Plan.</p> <p>The site-specific DCP will enshrine in statutory controls how development can be deliver a sustainable, compact, walkable, and diverse neighbourhood with good access to public transport, considering the topography of the land, with rocky outcrops and protection of significant trees and habitats.</p> <p>MLALC and the project team would be pleased to engage with the Northern Beaches Design &amp; Sustainability Advisory Panel (DSAP) as part of the on-going PP process.</p>  |
| <b>Supporting Documentation</b>  |  |
| Inconsistencies in PP documentation  | <p>We acknowledge inconsistencies in terminology and this can be rectified prior to public exhibition. The intention was to articulate a maximum yield upon which infrastructure needs can be determined.</p> <p>The final drafting of any provision will be subject to agreement by Parliamentary Counsel Office. Clarification of dwellings versus lots can be undertaken as part of the rezoning process to ensure the desired outcome is unambiguous</p> <p>B1 zonings are no longer being pursued. The only zones proposed in the PP are C2 and R2 and RE2. Non-residential land uses (such as the community/education centre) will be restricted to uses permissible in the existing R2 and RE2 zone. The additional zoning options were floated in early discussions and any remaining references in supporting documentation are an error and be fixed prior to public exhibition.</p> <p>An additional permitted use for dual occupancies is included to provide housing diversity in accordance with Council's LSPS and LHS.</p> |
| Slope instability  | <p>The slope stability report undertaken by SMEC indicates that the site is stable and can support urban development. The design of roads will consider the topography of the site to follow existing site contours and to avoid steep areas of the land. The site specific DCP (Appendix 27) addresses road design, topography and gradients.</p> <p>The Slope Risk Assessment is provided at <b>Appendix 14</b> of the PP.</p>   |

| Council issue   | MLALC Response   |
|---|--|
| Insufficient information on stormwater impacts  | <p>The Stormwater Management Plan (Craig &amp; Rhodes) outlines the approach to managing stormwater for the project. The objectives to both meet and exceed storm water targets for water quality and quantity are clearly outlined in terms of on site management &amp; the Narrabeen Lagoon catchment. It is intended to utilise the latest technology and methodologies to ensure the water quality for the development.</p> <p>The Stormwater management report is provided at <b>Appendix 19</b> of the PP.</p>   |
| Insufficient information on social impact and details of ongoing engagement   | <p>A detailed and comprehensive Social Impact Assessment is provided at <b>Appendix 9</b> of the PP outlining the positive social outcomes of the PP, including:</p> <ul style="list-style-type: none"> <li>• Enhancement, conservation and protection of significant areas of land;</li> <li>• 125 – 145 new full time jobs and increased construction employee spend within the local area;</li> <li>• Unlocking passive and active public open space opportunities for the community at large;</li> <li>• Improved bushfire protection measures</li> <li>• Improved water quality across the wider catchment area.</li> </ul> <p>In relation to ongoing engagement, the formal and informal engagement process will be ongoing throughout the rezoning process and will be undertaken through various forms throughout the process. A engagement action plan will be developed to outline stakeholder and community engagement activities and forums. Engagement with the Aboriginal community, key stakeholders and the wider community will be central to the ongoing design and development of the project as it moves through each stage of the planning process.</p> |
| Additional infrastructure requirements not addressed  | <p>We are not aware of any additional infrastructure requirements for the project. The Infrastructure Delivery Plan confirms that consultation has occurred with all service authorities in terms of the availability of services for the development together with capacity.</p>  |
| <b>Biodiversity</b>   |  |
| The proposal will result in impacts on core habitat, known habitat for various threatened species of flora and fauna and Threatened Ecological Communities (TECs) | <p>This statement is misleading, the structure plan will not impact on TECs. Council has not provided evidence to the contrary nor reasons why they choose not to accept the findings of the Preliminary BDAR included as <b>Appendix 10</b> of the PP.</p> <p>The term ‘core habitat’ has different definitions under different studies and planning documents. In this case, Council is referring to the definition used in the Northern Beaches Council Biodiversity Planning Review by SMEC (2021), not to a particular legal definition, such as that used in the Koala SEPP. Core habitat in the SMEC (2021) context has been applied to the site because it is a large area of remnant vegetation with known threatened</p>   |

| Council issue   | MLALC Response   |
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|   | <p>species records. This classification has been applied to extensive areas within the locality – see green layer on map below, so does not necessarily confer the status that could be inferred from Council's statement.</p>    |
| <p>Likelihood of substantial additional impacts resulting from bushfire protection clearing requirements within riparian zones which dissect the proposal and along primary access and egress roads.</p>                            | <p>The location of all APZs and associated clearing for bushfire protection is located outside the areas specifically identified for conservation (i.e. within the developable footprint).</p> <p>The nominated APZ areas do not extend into the 6.9ha of retained vegetation within the R2 land.</p> <p>The Preliminary BDAR assessment has incorporated direct and indirect impacts of APZ management.</p>   |
| <p>The resulting significant impacts to threatened species including those identified as being at risk of 'Serious and Irreversible Impacts' (refer to Sections 6.2 (i) and 7.2 of the NSW Biodiversity Conservation Act 2016).</p> | <p>The issue of SAIL relates to an assumption that threatened plants at risk of SAIL occur on the site, and that TECs at risk of SAIL occur on the site. At this time there are no known SAIL entities on the site.</p> <p>The Preliminary BDAR accepts there is some uncertainty in relation to threatened plants and addresses this by stating there is flexibility within the Structure Plan to enable future modifications to protect important populations of threatened plants, if these are found at a future time.</p> <p>If threatened plants at risk of SAIL are found in the future, it does not necessarily follow that there would be a significant impact upon them.</p> |
| <p>The resulting 'Prescribed Impacts' that are additional to the impacts of native vegetation clearing, impacting habitats or features of the environment that are irreplaceable.</p>   | <p>Prescribed impacts relevant to the structure plan are:</p> <ul style="list-style-type: none"> <li>(i) impacts of rock habitat - which is not a rare resource in the locality</li> <li>(ii) impacts on connectivity - which is minimised through structure plan design</li> <li>(iii) impacts on waterbodies - to be avoided and minimised through stormwater design, and</li> <li>(iv) vehicle strike - an impact to be managed, not an irreplaceable feature.</li> </ul>   |

| Council issue  | MLALC Response   |
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| Previous biodiversity studies                                  | <p>Comprehensive flora and fauna survey work has been undertaken over a period of 18 months and is documented in the preliminary Biodiversity Development Assessment Report (BDAR) at <b>Appendix 10</b> of the PP.</p> <p>Fauna field surveys conducted across the site were designed to meet DPE survey guidelines and advice for determination of presence/absence for a development assessment.</p> <p>The Preliminary BDAR does not dispute that there are high conservation values on the site. Field survey design and assessment for the Preliminary BDAR considered all records of threatened species in the locality contained within the Bionet sightings database. Indeed, the Sooty Owl was added to the predicted species list in Table 10 of the Preliminary BDAR on the basis of local records. Previous threatened species records for the site are shown on Figure 8 of the Preliminary BDAR.</p>  |
| Consistency with requirements of Biodiversity Conservation Act | <p>Council seem to imply that offsetting is not proposed for threatened fauna species other than the Eastern Pygmy-possum. However, the executive summary at the beginning of the Preliminary BDAR clearly sets out in Table E2 that both the Eastern Pygmy-possum and Red-crowned Toadlet would be offset through species credits.</p> <p>Offsetting is also provided for the Powerful Owl, Spotted-tailed Quoll and Rosenberg's Goanna (and a large number of additional species) as ecosystem credit species – these details are set out in Ch5.1.1 (Table 10) of the Preliminary BDAR.</p> <p>There is no distinction in the BAM between breeding and non-breeding habitat for the Rosenberg's Goanna. The Preliminary BDAR correctly 'predicts' presence of this species and calculates offsets accordingly. The known presence of the species simply confirms the prediction. Reference to the species being nocturnal in the section addressing potential for vehicle strike (Ch8.3.4) is an editing error in the BDAR – the same sentence was copied from the Spotted-tailed Quoll point and not amended to properly reflect the Goanna. It is the only place the Preliminary BDAR refers to the Goanna being nocturnal. The error is not material to the assessment.</p> <p>The Giant Burrowing Frog is not likely to be affected as there is no evidence that it occurs on the site. It is listed as a 'species credit' species because it cannot be predicted on the basis of habitat types. There are many records in the locality but it does not automatically follow that it is present on the site. Comprehensive and targeted survey have been undertaken in accordance with relevant guidelines and in consultation with amphibian expert Dr Marion Anstis who was involved with some of the surveys. There are no previous records for this species on the site in Bionet and it was not recorded during surveys.</p> |

| Council issue                                      | MLALC Response  |
|--|---|
|  | <p>The BAM-Calculator does not associate <i>Microtis angusii</i> with the PCTs present on the site. There are no records of <i>Microtis angusii</i> within the site on the Bionet Sightings database. The TBDC states that known records of the plant are on ridgetop lateritic soils associated with the Duffys Forest EEC. This habitat is not present on the site. If Council has additional information on this species then it would be useful to us for the information to be shared.</p> <p>Council considers that further assessment is needed to determine occurrence of the TECs. The work undertaken to-date is more than sufficient to justify that the Duffys Forest EEC is not present. The matter of the Upland Swamp EEC is less clear as the mapped location is highly modified and dominated by weeds. This makes determination of the original PCT more difficult, however the BDAR provides a thorough justification.</p> <p>The Preliminary BDAR cannot quantify or accurately assess indirect impacts at this early stage of development planning. The BDAR states that offsetting of indirect impacts would be considered further and calculated at the DA stage. This is not a material concern at this stage in relation to the avoid and minimise issue.</p> <p>A precautionary approach has been applied – hence assumption of total loss of habitat across the residential zone. The structure plan includes substantial buffers and protections between the residential zone and the C2 zone to remove uncertainty in relation to maintenance of biodiversity values across the C2 zone.</p> <p>A BDAR is not required to nominate how a development would be offset – it is not the role of the Accredited Assessor to prescribe this. The DPE BDAR template does not include a heading or advice requiring the proposed method of offsetting to be addressed. Further, the method of offsetting (as long as it is consistent with the BC Act) is not a valid reason for refusal.</p> <p>Notwithstanding this, there is intent to create Stewardship Sites on other MLALC lands in the region for the purpose of offsetting this development, thus prioritising local offsetting.</p> |
| Impact on waterways                                | <p>A Flood Impact and Risk Assessment is included at <b>Appendix 16</b> of the PP.</p> <p>The site specific DCP (Appendix 27) will ensure future development adopts stormwater management systems and WSUD measures to preserve the natural frequency and volume of flow events in the Site's waterways. The proposal and subsequent future DA will invest in the order of \$18 million to implement the latest technology in water quality treatment to not only treat the stormwater which will be generated by the proposed new housing but also improve the current waterways in the area and ultimately flowing into the Narrabeen Lagoon.</p>   |
| <b>Bushfire</b>                                    |   |
| Identification of potential pinch points along the | A Strategic Bushfire Assessment has been provided at <b>Appendix 12</b> of the PP.  |

| Council issue  | MLALC Response  |
|--|---|
| Morgan Road evacuation route and consideration of vulnerability of the access if impacted by fire and APZ adjacent to vegetated areas                                      | Vegetation management adjacent to pinch points within the site and along Morgan Road can be considered if RFS concur with Council's assessment.   |
| Discrepancy between the dead-end roads in the southeast of the site and joined perimeter roads needs to be clarified   | As stated in the BPA, the site is constrained by changes in height, preventing continuous road construction.<br><br>The provision of no through road perimeter roads would be a performance solution based on the presence of the constraining rock outcrops which provide natural fire breaks that would assist fire suppression.  |
| The ownership and ongoing management arrangements for APZs   | Ownership of APZs is to be retained as part of any future Community Title.<br><br>On-going management and funding in perpetuity can be achieved in this manner.   |
| The SBS underplays the potential fire runs into the site.  | The potential fire runs into the site exist currently and pose a risk to existing dwellings and facilities.<br><br>The development of the site will provide enhanced access and APZs which will act as fire breaks. Through the provision of these bushfire protection measures, the risk to the proposed development can be mitigated while concurrently dramatically improving the bushfire threat safety of exiting development  |
| The SBS has taken a view that 400-20,00kW is low risk.   | The strategic bushfire study quoted the Meridian report (prepared for Council) as concluding that the bushfire intensity threat to the site was of a lower risk when compared to the wider area under study.<br><br>While it agreed the site has a low to medium fire intensity threat level, it remains as demonstrated by the Meridian report, one of the more suitable as for development in the study area.   |
| <b>Traffic Comments</b>  |   |
| Slip lane on council land  | The slip lane will benefit not just the subject site but also the wider community and will be paid for as part of the project.<br><br>Forest Way is a Transport for NSW controlled road. Further engagement will occur with TfNSW through the rezoning process to develop an in-principle approval. On this basis TfNSW have the statutory powers to acquire land for roads purposes. If Council refuse to negotiate then TfNSW have the powers to compulsorily acquire the land. |
| The traffic modelling undertaken only considers the intersection of Forest Way and Morgan Road and does not consider the cumulative impact on the Morgan Road corridor, or | The traffic modelling considered the cumulative impacts of all stages of the proposal on both Morgan Road as well as the intersection of Forest Way / Morgan Road. As over two thirds of all traffic movements are projected to travel through this intersection this has formed the focus of the analysis.<br><br>The volume of traffic forecast to travel through the Wakehurst Parkway / Oxford Falls Road intersection is very low in comparison and would not                |

| Council issue   | MLALC Response   |
|---|--|
| impact on the Wakehurst Parkway / Oxford Falls Road intersection.   | <p>materially impact the operation of this intersection. This can be further analysed as part of the next phase of the proposal if required.</p> <p>A review of Transport for NSW crash data indicates that in the most recent five year period there has only been one crash at the Wakehurst Parkway / Oxford Falls Road intersection – with this crash noted as ‘minor’ in terms of significance (i.e. no fatality or serious injury)</p>   |
| The assumption of no traffic growth along the corridor indicates a lack of understanding on the network issues, impacts of recent projects and how the traffic performance is affected within broader region.       | <p>Despite the indication of no historical traffic growth on Forest Way in recent times, a 1% growth rate has been applied to traffic movements for the purposes of the modelling undertaken for the Planning Proposal.</p> <p>In light of the review of historical traffic data undertaken this is considered to conservative assumption and therefore provides a robust understanding of the potential future operation of the surrounding road network.</p>   |
| The main focus for the proponent seems to be a car-based transport project. Council would be expecting full integration with the principles of the MOVE Transport Strategy  | <p>The proposal would significantly improve active transport facilities in the area, integrate with surrounding public transport and complement the principles and objectives of Council’s MOVE strategy.</p> <p>Specific measures proposed in this respect include:</p> <ul style="list-style-type: none"> <li>• Formalisation of existing cycling routes through the site</li> <li>• Internal street network to provide for a variety of walking and cycling paths (including shared paths)</li> <li>• Provision of new pathways that connect pedestrians and cyclists through to existing bus stops on Forest Way as well as future Forest Way shared path (by Council)</li> <li>• Connections within the site (passive) to focus on Aboriginal cultural heritage focal points.</li> </ul>  |
| The traffic modelling provided for the emergency evacuation of the proposed precinct does not meet the requirements to demonstrate the real time evolving situation and does not consider the broader area impacts. | <p>The bushfire evacuation traffic modelling has adopted a number of highly conservative scenarios in terms of evacuation time periods, dwelling yields and proportion of homes at risk.</p> <p>The most conservative assumption adopted relates to the traffic on the surrounding road network, which has been taken as that recorded in the typical commuter PM peak hour. This assumption considers the effect of general traffic on the road network at the busiest time of day travelling in both directions on Forest Way, and essentially considers a scenario whereby other properties north of the subject site evacuate and travel south along Forest Way.</p> <p>The bushfire evacuation traffic modelling approach has been discussed at length with both the RFS and TfNSW and no objections were raised by either of these agencies with respect to the assumptions adopted in relation to the background traffic flows.</p> |
| New roads are proposed to be constructed down valley slopes that would  | <p>The illustrative concept plan within the Urban Design Report represents one of many permutations as to how the vision may be realised on the site. Through detailed design studies through development application pathways</p>   |

| Council issue   | MLALC Response  |
|---|---|
| have road gradients in excess of the maximum grades recommended by Austroads (section 8.5.3) which are 9-10%.   | we are confident that all streets within any new development can meet or exceed road gradient requirements.   |
| <b>Heritage</b>   |   |
| Insufficient survey work on aboriginal heritage   | <p>An Aboriginal Archaeological Study is included at <b>Appendix 23</b> of the PP.</p> <p>The site was divided into two Survey Units with Morgan Road separating the land to the east and west. The western land comprises elevated ridges with broad crests and irregular slopes with low cliff lines, scarps and benches. The eastern land contains several flat sandstone platforms (south) and limited rock exposures on the crest (north) and a range of walking trails, horse and bike riding tracks.</p> <p>Field investigations involved walking parallel foot transects spaced between 10-50m where field conditions permitted and involved inspection of ground surfaces exposed by fire trails and of all major and most minor exposed horizontal rock platforms and sloping rock escarpments.</p> <p>Thorough examination of the principal rock platform upon which the known Aboriginal engravings occur has not located any further engravings. The Aboriginal heritage site recordings are proposed to be updated as part of an Aboriginal Cultural Heritage Conservation Management Plan (ACHCMP) to be prepared in consultation with the MLALC and this will include digital recording of the proposed conservation zone for the main platform at night (which will assist in detecting faint marking).</p> <p>For the parts of the land where sandstone outcropping predominates, and where rock engravings are the most likely form of Aboriginal cultural heritage to be present, excluding the principal rock platforms that contain the identified Morgan Road Aboriginal engravings, no other specific areas of potential Aboriginal archaeological sensitivity have been identified through field survey and consultation undertaken with the MLALC to date.</p> <p>Furthermore, outside of those areas where sandstone outcropping occurs, the soil profiles exposed along fire trails and across erosion scours consist of stony and low fertility materials dominated by exposures of friable sandstone material and clay and it is considered unlikely extensive occurrences of Aboriginal objects remain undetected within the study area.</p> |
| There is insufficient information provided about known and potential sites the survey work, the current sites in their context, best management options for | It is proposed to have the MLALC and a suitably qualified rock art conservation specialist prepare a more detailed and contemporary digital recording of the Morgan Road sites as part of the development of an Aboriginal Cultural Heritage Conservation Management Plan (ACHCMP) to guide the ongoing protection, conservation, and interpretation of the Aboriginal rock engravings as 'features' within the future development. The ACHCMP will provide assessment and management guidelines for controlled   |

| Council issue   | MLALC Response  |
|---|---|
| <p>the site and steps for further investigation. Site mapping of the rock engravings is of a very general nature and likely to be inaccurate and the report fails to demonstrate the significance of the rock engraving sites and how the proposal can safeguard them from current and future impacts as part of a managed visitor experience</p> | <p>visitation, surveillance, and immediate and ongoing conservation requirements for the Aboriginal heritage sites including possible highlighting (non-impact cleaning of grooves under Heritage NSW authorisation) and graffiti removal.</p> <p>The ACHCMP would develop options and appropriate management actions. Further consultation with MLALC as part of the development of the ACHCMP will establish the appropriate means of providing access to and managing the engravings, and whether there is sufficient space to provide formal walking areas, protective barriers and signage. Options for boardwalks or low timber bollards spaced at intervals that serve to define the spatial extent of the kangaroo and its associated footprints that may provide a means of highlighting the location of the features whilst not interrupting visibility or adversely affecting the general aesthetics of the sandstone platform and surrounding bushland will be examined.</p>  |
| <b>VPA</b>  |   |
| <p>VPA</p>  | <p>A VPA is not strictly a requirement of the PP, especially considering the underlying objective of the Aboriginal land planning framework, however the applicant has indicated they are happy to discuss with Council if additional specific matters identified. An VPA would likely include the following items, including those of benefit to the broader community:</p> <ul style="list-style-type: none"> <li>○ Retention and conservation of nearly 20ha of conservation land</li> <li>○ Design and construction of the new slip lane</li> <li>○ Open spaces and recreation infrastructure for public use</li> <li>○ Relocation and undergrounding of existing overhead powerlines</li> <li>○ Construction of necessary works to connect with Sydney Water</li> <li>○ Electrical infrastructure to enable network connection</li> <li>○ Design and construction of the internal road network including public domain improvements such as lighting</li> <li>○ Design and construction of the stormwater and bushfire infrastructure</li> </ul> |

## APPENDIX 3

### CONSISTENCY WITH GREATER SYDNEY REGION PLAN AND NORTH DISTRICT PLAN

Table 12: Consistency with Greater Sydney Region Plan and North District Plan.

| GSRP   | DISTRICT PLAN   | ACTION  | CONSISTENT?   |
|--|---|---|---|
| <b>Liveability</b>   |   |   |   |
| <p><b>Objective 7:</b> Communities are healthy, resilient and socially connected</p> <p><b>Objective 8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> | <p><b>Planning Priority N4:</b> Fostering healthy, creative, culturally rich and socially connected communities</p> | <p><b>Action 11:</b> Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities</p> <p><b>Action 12:</b> Incorporate cultural and linguistic diversity in strategic planning and engagement</p> <p><b>Action 14:</b> Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Lands Councils to better understand and support their economic aspirations as they relate to land use planning</p> <p><b>Action 15:</b> Facilitate opportunities for creative and artistic expression and participation, wherever feasible, with a minimum regulatory burden</p> <p><b>Action 16:</b> Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.</p> | <p><b>YES</b></p> <p>Objective 8 of the GSRP states: <i>“Engagement with Aboriginal communities should be founded on self-determination, economic participation and mutual respect. This includes facilitating the ability of Local Aboriginal Land Councils to more readily derive economic, community and cultural use of Aboriginal land acquired under the Aboriginal Land Rights Act 1983”</i>.</p> <p>Future development of the Morgan Road site aligns with this objective as it would enable self-determination by utilising the Site's developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and community.</p> <p>The Site is unique as it would enable development whilst conserving the cultural heritage and environmental value.</p> <p>The Planning Proposal's proposed Aboriginal community centre will provide opportunities to build resilience through education and encourage creativity, with a built form to enhance people's sense of place. The proposed centre will allow non-indigenous communities to better understand indigenous culture and history, supporting diverse social connections and cultural creative expression within a community environment.</p> <p>The Planning Proposal encourages greater physical activity and social connection by providing new passive and active recreation spaces and it will generate economic means to protect and</p> |

| GSRP   | DISTRICT PLAN   | ACTION  | CONSISTENT?   |
|--|---|---|---|
|  |   |   | preserve Aboriginal Heritage Information Management Systems (AHIMS) registered sites owned by MLALC, which are currently not protected by any other authority.  |
| <b>Objective 10:</b> Greater housing supply<br><b>Objective 11:</b> Housing is more diverse and affordable | <b>Planning Priority N5:</b> Providing housing supply, choice and affordability, with access to jobs, services and public transport | <b>Action 17:</b> Prepare local or district housing strategies that address the following: <ul style="list-style-type: none"> <li>a) the delivery of five-year housing supply targets for each local government area</li> <li>b) the delivery of 6–10 year (when agreed) housing supply targets for each local government area</li> <li>c) capacity to contribute to the longer term 20-year strategic housing target for the District</li> <li>d) the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include:               <ul style="list-style-type: none"> <li>i. creating capacity for more housing in the right locations</li> <li>ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area</li> <li>iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure</li> <li>iv. supporting the role of centres.</li> </ul> </li> </ul> | <b>YES</b><br>The primary focus of objectives 10 and 11 of the GSRP is to provide strategies that enable ongoing housing supply and a range of housing types in the right locations. The emphasis is on “ <i>Good strategic planning (that) can link the delivery of new homes in the right locations with local infrastructure</i> ” (GSRP, p60).<br>Existing key services and local infrastructure support the development potential of the Site. The Site is located on Morgan Road (less than 400m from Forest Way, an arterial road, which provides key transport connections) and within a well serviced area comprising of retail and employment, major hospital facilities, schools, public transport and key utilities.<br>This Planning Proposal potential to yield a significant increase in residential lots of a variety of lot sizes to be offered to ensure diversity of housing choice and affordability. The existing 0-5 targets for the district are a ‘minimum’ and have not been achieved as of July 2021. There is a current shortfall of approx. 2,600 new homes which still need to be completed for the 0-5 year target.<br>The GSRP prescribes that councils are to work with GSC to establish agreed 6-10 year housing targets. The GSC provided an indicative 6-10 year housing target of 3,500 – 4,000 dwellings for the Northern Beaches LGA in its letter of |

| GSRP   | DISTRICT PLAN  | ACTION   | CONSISTENT?  |
|--|--|--|--|
|  |  |  | <p>support for the making of Council's LSPS.</p> <p>The endorsed Local Housing Strategy stipulates that the Northern Beaches will be home to a population of 288,431 people in 2036, an increase of 22,963 people from the 2016 Census and a need to plan for about 12,000 new dwellings by 2036.</p> <p>Ingleside was previously identified as a location for a development; however is no longer being actively pursued. There is a significantly reduced new housing potential of up to 980 new dwellings.</p> <p>This Planning Proposal will provide an increased supply of housing to assist Council to meet the 20-year targets from 2016-2036 for new homes.</p>  |
| <p><b>Objective 13:</b> Environmental heritage is identified, conserved and enhanced</p> | <p><b>Planning Priority N6:</b> Creating and renewing great places and local centres, and respecting the District's heritage</p> | <p><b>Action 21:</b> Identify, conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> <li>a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</li> <li>b) applying adaptive re-use and interpreting of heritage to foster distinctive local places</li> <li>c) managing and monitoring the cumulative impact of development on the heritage values and character of places.</li> </ul> | <p><b>YES</b></p> <p>Under Objective 13, environmental heritage is defined as the places, buildings, works, relics, moveable objects and precincts of State or local heritage significance. It includes Aboriginal places and objects.</p> <p>Several significant Aboriginal rock engravings at the site are regularly and repeatedly destroyed by vandals and a significant portion of the Site is suffering from land degradation.</p> <p>This Planning Proposal seeks to conserve and protect the environmentally sensitive and culturally significant areas of the Site by taking an innovative approach to conserving and enhancing natural elements of the landscape and its visual character. This Planning Proposal is consistent with the district plan and relevant actions by respecting the Site's distinct heritage and allow future residents to contribute as</p> |

| GSRP   | DISTRICT PLAN   | ACTION  | CONSISTENT?  |
|--|---|---|--|
|  |   |   | caretakers and engage in care for country practices for the ongoing management of the Site's heritage and values.  |
| <b>Productivity</b>  |   |   |  |
| <b>Objective 14:</b><br>A Metropolis of Three Cities - integrated land use and transport create walkable and 30 minutes cities | <b>Planning Priority N12:</b><br>Delivering integrated land use and transport planning and a 30-minute city                       | <b>Action 50:</b> Integrate land use and transport plans to deliver the 30-minute city.                   | <b>YES</b><br>The Site is 300 metres from Forest Way, a bus corridor providing frequent bus services to city, Chatswood and Mona Vale. The north-west corner of the Site along Morgan Rd is within 400m walking distance to the bus stop on Forest Way. The accessibility to public transport of the Site will increase active travel options and access to a walkable and 30-minute city.   |
| <b>Sustainability</b>  |   |   |  |
| <b>Objective 25:</b><br>The coast and waterways are protected and healthier  | <b>Planning Priority N15:</b><br>Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways | <b>Action 62:</b> Protect environmentally sensitive areas of waterways and the coastal environment areas. | <b>YES</b><br>As the original custodians of the land & significant landowner in the Middle Creek catchment of Narrabeen Lagoon, the MLALC is critically aware of the important role water quality plays in the environmental health of the wet land systems of the lagoon.<br>Advanced investigations undertaken by Craig & Rhodes and their division Storm Consulting and innovation partner Star Water reveal most of the existing storm water flowing in the Middle Creek urban development catchment is generally untreated before entering Narrabeen Lagoon. This Planning Proposal will provide stormwater management with water sensitive urban design measures to ensure no increase in stormwater runoff and improved water quality to Snake Creek and Narabeen Lagoon. |
| <b>Objective 27:</b>   | <b>Planning</b>   | <b>Action 64:</b> Improve the health of   | <b>YES</b>   |

| GSRP   | DISTRICT PLAN  | ACTION   | CONSISTENT?   |
|--|--|--|---|
| <p>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p><b>Objective 28:</b> Scenic and cultural landscapes are protected</p> <p><b>Objective 29:</b> Environmental, social and economic values in rural areas are protected and enhanced</p> | <p><b>Priority N16:</b> Protecting and enhancing bushland and biodiversity</p> <p><b>Planning Priority N17:</b> Protecting and enhancing scenic and cultural landscapes</p> <p><b>Planning Priority N18:</b> Better managing rural areas</p> | <p>catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.</p> <p><b>Action 66:</b> Protect and enhance biodiversity by:</p> <ol style="list-style-type: none"> <li>supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</li> <li>managing urban bushland and remnant vegetation as green infrastructure</li> <li>managing urban development and urban bushland to reduce edge-effect impacts.</li> </ol> <p><b>Action 67:</b> Identify and protect scenic and cultural landscapes.</p> | <p>This Planning Proposal conserves and protects significant areas of biodiversity by</p> <ul style="list-style-type: none"> <li>retaining 6.9 hectares of intact native vegetation in small reserves and along riparian corridors within the development site, and</li> <li>retention and protection of a further 22.1 hectares of intact native vegetation and habitat as a Conservation Zone within the landholding.</li> </ul> <p>Planning Priority N17 promotes the preservation of Aboriginal cultural heritage by protecting scenic and cultural landscapes which can complement the protection of biodiversity and habitat, help manage natural hazards and support tourism. This Planning Proposal proposal includes LEP amendments that will manage and protect natural bushlands and creeks and will preserve a significant amount of natural space and culturally significant Aboriginal artefacts. Under Objective 29, Oxford Valley Falls, Belrose North and Cottage Point has been identified as MRA. Further rural residential development is to be considered where there is no adverse impact on the amenity of the local area and where development does not impact on the environmental, social and economic values of the MRA. As noted in the Visual Assessment prepared by Urbis (Appendix 18) the In visual terms the MLALC proposal leaves large parts of the site untouched and therefore protects the visual character and scenic quality of those areas by retaining areas of natural topography, vegetation and habitat. The dispersed and low scale</p> |

| GSRP   | DISTRICT PLAN   | ACTION   | CONSISTENT?   |
|--|---|--|---|
|  |   |  | <p>nature of the proposed development protects the large rock platform and associated archaeological site of indigenous significance and will not affect long distance scenic views across the site to the Pacific Ocean.</p> <p>The proposal will allow for:</p> <ul style="list-style-type: none"> <li>• Protection from further degradation and preservation the Aboriginal Rock Carvings and Paintings through RE2 Private Recreation zoning;</li> <li>• Protection and preservation the mature trees and large areas of native vegetation and habitat on the site;</li> <li>• Preservation of the many rock-shelves.</li> </ul> <p>Parts of the urban-rural fringe are owned by LALCs. Consistent with the GSRP, Planning Priority N18 recognises the need of “flexibility” in future planning for LALC owned land in the urban-rural fringe to balance rural values with the objectives of greater economic participation and community and cultural use of these areas by Aboriginal people.</p> |
| <p><b>Objective 31:</b><br/>Public open space is accessible, protected and enhanced.</p> | <p><b>Planning Priority N20:</b><br/>Delivering high quality open space</p> | <p><b>Action 73:</b> Maximise the use of existing open space and protect, enhance and expand public open space by:</p> <ol style="list-style-type: none"> <li>a) providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow</li> <li>b) ... (g) providing walking and cycling links for transport as well as leisure and recreational</li> </ol> | <p><b>YES</b></p> <p>The Site is currently used for unauthorised hiking, bike riding and other recreational activities which are negatively impacting the land. This Planning Proposal will deliver high quality open space by including multiple areas of publicly accessible open space and recreational areas that provide walking and cycling links to adjoining fauna habitat areas, scenic views and cultural spaces.</p>   |

| GSRP | DISTRICT PLAN | ACTION | CONSISTENT? |
|------|---------------|--------|-------------|
|      |               | trips. |             |

## APPENDIX 4

Consideration of each LSPS planning priority and relevant associated actions

Table 13: Consideration of each LSPS planning priority and relevant associated actions

| PLANNING PRIORITY 1: HEALTHY AND VALUED COAST AND WATERWAYS   |   |
|---|---|
| Actions   | Comment   |
| <p><b>1.3</b> Develop LEP and DCP controls that incorporate the findings of the above studies, including stormwater quality targets; integrated water cycle management (including water sensitive urban design); coastal management programs; protection of riparian areas; coastal hazard management and criteria for environmentally friendly sea walls</p>   | <p>Ensuring the ecological values of natural watercourses are maintained is a key principle underpinning the preliminary concept design of the Morgan Road site. MLALC has undertaken advanced investigations in relation to opportunities for the protection and enhancement of waterways on its Morgan Road site and engaged the services of Craig &amp; Rhodes Pty Ltd, Storm Consulting and innovation partner Star Water to undertake site investigations in relation to management of the waterways, creeks and riparian corridors, including water sensitive urban design measures to ensure improved water quality to Snake Creek and enhancement of the Middle Creek catchment of Narrabeen Lagoon. The Planning Proposal is consistent with this priority and can positively contribute to the preparation of proposed LEP and DCP watercourse and wetlands provisions and associated mapping for the Site and surrounding lands. A site specific DCP has been prepared to include provisions for riparian corridors, water cycle management and design and environmental management (see Appendix 27). The riparian areas are also proposed to be zoned RE2 Private Recreation, with additional permitted uses enabling environmental management works, stormwater services, bushfire works and APZs, utilities and servicing to be undertaken in these areas.</p> |
| PLANNING PRIORITY 2: PROTECTED AND ENHANCED BUSHLAND AND BIODIVERSITY   |   |
| Actions   | Comment   |
| <p><b>2.1</b> Prepare a biodiversity planning analysis to identify core, transition and connection zones (wildlife corridors) and to support a strategic urban biodiversity framework</p> <p><b>2.2</b> Prepare LEP and DCP controls that protect bushland and biodiversity, including the findings of technical studies; use of environmental protection zones and designating environmentally sensitive areas; and work with the Department of Planning, Infrastructure and Environment on the application of</p> | <p>The Planning Proposal is consistent with principles and actions of this priority. The principles of Planning Priority 2 include:</p> <ul style="list-style-type: none"> <li>• Protect core areas and areas of high environmental value from urban development.</li> <li>• Conserve and restore threatened species habitat.</li> <li>• Retain native vegetation and maintain or enhance ecological functions in core areas and wildlife corridors (connection zones).</li> <li>• Ensure future developments avoid, then minimise,</li> </ul>  |

|   |   |
|---|---|
| <p>State policies</p> <p><b>2.3</b> Investigate a local biodiversity offset framework that meets the Biodiversity Conservation Act 2016, encourages local offsets or increases obligations when offsets are provided outside the LGA, district or bioregion</p> | <p>impacts on bushland before offsetting is considered. Extensive biodiversity investigations and analysis have been undertaken by the Hayes Environmental project team for this Planning Proposal. The investigations have identified areas of high biodiversity value on the Site which should be protected and, as such, zoned C2 – Environmental Conservation, and biodiversity offsets obligations in accordance with <i>Biodiversity Conservation Act 2016</i>. It has also identified significant areas within the 71ha site that do not require conservation or environmental zoning and provide opportunities for alternative land uses as proposed in this Planning Proposal. Refer to the Preliminary Biodiversity Development Assessment Report at Appendix 10 for further detail.</p> <p>A site specific DCP has been prepared to include specific controls relating to biodiversity and environmental management (see Appendix 27).</p> |
|---|---|

### PLANNING PRIORITY 3: PROTECTED SCENIC AND CULTURAL LANDSCAPES

| Actions  | Comment   |
|--|---|
| <p><b>3.1</b> Prepare a scenic and cultural landscape assessment with the community to identify landscapes and their social, architectural, natural, local and regional values</p> <p><b>3.2</b> Develop LEP and DCP controls to protect views, skylines and scenic and cultural landscapes, such as foreshore scenic protection areas and special clauses for building heights on steeply sloping land and significant ridgelines</p> | <p>The Planning Proposal is consistent with the principles of this priority, being:</p> <ul style="list-style-type: none"> <li>• Enhance and protect views of scenic and cultural landscapes from public areas.</li> <li>• Protect areas of exceptional natural beauty and aesthetic importance.</li> <li>• Make new development visually subservient to scenic and cultural landscapes.</li> <li>• Protect the natural landscape, including landforms, rock outcrops and remnant bushland.</li> <li>• Avoid new development on ridgelines or in places that will disrupt the skyline.</li> </ul> <p>The Landscape Visual Assessment Report prepared by Urbis confirms “<i>Geographically nearly one third of the site will be left in its current state with no changes made to its visual character... visually significant features across other parts of the site will be retained</i>”.</p> <p>The key design principles of this Planning Proposal include:</p> <ul style="list-style-type: none"> <li>• development will have building heights below the tree canopy to protect scenic amenity and maintain local values; and</li> <li>• ensuring ridgelines and the valleys are retained as green elements.</li> </ul> |

|  |  |
|--|--|
|  | <p>Areas with cultural significance will be protected and celebrated for the community to enjoy. The Planning Proposal is supported by a site specific DCP which features controls and objectives relating to important view points and cultural landscape.</p>  |
| <b>PLANNING PRIORITY 4: PROTECTED METROPOLITAN RURAL AREA</b>  |  |
| <b>Actions</b>   | <b>Comment</b>   |
| <p><b>4.2</b> Develop LEP and DCP controls addressing land use conflicts that compromise the rural and environmental values of the MRA and future MRA investigation area, and having regard for the outcomes of the housing, employment, local character and environment studies, and identified environmental hazards and constraints</p> <p><b>4.4</b> Work with the Department of Planning, Infrastructure and Environment on the application of relevant State policies that allow urban intensification of the MRA and future MRA investigation area, by developing a local approach to the provision of seniors housing, boarding houses and medium density housing based on evidence in the local housing strategy</p> <p><b>4.7</b> Work with the MLALC to better understand constraints as well as feasible and appropriate land use opportunities on land owned by the MLALC</p> | <p>The Planning Systems SEPP provides for the making of development delivery plans for land owned by Local Aboriginal Land Councils that must be considered when preparing Planning Proposals or assessing development applications. The PS SEPP applies to all land included in this Planning Proposal.</p> <p>The Morgan Road site is identified as MRA and future MRA investigation area in the LSPS.</p> <p>The objectives of this Planning Proposal generally align with the above MRA principles. One notable exception is the principle to 'Avoid urban intensification and subdivision in the MRA and future MRA investigation area'.</p> <p>Under Action 4.7, Northern Beaches Council commits to working with MLALC to better understand constraints, as well as feasible and appropriate land use opportunities on these lands.</p> <p>The Site has the capability to deliver tangible economic, social and cultural benefits to the Aboriginal and local communities and generate economic means to protect and preserve the Site's significant environmental and heritage value.</p> <p>This Planning Proposal provides the opportunity to work with Council to achieve feasible and appropriate land use for MLALC owned land on the urban-rural fringe. Further, it is consistent with the GSRP and North District Plan's intent to provide "flexibility" in future planning for LALC owned land in the urban-rural fringe within the MRA.</p> <p>We acknowledge Council would like to strengthen/expand the area nominated as MRA, however the has been identified for future development in the PS SEPP/DDP. We note the design principles embedded in the DDP refer to character and the PP respects this. DCP controls have been prepared to deliver on the underlying principles of the MRA in terms of local character.</p> |

| PLANNING PRIORITY 5: GREENER URBAN ENVIRONMENTS  |   |
|--|---|
| Actions  | Comment   |
| <p><b>5.1</b> Implement the Urban Tree Canopy Plan, including the protection of trees and tree-lined areas</p> <p><b>5.2</b> Investigate area and land-use-specific tree canopy and green cover targets, based on the Government Architect NSW's proposed targets, prioritising areas with low canopy cover, socio-economic disadvantage and high levels of urban heat and UV radiation</p> <p><b>5.3</b> Prepare design guidelines and develop LEP and DCP controls for urban tree canopy, urban heat and UV radiation...</p> <p><b>5.4</b> Investigate the feasibility of Greater Sydney Green Grid projects, identify a local green grid, and protect and enhance these grids in the new planning framework</p> | <p>The Planning Proposal incorporates significant environmental conservation and contiguous green networks, including extensive tree canopy throughout streets and recreation/open space areas, within proposed areas of future urban development. A site specific DCP includes controls relating to environmental management and landscaping.</p> <p>This Planning Proposal is not inconsistent with this priority.</p>  |
| PLANNING PRIORITY 6: HIGH QUALITY OPEN SPACE FOR RECREATION  |   |
| Actions  | Comment   |
| <p><b>6.1</b> Prepare LGA-wide studies including a social infrastructure study and an open space and recreation strategy</p> <p><b>6.2</b> Develop LEP and DCP controls that respond to the findings of the above studies and improve provision of open space and recreation (such as innovative sports facilities inclusion in new developments), connect to the local green grid, and manage conflicts, for example, by applying environmental protection zones to natural open spaces</p>   | <p>Seven (7) new green open spaces and contiguous green networks are incorporated into the plan which have been designed around the existing waterways, creeks, riparian corridors, and conservation areas that respond to Country. The Planning Proposal provides opportunities to promote outdoor recreation and places to connect with Country, for both indigenous and non-indigenous people. This Planning Proposal's quantum of open space and walking and cycling paths that connect with significant environmental conservation zones will result in physical and emotional wellbeing benefits, as well as improved social and cultural connections within the Northern Beaches' unique landscape.</p> <p>Refer to the accompanying Social Impact Assessment at Appendix 9 which provides details on the Planning Proposal's provision of high quality open space collocated with contiguous green networks to provide for a variety of passive and active recreation uses for future residents and the existing community. A site specific DCP has been developed which includes controls relating to riparian corridors, open space and recreation.</p> |
| PLANNING PRIORITY 7: A LOW-CARBON COMMUNITY, WITH HIGH ENERGY, WATER AND WASTE   |   |

| EFFICIENCY   |   |
|--|---|
| Actions  | Comment   |
| <p><b>7.2</b> Identify opportunities for precinct-scale efficiencies, renewable energy projects, circular economy outcomes, compact settlements, smart technology and infrastructure and better building standards and retrofits in the environment study, employment study and local housing strategy</p> <p><b>7.3</b> Develop LEP and DCP controls to improve energy, water and waste efficiencies in new developments and require developments in strategic centres, employment hubs and areas subject to urban intensification to provide an independent sustainability certificate such as the Green Star Rating Tool, Passive House or a recognised equivalent (threshold to be developed)</p> <p><b>7.4</b> Improve building standards for residential and non-residential buildings and relevant infrastructure, support the push for net zero carbon buildings, and monitor progress</p> | <p>This Planning Proposal seeks to create green and resilient urban environment by retaining significant tree cover and native vegetation alongside extensive conservation of valuable ecological communities, with new landscaping and water management systems improve air quality and water quality run-off into Narrabeen Lagoon, which is supported by appropriate DCP controls.</p> <p>Ensuring that ecological values of natural watercourses are maintained is a key principle of the proposal. The proposal will investment in the order of \$18 million on the project to implement the latest technology in water quality treatment will not only treat the stormwater generated by the proposed new housing but also improve the current waterways in the area and ultimately flowing into the Narrabeen Lagoon. Future development applications will be capable of complying and implementing best practice energy, water and waste efficiencies controls to ensure ecologically sustainable development is delivered.</p> |
| PLANNING PRIORITY 8: ADAPTED TO THE IMPACTS OF NATURAL AND URBAN HAZARDS AND CLIMATE CHANGE  |   |
| Actions  | Comment   |
| <p><b>8.1</b> Finalise the new Northern Beaches Bush Fire Prone Land Map and undertake an appropriate strategic bush fire assessment to guide future development in accordance with State government guidelines including Planning for Bush Fire Protection</p> <p><b>8.2</b> Identify where to limit the intensification of development in areas exposed to hazards including bush fire prone areas for both risk minimisation and environmental protection</p> <p><b>8.3</b> Undertake studies including constraints, coastal hazards and flood mapping and develop LEP and DCP controls to restrict development in high-risk hazard areas</p> <p><b>8.4</b> Investigate a natural hazards and resilience framework to address chronic stresses and acute shocks including but not limited to sea-level rise, natural hazards and climate-related risks across the</p>                           | <p>The Northern Beaches Bush Fire Prone Land Map, required under the Environmental Planning &amp; Assessment Act, was endorsed in 2020. The Morgan Road site is identified as 'Category 1' and as such development proposals must comply with Planning for Bush Fire Protection 2019. Extensive analysis has been undertaken in relation to traffic capability, asset protection, emergency management, fire trail construction, hazardous fuels management, building construction standards, water management and peripheral land management for the Morgan Road site. Travers Bushfire &amp; Ecology have undertaken a Bushfire Protection Assessment of the Site and Strategic Bushfire Assessment which has importantly informed the design of the concept master plan. The proposed concept master plan includes measures taken to reduce or avoid harm and loss due to bush fire, such as APZs, and the protection of other values such as</p>  |

| <p>Northern Beaches</p> <p><b>8.5</b> Implement our Environment and Climate Change Strategy Protect. Create. Live. and develop associated action plans for adaptation and resilience</p> <p><b>8.6</b> Prepare a climate change action plan for the LGA and a climate change adaptation plan for Frenchs Forest strategic centre</p> <p><b>8.8</b> Develop Council policy and LEP and DCP controls to ensure best practice environmental management of stormwater, air, noise and light pollution, and soil and groundwater contamination to minimise hazards and pollution, for example by managing wood heaters, asbestos, animals, smoking, and construction management including dewatering</p> | <p>biodiversity and the functioning of natural systems, including the Site's waterways.</p> <p>The Planning Proposal has considered all necessary and relevant environmental hazards and the bushfire protection measures required for future development in accordance with Environmental Planning and Assessment Act 1979, Section 9.1 (2) Direction 4.3 and in accordance with Planning for Bush Fire Protection 2019 and Community Resilience Practice Note 2/12 Planning Instruments and Policies.</p> <p>The advanced assessments undertaken to date can assist the Department and Council together with the Proponent in developing controls which minimise risks and improving resilience against impacts of natural hazards and climate change for the Morgan Road site and all other MLALC owned deferred lands within the LGA.</p> <p>Additionally, MLALC has consulted NSW Rural Fire Service (RFS) to confirm the proposed bushfire hazard mitigation and management is adequate for the protection of the Site's future residents and surrounding community.</p> <p>Land capability assessments in relation to contamination, soil salinity and slope stability was undertaken by SMEC Australia and accompanies this Planning Proposal. Refer to the preliminary Site Investigation Report and Slope Risk Assessment Report prepared by SMEC at Appendix 13 and 13, respectively. Overall, the assessments find the areas assessed to be suitable for the proposed development. A future development application is capable of compliance with relevant environmental management controls during construction and operational phases.</p> |
|---|--|
| <p><b>PLANNING PRIORITY 9: INFRASTRUCTURE DELIVERED WITH EMPLOYMENT AND HOUSING GROWTH</b></p>  |  |
| Actions   | Comment  |
| <p><b>9.1</b> Develop an LGA-wide land use infrastructure implementation plan informed by LEP studies to align planning and funding for housing, employment, social infrastructure, green infrastructure and transport</p> <p><b>9.2</b> Develop LEP and DCP controls that safeguard transport, waste and other infrastructure needs, including a review of the SP2 infrastructure zone</p> <p><b>9.8</b> Fund infrastructure improvements through Council's delivery program and contribution plans</p>  | <p>This Planning Proposal will facilitate the delivery of new and upgraded infrastructure by way of increased revenue for Council, increased provision of housing, and future Section 7.12 contributions payments required in future development applications. Additionally, proponent-led and funded proposed infrastructure delivery by way of a voluntary planning agreement will comprise of:</p> <ul style="list-style-type: none"> <li>new transport infrastructure comprising road infrastructure, including a proposed new slip lane at the Forest Way intersection, existing road upgrades, and</li> </ul>  |

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|--|---|
|  | <p>new internal roads providing private vehicle access within the Site and opportunities for new public transport connections;</p> <ul style="list-style-type: none"> <li>• new social infrastructure including a community cultural centre, new active transport walking and cycling links consistent with Council's active transport strategies and new shared path plan for Forest Way, and green open space for passive and active recreation to improve opportunities for healthy lifestyles; and</li> <li>• stormwater management infrastructure to improve water quality of Narrabeen Lagoon.</li> </ul> <p>New and upgraded infrastructure will be delivered with new housing to meet the LGA's anticipated population growth and housing needs, with good access to employment opportunities in a well-served area. A site specific DCP has been prepared including controls relating road design, street networks and infrastructure.</p> |
|--|---|

#### PLANNING PRIORITY 11: COMMUNITY FACILITIES AND SERVICES THAT MEET CHANGING COMMUNITY NEEDS

| Actions  | Comment  |
|--|--|
| <p><b>11.1</b> Complete a social infrastructure study, open space and recreation strategy, children's services strategy, library strategy, community centres strategy, social plan and specialised plans (thematic or specific demographics such as young people, older people, people with a disability or people from a culturally or linguistically diverse background)</p> <p><b>11.4</b> Prepare place plans that respond to the findings of these studies</p> <p><b>11.5</b> Explore opportunities for joint and shared use and public-private partnerships</p> <p><b>11.9</b> Implement the Arts and Creativity Strategy, Community Development and Services Policy, Sportsground Strategy and Disability Action Plan 2017-21</p> | <p>This Planning Proposal is accompanied with a Social Impact Assessment which has assessed the availability of existing social infrastructure within the locality and opportunities to deliver new social infrastructure within the Site. This includes a review of Council's social infrastructure studies and strategies, and demographic analysis to assess demand and gaps in community facilities and services.</p> <p>This Planning Proposal facilitates new housing to be delivered alongside conservation areas and new social infrastructure including, open space and pedestrian and cycling links to offer numerous opportunities for active and passive recreation; a new cultural community centre to promote and protect the Site's significant Aboriginal cultural heritage and encourage knowledge sharing and social connection between Aboriginal peoples and the local community.</p> <p>Refer to Appendix 9 for further detail.</p> |

#### PLANNING PRIORITY 12: AN INCLUSIVE, HEALTHY, SAFE AND SOCIALLY CONNECTED COMMUNITY

| Actions   | Comment   |
|---|---|
| <b>12.3</b> Prepare a social infrastructure study, open space | Opportunities to provide a high quality places for people |

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| <p>and recreation strategy, children services strategy, social plan and specialised plans (thematic or specific demographics such as young people, older people, people with a disability or people from a culturally or linguistically diverse background) and community centre strategy</p> <p><b>12.5</b> Implement the Arts and Creativity Strategy; Disability Action Plan 2017-2021 and Community Development and Services Policy</p>  | <p>within a natural environment and to improve social and cultural connections between indigenous and non-indigenous people within the community are key principles of this Planning Proposal. Healthy lifestyles are promoted with new passive and active recreation infrastructure within a safe environment.</p> <p>Refer to the Social Impact Assessment at Appendix 9.</p>  |
| <b>PLANNING PRIORITY 13: STRONG ENGAGEMENT AND COOPERATION WITH ABORIGINAL COMMUNITIES</b>   |  |
| <b>Actions</b>   | <b>Comment</b>   |
| <p><b>13.1</b> Develop LEP and DCP controls that protect Aboriginal heritage and areas of cultural significance including the Government Architect NSW's Ochre Grid (once finalised)</p> <p><b>13.2</b> Finalise the Crown Lands Transfer program</p> <p><b>13.3</b> Work with MLALC to implement initiatives in their community land and business plan including tourism strategies and aspirations for a cultural centre; homelessness strategies and social housing schemes; feasible and appropriate land use opportunities; and identification and protection of places with high cultural heritage values</p> <p><b>13.4</b> Implement the community participation plan and incorporate Aboriginal representation and collaboration with the local Aboriginal Heritage Office</p> <p><b>13.5</b> Investigate mechanisms to better connect in collaboration with Aboriginal and Torres Strait Islander people and living cultures, including:</p> <ul style="list-style-type: none"> <li>a) engaging an Aboriginal Liaison Officer to direct how we consult with local Aboriginal and Torres Strait Islander people</li> <li>b) establishing either a local reconciliation action plan or treaty between Aboriginal and Torres Strait Islander people of the northern parts of Sydney and respective councils</li> <li>c) supporting a national treaty between Aboriginal and Torres Strait Islander people and all levels of government</li> </ul> | <p>This Planning Proposal provides the opportunity for strong collaboration between the MLALC and Northern Beaches Council to deliver tangible economic, social and cultural benefits to the Aboriginal community, in conjunction with increasing housing supply and opportunities for more diverse housing within Belrose and Northern Beaches LGA. The project has established a project team comprising the MLALC, DPIE and Northern Beaches Council to review and assess the site-specific merits of this Planning Proposal as part of the DDP.</p> <p>This Planning Proposal gives effect to MLALC's community land and business plan and is consistent with this priority. In addition, a site specific DCP has been prepared to include specific provisions relating to Designing with Country.</p> |
| <b>PLANNING PRIORITY 14: A COMMUNITY ENRICHED THROUGH THE ARTS AND CONNECTED THROUGH CREATIVITY</b>  |  |

| Actions  | Comment  |
|--|--|
| <p><b>14.1</b> Implement the Arts and Creativity Strategy, Northern Beaches Public Art Policy, Collection Management Policy and Community Centres Strategy</p> <p><b>14.2</b> Develop LEP and DCP controls that respond to social infrastructure and employment studies, the economic development plan and the Arts and Creative Strategy, including temporary uses in community centres; public art in public and private developments; and address the needs of the arts and creative businesses</p> <p><b>14.3</b> Investigate opportunities for shared use of private and public facilities such as schools, hospitals, libraries, galleries and theatres or community centres for creative uses and/or exhibition spaces</p> <p><b>14.4</b> Review barriers to enable the arts and creative initiatives, such as review of approval processes and planning pathways</p>   | <p>This Planning Proposal facilitates delivery of a new cultural community centre to promote and protect the Site's significant Aboriginal cultural heritage that encourage creativity through contemporary cultural expression, knowledge sharing and social connection between Aboriginal peoples and the local community. Opportunities to share the proposed future community centre for creative uses with the local community and artists alike is supported.</p>  |
| <b>PLANNING PRIORITY 15: HOUSING SUPPLY, CHOICE AND AFFORDABILITY IN THE RIGHT LOCATIONS</b>   |  |
| Actions  | Comment  |
| <p><b>15.1</b> Prepare and implement a local housing strategy</p> <p><b>15.2</b> Develop LEP and DCP controls informed by the local housing strategy to ensure the supply and mix of housing responds to community needs and minimises land use conflicts, including apartment mix controls; low-rise medium density housing; adequate communal spaces in higher density development; requirements for adaptable housing and universal design; removal of floor space ratio (FSR) controls for dwellings in Manly; and street activation in centres</p> <p><b>15.3</b> Work with the Department of Planning, Infrastructure and Environment on the application of relevant State policies that override local housing provisions, by developing a local approach to the provision of seniors housing, boarding houses and medium density housing based on evidence in the local housing strategy, including a review of:</p> <ul style="list-style-type: none"> <li>(a) seniors housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>(b) boarding houses under State Environmental</li> </ul> | <p>The LHS reaffirms the LGA's need to meet the overarching North District Plan's 6-10 year housing target. Based on the projected increase in population for the LGA, approximately 12,000 new dwellings will be required by 2036 to house 288,431 people, an increase of 22,963 people. The LHS aims to deliver more affordable market-based housing to meet this demand.</p> <p>There is a recognised dominance of low-density separate dwellings and the increasing demand for greater housing diversity, noting an especially prevalent lack of housing diversity within the Warringah and Pittwater R2 – Low density zones.</p> <p>Existing key services and local infrastructure support the development potential of the Site. The Site is defined by an existing local road, Morgan Road, and is within a well serviced area comprising of retail, new major hospital facilities, arterial roads, schools, public transport and key utilities.</p> <p>This Planning Proposal will provide an increased supply of housing to assist in reaching the local housing targets, as this project can provide a significant increase in residential</p> |

| <p>Planning Policy</p> <p>(c) medium density housing under State Environmental Planning Policy (Exempt and Complying Development Code) 2008</p> <p><b>15.5</b> Establish place plans to respond to the local housing strategy and apply a whole-of-government approach to align growth and infrastructure in strategic centres</p>  | <p>lots and is a logical release area that can start delivering immediately.</p> <p>This Planning Proposal's proposed lot sizes and opportunity to provide residential lots of varying housing typologies, including secondary dwellings and dual occupancies – as a proposed additional permitted use, can deliver more diverse and affordable housing options to a wider range of households within a suitable location. As the Ingleside release area is no longer being pursued by the State Government, there is greater importance for alternative sources of housing supply with the locality.</p>   |
|---|---|
| <b>PLANNING PRIORITY 16: ACCESS TO QUALITY SOCIAL HOUSING AND AFFORDABLE HOUSING</b>  |   |
| Actions   | Comment   |
| <p><b>16.1</b> Increase the supply of affordable rental housing through the local housing strategy and LEP and DCP controls</p> <p><b>16.2</b> Implement the affordable housing policy and action plan, including:</p> <p>a) updating the voluntary planning agreement policy</p> <p><b>16.4</b> Investigate opportunities for joint projects with local Community Housing Providers and State agencies to deliver social housing and affordable rental housing on the Northern Beaches</p> <p><b>16.5</b> Work with the Department of Planning, Infrastructure and Environment on the application of relevant State policies that override local provisions, such as State Environmental Planning Policy (Affordable Rental Housing) 2009 to ensure social and affordable housing is well designed and located, and affordable to very low to moderate income earners, through appropriate local planning controls</p> | <p>This Planning Proposal provides an opportunity to increase the provision of affordable and diverse housing.</p> <p>We acknowledge that Northern Beaches Council has an affordable housing policy. However, we note the underlying premise of this Planning proposal is economic independence of aboriginal people to fund housing identified as a core business activity as part of its community land business plan. Prior to finalisation of the LEP, the proponent will outline the proposed mechanism of the delivery of affordable housing as part of the development. This will involve the consideration of whether the proponent, Metropolitan Aboriginal Land Council, will provide and retain affordable housing at the site as a community housing provider or whether an affordable housing contribution will be provided and whether or not the contribution will be made to an Indigenous Community Housing Provider. It is intended that the viability of any affordable housing provision, whether through provision of housing as community housing provider or financial contribution will be based on a financial viability assessment. The proposed Affordable Housing Contribution rate will be documented and considered prior to finalisation of the LEP.</p> |
| <b>PLANNING PRIORITY 17: CENTRES AND NEIGHBOURHOODS DESIGNED TO REFLECT LOCAL CHARACTER, LIFESTYLE AND DEMOGRAPHIC CHANGES</b>  |   |

| Actions  | Comment   |
|--|---|
| <p><b>17.1</b> Prepare LEP local character study, local housing strategy, scenic and cultural landscapes study, urban design framework and guidelines for public spaces; develop LEP and DCP controls that respond to these studies; review built form and landscape controls to ensure good design; implement design excellence provisions; improve design criteria for the public domain; and incorporate local character statements for key areas</p> <p><b>17.2</b> Implement place planning, starting with Avalon, Manly and Mona Vale, that applies a place-based approach to planning for local character and responds to the findings of the LEP studies; and develop a rolling program of place plans for areas undergoing change</p> | <p>The outcome of the Planning Proposal envisages subdivision of the Site into various lot sizes and configurations to accommodate new residential lots. The dominant dwelling type in the Belrose locality are detached dwellings which accommodate the area's typically larger couple with children household sizes, accounting for 50% of total households. This is expected to be the dominate dwelling type within the Site.</p> <p>The proposed maximum building height of 8.5m is consistent with the maximum permissible building heights of existing residential development within surrounding R2 zones. Such building heights will sit below the tree canopy to protect scenic amenity and maintain local character. Demographic analysis undertaken in the Social Impact Assessment identifies couple and lone households are increasing, typically reflecting the notable rate of population ageing is notable. Yet the supply of suitable housing stock for these cohorts is limited, with most housing in the Frenchs Forest - Belrose statistical area containing 3 - 4 bedrooms. The proposal's ability to provide a significant range of lot sizes to cater for the demand of larger dwellings for large families, as well as smaller dwellings or secondary dwellings and dual occupancies, would positively impact housing availability and diversity to suit the current demand and projected trends.</p> <p>New housing will be delivered alongside conservation areas (protecting its visual character), with significant new open space and pedestrian and cycling links to cater for the most popular recreation activities within the locality and state, as identified in the Northern Beaches LSPS. The Planning Proposal also protects the Site's a series of rock engravings of high cultural significance and Aboriginal heritage, which is an integral part of the neighbourhood's character.</p> |
| <b>PLANNING PRIORITY 18: PROTECTED, CONSERVED AND CELEBRATED HERITAGE</b>  |   |
| Actions  | Comment   |
| <p><b>18.1</b> Prepare and implement the heritage strategy; modern architecture study; thematic history project; heritage conservation areas review; harbour and ocean pools study; moveable heritage policy; and local heritage assistance grants program</p>   | <p>This Planning Proposal will facilitate the protection of the Site's known Aboriginal heritage items in conjunction with a community cultural centre to celebrate and educate the community about the history and cultural significance of the Site.</p>  |

| <p><b>18.2</b> Develop LEP and DCP controls that support adaptive reuse of heritage items; retain heritage items; and require sympathetic development near heritage items and conservation areas</p> <p><b>18.3</b> Educate the community on the heritage, history and culture of the local area and maximise opportunities for learning experiences around heritage</p> <p><b>18.4</b> Investigate how we can improve heritage through a heritage advisory service, significant tree register and memorials and monuments register; conservation management plans for Council-owned heritage items; securing grants to upgrade Council-owned heritage items; and a heritage award program</p>                                     |   |
|--|---|
| <b>PLANNING PRIORITY 19: FREQUENT AND EFFICIENT REGIONAL PUBLIC TRANSPORT CONNECTIONS</b>  |   |
| Actions  | Comment   |
| <p><b>19.2</b> Develop LEP and DCP controls that incorporate the above studies and create good internal amenity for developments along main roads and future transport corridors</p> <p><b>19.9</b> Investigate, identify and protect public transport corridors and future routes and interchanges by air, water and land, including mass transit</p>   | <p>Proposed Morgan Road/Forest Way improvements and new internal roads will ensure roads can accommodate capacity needs of existing and future users, particularly in a fire evacuation, and support public transport connections and uptake. This Planning Proposal is not inconsistent with this priority.</p>  |
| <b>PLANNING PRIORITY 20: SUSTAINABLE LOCAL TRANSPORT NETWORKS</b>  |   |
| Actions  | Comment   |
| <p><b>20.1</b> Implement our Transport Strategy, Walking Plan and Shared Transport Policy and prepare and implement a bike plan, public transport plan, parking plan, smart communities framework and pedestrian access and mobility plans</p> <p><b>20.2</b> Develop LEP and DCP controls that incorporate the above studies; support active travel and emerging technology in new developments, such as minimum standards for end of trip facilities, bike parking and car share and to support travel behaviour change programs that encourage the use of sustainable transport choices including requirements for travel plans; and reduce parking requirements in centres well-served by public transport in exchange for</p> | <p>LSPS principles under this priority include:</p> <ul style="list-style-type: none"> <li>• Prioritise safe cycling routes separated from</li> <li>• motor vehicle traffic within five kilometres of strategic centres or connecting to local centres, villages and destinations such as schools and beaches.</li> <li>• Prioritise walking infrastructure within two kilometres of strategic centres and 800 metres of local centres or connecting to local centres, villages and destinations such as schools and beaches.</li> </ul> <p>This Planning Proposal will promote uptake of sustainable transport with new prioritised pedestrian and cycling routes within the new precinct.</p> <p>The Site's proximity to existing bus services and nearby employment hubs such as Austlink business park (2km</p> |

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| <p>public benefit</p> <p><b>20.4</b> Investigate new safe cycling routes separated from traffic within five kilometres of strategic centres or connecting to local centres, villages and destinations such as school and beaches and the Sydney CBD, including regional cycle routes in the Greater Sydney Principal Bicycle Network: Brookvale-Dee Why to Chatswood; Manly to Mona Vale; Manly to Spit Bridge; Mona Vale to Frenchs Forest; and Terrey Hills to Gordon/Pymble</p> <p><b>20.5</b> Prepare place plans that encourage active travel and use of emerging technology, such as public domain improvements and bike parking</p> | <p>from the Site directly north on Forest Way) and Frenchs Forest Health and Education Precinct (approximately 6km to the south of the Site) will support a reduction in private vehicle dependency.</p> <p>There is also an opportunity to provide new bus routes within the new precinct, or on-demand services incorporated into the wider public transport network, as supported by Northern Beaches Public Transport Plan. As part of Council's aim to implement its Transport Strategy and improve the local active travel network, a new shared path plan for Forest Way, Belrose is now proposed. The new pedestrian/cycling path is in close proximity to the Site and will connect active travel commuters from Morgan Road to Austlink Business Park /Belrose Retail and Employment Zone (2km north) and up to Mona Vale Rd.</p> <p>This Planning Proposal's inclusion and promotion of walking and cycling paths to support active travel in the locality is consistent with Council's active travel principles and plans.</p> |
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#### PLANNING PRIORITY 21: REDESIGNED ROAD SPACE AND FACILITIES TO MATCH CHANGING COMMUNITY NEEDS

| Actions  | Comment   |
|--|---|
| <p><b>21.1</b> Implement Transport for NSW's movement and place framework through completing action plans for parking, road network, road safety, freight and public transport to coordinate land use and transportation; improve accessibility and walkability; and reduce congestion in and around centres</p> <p><b>21.2</b> Develop LEP and DCP controls that address loading facilities and clearance heights for freight, delivery and waste collections; common user and secure storage facilities; parking rates to reduce car dependency near public transport; noise mitigation on freight corridors; and requirements for car share and electric vehicles</p> | <p>The Planning Proposal is not inconsistent with this priority. This Planning Proposal will facilitate new cycling and walking routes providing good pedestrian accessibility/connectivity to existing walking and road network, promoting active transport and uptake of public transport available on Forest Way- within 300-400 metres from the Site. New roads will accommodate the travel and accessibility the anticipated increased population.</p> |

#### PLANNING PRIORITY 23: FRENCHS FOREST AS A SUSTAINABLE HEALTH AND EDUCATION PRECINCT

| Actions  | Comment  |
|--|--|
| <p><b>23.1</b> Finalise and implement Frenchs Forest Precinct Plan including Green Star Communities application; public domain strategy; town centre DCP; and special infrastructure</p> | <p>This Planning Proposal is not inconsistent with this priority. Frenchs Forest will be a new strategic centre for the Northern Beaches which aims to create space for around 4,000 new jobs and 4,360 new homes over the next 20</p> |

|   |  |
|---|--|
| <p>contributions plan and support:</p> <ul style="list-style-type: none"> <li>• a low-carbon precinct with high efficiency in energy, water and waste</li> <li>• design excellence through a competitive design process for the town centre</li> <li>• criteria required by the Green Star-rating, including increased BASIX targets</li> <li>• for all new dwellings</li> <li>• affordable rental housing targets of 15% in the town centre and 10% for the remaining rezoned area</li> <li>• a 30% landscaped area site control and 25% tree canopy target</li> </ul> <p>...</p> <p><b>23.7</b> Undertake further traffic and transport assessments as required to facilitate future development beyond Phase One, and facilitate the delivery of the transport projects identified in P19.</p> | <p>years. New open space and a new central piazza and community uses is also envisaged and opportunities for a university at Frenchs Forest will be investigated (as noted in Action 23.4).</p> <p>The Site is approximately 4km north of the new Frenchs Forest Health and Education Precinct, which will provide access to local jobs, education and health services for locals including future residents of the Morgan Road site.</p>  |
| <b>PLANNING PRIORITY 24 TO 28</b>   |  |
| <b>Actions</b>  | <b>Comment</b>   |
| N/A   | This proposal is not inconsistent with priorities 24 to 28 of the LSPS.  |
| <b>PLANNING PRIORITY 29: A THRIVING, SUSTAINABLE TOURISM ECONOMY</b>  |  |
| <b>Actions</b>  | <b>Comment</b>   |
| <p><b>29.5</b> Prepare an open space and recreation strategy and night-time economy strategy; implement the Arts and Creativity Strategy</p> <p><b>29.6</b> Prepare place plans that support the tourism economy; enhance visitor experiences; improve connections to the Coast Walk; and where relevant, address competing land uses</p>   | <p>The opportunities for future development arising from this Planning Proposal are anticipated to be a leading example promotion and integration of Aboriginal culture and the Site's environmental significance to generate opportunities to promote local tourism. The proposed cultural centre, walking trails and informative signage at significant destinations will provide cultural education within a unique natural and accessible environment. New open space and recreation areas will enhance visitor experiences.</p> |

## APPENDIX 5

### Consistency with State Environmental Planning Policies

Table 14: Consistency with state environmental planning policies.

| SEPP TITLE  | CONSISTENT?   |
|---|---|
| SEPP Housing 2021   | <b>YES.</b> The Planning Proposal will not contain provisions that will contradict nor hinder application of this SEPP.   |
| SEPP Planning Systems 2021                                    | <b>YES.</b> This Planning Proposal includes land identified on the Land Application Map, known as 'Metropolitan LALC Land'. A development delivery plan has been prepared in accordance with this SEPP which is to be considered when a development application is considered. As such, this land is regionally significant development. The Planning Proposal will not contain provisions that will contradict or hinder application of this SEPP. |
| SEPP Transport and Infrastructure 2021                        | <b>YES.</b> The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.  |
| SEPP Biodiversity and Conservation 2021                       | <b>YES.</b> The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.  |
| SEPP Resilience and Hazards 2021<br>(55. Remediation of Land) | <b>YES.</b> The Planning Proposal will not contain provisions that will contradict or would hinder the application of this SEPP.<br>The Sites historical use has been mainly unused bushland and unknown activities of cleared elements. The proposed use will be for predominately residential purposes with recreation and conservation uses.   |
| SEPP (Building Sustainability Index: BASIX) 2004              | <b>YES.</b> The Planning Proposal will not contain provisions that will contradict nor hinder application of this SEPP.   |
| SEPP (Exempt and Complying Development Codes) 2008            | <b>YES.</b> The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.  |

## APPENDIX 6

### Consistency with S9.1(2) Ministerial Directions

Table 15: Consistency with S9.1(2) Ministerial Directions.

| DIRECTION TITLE   | CONSISTENT?  |
|---|--|
| <b>Planning Systems</b>   |  |
| 1.1 Implementation of Regional Plans  | <b>YES</b><br>The Planning Proposal is consistent with this Ministerial Direction as demonstrated in Appendix 3.   |
| 1.2 Development of Aboriginal Land Council land   | <b>YES</b><br>When this direction was made (Direction issued 6 February 2019), <i>State Environmental Planning Policy (Aboriginal Land) 2019 (now the State Environmental Planning Policy (Planning Systems) 2021)</i> applied only to land in the Central Coast local government area, as shown on the Land Application Map. On 5 August 2022, the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> was amended to include land in the Northern Beaches Council area owned by MLALC.<br>The Planning Proposal comprises MLALC land as shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> . A development delivery plan (DDP) has been made under the SEPP and the Planning Proposal authority must take the DDP into account when preparing a Planning Proposal. The Planning Proposal will be consistent with this Ministerial Direction. |
| 1.3 Approval and Referral Requirements  | <b>YES</b><br>The Planning Proposal will be consistent with this Ministerial Direction.  |
| 1.4 Site Specific Provisions  | <b>YES</b><br>The Planning Proposal will be consistent with this Ministerial Direction.  |
| 1.5 Parramatta Road Corridor Urban Transformation Strategy  | Not applicable   |
| 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                 | Not applicable   |
| 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable   |
| 1.8 Implementation of Wilton Priority Growth Area   | Not applicable   |

|  |  |
|--|--|
| Interim Land Use and Infrastructure Implementation Plan                |  |
| 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor    | Not applicable   |
| 1.10 Implementation of the Western Sydney Aerotropolis Plan            | Not applicable   |
| 1.11 Implementation of Bayside West Precincts 2036 Plan                | Not applicable   |
| 1.12 Implementation of Planning Principles for the Cooks Cove Precinct | Not applicable   |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan            | Not applicable   |
| 1.14 Implementation of Greater Macarthur 2040                          | Not applicable   |
| 1.15 Implementation of the Pyrmont Peninsula Place Strategy            | Not applicable   |
| 1.16 North West Rail Link Corridor Strategy                            | Not applicable   |
| 1.17 Implementation of the Bays West Place Strategy                    | Not applicable   |
| 1.18 Implementation of the Macquarie Park Innovation Project           | Not applicable   |
| <b>Biodiversity and Conservation</b>                                   |  |
| 3.1 Conservation Zones   | <p><b>YES</b></p> <p>The Site does not currently contain environment protection zones.</p> <p>A Preliminary Biodiversity Development Assessment Report (BDAR) has been prepared by Hayes Environmental (Appendix 10) in support of the Planning Proposal which gives consideration to the objectives of this direction.</p> <p>Development in accordance with the proposed Structure Plan included in this Planning Proposal would exceed the Biodiversity Offset Scheme Entry Threshold on both the area and map criteria. As such, the Biodiversity Offset Scheme applies. The assessment concludes no entities area at risk of a serious and irreversible impact. The Planning Proposal conserves 22.1 hectares of the Site identified to have high ecological, scientific, cultural or aesthetic values and proposes the rezoning of this land as C2 Environmental Conservation.</p> |

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| 3.2 Heritage Conservation   | <p><b>YES</b></p> <p>The Site includes 3 AHIMS registered Aboriginal archaeological sites. The current state of the Site is undeveloped, with no inhabitants and is a privately owned without governance from organisations such as NSW National Parks and Wildlife Service. The lack of site maintenance and protection has eroded the heritage sites and poses an ongoing risk to the conservation of heritage items in and near the Site. The Planning Proposal will protect and promote the AHIMS registered Aboriginal cultural heritage significance of the Site. The Planning Proposal is accompanied by an Aboriginal Archeological Assessment prepared by Dominic Steele (Appendix 23). The assessment finds the Planning Proposal will not have an unacceptable adverse impact upon the Aboriginal cultural heritage values of the land and recommends the Planning Proposal should proceed, with the Aboriginal archaeological heritage sites to be protected and conserved within the nominated open space identified by the Structure Plan.</p> <p>Land with Aboriginal heritage values are isolated from proposed residential and recreation land uses. The Planning Proposal rezones the heritage sites as C2 Environmental Conservation to ensure future development does not adversely impact upon the heritage sites and the Sites are appropriately protected.</p> |
| 3.3 Sydney Drinking Water Catchments  | Not applicable  |
| 3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable  |
| 3.5 Recreation Vehicle Areas  | Not applicable  |
| 3.6 Strategy Conservation Planning  | <p>The site is not located in an area to which this Direction applied and is not mapped as avoided land or as a strategic conservation area.</p> <p>Nevertheless, the proposal works has zoned Snake Creek and its tributaries, along with high value biodiversity vegetation as C2 Environmental Conservation, which will ensure their protection. In addition, a community title scheme which will work to fund the ongoing conservation.</p>   |
| <b>Resilience and Hazards</b>   |   |
| 4.1 Flood Prone Land  | The Site is not located within flood prone land accordingly, Direction 4.1 does not technically apply.  |

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|                                      | <p>Notwithstanding, the proposal is consistent with the relevant principles and guidelines set out in the <i>Floodplain Development Manual 2005</i>, as demonstrated in Appendix 16 – Flood Impact and Risk Assessment. Additional modelling and mitigation measures to ensure compliance with this direction is detailed in Appendix 19 – Stormwater Management Plan.</p> <p>The site is affected by minor flooding which is mainly concentrated within the Snake Creek corridor and connecting overland flow paths. The DA Design will ensure that all lots are above the Flood Planning Level – 1% AEP + 0.5m and where necessary, road centrelines will be adjusted accordingly.</p>  |
| 4.2 Coastal Protection               | Not applicable  |
| 4.3 Planning for Bushfire Protection | <p><b>YES</b></p> <p>The Site is located within a Bushfire prone area. Accordingly, Direction 4.3 applies.</p> <p>A Strategic Bushfire Assessment and Bushfire Protection Assessment has been undertaken by Travers Bushfire &amp; Ecology in accordance with <i>Planning for Bushfire Protection 2019</i> (PBP 2019) and accompanies this Planning Proposal (Appendix 11 and Appendix 12).</p> <p>The Planning Proposal is consistent with this direction in the following ways:</p> <ul style="list-style-type: none"> <li>• The nature of the residential development is an appropriate use and the proposed hazard management controls are in accordance with, and often beyond, PBP 2019 to effectively address the level of hazard.</li> <li>• The proposal does not involve “inappropriate development” such as schools or retirement villages.</li> <li>• The proposed Aboriginal Cultural Centre is a commercial type facility and will provide no accommodation capability.</li> <li>• Significant environmental studies have been undertaken to ensure APZs have been excluded from environmentally sensitive land.</li> </ul> <p>Additionally, where development is proposed, the Planning Proposal is compliant with provisions 6(a) to (f) of Direction 4.4, as demonstrated below:</p> <ul style="list-style-type: none"> <li>• The APZs recommended exceed the minimum requirements outlined in PBP 2019 for subdivision development.</li> <li>• This is an integrated Planning Proposal that will result in a new subdivision and this be responsive to Section 100B of</li> </ul> |

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|  | <p>the Rural Fire Act.</p> <ul style="list-style-type: none"> <li>provisions for two-way access roads which links to perimeter roads and/or to fire trail networks and adequate water supply for firefighting purposes are included.</li> <li>The perimeter is located on a level terrace and circumscribes the edge of the downslopes resulting in the best design possible. Intrusions of bushland into the development have been removed and minimised to allow safe evacuation.</li> <li>Controls on the placement of combustible materials in the Inner Protection Area can be a condition of consent at DA stage.</li> </ul> <p>The Planning Proposal will provide a future development in accordance with the planning principles of PBP 2019 and <i>Community Resilience Practice Note 2/12 Planning Instruments and Policies</i>, and as shown on the bushfire protection plan. The identified bushfire risk can be mitigated as part of any future development proposal.</p> |
| 4.4 Remediation of Contaminated Land   | <p><b>YES</b></p> <p>A Preliminary Site Investigation has been prepared by SMEC (Appendix 13) to assess the potential for contamination to be present on site from past or present activities. The Site's history indicates that it has been predominately unused bushland since at least the early 1930s, with some periodic patchy clearing with tracks in the 1950s and 1960s. The Site investigations reveal 3 potential areas of environmental concern and associated contaminants of concern.</p> <p>Notwithstanding, it is considered that the Site can be made suitable for the proposed land uses with respect to land contamination, subject to the recommendations of the Preliminary Site Investigation report.</p>  |
| 4.5 Acid sulphate soils                | <p>The Site is not located on acid sulphate soils. Accordingly, Direction 4.1 is not applicable.</p>   |
| 4.6 Mine Subsidence and Unstable Land  | <p>Not applicable</p>  |
| <b>Transport and Infrastructure</b>    |  |
| 5.1 Integrating land use and transport | <p><b>YES</b></p> <p>The Planning Proposal will enable residential development and community infrastructure in close proximity to jobs and services encouraging walking, cycling and use of public transport.</p>  |

|  |  |
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| 5.2 Reserving Land for Public Purposes                                       | <b>YES</b><br>The Planning Proposal will be consistent with this Ministerial Direction.  |
| 5.3 Development Near Licensed Aerodromes                                     | Not applicable   |
| 5.4 Shooting Ranges  | Not applicable   |
| <b>Housing</b>   |  |
| 6.1 Residential zones  | <b>YES</b><br>The Planning Proposal seeks to rezone the Site for low density residential uses as permitted within the zone, whilst proposing dual occupancies are permitted to broaden the choice of building types. The Planning Proposal encourages a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services and minimising the impact of residential development on the environment. |
| 6.2 Caravan Parks and Manufactured Home Estates                              | Not applicable   |
| <b>Industry and Employment</b>   |  |
| 7.1 Business and Industrial Zones  | Not applicable   |
| 7.2 Reduction in non-hosted short term rental accommodation period           | Not applicable   |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable   |
| <b>Resources and Energy</b>  |  |
| 8.1 Mining, Petroleum Production and Extractive Industries                   | Not applicable   |
| <b>Primary Production</b>  |  |
| 9.1 Rural Zones  | Not applicable   |
| 9.3 Oyster Aquaculture   | Not applicable   |
| 9.2 Rural Lands  | Not applicable   |
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast   | Not applicable   |

## APPENDIX 7

### Summary of Consultation undertaken

| Stakeholder                                  | Date of Engagement      | Engagement Type                 | Engagement Outcomes   |
|--|-------------------------|---------------------------------|---|
| Metropolitan Aboriginal Land Council Members | Ongoing                 | Ongoing                         | The MALC undertakes regular engagement and consultation with its members.   |
| Uncle Allenn Madden                          | 18 February 2022        | Meeting                         | A workshop was held with Uncle Alan Madden as an Aboriginal Elder and member of the Metropolitan Aboriginal Land Council to discuss the cultural heritage of the site.  |
| Northern Beaches Aboriginal Community        | 8 March 2022            | Public online meeting           | Representatives of the Aboriginal Community across the Northern Beaches LGA were invited to attend an online project briefing.  |
| Northern Beaches Council                     | 6 November 2021         | Site visit                      | A site visit was held with representatives of the Department of Planning and Environment and Northern Beaches Council officers.   |
|  | 21 March 2022           | Written briefing to Councillors | A written project briefing was provided to the Councillors of Northern Beaches Council.   |
|  | 13 May 2022             | Meeting                         | A project briefing was provided to Northern Beaches Council.  |
|  | 1 September 2022        | Meeting with Council Officers   | <p>A meeting was held between the project team and representatives of Northern Beaches Council.</p> <p>Key issues for discussion included:</p> <ul style="list-style-type: none"> <li>• Zoning of the land for appropriate use</li> <li>• Appropriate dwelling density</li> <li>• Outcomes of the Development Control Plan</li> </ul> |
|  | Various dates 2020-2021 | PCG Meetings                    | PCG meetings facilitated by DPE as part of the PS SEPP amendment and DDP process.   |

| Stakeholder   | Date of Engagement | Engagement Type                | Engagement Outcomes   |
|---|--------------------|--------------------------------|---|
|   | 15 December 2022   | Response to Council Submission | Detailed response provided to Council's submission to the Sydney North Panel (see section 6.5 of the planning proposal for further details).  |
| Greater Sydney Commission   | 14 April 2022      | Meeting                        | A project briefing was provided to the Greater Sydney Commission.   |
| Utility providers: <ul style="list-style-type: none"> <li>- AusGrid</li> <li>- Sydney Water</li> <li>- Jemena</li> <li>- NBN</li> </ul> | 1 April 2022       | Meeting with utility providers | A consultation meeting was held with Utility Providers including AusGrid, Sydney Water, Jemena.   |
|   | 8 April 2022       | Meeting with utility providers | A consultation meeting was held with NBN.   |
|   | 8 April 2022       | Email                          | A Utility Servicing Strategy for the site was provided to utility providers.  |
| Telstra   | Ongoing            | Stakeholder liaison            | <p>Ongoing engagement is underway to address Telstra infrastructure adjacent to the k site.</p> <p>Telstra has provided the Department with a detailed submission regarding the site and potential impacts to Telstra infrastructure.</p>   |
|   | 16 August 2022     | Site visit                     | <p>The project team attended a site visit at the Telstra facility adjacent to the site.</p> <p>Key issues for discussion included:</p> <ul style="list-style-type: none"> <li>• Noise levels from generators at the facility and potential impacts to residents at the site.</li> </ul> |

| Stakeholder                              | Date of Engagement     | Engagement Type                         | Engagement Outcomes  |
|--|------------------------|---|--|
| Rural Fire Service                       | 18 August 2021         | Submission of a Pre-DA Application Form | <p>A Pre-DA Application form was provided to the Rural Fire Service (RFS) with a copy of the Bushfire Protection Assessment to ensure that the RFS had the information required to consider the project at an early stage.</p> <p>Recommendations were received from RFS on 13 May 2022.</p> |
| Rural Fire Service and Transport for NSW | 17 March 2022          | Meeting                                 | A project meeting was held with Transport for NSW and the Rural Fire Service to discuss the Bushfire Protection Assessment and transport implications for the site.  |
| Uniting                                  | 19 July 2022           | Meeting                                 | Uniting holds a neighbouring residential aged care property with Uniting Wesley Gardens Belrose. Consultation was held with Uniting representatives to discuss the project proposal. Further information and links to relevant documents were provided by email following the meeting.       |
| Department of Planning and Environment   | 26 March 2021          | Site visit                              | A site visit was held with representatives of the Department of Planning and Environment and MLALC/Project team.   |
|  | 3 June 2021            | Site visit                              | A site visit was held with representatives of the Department of Planning and Environment and MLALC/Project team.   |
|  | 14 September 2022      | Project presentation                    | A copy of the project presentation was provided to the DPE, including the Environment and Heritage Group.  |
| Crown Lands                              | Multiple dates in 2022 | Email                                   | An application to Crown Lands to acquire the unformed roads is well progressed with various email correspondence between Crown Lands, Northern Beaches Council and the Proponent.  |

| Stakeholder | Date of Engagement           | Engagement Type   | Engagement Outcomes  |
|-------------|------------------------------|-------------------|--|
| Community   | 7 February to 21 March 2022. | Public exhibition | <p>The SEPP amendment and draft DDP were exhibited for public comment from 7 February to 21 March 2022.</p> <p>The Department received 1,132 submissions on issues from various stakeholders including local organisations, local councils, environmental organisation, local societies, advocacy groups, government, industry as well as individuals from the local community and Greater Sydney.</p> <ul style="list-style-type: none"> <li>• 1,099 submissions from the local community</li> <li>• 9 submissions from NSW Government agencies and service provider – Transport for NSW, NSW Environment and Heritage, NSW Rural Fire Service and Telstra Corporation</li> <li>• 2 submissions from Council and Council groups – Northern Beaches Council and Aboriginal Heritage Office</li> <li>• 19 submissions from Community groups including Belrose Rural Community Association, ACF Northern Beaches Envirolink INC, Duffys Forest Residents Association Inc, Warringah Radio Control Society, Friends of Narrabeen Lagoon Catchment</li> <li>• 2 submissions from State and Federal Members</li> <li>• These submissions were summarised in an Exhibition Outcomes Report prepared by WSP Consulting in May 2022 and responded to in the <a href="#">Independent Planning Review</a>.</li> </ul> <p><a href="https://pp.planningportal.nsw.gov.au/northern-beaches-aboriginal-land-development-delivery-plan">https://pp.planningportal.nsw.gov.au/northern-beaches-aboriginal-land-development-delivery-plan</a></p> |

| Stakeholder | Date of Engagement    | Engagement Type              | Engagement Outcomes   |
|-------------|-----------------------|------------------------------|---|
|             | 17 & 21 February 2022 | 'Talk to a planner' sessions | <p>During the exhibition period stakeholder and community member were invited to 'Talk to a planner' information session which were held across two sessions via Teams as well as an online information session.</p> <ul style="list-style-type: none"> <li>Session 1 was attended by 91 people, and written comment was invited via survey, email, webform or post.</li> <li>The second session 2 was a targeted Aboriginal group session with 4 attendees.</li> </ul>   |
|             | February & March 2022 | Public information           | <p>Department consultation also included:</p> <ul style="list-style-type: none"> <li>Project webpage made available between the 7<sup>th</sup> of February 2022 – 21<sup>st</sup> of March 2022</li> <li>6,300 postcards to nearby residents during the first week of exhibition</li> <li>1,086 letters sent to landowners who live outside the area during the first week of exhibition</li> <li>Media release</li> <li>Electronic Direct Email sent to 303 subscribers on the 24<sup>th</sup> of February 2022</li> <li>Advertisements in Northern Beaches Review, Koori Mail (print and digital and Koori Radio between the 16<sup>th</sup> -23<sup>rd</sup> of February 2022</li> <li>Social media advertising on Facebook from the 7<sup>th</sup> -8<sup>th</sup> of March 2022</li> </ul> |

## APPENDIX 8

Urban Design Report – prepared by COX Architects

## APPENDIX 9

Social Impact Assessment – prepared by GYDE Consulting

## APPENDIX 10

Preliminary Biodiversity Development Assessment Report and Cover Letter – prepared by Hayes Environmental Consulting

## APPENDIX 11

Bushfire Protection Assessment and Cover Letter – prepared by Travers Bushfire & Ecology

## APPENDIX 12

Strategic Bushfire Study and Cover Letter, prepared by Travers Fire and Ecology

## APPENDIX 13

Preliminary Site Investigation Report – prepared by SMEC

## APPENDIX 14

Slope Risk Assessment Report – prepared by SMEC

## APPENDIX 15

PFAS Investigation – prepared by SMEC

## APPENDIX 16

Flood Impact and Risk Assessment – prepared by Craig and Rhodes

## APPENDIX 17

Transport Assessment and Cover Letter – prepared by JMT Consulting

## APPENDIX 18

Preliminary Landscape Visual Assessment – prepared by Urbis

## APPENDIX 19

Stormwater Management Plan – prepared by Craig & Rhodes

## APPENDIX 20

Infrastructure Delivery Plan – prepared by Craig & Rhodes

## APPENDIX 21

Economic Impact Statement – prepared by Macroplan

## APPENDIX 22

Aboriginal Cultural Heritage Assessment Report – prepared by Biosis

## APPENDIX 23

Aboriginal Archaeological Assessment – prepared by Dominic Steele

## APPENDIX 24

Acoustic Assessment – prepared by Acoustic Logic

## APPENDIX 25

Development Delivery Plan – prepared by MLALC in collaboration with the Department of Planning, Industry and Environment

## APPENDIX 26

### Non-Binding VPA Letter of Offer

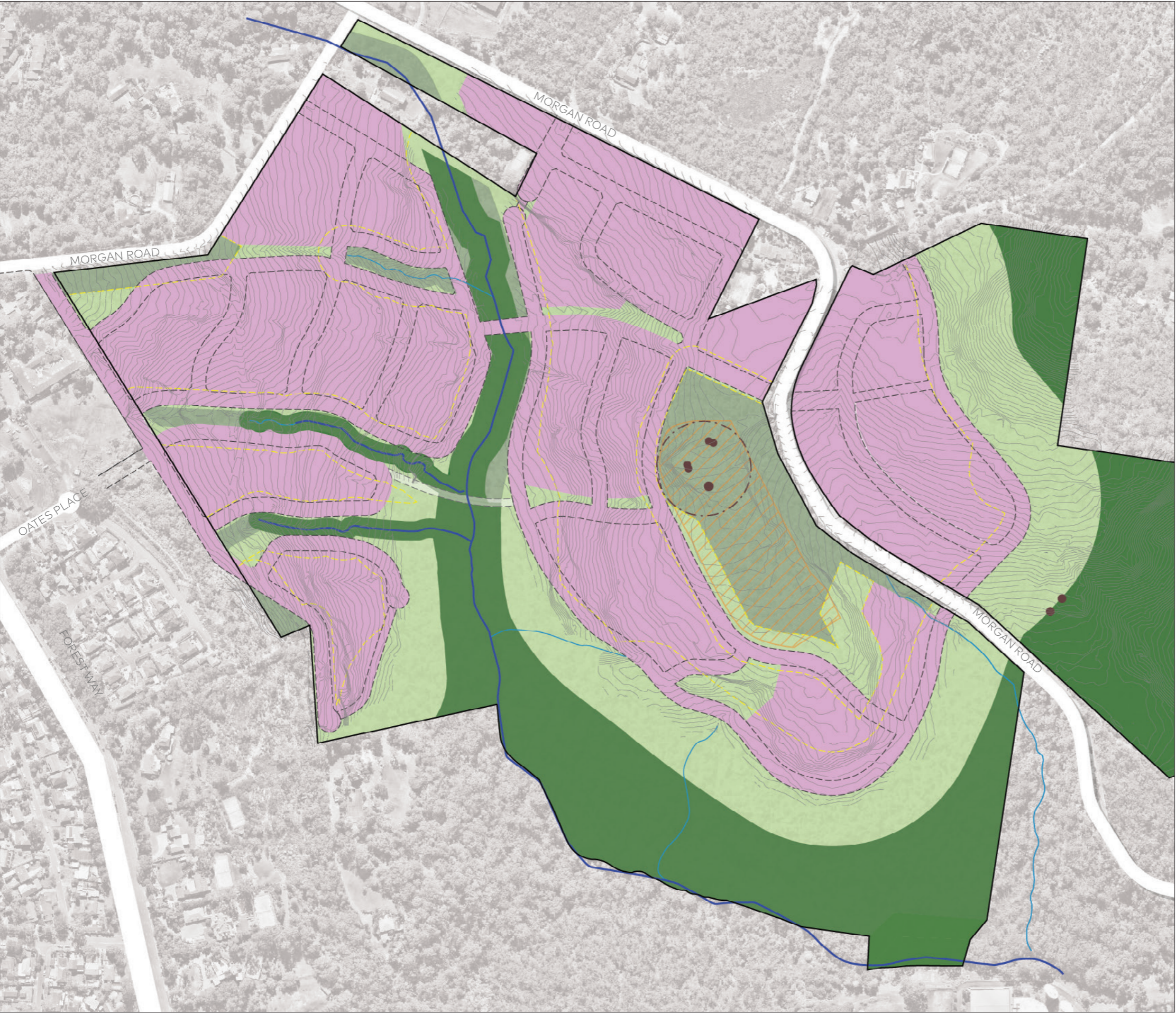
## APPENDIX 27

### Site Specific DCP

## APPENDIX 28

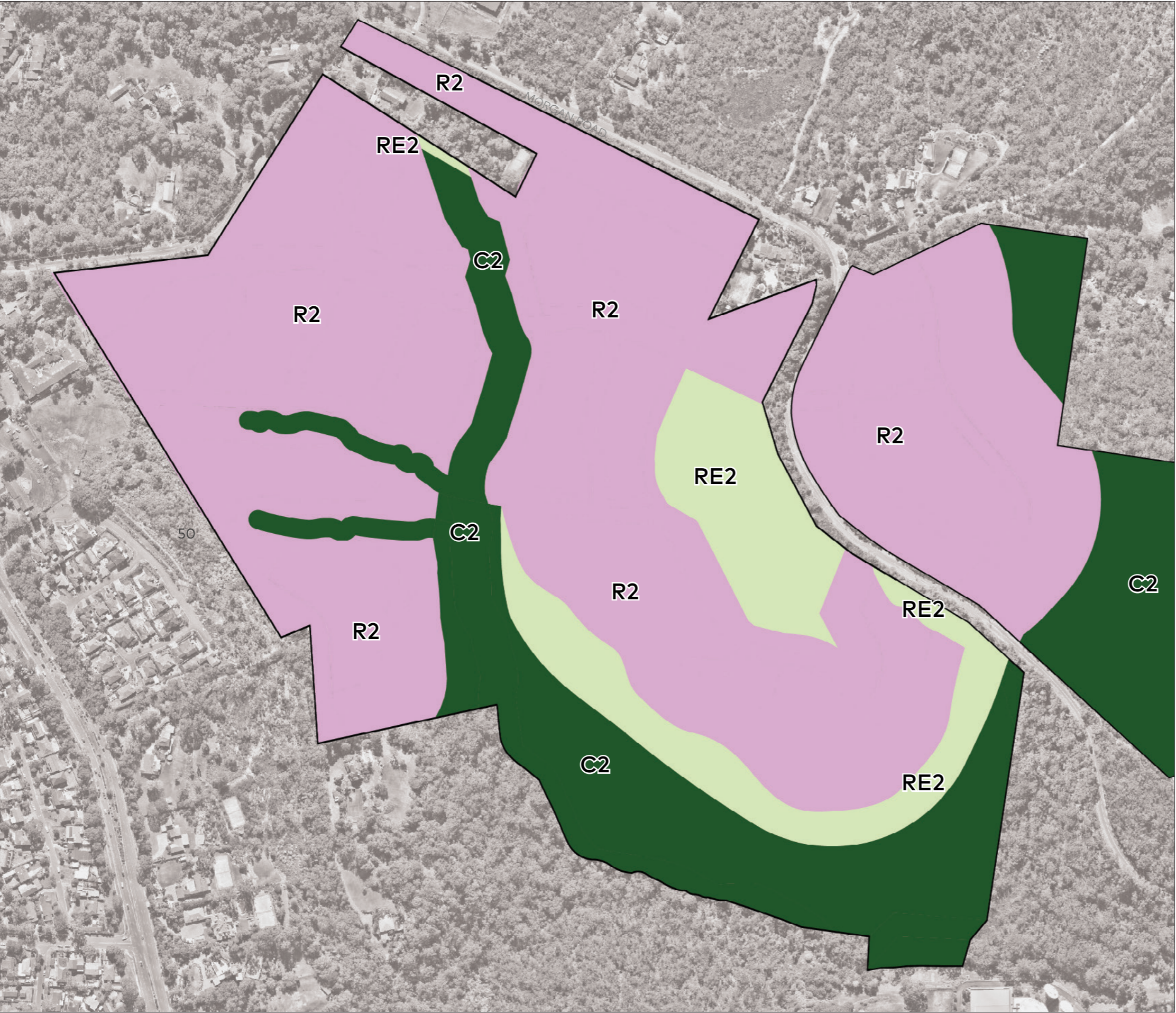
### Cover Letter – Community Title

Indicative Structure Plan



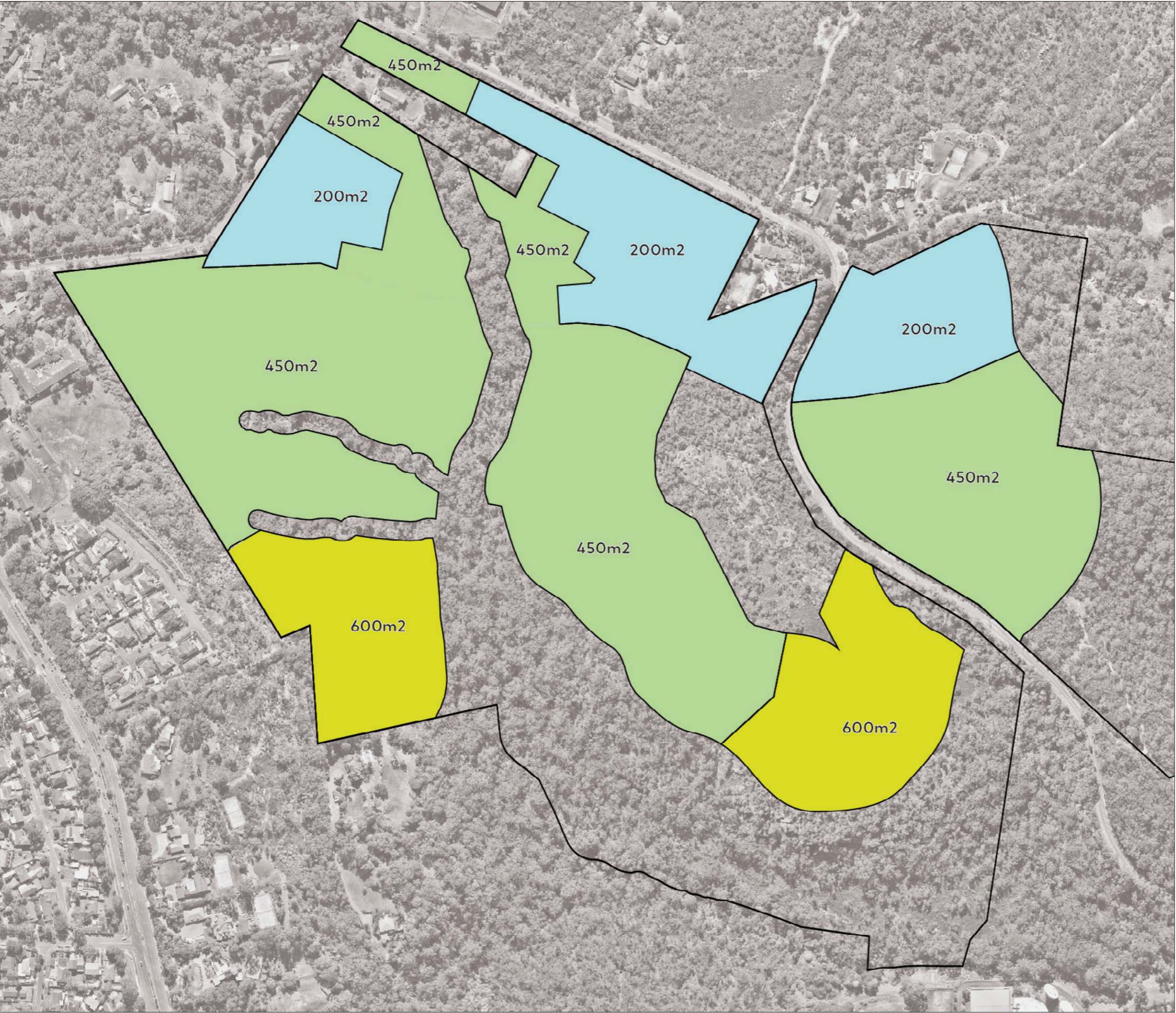
- Conservation Area
- Retained Vegetation
- Open space/Asset Protection
- Existing road network
- Indicative future road network
- Classified creekline
- Unclassified flow paths to be retained
- Indicative bush fire Asset Protection Zone (APZ)
- Archaeological sites: Indigenous significance
- Archaeological sites: 50m buffer zone
- Proposed residential lots
- Future R2 zoning

Land Use Zoning



- Conservation - C2
- Residential - R2
- Future Residential - R2
- Recreation - RE2

Minimum Lot Size



- 200m²
- 450m²
- 600m²

Height of Buildings



8.5m



Scale: 1:4000 @A3

22 December 2023

Monica Gibson, Deputy Secretary  
Department of Planning and Environment  
4 Parramatta Square, 12 Darcy St,  
Parramatta NSW 2150

Attn. Brendan Metcalfe

Dear Monica,

**Response to Key Submissions – Patyegarang Planning Proposal  
PP-2022-3802 – Post-exhibition**

We are pleased to provide this supplementary material on behalf of the Metropolitan Local Aboriginal Land Council. The project team has thoroughly considered the matters raised by Northern Beaches Council and key State Agencies during the exhibition period from 26 September to 7 November 2023.

The attached table provides detailed responses to the comments received from:

- Northern Beaches Council
- Environmental and Heritage Group (2023 and 2022)
- Heritage NSW
- Transport for NSW
- Rural Fire Service
- Department of Planning and Environment – Crown Lands and Public Spaces
- Sydney Water
- SES

In addition to the table of responses, please find attached:

- Updated Transport Assessment to address comments received from TfNSW and RFS
- Revised indicative design for proposed slip lane which does not rely on land acquisition
- Updated Site Specific DCP to address Northern Beaches Council comments
- Updated Response to Local Planning Directions.

The following additional reports will be provided to DPE in January 2024:

- Updated Strategic Bushfire Assessment to address comments received from RFS
- Updated BDAR including the results of additional fieldwork
- Additional flood modelling by Colliers Engineering & Design

Finally, we have also commissioned:

- Financial viability assessment to support the affordable housing commitments, as required by the gateway determination; and
- ACHAR, which will be completed and provided to DPE in March 2024 given the necessary statutory consultation times.

We trust the amended reports, details and explanation provided addresses the issues raised and we look forward to a favourable finalisation outcome for the planning proposal. Should you wish to discuss the contents of this letter, please do not hesitate to contact myself on [julietg@gyde.com.au](mailto:julietg@gyde.com.au) or phone 9071 1889.

Yours sincerely



**Juliet Grant**  
Executive Director

Encl:

Response to submissions table

Attachment 1: Site Specific DCP December 2023

Attachment 2: Transport Assessment December 2023

Attachment 3: Alternative Slip Lane Indicative Design and Location

Attachment 4: Detailed response to EHG Comments prepared by Hayes Environmental 22 December 2024

| Northern Beaches Council   | Response  |
|--|---|
| <p><b>Planning Proposal</b></p> <p>Council considers the PP to fail to consider State Environmental Planning Policies noting the Planning Proposal provided simple Yes/No answers to compliance against SEPPs, contrary to State Government LEP making guidelines.</p> <p>Disproportionate weight given to the Development Delivery Plan (DDP) noting that the DDP contains no detailed analysis of environmental issues and mostly outlines MLALCs strategic interests in land (not the community's interests) and must only be "taken into account" by the Planning Proposal Authority. i.e. it is not the determining matter for consideration in the assessment of the Planning Proposal, being only one matter amongst many in law that the Planning Proposal Authority must consider.</p> <p>Proposed LEP provisions to cap dwelling numbers in R2 zone inadequate – Provisions in the Housing SEPP and Codes SEPP do not require reference to Council's LEPs before a complying development certificate can be issued for dual occupancy or secondary dwelling development. There is a strong likelihood that approvals will be granted for development over and above the 450 dwelling cap based on Council's experience elsewhere (Warriewood Valley).</p> <p>The revised Planning Proposal still does not provide sufficient information or evidence to support the proposed re-zoning, particularly regarding bushfire mitigation and management, urban design, water detention and stormwater management.</p> <p>The R2 zone under Warringah LEP 2011 also permits a range of uses in addition to seniors housing that are vulnerable to hazards such as bushfire, including bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Educational establishments; Places of public worship; and Respite day care centres. It is not clear if these uses will</p> | <p><b>SEPP Consistency</b></p> <p>The main body of the planning proposal includes yes/no answers to the SEPP, however Appendix 3 includes a full assessment of the PP against the SEPPs as per the LEP making guidelines.</p> <p><b>Weighting of the DDP</b></p> <p>The DDP guides the delivery of this planning proposal as it is directly relevant to the strategic context and merit of the site. The DDP contains no detailed analysis of environmental issues as it is a precinct wide analysis of which was approved by the Minister for Planning, to set out the objectives for identified land owned by MLALC. In approving the DDP, the Minister has established the strategic merit for the site.</p> <p>This PP provides detail solely for the Patyegarang site and addresses all other matters as per the LEP making guidelines, and all other relevant policies. The detail provided in the PP can be sufficiently relied upon by the Planning Proposal Authority to assess all factors on the merit.</p> <p><b>Dwelling Cap Inadequacy</b></p> <p>The application of a dwelling cap is a common control within the NSW planning system and will be provided as a site-specific clause within the LEP, modelled on similar provisions relating to other sites with the Northern Beaches LGA. Any future subdivision DA is intend to apply to the entirety of the site and can be included in the site-specific LEP clause, as such an adequate condition can be placed on any approval to enforce the dwelling cap. Any future development application or complying certificates would need to comply with this condition.. In addition to the condition of consent, it is envisaged that appropriate controls through the Community Title Management Statement would be included to ensure compliance with the dwelling cap.</p> <p><b>Information Provision</b></p> <p>Details on the bushfire mitigation have been detailed in the Bushfire Protection Assessment and Strategic Bushfire Study, which the Planning for Bushfire Protection deems as satisfactory.</p> <p>Notwithstanding that approach the RFS have recently requested the approach be enhanced and aligned to a national risk management protocol. We have chosen NERAG which is a ISO3100 protocol and which Northern Beach Council consultant Meridian Urban used in 2021. Any detailed design for mitigation will be undertaken at DA Stage. Similarly, detailed urban design, water detention and stormwater management will be addressed at DA Stage at a level that is not required to be addressed in</p> |

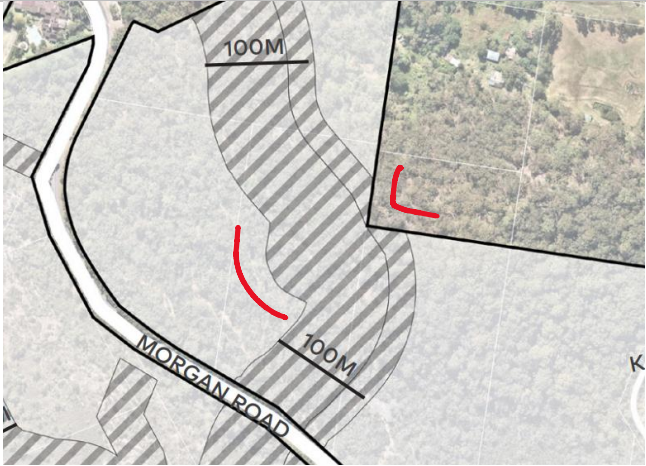
| Northern Beaches Council  | Response   |
|---|--|
| <p>be prohibited.</p> <p>The revised Planning Proposal specifies and maps minimum lot sizes. Council staff have significant concerns regarding potential biodiversity loss resulting from the location of bushfire Asset Protections Zones (APZs), underestimation of impacts on water quality and on-site detention, and visual impacts/ loss of landscaping resulting from APZs being located along any roads, including Morgan Road.</p> | <p>a PP.</p> <p><b>Zoning Provisions</b></p> <p>The R2 zone will be implemented as per the Warringah LEP 2011 (or equivalent if/when comprehensive LEP is made). Any DA that includes vulnerable uses such as community facilities will address the risks and mitigation measures at DA Stage and be assessed appropriately.</p> <p><b>Minimum Lot Sizes</b></p> <p>The developable area, including the APZs, are not located on biodiversity values, see Hayes Environmental attachment responding to adequacy of assessment and report for a detailed assessment of the impacts.</p> <p><b>Regional and District Plan Consistency:</b></p> <p>Though GSC considers the Planning Proposal is broadly consistent with relevant Objectives in the Greater Sydney Region Plan and associated Planning Priorities in the North District Plan. Please see the response to Council's specific concerns below:</p> <p><i>Obj 2 Infrastructure</i> – The infrastructure demand will be increased, this has been addressed in the Traffic Impact Assessment and the proposed consultation with agencies as detailed in the section below.</p> <p><i>Obj 5 Communication</i> – Council states no communication was undertaken prior to lodgement. In October 2022 an offer of an officer level briefing with consultants was offered to Council, March 2022 a written briefing note was provided to the Councillors on the DDP proposal. See Appendix 5 for additional communications.</p> <p><i>Obj 10 Housing Supply</i> – As above, the infrastructure needs have and will be addressed to provide for the expected demand on the site.</p> <p><i>Obj 11 Affordable Housing</i> – Further details of the intended affordable housing provision and proposed scheme will be provided in 2024.</p> <p><i>Obj 12 Great Places</i> – The site will provide community open space contributions, defined and enhanced walking tracks to reduce unwanted and unmanaged biodiversity impacts, and high-quality designed places and public domain as per the DCP.</p> <p><i>Obj 14 Heritage</i> – Further details on Aboriginal sites management and protection will be provided at DA stage.</p> <p><i>Obj 25 Waterways</i> – The proposal intends to improve the waterway and ongoingly protect the riparian areas. Detail design and management of this will be provided at DA stage.</p> <p><i>Obj 27 Biodiversity</i> – Biodiversity impact have been addressed in the Hayes Environmental Preliminary BDAR, further details will be provided at DA Stage.</p> <p><i>Obj 28 Scenic Landscapes</i> – The proposed structure plan ensures open space that allows for</p> |

| Northern Beaches Council | Response   |
|--------------------------|--|
|                          | <p>enjoyment of vistas and improved sight lines over conserved areas.</p> <p><i>Obj 29 Environmental, social, economic values</i> – The scheme provides a structure that reflects the low-density and suburban neighbourhood of the surrounding character and uses, it further provides a development cap that limits the development to the relevant scale.</p> <p><i>Obj 30 Canopy Cover</i> – Areas identified for conservation where biodiversity values are located will maintain their canopy coverage, developable areas include controls in the DCP ensuring high level of canopy cover throughout the site.</p> <p><i>Obj 33 Low Carbon City</i> – Details relating to specific ESD outcomes, carbon emissions will be undertaken at DA stage.</p> <p><i>Obj 37 Hazard Exposure</i> – The hazards are sufficiently addressed in the relevant consultant reports and mitigate potential impacts. Further specific mitigation factors will be identified at DA stage.</p> <p>The comments North District Plan comments are of the same vein and have been answered in this letter or in consultant reports.</p> <p><b>Metropolitan Rural Area</b></p> <p>Though the site has not been identified in an Urban Investigation Area, it is identified in the DDP which was put forward after the creation of the GSRP. The DDP undertakes a strategic investigation of the area that identifies it as a key location for residential uses with close connection to cultural landscapes, and a bushland setting as per the GRSP.</p> <p>As per the GCC agency submission, there is an acknowledgment that that the MRA is also <i>‘parts of the urban-rural fringe are owned by Local Aboriginal Land Councils. Future planning of these areas may be more flexible in order to balance rural values with greater economic participation, and community and cultural uses by Aboriginal people’</i>. As this PP intends to introduce increased economic participation alongside community and cultural uses, the PP is consistent with the objective for MRAs.</p> <p><b>SEPP Consistency</b></p> <p>Appendix 3 determines how the scheme will not contain provisions that will contradict or would hinder application of each SEPP and provides further detail where necessary.</p> <p><b>Local Planning and Strategic Directions</b></p> <p>An updated response to the relevant Local Planning Directions is provided at Attachment 1.</p> <p><b>Local Housing Strategy</b></p> <p>This PP is not an “ad hoc” approach as the DDP provides a strategic vision set out for the MLALC owned land. The proposed subdivision layout reflects the local character and assists Council in reaching their</p> |

| Northern Beaches Council  | Response   |
|---|--|
|   | <p>housing targets. Further it is a scheme that directly address the constraints of the site and works to mitigate these and will also allow for improved road and walking infrastructure.</p> <p><b>Inconsistency with the C-Zone Review</b></p> <p>Council's recommendation of a conservation zone over the entirety of the site is a blanket recommendation that does not reflect an in-depth analysis of the constraints on each lot. While the studies mentioned by Council are recognised, they reflect precinct and LGA wide studies which did not include any physical fieldwork on the site and do not reflect the detailed assessment of a site-specific analysis and assessment that was undertaken as a part of this proposal.</p> <p>In addition, the review has been on exhibition and does not reflect the finalised outcomes of Council's examination. A submission was undertaken for the site and given to Council during the exhibition period that requested the site be left out of the review in preparation for the planning proposals lodgement.</p> <p><b>Site Specific Merit</b></p> <p>Aboriginal Heritage – The Aboriginal sites are invaluable to the MLALC, and leaving the site as it is and unmanaged leaves it open for graffiti and vandalism, with an existing BMX track causing scratches to the carving, and is not a sustainable option for their protection. It is understood that AHO recognises incorporating the heritage items into a protected open space and the focus of protection will aid in it's ongoing management and protection. However, the heritage report cannot produce details on site-specific protection until DA stage when layouts and detailed design is undertaken. Conservation Management Plans are required under the National Parks and Wildlife Act and AHIP requirements and can be undertaken post-finalisation.</p> <p>In addition, the approval of the planning proposal does not negate the need for a AHIP and ACHAR at DA stage. This will still need to be satisfied to procure a development approval from the consent authority at DA stage.</p> |
| <p><b>DCP</b></p> <ul style="list-style-type: none"> <li>• The provisions of the SEPPs, and National Construction Code (NCC) will override any DCP controls, resulting in larger developments that do not comply with the DCP intent.</li> <li>• The requirement for clearing of land in Bushfire Asset Protection Zones is inconsistent with and will override requirements in the DCP to retain existing bushland and significant trees.</li> </ul> | <p><b>SEPP and NCC</b></p> <p>This is the case with any DCP, the relevant SEPPs and NCC will apply to the site but would not enable the LEP provisions relating to permissible uses, minimum lot sizes or the dwelling cap to be overridden. The DCP is intended to outline high level principles for development form across the site and will be supplemented by Design Guidelines prepared alongside any subdivision application.</p> <p><b>APZ inconsistencies</b></p> <p>Whilst it is acknowledged the APZ zones may reduce bushland, all APZs are included within the</p>  |

| Northern Beaches Council  | Response   |
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| <ul style="list-style-type: none"> <li>• References to proposed timber construction to “fit” with the local environment are unlikely to meet bushfire requirements.</li> <li>• No design options are provided for the 200 sqm allotments within the site, yet these are the most likely to impact the existing environmental quality and character of the area.</li> <li>• The Planning Proposal and DCP makes no mention of ESD principles in its overall objectives (Planning Proposal page 25) this despite the explicit requirements of Council’s LSPS Towards 2040 for large scale developments and planning proposals.</li> <li>• The DCP refers to Biodiversity Certification which does not form part of the current planning proposal.</li> <li>• The biodiversity and vegetation management chapter of the DCP appears to have limited practical application beyond the subdivision application. The emphasis appears to be on areas such as the C2 zone and residential interface including open space areas and riparian corridors. These areas would not be subject to DA’s beyond subdivision.</li> <li>• The content within Appendix 1 of the DCP should be incorporated into each relevant section rather than as an appendix.</li> <li>• The biodiversity and vegetation management chapter of the DCP does not make adequate declaration or define what constitutes ‘Vegetation’ (including native vegetation) or trees (other than ‘significant trees’). Section 2.9 of the Biodiversity and Conservation SEPP applies to vegetation declared in a DCP. If not declared in a DCP then permit requirements for tree or vegetation removal are subject to doubt.</li> <li>• There are differences between the wording of the Design Principles in the GYDE report and the Urban Design Report.</li> <li>• It is unclear how the APZ will be able to manifest on land not in the ownership of the MLALC.</li> </ul> | <p>proposed R2 zone. The retention of bushland and significant trees relates to the protection in conservation zones where biodiversity values are to be maintained, or relate to canopy cover over proposed open spaces which do not relate to the APZs.</p> <p><b>Timber Construction</b></p> <p>Construction elements including timber is inconsequential to the bushfire implications to the site. The only reference to timber within the DCP relates to decking and not materials for the primary dwellings. Further, some construction to fit with the environment may also use timber imitation materials which are not flammable. In any case all forms of construction will need to comply with the relevant Planning for Bushfire standards at Construction Certificate and Occupation Certificate stages. The DCP does not override this statutory requirement.</p> <p><b>Design Options for minimum 200sqm allotments</b></p> <p>The DCP has been revised to include options for allotments of 200 – 350sqm as per other typology diagrams. This includes options for constrained and unconstrained lots and maintains principles to ensure consistency through the precinct regardless of lots.</p> <p><b>ESD Principles</b></p> <p>ESD Principles have been drafted and added into the DCP while considering minimum requirements. These principles provide guidance for future development, however do not provide metric based controls or detailed requirements as a detailed ESD principle vision has not been decided upon. Further, detailed ESD principles will be undertaken at DA stage once advice is received on the best principles to be undertaken to address detailed site needs and reflect detailed consultant feedback, eg. Stormwater, biodiversity, landscaping and water sensitive urban design.</p> <p><b>Biodiversity</b></p> <p>Biodiversity Certification may be undertaken, however undertaking certification or alternate biodiversity management will be undertaken at a later stage as this follows the standard statutory process and requirements.</p> <p>The Biodiversity and Vegetation section relates to the outcomes for the C2 zone, of which has been identified to be retained and managed as a regional biodiversity corridor. Controls relating to vegetation permit requirements revert to the relevant controls in the Warrigah DCP. Further, it identifies management of future residential interfaces, lighting, walking tracks, and protection outcomes, which will be relevant to guiding future DA’s on the R2 zone and beyond the existing subdivision.</p> <p>The content in Appendix 1 will remain in the appendix to improve readability and structure of the</p> |

| Northern Beaches Council | Response  |
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|                          | <p>document.</p> <p>Definitions of vegetation and trees has remained silent on the definitions as it reverts back to the definitions under E2 Prescribed Vegetation of the Warringah DCP 2011 to avoid conflicting definitions and ensure consistent application for permit requirements. Requirement 1 (d) will capture any future tree removal and will require a permit. When the definitions included in the consolidated Northern Beaches DCP is released, those definitions will be reverted to.</p> <p><b>Differentiating Wording</b></p> <p>The differentiating wording within the Design Principles in the DCP and Urban Design Report are purposeful as the documents have different intents.</p> <p>The DCP provides more control and explanation for these controls, whereas the Urban Design report provides guidance of the design outcomes. The principles in the urban design report are not written for the same audience or with the same intent as the DCP. Therefore, the wording of the principles will not be the same, though they maintain key similarities in establishing a cohesive vision.</p> <p><b>APZ Boundary in Eastern Corner</b></p> <p>Council raises concern with how the APZ boundary will expand beyond the site boundary within the Eastern corner of the site.</p> <p>However, the APZ zone does not extend beyond the site as the zone setback has been measured from the boundary. Therefore, the site still preserves an adequate APZ setback without extending onto land not owned by MLALC.</p> |

| Northern Beaches Council  | Response   |
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|   |  <p>The image is an aerial photograph of a residential area. A road labeled 'MORGAN ROAD' runs diagonally from the bottom left towards the center. Two parallel hatched buffer zones, each labeled '100M', flank the road. Two red L-shaped markers are drawn on the map: one on the left side of the road within the buffer zone, and another on the right side, further inland. The surrounding area shows trees and some buildings.</p>  |
| <p><b>Bushfire Issues</b></p> <p><b>Traffic</b><br/>The proposal's Transport Assessment has not demonstrated that the development achieves the access and egress assessment considerations of Section 4 of PBP (2019).</p> <p><b>Sydney Water</b><br/>Sydney Water must confirm that the potential future augmentation accounts for water capacity and pumping requirements necessary for fire-fighting purposes.</p> <p><b>Codes SEPP</b><br/>Codes SEPP does not require consideration of other clauses in an LEP, in this case the quantity of dwellings permitted on this land. This has the potential to inflate the population of an at-risk community beyond what was planned and modelled, thus potentially affecting to the evacuation of the community.</p> <p><b>Independent Review - Meridian Urban</b><br/>States inappropriateness of the proposed scale, density and</p> | <p><b>Traffic</b><br/>An updated Strategic Bushfire Assessment will be provided in January 2024.<br/><br/>The cumulative impact of egress and evacuation across the wider network will and needs to be considered under a separate process which we understand will be led by the PDU in partnership with RFS as it relates to precinct wide assessment that this PP cannot address.</p> <p><b>Sydney Water</b><br/>There is an existing 500mm water supply main in Forest Rd. In 2017 Sydney Water advised that this main has sufficient capacity to service the proposed development. At DA Stage, the project will require a detailed hydraulic analysis to confirm the sizes of new mains to be provided along Morgan Rd and within the development for drinking water &amp; fire fighting purposes.</p> <p><b>Codes SEPP</b><br/>As noted above, any complying certificate must comply with an appropriate condition of consent which can be applied to the subdivision approval.</p> <p><b>Independent Review – Meridian Urban (2021 and 2023)</b><br/><br/>In 2021, Meridian's outcome of their assessment was the production of fire line intensity mapping which seeks to advise on how a site is affected by nearby fire-runs and through the display of those modelled intensities.</p> |

Northern Beaches Council

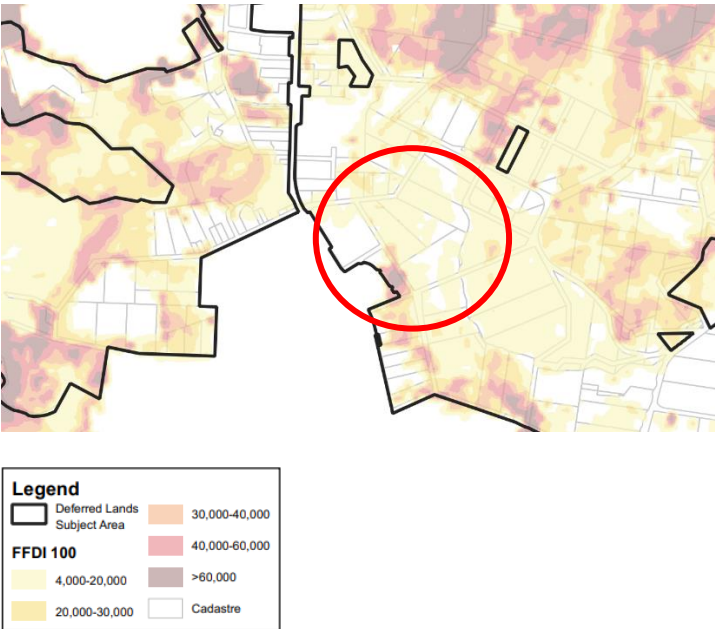
urban design of the site, and highlighted significant inadequacies, omissions and wrongful assumptions.

- The risk of bushfires for the site is significantly underestimated
- The BFSS takes an adhoc approach to hazard management, which ignores strategic aspects of bushfire management and namely as related to the proposed density, landscape (within and surrounding the proposed development), urban design and infrastructure provision
- The BFSS fails to adequately consider safe evacuation of future residents and adjoining communities, and especially the overreliance on Morgan Road and the (compulsory) acquisition of Council land for a slip lane onto Forest Way
- Some statements are not underpinned by detailed information or evidence, bringing into question their accuracy Mere compliance with bush fire protection measures does not address the nature of matters outlined by Chapter 4 of PBP.
- The BFSS does not make assessment of land use in terms of appropriateness of density, settlement pattern and land use type, as required by Chapter 4 of PBP.
- Concerns raised by both Council and the Blackash review regarding the draft planning proposal in relation to evacuation do not appear to have been addressed. Should the proposed arrangements turn out not to be viable, there is the potential for a sub-optimal outcome to occur.

It was considered that even after bushfire mitigation measures are put in place, future residents and properties would be exposed to residual risks for which they may not be able to

Response

Their mapping, particularly, Figure 14 and replicated in Appendix A showed that 95% of the site is only affected by the classification 4,000 to 20,000 k/Wm when assessed against an FFDI of 100. This is equivalent to a catastrophic weather event. The light-yellow colour, in their legend (see below), shows that the site is not in close proximity to their mapped high intensity fire scenarios. Travers Bushfire & Ecology do note a small area of steep forest in the southeast sector of the site.



Travers Bushfire & Ecology note that Meridian appears to refute the comprehensive science surrounding the PBP bushfire behaviour APZ tables that are based on comprehensive fuel investigations undertaken by the RFS. It is Travers Bushfire & Ecology's strong opinion that the varying suggestions by Meridian Urban that vigorously challenge PBP fire behaviour is without foundation and has not been quantitatively assessed by them nor proven by them.

Travers Bushfire and Ecology readily acknowledge that evacuation is a key driver of this site and the project team have ensured that the Morgan Rd slip lane was a significant element of the design. In addition, the recommended connection to Oates Place provides a second evacuation route onto Forest Way to the west if required. Whilst they acknowledge that turning right along Morgan Rd is an evacuation route it is unlikely to be used due to bushland pinch points along the road.

| Northern Beaches Council   | Response  |
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| <p>obtain insurances.</p> <p><b>Independent Assessment BlackAsh</b></p> <ul style="list-style-type: none"> <li>The proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.</li> <li>In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents.</li> <li>Concern is also raised about the accuracy of weather conditions data referenced in the planning proposal RFS documentation, and limitations in regard to its assessment of the proposal against infrastructure, particularly water, electricity and gas. Further information is required</li> </ul> | <p>In 2023, Meridian emphasised the proximity of the higher fire line intensities as having an affectation upon the Patyegarang site. However, the Figure above shows that the proximity of any nearby mapped high fire intensity levels is a significant distance away. In conclusion the Meridian report provided no quantitative reasoning nor subjective opposition to the residential development of the Patyegarang Site.</p> <p>Meridian Urban then addressed the 2022 Blackash Report by dissecting their recommendations and creating a series of critical elements which they deemed as needing to be sorted before a planning proposal could proceed. Whilst they replicated points made by Blackash they (Meridian Urban) failed to undertake their own field assessment to determine that most of those points were either in error or were amended in subsequent reporting.</p> <p>Given the PBP 2019 remains the sole policy document on strategic bushfire assessment in NSW and Travers believe that any suggestion of a higher strategic assessment method being used would be outside the realm of both Ministerial Direction 4.3 and PBP section 4.</p> <p>PBP Chapter 4 is the basis of strategic assessment studies as defined by Ministerial Direction 4.3; and PBP itself. Travers Bushfire &amp; Ecology prepared a strategic bushfire study (October 2022) and this fully responds to the matters required by both Ministerial Direction 4.3 and PBP Chapter 4. Notwithstanding that approach the RFS have recently requested the approach be enhanced and aligned to a national risk management protocol. We have chosen NERAG which is a ISO3100 protocol and which Northern Beach Council consultant Meridian Urban used in 2021.</p> <p>The concept of density in a bushfire prone landscape has been fully addressed through the implementation of a 100m wide APZ on the boundaries where hazardous landscapes have potentially threatening downslope vegetation assemblages. This has been identified as the southern and southern aspects. The remaining aspects all have upslopes mostly with Tall Heath vegetation such that the potential impact is demonstrably less.</p> <p><b>Independent Review – Blackash</b></p> <p>In 2022, Blackash advised that emergency egress design was not proven as the land was owned by Council and that Council had not issued their consent. Blackash's report indicated the only concern is the procurement of the slip lane as the technical document provides a "<i>coherent, evidence based assessment</i>" and should be "<i>commended in the balanced and sympathetic approach that has been taken for a balanced utilisation and conservation of the site</i>".</p> <p>Travers Bushfires advises that this has been proven through design by Craig &amp; Rhodes and their most recent design undertaken in collaboration with the traffic consultants JMT Consulting. This revised</p> |

| Northern Beaches Council  | Response  |
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|   | <p>design provides for a slip lane that does not rely on land owned by Northern Beaches Council.</p> <p><b>Evacuation &amp; Morgan Road</b><br/> Site evacuation is possible from at least two directions both going to the west onto Forest Way. Traffic modelling indicates there are no impediments in the provision of an efficient evacuation from the site.</p> <p>Travers Bushfire readily acknowledge that evacuation is a key driver of this site and made sure that the Morgan Rd slip lane was a significant element of the development design. In addition, they recommended the connection to Oates Place to create a second evacuation route onto Forest Way to the west. Whilst they acknowledge that Morgan Rd is an evacuation route it is unlikely to be used due to bushland pinch points along the road.</p> <p>The future residents will be capable of three evacuation routes in the days before a fire event and on the day of the event, should that occur, then two evacuation routes to the west, onto Forest Way, will be safe to use – excluding the Morgan Rd / Oxford Falls Rd option due to pinch points.</p> <p>The revised strategic bushfire study will address the accuracy of weather conditions.</p> |
| <b>Biodiversity</b>   | See Hayes Environmental detailed response for further details.  |
| <p><b>Other</b></p> <p><b>Waterways</b></p> <p>The proposal discusses potential water quality management measures for stormwater runoff for when the site is developed however, does not provide a 'Waterway Impact Statement' that is required for any development works located within waterways and riparian lands,</p> <p><b>Slope Stability</b></p> <p><b>Insufficient Public Engagement</b> – No engagement activities have been scheduled to take place during the public exhibition of the draft Planning Proposal. Council calls for a public hearing to ensure that community members, and namely the local Aboriginal community, are given a voice on matters that deeply concern them. This would be in keeping with minimum engagement standards and DPE's own Community</p> | <p><b>Waterways</b></p> <p>A Waterway Impact Statement can be addressed at DA stage when detailed design has been undertaken. In addition, the protection of the waterways and riparian zones will also be addressed.</p> <p><b>Slope Stability</b></p> <p>A Slope Stability Assessment Report was prepared alongside this PP, the conclusion of that report notes the <i>'the area is assessed as suitable for the proposed development. It is recommended however that for the discrete locations within the proposed development area where the risk level has been classified as unacceptable or tolerable upon treatment, that implementation of treatment options to reduce this risk level to Low risk should be considered as part of any application.'</i></p> <p>Detailed slope stability assessment will be carried out at DA stage to address any specific slope requirements relating to a development.</p> <p><b>Public Engagement</b></p> <p>There are no formal requirements for the proponent to undertake engagement process during public exhibition at the planning proposal stage. The planning proposal has been publicly exhibited for in</p>  |

| Northern Beaches Council  | Response   |
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| <p>Participation Plan.</p> <p><b>Development feasibility not demonstrated</b> - The overall feasibility of the development scheme is questionable given the significant level of infrastructure required to support a proposal of this size. The financial arrangements regarding ongoing management of infrastructure are unclear.</p> | <p>excess of the required period, enabling members of the public to engage and provide comment. Please refer to the pending ACHAR for details on consultation that will be undertaken with the local Aboriginal Community .</p> <p><b>Development Feasibility</b></p> <p>No guidelines define a need to discuss development feasibility or provide details on feasibility to the determining authority. The proposed infrastructure works to facilitate development have been considered throughout the development of the proposal and are documented in the VPA letter of offer.</p> <p>The likely infrastructure required to support the project has been identified during the early stages of the planning proposal. This is evidenced in the numerous submissions and references to infrastructure upgrades in previous documents such as the DDP and the original planning proposal lodged in Sep 2022 including the letter of offer. The infrastructure requirements have been informed by multiple applications and enquiries dating back many years to utilities such as Sydney Water, Ausgrid, Jemena and the likes, other significant infrastructure such as slip lane on morgan road have also been identified and accounted for within the forecast project budget. The services report provided with the planning proposal provides detailed information regarding the applications and investigations completed to date.</p> <p>We confirm that all infrastructure upgrades required to facilitate development of the Patyegarang site would be developer funded and that there is no expectation or necessity for Council to fund any of these works.</p> |

| Environmental and Heritage Group (2023)  | Response  |
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| <p>The PP fails to demonstrate application of the avoid and minimise framework.</p> <p>The PP should provide further details on proposed zone boundaries and structure plan impacts. PP does not meet ministerial direction 3.1 and 9.1.</p> <p>The BDAR underestimates biodiversity impacts, incomplete and requires revision to complete the assessment and should not be relied upon until further investigation has been done. 'Retained' vegetation is still impacted and has not been avoided. Retained vegetation areas should be considered as impacted in areas of development/impact. The operational and construction footprint impacts are underestimated and does not account for indirect impacts. The footprint should also incorporate avoid and minimise measures now.</p> <p>Unclear calculation of impacts for offsetting – there is no mapping indicating partial and full impacts on PCT/EEC integrity.</p> <p>The high likelihood of Duffys Forest being present is not sufficiently addressed, and the justification is not reliable. The justification / assessment on the presence for the Coastal Upland Swamp and Sydney Basin Bioregion EEC is inadequate. All entities may be present that are not captured.</p> <p>The survey timings are not clear, and any surveys undertaken outside of required times should not be used to justify lack of impacts. Bat survey should be undertaken. Amphibian survey make assumptions for unsuitable habitats without justification.</p> | <p><b>Avoid and Minimise</b></p> <p>The avoid and minimise approach has been undertaken throughout the planning proposal and urban design process. In summary, the Structure Plan is the result of years of investigative and assessment process to avoid and minimise impacts on biodiversity values at the regional scale, site scale, and project scale. Additional planning has already commenced to further avoid and minimise impacts at the precinct scale, with these details to be lodged with the development application.</p> <p>The Patyegarang planning proposal is a result of a comprehensive strategy to avoid and minimise biodiversity impacts, which began with a strategic review of all land within the MLALC ownership in the Northern Beaches Local Government Area. This review subsequently informed the preparation of a Development Delivery Plan under chapter 3 of State Environmental Planning Policy (Planning Systems) 2021 (formerly known as the Aboriginal Land SEPP).</p> <p>The strategic review of MLALC land was undertaken to identify land of high biodiversity value (among other characteristics) within the Northern Beaches LGA, with a view to identify land that should be avoided and not included within the Northern Beaches Development Delivery Plan for future development purposes. As shown in the mapping below, the assessment of these landholdings resulted in only 6 sites nominated for inclusion within the Aboriginal Lands SEPP.</p> <p>The avoidance of significant land holdings within the Northern Beaches LGA also provides the opportunity for biodiversity offsets across MLALC ownership and creation of biodiversity stewardship sites, mitigation and providing additional opportunities for offsets within the immediate local government area.</p> <p>MLALC is committed to providing and delivery appropriate Biodiversity Offset Strategies across its other landholdings as a result of this proposal. This will not only compensate for any loss as a result of the project but also enable the funding of ongoing protection, management and rehabilitation of landholdings with MLALC which are not appropriate for development.</p> <p>The Urban Design Strategy and site-specific indicative Masterplan submitted with the PP has been informed by a series of overarching principles, including the avoidance of development in the south-eastern part of the site which is more remote and not bordered by existing development.</p> <p>The preliminary BDAR considers/embeds the elements of the Urban Design Strategy and Masterplan (prepared by Cox) so that direct and indirect impacts are covered/assessed. The preliminary BDAR has informed the selection of the appropriate land use zones, including:</p> <ul style="list-style-type: none"> <li>- C2 Environmental Conservation, which has been identified to ensure impact on biodiversity valued</li> </ul> |

areas are avoided;

- RE2 Private Recreation along Snake Creek riparian corridor and parts of its tributaries, to ensure minimal development footprint and indirect impacts in sensitive areas. Impacts are further minimised through the protection of riparian corridor to protect/enhance water quality and provide habitat protection and connectivity.

- R2 residential zoning, supported by a comprehensive site specific development control plan (DCP) that includes development controls to minimise environmental impact from future development footprint.

The proposed community title scheme will also embed appropriate management and mitigation measures across the entire site.

### **Planning Proposal**

See section above in this letter with further discussion on the Ministerial Directions.

### **Estimation of Impacts**

The potential for underestimation of impacts is substantially less than the overestimation of impacts that has been incorporated into the assessment. The extent of impacts would be re-calculated on the basis of final detailed plans at the development application stage. The minor queries raised by EHG would not materially alter the outcome of the biodiversity assessment nor compromise the feasibility of the project.

The Structure Plan specifically addresses lot sizing, road placement and asset protection zone boundaries to facilitate retention of trees and natural rock features within the development. Asset Protection Zones will retain native vegetation to the extent that meets statutory APZ requirements. This vegetation would effectively be protected and maintained through a Vegetation Management Plan implemented by the community strata and controlled by Council. Residential lots and private spaces would not be cleared and levelled to suit broadscale project home development, but offered as treed sites with restrictions where appropriate, to encourage bespoke house designs similar in character to other residential areas across the Northern Beaches. Despite this, the biodiversity assessment has conservatively assumed for the purpose of assessment and calculation of impacts that all land within the development footprint, including APZ inner protection areas, public open space, road verges, and private spaces would be completely cleared of all native vegetation. This is an overestimation of the extent of impacts across 44.7 hectares of land.

The biodiversity assessment assumes that riparian corridors and the cultural reserve (6.9 ha) would not be directly impacted by the development but are likely to be subject to indirect impacts. This is based on detailed discussion with the bushfire consultant, stormwater consultant, and broader project team. Indirect impacts require more detailed site plans and management plans to be quantified at a later stage

once details are finalised.

#### **Offset Calculation**

Offset credit calculation and pricing have been regularly changing and updating since the commencement of the BC Act, such that changing credit requirements is an ongoing risk for all strategic planning decisions which necessarily rely on unfinalised BDARs. Sufficient information has been provided to confidently assess project merits and feasibility for rezoning.

Further, the draft BDAR has provided a draft offset calculation which will be updated at the time of formal DA lodgement and any credits paid post approval, as per the standard and required process.

#### **Likelihood of Duffys Forest and Coastal Upland Swamp**

Consideration of Duffys Forest EEC has been carried out through both qualitative and quantitative comparison with the Final Determination of the NSW Scientific Committee (this being the legal definition of the community). The quantitative comparison referred to the Smith & Smith (2000) report and method which is specifically referred to for this purpose in the Final Determination. There are cautions and limitations relevant to this method, as with any scientific method. These cautions and limitations, however, have been carefully considered and addressed in the Preliminary BDAR, and do not affect the findings set out in the Preliminary BDAR. The issue of sampling limitations is relevant to large sites where random sampling has been used. This does not apply to Patyegarang where the entire area has been traversed on foot and sampling has targeted the most likely areas for this community on site. The methods used to assess and identify this community are legally and scientifically robust. The results are consistent with recent regional vegetation maps released by DPE.

There is one patch of Coastal Upland Swamp mapped within the site on recent regional mapping. This appears to be a mistake in aerial photo interpretation due to weed invasion, most notably Coral Trees, Privet and Senna. Further detail and photos will be included in the Preliminary BDAR.

#### **Adequacy of Surveys**

Current legislation and guidelines for fungi do not require variation to survey timing be justified by a listed 'DPE Expert'. EHG have erroneously discounted the justification provided in the Preliminary BDAR on this basis. The fungi surveys were conducted by an expert on the genus, after whom one of the species is in fact named.

Targeted parallel traverse surveys for threatened plants have now been completed. These had been delayed due to seasonal survey requirements and so were not included in the July version of the Preliminary BDAR. No new threatened plant species were recorded, these results have now been

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|  | <p>included in the Preliminary BDAR.</p> <p>EHG have queried the survey of habitat for several ecosystem credit species, these species are appropriately assessed as ecosystem credit species in accordance with the BAM (2020). Further survey or mapping of habitat is not required. Amphibian surveys were designed and carried out in collaboration with Dr Marion Anstis, a recognised expert on the relevant frog species and whose work is relied upon in the industry for identification of frogs and tadpoles. Further detail on this has been added to the Preliminary BDAR.</p> <p>The attached comments prepared by Hayes Environmental provide detailed and comprehensive answers to each of Council's concerns. Any comments Council have made in relation to the BDAR which require details that are not required under the statutory instruments will be provided, as per the standard process, in the DA stage.</p>   |
| <p><b>Flooding:</b><br/>Recognises that flood assessment has been undertaken, however there is concern on its accuracy and the appropriateness of the methodology. The Flood Report has not adequately demonstrated pre-and post-development scenarios. Recommended that the hydraulic model be extended downstream to include Oxford Falls Road.</p> <p>The stormwater management report doesn't adequately consider mitigation strategies for impacts on stormwater flows, or consideration of detention basin locations.</p> <p>The earthworks strategy involves lowering flow paths, there is concern on biodiversity impacts from this.</p> | <p>An updated Flooding Impact and Risk Assessment is attached that addresses these concerns.</p> <p>The CED FIRA Report July 2023 maps both the 1% &amp; PMF flood events in the pre &amp; post development scenarios within the extent of the planning proposal lands.</p> <p>Additional models are being prepared to assess the impact of the 1% &amp; PMF events on Oxford Falls Rd. It is noted that Oxford Falls Rd is frequently impacted by more frequent flood events and the road is often closed in this location. To this extent flood gates are installed at Oxford Falls and managed by Northern Beaches Council so as to prevent vehicles crossing flood waters.</p> <p>The CED Storm Water Management Report July 2023 outlines a range of strategies to manage the impacts of storm water flows in the context of the site and environmental considerations. This strategy does not intend to construct large detention basins on the site but rather a sequence of devices that minimise and replicate natural environmental flows.</p> <p>A detailed earthworks strategy is yet to be resolved as this is a development application consideration. However, it is intended to minimise the extent of earthworks to reflect the natural contours of the land.</p> |
| <b>Environmental and Heritage Group (2022)</b>   | <b>Response</b>  |
| <p><b>Avoidance Issues</b><br/>The overarching concern that the proposal fails to adequately consider and avoid the biodiversity values on site. The concern stems from a lack of information / comprehensive assessment undertaken of potential biodiversity impacts. BDAR and UDR do not demonstrate the avoidance of biodiversity impacts.</p>  | <p><b>Avoidance Issues</b><br/>As above, the structure plan is a result of extensive review to avoid and minimise impacts on biodiversity values at the regional scale, site scale, and project scale. This has been documented in the updated BDAR, which illustrates the evolution of the current structure plan. The avoid and minimise approach is sufficient to mitigate impacts to riparian zones and amphibian species as detailed in the Preliminary</p>   |

The proposal fails to demonstrate the avoid and minimise framework (under BAM) as it is fully vegetated and connects to wider ecological corridors and assumes “all areas identified for potential development, including asset protection zones (APZs) would be cleared of native vegetation”. Notes how structure plan does not provide a sufficient buffer to riparian zones and the threatened species (Red Crown Toadlet) within those zones. Notes any vegetation cleared in high value areas will breach the Offset Scheme Threshold. Notes that any offsetting undertaken via Stewardship agreements is not valid/sufficient for the impacts of this planning proposal.

## Information

The BDAR is a summary of methods rather than an assessment. They recommend it applies an assessment as per Stage 1 and Stage 2 of the BAM at a minimum, and considers opportunities to meet Part 8 of the BC Act 2016.

Requests information on conservation area boundaries and the limit of 26% of the site area, and the mechanisms needed to conserve these areas.

EHG is unsure if the study is comprehensive enough to exclude the likelihood of species identified on records to be present on site.  
Requests information on the works to justify exclusion of the Coastal Upland Swamp Endangered Ecological Community (EEC) from the mapping. (As per briefing on 11 March 2020)

Requests further information on extent of removal to create APZs and on the boundary between the conservation and APZ zones. Recommends the layout should minimize APZs and any APZs provided must be wholly contained in development areas.

Recommends location and impacts of essential services to be considered/assessed at some level prior to DA stage to ensure development can be serviced without SAI impacts.  
Recommends flooding behaviour should be modelled and mapped separate to stormwater. The Wakehurst Parkway via

BDAR. Further avoid and minimise planning has commenced to reduce impacts at the precinct scale, these details will be lodged at DA Stage.

## Information

The Preliminary BDAR is not required to meet Stage 2 of the BAM at the planning proposal stage. At DA Stage, a comprehensive BDAR will be produced that addresses all aspects of the BAM as per the BC Act.

As per the above, the estimation and calculations of impacts have been addressed, this includes recognition of the APZ's though detailed analysis of impacts will be undertaken at DA stage. Further the potential likelihood of species on site has been addressed.

## Discrepancies

All additional species have now been surveyed and further detail provided in the updated BDAR, and there is sufficient flexibility within the structure plan to accommodate future survey fieldwork without compromising the feasibility of the project.

## Layout

As per above, the concept layout address site specific concerns and has been informed by all relevant guidelines. Detailed design will be undertaken at DA Stage with further appropriate measures put in place to improve biodiversity outcomes from the current overestimated results.

Oxford Falls Road flooding should also be considered by traffic. PP must be consistent with the local planning direction for flooding and provide commentary on this from a flood consultant.

**Discrepancies:**

The UDR identifies the Eastern Bentwing Bat but was not identified in the Assessment, and Large-eared Pied Bat were excluded from consideration. It is recommended a survey to identify bats and other cave species should be undertaken. The UDR states that Powerful Owls and Glossy Black Cockatoo roost on site but no nesting trees were identified in the mapping. It is recommended to study the roosting and foraging patterns of this species.

**Layout:**

Recommends that outcomes of biodiversity assessment should inform development layout.

The design principles for the retention of trees and rocky outcrops are unlikely to be achieved because of slope, scale of development, and associated infrastructure. Recommends conservation areas to be sized to account for direct, indirect and delayed impacts from developable footprint. This should be reflected in the Assessment Report. Expectation that any conservation areas are zoned C2.

| Heritage NSW   | Response   |
|--|--|
| <p>States that consultation that has been undertaken to date does not comply with the relevant requirements of the National Parks and Wildlife Regulation 2019 or the Aboriginal cultural heritage consultation requirements for proponents 2010.</p> <p>Recommends that a Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared as per the National Parks and Wildlife Regulation Act, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, and Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW. The ACHAR must include consultation with Aboriginal communities.</p> <p>In accordance with Clause 5.10.8 of the Warringah LEP 2011, it is important that any management, mitigation, and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.</p> | <p><b>Request for ACHAR and Future Consultation</b></p> <p>The ACHAR is not a mandated document for planning proposals and is commonly lodged alongside a development application.</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) is currently being prepared and will follow the Aboriginal community consultation and reporting methodology that is required by DECCW (2010).</p> <p>This is being undertaken, in addition to the consultation and inputs provided throughout project by the Proponent, MLALC members.</p> <p>The ACHAR will be developed with First Nations people who will be provided the opportunity to inspect the land and the Patyegarang rock engravings sites.</p> <p>The ACHAR will be informed by the Patyegarang Conservation Management Plan (CMP) and the First Nations consultation, among other things, will discuss the mitigation of potential impacts to the engravings sites that may result from future interpretation and accumulated impacts to the sites that may result from increased public visitation. The CMP and ACHAR will be undertaken concurrently and can be completed in 3 months.</p> <p><b>Aboriginal CMP</b></p> <p>A detailed digital recording of each of the Patyegarang rock engravings, along with conditions at and surrounding each engraving site, will be undertaken to enable identification of immediate, short term, and long-term threats.</p> <p>The CMP will guide ongoing protection, conservation, and potential future interpretation of the Patyegarang cultural heritage sites, including specific conservation requirements under Heritage NSW authorisation. The CMP will provide principles and policies for controlled visitation and surveillance. Consultation will underpin the development of the CMP that will provide a management strategy to safeguard the future protection and ongoing conservation of these sites.</p> |

| Transport for NSW   | Response  |
|---|---|
| <p><b>Forest Way / Morgan Road Intersection:</b><br/> Recommends removal/restriction of kerbside parking on Morgan Road to provide an extension to the two approach lanes onto Forest Way, and an extension of approach lanes is expected. The right turn bay should be extended at minimum of 40m past the back of the queue. TfNSW will not support any additional traffic signal phasing with any additional phasing.</p> <p>An electronic copy of the SIDRA should be submitted for comment. The TIA does not seem to have included the cultural centre in the trip analysis.</p> <p>If there is an extension of the northbound right turn lane – The road works would need to be reviewed by TfNSW and needed to be completed in initial development.</p> <p><b>Proposed Slip Lane</b><br/> TfNSW generally agrees with the intent to provide the slip lane but suggests further discussion between DPE, Council and proponent for acquisition and design &amp; delivery.</p> <p>The slip lane should be constructed in the initial development to cater for additional traffic. Slip lane should also be signalised due to number of school children using pedestrian crossing facilities.</p> <p><b>Proposed Dwelling Cap</b><br/> TfNSW agrees with the intent to provide a dwelling cap.</p> <p><b>Site Specific DCP</b><br/> The DCP should include controls for vehicle access to and from the site, and access restrictions/ emergency access from Oates Place.</p> <p><b>Other</b><br/> Recommends further consultation with TfNSW to agree on approach for public transport arrangement prior to PP finalisation.</p> | <p><b>Forest Way / Morgan Road Intersection &amp; Slip Lane</b></p> <p>The proposal makes provision for a significant upgrade to the Forest Way / Morgan Road signalised intersection through the provision of:</p> <ul style="list-style-type: none"> <li>- A new slip lane from Morgan Road into Forest Way, allowing traffic travelling onto Forest Way a continuous path of travel without having to wait at a set of traffic lights; and</li> <li>- Extension by 40m of the northbound right turn bay from Forest Way into Morgan Road</li> </ul> <p>This revised slip lane design does not involve the use of Council land.</p> <p>This upgrade will deliver benefits to both site users and the general public by improving traffic capacity and reducing vehicle delays. It is a critical piece of infrastructure in supporting bushfire evacuation for future residents of the site as well as existing residents along Morgan Road. In response to TfNSW feedback received during the public exhibition period the northbound right turn bay on Forest Way into Morgan Road would be extended by 40m to provide for additional queueing capacity.</p> <p><b>Traffic modelling &amp; Analysis</b></p> <p>The updated transport impact assessment has taken on board feedback received from TfNSW during the public exhibition phase of the project, which has included:</p> <ul style="list-style-type: none"> <li>- Undertaking updated traffic counts in August 2023 to reflect contemporary traffic conditions in the area</li> <li>- Incorporating SCATS data (provided by TfNSW) to update the traffic model in relation to phase sequencing, timing, activation of pedestrian signals and minimum walk times</li> <li>- Reviewing forecast queue lengths on Morgan Road and Forest Way</li> </ul> <p>Consideration of background traffic growth on Forest Way (as per previous traffic analysis)</p> <p>The findings of the traffic modelling remain largely unchanged compared to those previously presented – with the Forest Way / Morgan Road intersection forecast to operate at an acceptable 'Level of Service D'. It should be noted that the analysis undertaken is considered conservative and represents a worst case scenario for the operation of the intersection given that:</p> <ul style="list-style-type: none"> <li>- An upper limit development yield of 450 dwellings has been considered in the modelling; and</li> <li>- The modelling has considered background traffic growth on Forest Way and surrounding roads, despite investigations showing that traffic flows on Forest Way have remained relatively static (and even declined slightly) over the past decade.</li> </ul> <p><b>Delivery of the Road Upgrade</b></p> <p>The core requirement for the introduction of the Morgan Road slip lane is to facilitate safe and efficient</p> |

Clarification should be provided on how to restrict car use, not including the proposed gates, from the Oates Place and Forest Way egress.

evacuation for residents in the event of a major bushfire event. The slip lane is not required to support day to day traffic movements, with traffic modelling indicating the intersection would still perform acceptably at Level of Service D without the slip lane in place.

It is therefore appropriate that the delivery of the slip lane and broader road upgrade be determined on the basis of traffic movements during a bushfire evacuation event. Traffic modelling has identified a trigger point for the installation of the slip lane on Morgan Road of approximately 200 residential dwellings – beyond this level of development vehicle delays and queueing on Morgan Road would be excessive during a major bushfire event. The position is maintained that the slip lane is not to be constructed until 200 dwellings have been constructed on the site.

## **Public Transport Demands**

Detailed analysis of bus routes and frequencies has been undertaken for the Planning Proposal. The analysis indicates there would be more than sufficient capacity on the local bus network to accommodate future demands from residents – noting any development of the site would take place over a long period of time and be subsequent to separate Development Applications. The suitability of the public transport network, factoring in any changes in supply and demand that have taken place, will be reassessed during the lodgement of these Development Applications.

## **Oates Place Traffic Management**

Oates Place would only ever be used in the event of bushfire evacuation and not in a day-to-day basis. This may be managed through a number of methods which will be discussed further with the RFS and site manager closer to the time of the initial occupation of the site. A range of potential options would be available to manage access including removable bollards or access gates only operable via key or swipe card that is held by the site manager. A backup 'breakglass mechanism' could also be available to open the control point to traffic if required.

For further detail see the updated Transport Assessment prepared by JMT Consulting. Further consultation with TfNSW will be undertaken at DA stage.

| Rural Fire Service   | Response   |
|--|--|
| <p>RFS raised issues in respect of the strategic assessment criteria used for the project where he believed a higher level of strategic assessment should be used in the assessment of this project. Notwithstanding that belief there was no methodology suggested nor provided to aid that belief.</p> <p>The site will be impacted by significant fire risk and difficult to evacuate due to density and location of development. The transport assessment does not test realistic bushfire scenarios where some roads are but by fire or closed by emergency services.</p> <p>Morgan Road is not seen as a safe/viable option for an evacuation route due to close and overhanging forest. Oates Place doesn't have a slip road onto Forest Way to limit effective evacuation in this direction.</p> <p>Road design for the S1 and S2 development areas do not include a secondary access road, and the single access road is bordered by vegetation which needs to be addressed <i>at a later stage</i>.</p> <p>RFS states "The site is considered not an appropriate location for the proposal in its current form". Recommends further modelling must be undertaken to demonstrate safe evacuation during realistic bushfire scenarios, when roads are cut/closed.</p> <p>Compliance with minimum standards is not an appropriate solution for high-risk sites. Additional bushfire protection measures will need to be proposed to further mitigate the risk to an acceptable level.</p> | <p><b>Strategic Assessment Criteria</b></p> <p>In November 2022 PBP was amended. In section 1 Introduction it advises where it again reinforces that PBP standards, guidelines and policies were brought up to date and Travers have assumed that the RFS maintained their PBP 2019 approach to strategic planning in Chapter 4 which was a legislative direction of Ministerial Direction 4.3.</p> <p>Given the above PBP 2019 remains the sole policy document on strategic bushfire assessment in NSW and Travers believe that any suggestion of a higher strategic assessment method being used would be outside the realm of both Ministerial Direction 4.3 and PBP section 4. Should the RFS have any specific issues in this regard they should be brought forward. Travers Bushfire &amp; Ecology prepared a strategic bushfire study (October 2022) and this fully responds to the matters required by both Ministerial Direction 4.3 and PBP Chapter 4. Notwithstanding that approach the RFS have recently requested the approach be enhanced and aligned to a national risk management protocol. We have chosen NERAG which is a ISO3100 protocol and which Northern Beach Council consultant Meridian Urban used in 2021.</p> <p><b>Strategic Risk Assessment</b></p> <p>In response to the concerns on the anomalies in the assessment as a high risk site, the bushfire hazards to the northwest and north northeast were upslope landscapes that associated with that is lower bushfire affectation which the RFS know is factual. The strategic bushfire study modelled the possible impact on the slip lane that turns into Forest Way as having a 12.5 k/Wm<sup>2</sup> exposure which is low.</p> <p>In relation to community risk, any reference to the current 2011 plan and or the recently exhibited draft plan were written in absence of the planning proposal and any knowledge of development being likely. The current vegetation is a massive risk to the landowners and occupiers of the local community for example in Morgan Road, Oates Place, Lyndhurst Way, Caley Way and Ocean View Way in the west; and Hilversum Crescent, Slippery Dip Trail in the. A significant benefit is also achieved for special protection developments facilities such as the Uniting Church Pre School and the Uniting Church aged Care facility on the corner of Morgan Road and Forest Way; and the approved aged care facility at 117 Forest Way – which is 220m south of Oates Place.</p> <p>Through the planned removal of bushfire hazards the planning proposal will provide a marked decrease in hazard with the PP development entity indeed providing a hard edge to the urban development precincts that directly abut Forest Way.</p> <p>This can only lead to a better 'community outcome' through the redesign of bushfire hazards. Importantly, the design will enable Morgan Rd to be a safe evacuation route which it is not at the</p> |

moment. A significant benefit is also achieved for special protection developments facilities such as the Uniting Church Pre School and the Uniting Church aged Care facility on the corner of Morgan Road and Forest Way. At the moment they are unable to expand their facilities given the extensive bushfire hazards and danger they are exposed to on their eastern boundary. In addition, there is great benefit in the evacuation capability of the CSIRO radar unit on Oxford Falls Road where staff can head into the Planning Proposal landscape roads rather than travel the full length of Morgan Rd.

#### **Road Design**

Noted. These designs will be addressed at a later stage.

#### **Further Modelling for Evacuation with Road Closures**

In any bushfire evacuation event, on days of Extreme or Catastrophic risk, the Bureau of Meteorology provides advanced notice of inclement bushfire weather of up to 4 days and with a minimum of 2 days. This enables communities to plan and make their decisions in advance of such weather cycles. In addition, emergency services are also able to activate their planning scenarios. It is simply the case that not all residential communities need to evacuate or should evacuate.

The likely evacuation timing for Terrey Hills and Duffys Forest would not be at the same time as a similarly enforced evacuation from the Patyegarang site. As a point of significant difference, the evacuation from the Patyegarang site along Forest Way is not affected by any hazardous vegetation along the full 3.53 km Forest Way route. However, any evacuation event from the communities of Ingleside, Duffys Forest or Terry Hills is immensely affected by significant hazardous vegetation along the Forest Way roadway route especially from the intersection with Mona Vale Rd.

Thus, emergency services would see late evacuation from Ingleside, Duffys Forest or Terry Hills as highly dangerous and highly undesirable such that they would close, or at the very least create a controlled intersection, at the intersection of Forest Way with Mona Vale Road as a pre-emptive strategic operation.

Whilst there are small portions of vegetation remaining north of Morgan Rd they are predominantly mown under the canopy. A portion of bushland with a short downslope is located opposite the proposed development. Given the vegetation in the development site will be removed then there will be no pinch point only a perimeter road scenario which is permissible by PBP.

#### **Compliance with Minimum Standards**

Given that PBP is a prescriptive document and requires the user to apply the 'specifications and the requirements' of PBP as outlined in section 4 in order that the RFS can issue a subdivision bushfire safety authority Travers do not believe that the use of PBP could be considered a lesser standard.

| Department of Planning and Environment – Crown Lands and Public Spaces   | Response   |
|--|--|
| <p>Recommends that Crown roads should not be relied upon for practical access to the project site.</p> <p>The Department has received applications to close and purchase all the Crown roads within the proposal area, identified in orange with cross hatching 'CROWN ROADS UNDER APPLICATION'. The Crown roads suitable for transfer to Northern Beaches Council (Council) are identified in yellow 'CROWN ROADS SUITABLE FOR TRANSFER TO COUNCIL'</p> <p>The north section of a crown land has been identified in the PP as part of the proposed roads in the Structure plan and APZ bushfire plan, crown roads can not be used for APZs and may not provide practical access to free lots to the south. Another Crown road meets the criteria for transfer to Council and provides legal access to the freehold lots to the south. Transferring this Crown road to Council would enable Council to realign the road along the most practical alignment to provide access to Lots 954 and 955.</p> <p>This Crown road (yellow edged road on Morgan Rd) meets the criteria for transfer to Council under the Department's Administration of Crown Roads Policy. Transferring this Crown road to Council would enable Council to realign the road along the most practical alignment to provide access to Lots 954 and 955 to ensure legal and practical access. There is also a small section of Morgan Road (a Council public road) adjoining Lots 191 and 196 in DP752038 on the south-eastern side of the proposal area, which is constructed and provides access to numerous developments, meets the criteria for transfer to Council.</p> <p>A small parcel of Crown Reserve is included in the retained vegetation area and cannot form part of the proposal area.</p> | <p>Advice has been provided from Colliers.</p> <p><b>Relying on Crown Roads with Practical Access</b></p> <p>CED have identified the roads that are not practical for access and it is the intention to close these roads and create new roads that do provide practical access via the proposed development.</p> <p><b>Application to Purchase Crown Roads</b></p> <p>CED agree with the mapping and identification of the roads and their status on and adjacent to the site. The yellow roads should be transferred to Northern Beaches Council upon construction of road pavements and drainage. This transfer will resolve long standing access issues for adjoining land owners.</p> <p><b>Relying on Crown Roads without Practical Access</b></p> <p>The subject road is intended to be included in the project and is shaded pink as part of the rezoning of the land to R2 under the planning proposal. This road will also be constructed as a local road to provide access for both future and adjoining land together with a bush fire evacuation path and connection to Oates Place. The road will facilitate connection to Lots 954 &amp; 955 in DP752038 which currently have no legal road access and this will resolve a long standing issue for these land owners.</p> <p><b>APZ Roads</b></p> <p>It is agreed that Crown Lands cannot be used for APZ purposes. All APZ's will be provided outside any Crown Road reserves and within the subject site.</p> <p><b>Transferring Roads to Council</b></p> <p>The yellow shaded road on the existing alignment of Morgan Rd is maintained and managed by Northern beaches Council. It is agreed that this land (road) should be transferred to Council. This situation is generally outside the delivery of the planning proposal and can be independently managed.</p> <p>The yellow shaded road located at the frontage of Lots 954 &amp; 955 will be connected by public road upon the delivery of the project. This will resolve a long standing situation where these lots cross MLALC land for access without any approval. The actions of the planning proposal together with closing and opening of roads will resolve this situation.</p> <p><b>Crown Reserve</b></p> <p>DP 1285945 was recently created to identify a future road widening of Morgan Rd where the existing</p> |

formation crossed onto land transferred to MLALC. It is intended that this land is retained by the Crown and created as Road in the future

| Sydney Water   | Response   |
|--|--|
| <p>Sydney Water cannot support this planning proposal at this time as it is outside their wastewater servicing catchment. Recommends engagement with Sydney Water to discuss alternative servicing solutions for the site.</p> <p>Requires ultimate and annual growth data to support development, though acknowledges timeframes and final growth figures may change. Growth data should be completed and provided. Failure to provide this may result in Sydney Water being unable to formulate proper planning requirements.</p> <p><b>Wastewater and Water Servicing:</b><br/>The proposal is outside Sydney waters catchment, and has no plans to provide wastewater services in this area. To connect to the catchment, it requires an options assessment to identify a preferred servicing strategy and enter into an agreement with Sydney Water for the delivery of services out-with our catchment. Once the options assessment is completed and a route for servicing indicated, a new referral should be sent to Sydney Water.</p> <p>Trunk system may have capacity to service the development, augmentation and extension may be required for local reticulation, (assessed in s73 application).</p> | <p><b>Water Servicing</b></p> <p>Colliers via its agent Metro Water Management as the WSC for the proposal have engaged with Sydney Water on the Morgan Rd project since 2017 when an initial feasibility application was lodged under Case 160354 and a second application in 2020 under Case 186126. In both cases, it was noted that Sydney Water could service the development subject to the developer completing augmentation and utility upgrades.</p> <p>There is an existing 100mm water main in Morgan Rd that services the existing land. This main does not have sufficient capacity to service the proposed 450 dwellings on the site. There is an existing 500mm water supply main in Forest Rd. In 2017 Sydney Water advised that this main has sufficient capacity to service the proposed development. The project will require a detailed hydraulic analysis to confirm the sizes of new mains to be provided along Morgan Rd and within the development for drinking water &amp; fire fighting purposes.</p> <p>It is noted that Sydney Water advised in the Agency briefing session conducted on 1 April 2022 that servicing of the site was feasible (refer to PDU notes).</p> <p><b>Wastewater Servicing</b></p> <p>Colliers via its agent Metro Water Management as the WSC for the proposal have engaged with Sydney Water on the Morgan Rd project since 2017 when an initial feasibility application was lodged under Case 160354 and a second application in 2020 under Case 186126.</p> <p>Prior advice provided by Sydney Water indicates that the Warriewood Wastewater Treatment Plant has capacity to service the Pateygarang project. Existing Sewer Pumping Stations SPS 999 &amp; SPS 0941 are located nearby and service the local area. These pumps have limited capacity to service the location and detailed hydraulic analysis of the pumping stations is required.</p> <p>It is intended to upgrade the existing SPS or construct an additional SPS to meet the demand of the project and convey the wastewater to the Warriewood treatment plant. With appropriate upgrade of existing &amp; proposed new waste water systems the development can be provided with waste water systems to meet the targeted 450 dwellings proposed for the site.</p> |

A new feasibility application has been lodged with Sydney Water (Case 210514) and upon the receipt of updated advice in relation to supply of wastewater and water to the project information will be updated to confirm availability of supply to the project.

| SES  | Response  |
|--|---|
| <p>Recommends ensuring that the community is aware of the significant flood risk on nearby roads such as Oxford Falls Road and Wakehurst Parkway, for example, through appropriate signage.</p> <p>Requests flood modelling maps detailing the 1% AEP and PMF levels, as although these were requested by NSW SES during the meeting held on 12 October 2023, these were not provided to NSW SES prior to the writing of this response.</p> <p>Notes that the modelling demonstrates overall increases to peak flow for most post-development scenarios.</p> <p>Notes that the site has slope gradients reaching up to 35%, and may therefore pose a risk of overland flow flooding on the site and therefore recommend this is assessed</p> <p>Prefers evacuation as Emergency Management approach, where evacuation capacity and capability has been demonstrated as the most effective strategy to manage Emergency Management risks.</p> <p>Recommends ensuring that rising road access is available for all proposed dwellings on the site.</p> | <p><b>Community Awareness</b></p> <p>The flood modelling at the existing section of Morgan Rd where it crosses Snake Creek shows that there is no increase in flood levels as a result of the development in this location. There is an existing flood risk in this location and this is identified by signage installed by Northern Beaches Council. Local residents are aware of this risk.</p> <p><b>Request for details on slope, 1AEP%, and PMF Levels</b></p> <p>In response to the matters raised by the SES, CED refer the SES to the Craig &amp; Rhodes / CED FIRA Report dated July 2023 that contains detailed TUFLOW flood modelling and mapping that demonstrates the extent of flood behaviour within and adjoining the site.</p> <p>Northern Beaches Flood Emergency Sub Plan April 2021 by the SES applies to the subject land.</p> <p>CED are of the view that the FIRA report prepared for the project has modelled the required frequency of storm events from the 5% to the PMF. These maps are contained in the appendix of the FIRA report.</p> <ul style="list-style-type: none"> <li>• The 5%, 1%, 0.5% and 0.2% AEP, and the PMF storm events were all modelled, and results compared (see the snip from Section 5 of the report)</li> <li>• Table 6 in the report demonstrates that in 3 of the 5 storm events (5%, 1%, and PMF) the flows leaving the model at the downstream end in developed conditions are lower than the flows leaving the model in existing conditions, and for the other 2 storm events (0.5% and 0.2% AEP) the flows leaving the model are the same – i.e. there is NO impact due to the development. The downstream location is shown in the third figure.</li> <li>• Flood mapping was provided for the 1% AEP event only.</li> <li>• Flood extents comparison between pre- and post- development was provided for all storm events. This demonstrates that flooding is better contained within the Riparian Corridors compared to existing, without</li> </ul> |

impacting the downstream outfall from the site.

**Emergency Management Approach and Rising Roads**

CED are of the view that a Shelter in Place approach is best suited to this site. Flood modelling shows that the 1% & PMF floods are contained and defined within the existing creeks and riparian flow paths on the site and they do not overtop in these events. A shelter in place approach means that residents can safely stay in their dwellings during storm events without adding unnecessarily to already busy roads.

All new roads within the project will rise away from natural flow paths and this will allow a natural escape to higher ground with out the need to pass through flood waters.

CED is aware of the potential risk of flooding & adjoining the site to residents and visitors to the site during flood events. They are confident that their TUFLOW models show that the flood paths crossing the site are well defined and contained within creek banks and corridors so as to not present a risk from overtopping and sheet flows.

The site is located at the top of the drainage catchment and as such storm events are relatively short and unlikely to create riverine flooding. CED is of the opinion a SHELTER IN PLACE strategy is best suited to the location. As the project is a Community Title development the Community Management Association can develop a Emergency Management Plan for all land owners and visitors that provides evacuation options in the event of a major storm event.

Refer to the updated Flooding Impact and Risk Assessment Report which will be provided in January 2024 for further details.

| Direction Title                                 | CONSISTENT?  |
|---|--|
| <b>Planning Systems</b>                         |  |
| 1.1 Implementation of Regional Plans            | <p><b>YES</b></p> <p>The Planning Proposal is consistent with this Ministerial Direction. The submission received from the Greater Sydney Commission notes that the planning proposal is broadly consistent with the Greater Sydney Region Plan. The submission confirms that the planning proposal is consistent with a number of planning priorities outlined in the North District Plan.</p>  |
| 1.2 Development of Aboriginal Land Council land | <p><b>YES</b></p> <p>When this direction was made (Direction issued 6 February 2019), <i>State Environmental Planning Policy (Aboriginal Land) 2019 (now the State Environmental Planning Policy (Planning Systems) 2021)</i> applied only to land in the Central Coast local government area, as shown on the Land Application Map. On 5 August 2022, the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> was amended to include land in the Northern Beaches Council area owned by MLALC.</p> <p>The Planning Proposal comprises MLALC land as shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>. A development delivery plan (DDP) has been made under the SEPP and the Planning Proposal authority must take the DDP into account when preparing a Planning Proposal. The Planning Proposal has specifically been prepared in accordance with the Northern Beach DDP and is therefore consistent with this Ministerial Direction.</p> |
| 1.3 Approval and Referral Requirements          | <p><b>YES</b></p> <p>The Planning Proposal will be consistent with this Ministerial Direction as it does not require additional referrals of concurrence by the Minister or public authority over and above the usual requirements.</p>  |
| 1.4 Site Specific Provisions                    | <p><b>YES</b></p> <p>The Planning Proposal will be consistent with this Ministerial Direction. The planning proposal seeks to include a site specific provision relating to a 450 dwelling cap and additional permitted uses. The dwelling cap site specific provision is modelled on existing provisions within the Warringah LEP relating to other sites.</p>  |
| <b>Biodiversity and Conservation</b>            |  |
| 3.1 Conservation Zones                          | <p><b>YES</b></p> <p>The Site does not currently contain environment protection zones.</p> <p>A Preliminary Biodiversity Development Assessment Report (BDAR) has been prepared by Hayes Environmental, and updated (see [xx] 2023 version) in support of the Planning Proposal which gives consideration to the objectives of this direction.</p> <p>Development in accordance with the proposed Structure Plan included in this Planning Proposal would exceed the Biodiversity Offset Scheme Entry Threshold on both the area and map criteria. As such, the Biodiversity</p>   |

|                                      |   |
|--------------------------------------|---|
|                                      | Offset Scheme applies. The assessment concludes no entities area at risk of a serious and irreversible impact. The Planning Proposal conserves 19.8 hectares of the Site identified to have high ecological, scientific, cultural or aesthetic values and proposes the rezoning of this land as C2 Environmental Conservation.  |
| 3.2 Heritage Conservation            | <p><b>YES</b></p> <p>The Site includes 3 AHIMS registered Aboriginal archaeological sites. The current state of the Site is undeveloped, with no inhabitants and is a privately owned without governance from organisations such as NSW National Parks and Wildlife Service. The lack of site maintenance and protection has eroded the heritage sites and poses an ongoing risk to the conservation of heritage items in and near the Site.</p> <p>The Planning Proposal will protect and promote the AHIMS registered Aboriginal cultural heritage significance of the Site and is therefore consistent with this Direction.</p> <p>The Planning Proposal is accompanied by an Aboriginal Archeological Assessment prepared by Dominic Steele. The assessment finds the Planning Proposal will not have an unacceptable adverse impact upon the Aboriginal cultural heritage values of the land and recommends the Planning Proposal should proceed, with the Aboriginal archaeological heritage sites to be protected and conserved within the nominated open space identified by the Structure Plan.</p> <p>In response to agency comments a further Aboriginal Cultural Heritage Assessment Report has been instructed to commence in accordance with requirements under the National Parks and Wildlife Act.</p> <p>Land with Aboriginal heritage values are isolated from proposed residential uses and zoned RE2 Private Recreation. The planning proposal will facilitate the ongoing protection and management of the known AHIMS sites, together with educational opportunities.</p> |
| <b>Resilience and Hazards</b>        |   |
| 4.1 Flood Prone Land                 | <p>The Site is not located within flood prone mapped land. However, due to existence of creeks across the site, a Flood Impact and Risk Assessment (FIRA) was completed to support the Planning Proposal. The FIRA concluded that the management measures proposed for the site, including its network of stormwater quantity and quality features, are effective in ensuring that there would be no adverse impacts in the overall Snake Creek catchment as a result of the proposed development. The FIRA confirms that planning proposal is consistent with the Northern Beaches Council requirements and principles of the Floodplain Development Manual. Further modelling is currently being undertaken and will be provided to DPE in January 2024 in response to EHG comments.</p>  |
| 4.3 Planning for Bushfire Protection | <p><b>YES</b></p> <p>The Site is located within a Bushfire prone area. Accordingly, Direction 4.3 applies.</p> <p>A Strategic Bushfire Assessment and Bushfire Protection Assessment has been undertaken by Travers Bushfire &amp; Ecology in accordance with <i>Planning for Bushfire Protection 2019</i> (PBP 2019) and accompanies this Planning Proposal (Appendix 9 and Appendix 10).</p> <p>The Planning Proposal is consistent with this direction in the following ways:</p> <ul style="list-style-type: none"> <li>• The nature of the residential development is an appropriate use and the proposed hazard management</li> </ul>   |

|  |   |
|--|---|
|  | <p>controls are in accordance with, and often beyond, PBP 2019 to effectively address the level of hazard.</p> <ul style="list-style-type: none"> <li>• The proposal does not involve “inappropriate development” such as schools or retirement villages.</li> <li>• The proposed Aboriginal Cultural Centre is a commercial type facility and will provide no accommodation capability.</li> <li>• Significant environmental studies have been undertaken to ensure APZs have been excluded from environmentally sensitive land.</li> </ul> <p>Additionally, where development is proposed, the Planning Proposal is compliant with provisions 6(a) to (f) of Direction 4.4, as demonstrated below:</p> <ul style="list-style-type: none"> <li>• The APZs recommended exceed the minimum requirements outlined in PBP 2019 for subdivision development.</li> <li>• This is an integrated Planning Proposal that will result in a new subdivision and this be responsive to Section 100B of the Rural Fire Act.</li> <li>• provisions for two-way access roads which links to perimeter roads and/or to fire trail networks and adequate water supply for firefighting purposes are included.</li> <li>• The perimeter is located on a level terrace and circumscribes the edge of the downslopes resulting in the best design possible. Intrusions of bushland into the development have been removed and minimised to allow safe evacuation.</li> <li>• Controls on the placement of combustible materials in the Inner Protection Area can be a condition of consent at DA stage.</li> </ul> <p>The Planning Proposal will provide a future development in accordance with the planning principles of PBP 2019 and <i>Community Resilience Practice Note 2/12 Planning Instruments and Policies</i>, and as shown on the bushfire protection plan. The identified bushfire risk can be mitigated as part of any future development proposal.</p> |
| 4.4 Remediation of Contaminated Land   | <p><b>YES</b></p> <p>A Preliminary Site Investigation was prepared by SMEC to assess the potential for contamination to be present on site from past or present activities. The Site's history indicates that it has been predominately unused bushland since at least the early 1930s, with some periodic patchy clearing with tracks in the 1950s and 1960s. The Site investigations reveal 3 potential areas of environmental concern and associated contaminants of concern. Notwithstanding, it is considered that the Site can be made suitable for the proposed land uses with respect to land contamination, subject to the recommendations of the Preliminary Site Investigation report.</p>   |
| <b>Transport and Infrastructure</b>    |   |
| 5.1 Integrating land use and transport | <p><b>YES</b></p> <p>The Planning Proposal will enable residential development and community infrastructure in close proximity to jobs and services encouraging walking, cycling and use of public transport.</p>   |
| 5.2 Reserving Land for Public Purposes | <p><b>YES</b></p>   |

|                       |  |
|-----------------------|--|
|                       | The Planning Proposal will be consistent with this Ministerial Direction.  |
| <b>Housing</b>        |  |
| 6.1 Residential zones | <b>YES</b><br>The Planning Proposal seeks to rezone the Site for low density residential uses as permitted within the zone, whilst proposing dual occupancies are permitted to broaden the choice of building types. The Planning Proposal encourages a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services and minimising the impact of residential development on the environment. |

06 March 2024

Department of Planning, Housing and Infrastructure  
4 Parramatta Square,  
12 Darcy St, Parramatta NSW 2150

Attn. Brendan Metcalfe

Dear Brendan,

**Patyegarang Planning Proposal - additional information in response to agency comments and gateway conditions**

Further to our previous response dated 22 December 2023, we are pleased to provide this supplementary material on behalf of the Metropolitan Local Aboriginal Land Council.

The following additional reports accompany this letter and are available via sharepoint:

[https://gydecomau-my.sharepoint.com/:f/g/personal/lucyl\\_gyde\\_com\\_au/Ei1wjfLYYnIJmRcOjSpBxvoBg9Ei0mvoX8BI2\\_ONIZDf6g?e=2IFow7](https://gydecomau-my.sharepoint.com/:f/g/personal/lucyl_gyde_com_au/Ei1wjfLYYnIJmRcOjSpBxvoBg9Ei0mvoX8BI2_ONIZDf6g?e=2IFow7)

| Consultant Report   | Status and changes   |
|---|--|
| Preliminary Biodiversity Development Assessment Report<br>Hayes Ecology, 18 February 2024 | Updated to respond to agency submissions (EHG) and Peer Review feedback.                             |
| Biodiversity Peer Review<br>Biosis, 28 February 2024                                      | Peer review of the updated Biodiversity Development Assessment Report.                               |
| Strategic Bushfire Study<br>Travers Bushfire & Ecology, 14 February 2024                  | Updated to respond to RFS commentary and Peer Review feedback, including additional risk assessment. |
| Strategy Bushfire Study Peer Review<br>Grahame Douglas, 23 February 2024                  | Peer Review of the updated Strategic Bushfire Study.   |
| Bushfire Protection Assessment<br>Travers Bushfire & Ecology, 14 February 2024            | Updated to respond to agency submissions from Transport for NSW and Rural Fire Service.              |
| Affordable Housing Viability Assessment<br>Atlas Economics, 29 February 2024              | Responds to Condition 3 of the Gateway Determination dated 6 June 2023.                              |

| Consultant Report   | Status and changes  |
|---|---|
| Response to EHG Flooding Comments<br>Colliers 16 January 2024 | Responds to additional modelling and EHG flooding comments. |

### **Biodiversity Development Assessment Report – Hayes Environmental (2024)**

Hayes Environmental has updated the Preliminary BDAR in response to the matters raised by the (former) DPE Environment and Heritage Group, including undertaking additional surveys including targeted parallel traverse surveys for threatened plants and amphibian surveys, which had been delayed due to seasonal survey requirements. The updated BDAR at chapter 7, incorporates an expanded description of the measures undertaken throughout the planning and design process to clearly demonstrate the approach to avoid, minimise and where necessary as a last resort, to mitigate impacts.

The BDAR has conservatively assumed (for the purpose of assessment and calculation of impacts) that all land within the 44.7 hectare development footprint, including APZ inner protection areas, public open space, road verges, and private spaces would be completely cleared of all native vegetation. This is a significant overestimation of the extent of impacts for the purposes of the planning proposal. A more accurate assessment of potential impact will undertaken when the first development application is prepared, noting the draft DCP and indicative Structure Plan specifically address lot sizing, road placement and asset protection zone boundaries to facilitate retention of trees and natural rock features within the development.

The preliminary BDAR has been prepared for the purpose of a Planning Proposal so the assessment can not be finalised or submitted within BOAMs. Despite this, the Preliminary BDAR has met all the requirements set out under the BAM for the Planning Proposal stage while providing significant detail into the avoid and minimise measures undertaken, as confirmed in the peer review below. As such, the BDAR offers sufficient evidence for the approval of the Planning Proposal.

### **Peer review of BDAR – Biosis**

A comprehensive peer review of the Preliminary BDAR (2023) was commissioned by qualified, independent experts at Biosis. As part of this process, initial advice was provided to Hayes Environmental to inform a subsequent update of the BDAR.

The Peer Review confirms the Preliminary BDAR (2024) meets the requirements of Stage 1: Biodiversity assessment and Stage 2: Impact assessment [biodiversity values] of Appendix K of the Biodiversity Assessment Method (DPIE 2020).

The Peer Review also confirms sufficient information has been provided to confidently assess the merit and feasibility of rezoning as outlined in the planning proposal. The exact extent of impact to be offset can only be calculated on the basis of final detailed plans at development application stage.

### **Strategic Bushfire Study and Bushfire Protection Assessment – Travers Bushfire and Ecology**

The Strategic Bushfire Study has been updated to address the recommendations from previous reviews from both Meridian Urban and BlackAsh. It concludes the planning proposal complies with Ministerial Direction 4.3 and section 4 *Planning for Bushfire Protection 2019* (PBP). It also confirms the Bushfire Protection Assessment addresses the site-specific bushfire protection measures identified in Chapters 3, 4 & 5 of PBP.

The Strategic Bushfire Study confirms the planning proposal either removes or significantly fragments the bushfire hazard in the locality. The vegetation removal and active bushland management associated with the planning proposal will dramatically lessen the bushfire threat within the locality, whilst also providing a significant level of improved protection for the existing residential properties east of Forest Way and the rural residential properties north and east of Morgan Rd. This is an essential planning requirement of PBP 2019

for new developments in bushfire prone areas. The perimeter road has been identified as a partial non-compliance, this non-compliance will be resolved at DA stage. See below the proposed plan of development which highlights the proposed outcomes and minimised bushfire risks as described above.

The additional information and revisions have been reflected in both the Strategic Bushfire Study and the Bushfire Protection Assessment. There are no non-complying factors which would affect the finalisation of the Planning Proposal as the peer review confirms that the scheme can be made to comply with PBP 2019 at DA stage.



Figure 1 Proposed Plan of Development – Source: Strategic Bushfire Study

## Peer review of Strategic Bushfire Study – Grahame Douglas

A comprehensive peer review of the Strategic Bushfire Study was commissioned by qualified bushfire expert, Dr Grahame Douglas. This peer review did not seek to address all the details of the Strategic Bushfire Study, however, identifies key decision-making issues for consideration of the Department, NSW Rural Fire Service and Planning Panel. As part of this process, initial advice was provided to John Travers to inform a subsequent update of the Study.

The peer review identified that the provision of APZs are strategic, compliant and well located, further noting that occupants will have good access out of the development from Morgan Road to Forest Way. The peer review also confirms that the concept plan generally complies with PBP 2019, however, the provision of perimeter roads in the south-west is a deviation from the provisions of PBP 2019 and there needs to be confirmation at a suitable time by Sydney Water of the provision of adequate water supplies to the site.

Confirmation and detailed communications will be undertaken with Sydney Water at DA stage to establish the necessary water supply to the site. In relation to the perimeter road provision in the southwest of the site, the review confirms that this can be addressed at DA stage. These outcomes are reflected in the updated Strategic Bushfire Study.

## **Affordable Housing Viability Assessment – Atlas Economics**

Condition 3 of the 2023 Gateway determination requires preparation of a financial viability assessment to support the affordable housing commitments offered as part of the planning proposal. Atlas Economics was commissioned to prepare this assessment and we request this is kept *commercial in confidence* by DPHI and Planning Panel members and not published on the Department's website.

The feasibility testing used in the financial viability assessment is the Residual Land Value (RLV) method, as required by the Gateway Determination. This method assesses the potential revenue on completion of the development, deducts development costs and makes a further deduction for profit and risk that a developer and financier would require to take on the project. If the project return and development margin are above minimum hurdles, the development is considered feasible.

The viability assessment found there is an opportunity for the planning proposal to contribute to 10% Affordable Housing, as well as contributing to public benefit works (provisionally assumed at \$8 million) and remain viable. The assessment concludes the affordable housing contribution offered by MLALC in its letter dated 18 August 2023 is feasible. Further this outcome is consistent with the Northern Beach Affordable Contributions Plan and is therefore appropriate given current parameters.

We believe the addition of a site-specific satisfactory arrangements clause within the LEP is the most appropriate mechanism to ensure delivery of affordable housing. The clause would ensure that the proposed scheme meets the infrastructure requirements set out by the relevant agencies prior to development while maintaining an efficient timeline for the planning process.

## **Aboriginal Cultural Heritage Assessment (ACHA)**

An ACHA is generally not required at Planning Proposal stage. Notwithstanding, an ACHA is currently being prepared by Biosis.

The ACHA will be developed with First Nations people who will be provided the opportunity to inspect the land and the Patyegarang rock engravings sites. 13 parties have registered their interest to-date. Consultation will be about potential impacts to Aboriginal cultural heritage that may result from the land subdivision and how potential impacts will be managed. The ACHA will follow the Aboriginal community consultation and reporting methodology that is required by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010).

An interim report will be available in April, and the final report is anticipated to be completed in June following the requisite statutory consultation periods.

Should you wish to discuss the contents of this letter and accompanying reports, please do not hesitate to contact me on [julietg@gyde.com.au](mailto:julietg@gyde.com.au) or (02) 9071 1889.

Yours sincerely



Juliet Grant  
Executive Director

14 August 2024

Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
12 Darcy St, Parramatta NSW 2150

Attn. Louise McMahon

Dear Louise

## Patyegarang Planning Proposal – additional information

This letter and supporting documentation are provided on behalf of the Metropolitan Local Aboriginal Land Council in response to the Request for Information (RFI) by the Planning Proposal Authority on behalf of the Sydney North Planning Panel (the Panel), dated 3 July 2024.

The purpose of this letter and supporting documentation is to assist DPHI in preparing a post-exhibition report to the Panel.

In summary, the following amendments and clarifications have been made to the Planning Proposal package to address concerns raised:

1. revised **zoning plan** to incorporate:
  - an additional 2.3ha of C2 Environmental Conservation zone including land north along the Snake Creek corridor and along the two feeder streams on the western side to create a riparian conservation corridor
  - additional RE2 Private Recreation zone to function as an APZ adjacent to the southern perimeter road and the property at 20 Morgan Rd
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 450m<sup>2</sup> minimum lot size adjacent to the Snake Creek corridor to support appropriate APZs
4. the introduction of **additional permitted uses** in the C2 Environmental Protection zone to enable environmental management works and stormwater services
5. the introduction of a **zone interface provision**, as per Clause 5.3 of the Standard Instrument – Principal Local Environmental Plan (2006 EPI 155a) to provide flexibility across zone boundaries to accommodate topographical elements during design development
6. acknowledgement of **alternative legislative mechanisms**, such as State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 to embed detailed design controls, in the event the draft site specific development control plan cannot be delivered by the State Government.

The supporting information prepared to accompany this response can be accessed via dropbox:

<https://www.dropbox.com/scl/fo/s8weybyywujwjednm5hlb/AAT2ty-5byYWxR002vLUUho?rlkey=frwmabtqcc5yz1jinc81951yt&dl=0>

| Supporting information                             | Status and Changes   |
|--|--|
| Planning Proposal<br>(Gyde Consulting)             | Updated to respond to feedback in the RFI, including new information from the updated reports and expanding on the Local Planning Directions.                            |
| Urban Design Report<br>(Cox Architecture)          | Updating to respond to feedback in the RFI, referencing the revised documentation, maps, and structure plan.   |
| Site Specific DCP<br>(Cox Architecture)            | Updated to include revised maps, and structure plan.   |
| ACHAR<br>(Biosis)                                  | Report finalised, and updates made based on DCCEEW comments.   |
| FIRA<br>(Colliers)                                 | Updated to respond to ECHG comments and ensuring alignment with Appendix A of the FIRA Guidelines.   |
| Stormwater Management Plan<br>(Colliers)           | Updated modelling to inform the assessment.  |
| Community Title Management Statement and Letter    | Additional detail provided to confirm, at a high level how biodiversity values could be managed through a community management titled scheme.                            |
| Biodiversity<br>(Hays Environmental)               | Provided in addition to the BDAR to respond to revised zoning and structure plans and that the revisions provide a suitable outcome.                                     |
| Traffic<br>(JMT Consulting)                        | Provided in addition to the Traffic Impact Assessment to respond to new perimeter roads and revised slip lane design, and that the revisions provide a suitable outcome. |
| Bushfire Assessment<br>(John Travers)              | Provided to ensure no changes in the Bushfire Protection Assessment, provide recommendations to the structure plan, and the revisions provide a suitable outcome.        |
| Strategic Bushfire Assessment<br>(Grahame Douglas) | Provided to confirm revisions meet the suggestions put forward in Peer Review, and the revisions provide a suitable outcome.   |

### **Background**

On 22 December 2023 additional material was provided to the (then) Department of Planning and Environment with detailed responses to the key matters raised by local and state government agencies during the 2023 exhibition period. The documentation submitted included:

- updated Transport Assessment
- revised slip lane design
- site specific DCP
- consideration of Local Planning Directions.

On 6 March 2024 further additional documentation was provided, including:

- Updated Preliminary Biodiversity Development Assessment Report (BDAR)
- Biodiversity Peer Review of the BDAR by Biosis
- Updated Strategic Bushfire Study
- Strategic Bushfire Study Peer Review by Grahame Douglas
- Updated Bushfire Protection Assessment
- Affordable Housing Viability Assessment
- Additional Flood comments and modelling

## **Detailed response to matters raised in the RFI dated 3 July 2024**

### **a) Revised zoning map**

In response to the advice provided by the Biodiversity, Conservation and Sciences Group (BCSG – formerly EHG), the zoning map has been revised to include Snake Creek and its tributaries as part of the C2 Environmental Management zone. This will assist to facilitate its ongoing protection and maintenance.

The RFI recommended consideration of an alternate zone to secure the APZ along the southern boundary of the site. As a result we have amended the zoning in this location from R2 Low Density Residential to RE2 Private Recreation zone. This change limits the permitted land uses and will provide greater certainty that the land will be used for its intended purpose as an asset protection zone.

Hayes Environmental has confirmed the revised zoning map is acceptable in terms of avoiding and minimising biodiversity impacts. The introduction of the C2 Environmental Management zone over Snake Creek and its tributaries will assist in the ongoing protection and maintenance of these areas in perpetuity. The changes work to increase the certainty of avoidance and mitigation measures proposed for the project, as set out in the BDAR. The letter (dated 10 August 2024) confirms such changes would not increase the assessed impact on biodiversity values and would not alter the findings of the preliminary biodiversity assessment for the project.

Advice from Travers (dated 13 August 2024) recommends the retention of a 10m wide portion at the northern most point of Snake Creek as RE2 to ensure an appropriate APZ buffer can be provided to reduce the potential of a fire run into the adjoining property at 20 Morgan Road, Belrose.



**Figure 1 Previous Zoning Map (Left), Amended Zoning Map (Right)**



Figure 2 Previous Lot Size Map (Left), Amended Lot Size Map (Right)

### b) Minimum lot size map

The lot size map has been amended to remove minimum lot size controls on C2 and RE2 zoned land.

Furthermore, the lot sizes that interface the C2 zone along Snake Creek have been increased to appropriately accommodate the required 24m APZ buffer.

### c) Zone Interface Clause

A portion of land previously proposed to be zoned R2 has been amended to RE2 along the southern boundary to better reflect the land's core use as an asset protection zone. In recognition of the fact that detailed survey and design work has not yet occurred, a zone interface clause is proposed to be included. This will provide a degree of flexibility in the siting and design of road infrastructure during the development application stage.

The planning proposal has been amended to include Clause 5.3 Development near zone boundaries as per the *Standard Instrument—Principal Local Environmental Plan (2006)*. The distance between zones is proposed to be 15m.

We note that clause 5.3 is not intended to be adopted in the proposed draft Northern Beaches LEP currently with DPHI for gateway determination. Therefore, a site-specific version would be required.

### d) Additional Permitted Uses (APU)

Ordinarily stormwater infrastructure is provided by the local council or public authority, generally under Part 5 of the Environmental Planning and Assessment Act or as exempt development under the Transport and Infrastructure SEPP. In the case of Patyegarang, where such infrastructure is to be provided as part of the development under community title management, additional permitted uses are required to achieve the same outcome.

On this basis, the planning proposal seeks additional permitted uses for the C2 zone, including the enabling of environmental management works and stormwater services. The additional permitted uses will *not* include APZs as this would contradict the core purpose of this land for biodiversity protection.

In relation to the bushfire emergency evacuation road proposed over Snake Creek, roads are a permissible use in the C2 zone under the Waringah LEP 2011 and proposed draft Northern Beach LEP.

### e) Local Planning Directions

The Planning Proposal has been updated to provide additional information and confirmation of compliance with Local Planning Directions 3.1 and 3.6.

Conservation zoned land will be protected in perpetuity and owned and managed under Community Title. To ensure the ongoing maintenance of biodiversity values, a Community Title Management Statement has been drafted and will be formalised at DA stage. The Management Scheme provides significant detail on in-perpetuity management for both the biodiversity but also for bushfire measures, including APZs.

#### **f) Planning for Bushfire Protection (Direction 4.3)**

The letter prepared by John Travers (13 August 2024) confirms the amended zoning plan does not reduce or alter in any way the proposed asset protection zone areas defined in the Strategic Bushfire Study dated February 2024. Furthermore, changes to the zoning will have no detrimental impact bushfire planning and therefore the amended draft zone plan complies with the RFS Planning for Bushfire Protection 2019.

The letter prepared by Grahame Douglas (12 August 2024) confirms the revised zoning map addresses the suggestions set out in his peer review (23 February 2024). These recommendations have been incorporated into the current iteration of the structure plan, including the addition of the RE2 zone to the south. As such, the revised zoning map provides greater certainty around the APZ and open space uses.

Grahame Douglas confirms the revised lot sizes are consistent with his peer review advice, better reflect the desired bushfire protection, and are consistent with the revised zoning map. Future detailed lot design at DA stage will consider opportunities for larger lots to accommodate APZs, noting the final layout of any subdivision will be contingent on final topographical and other site characteristics.

A perimeter road has been added on the southwest, and the road connected to the north so to respond to the peer review recommendations and support both evacuation and access for emergency vehicles for potential bushfire risks.

Finally, as noted previously, the Community Title Management Statement provides additional details on bushfire management, specifically that of APZ management and the inclusion of a bushfire emergency evacuation plan.

#### **g) Flooding (Direction 4.1)**

The RFI requested further information regarding modelling and other flood related matters was requested by BCSG in their correspondence dated 24th May 2024. Colliers has since reissued the Stormwater Management Plan and Flood Impact and Risk Assessment Report (FIRA).

The FIRA provides additional detail in Table 12 of the report, with commentary on the compliance with each section of the Ministerial Local Direction 4.1 in the absence of Council flood mapping for the site. Table 11 in the report also includes a list of responses to each of BCSG's commentary on the flood risk management, consultant qualifications, flood impacts, FIRA frequent flooding of transport route, stormwater management, and earthworks strategy.

The updated Stormwater management plan provides additional modelling and commentary was undertaken regarding the MUSIC model. The hydrologic model has been amended to include explicit modelling of the proposed stormwater detention features as per the advice. The attenuated catchment runoff hydrographs are then exported to TUFLOW to run the hydraulic models.

#### **h) Traffic and Slip Lane**

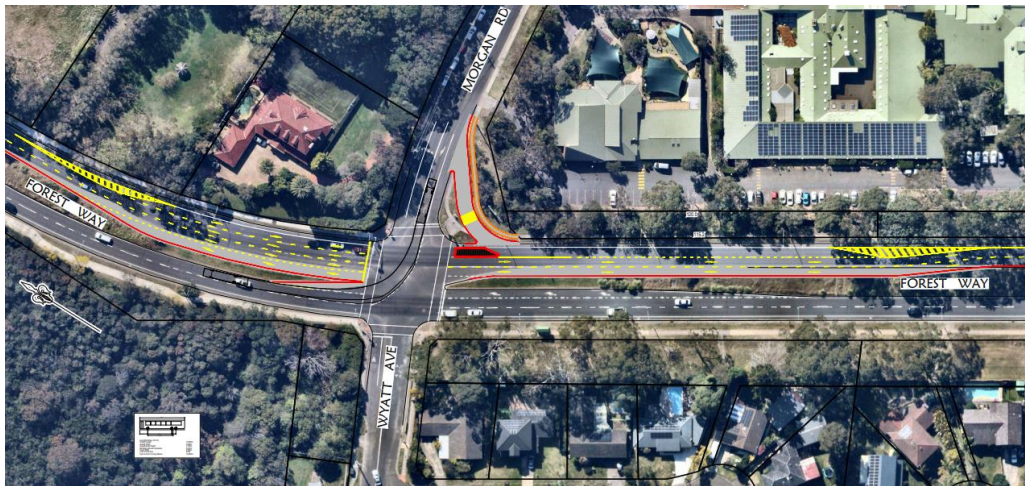
JMT Consulting have reviewed the revised zoning map and structure plan in relation to concerns raised around emergency evacuation.



**Figure 3** Concept Plan - September 2023 (left), Concept Plan – Current (right)

As noted previously, the perimeter road to south-west has been added and the roads in the north-east adjacent to Snakes Creek have been connected. JMT Consulting has confirmed the revised road alignments will not change the outcomes of the traffic assessment and the changes are acceptable as:

- the number of points of access from the external road network remain unchanged,
- no amendments are proposed to the location of vehicular access points from the external road network, and
- there is no increase in lot yield (with a cap of 450 dwellings over the site) and therefore no increase in traffic impacts from the anticipated level of development.



**Figure 4 Proposed (Amended) Slip Lane Design (Source: Colliers)**

The slip lane design has been revised, as shown on Figure 4 above, to utilise the existing median and will *not* require the use of land owned by Northern Beaches Council, avoiding the need for any land acquisition from Council. The revised design will maintain all existing traffic lanes and turning movements, and no requirement for vehicles to stopped at traffic lights when evacuating the site from Morgan Road.

No advice has yet been provided by TfNSW in relation to the updated slip lane design.

## **i) Final ACHAR**

In response to agency feedback an ACHAR was commissioned in December 2023. A draft was provided to the Department in March 2024. Feedback was provided by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 2 August 2024.

The ACHAR has now been finalised and accompanies this package. Amendments have been made in response to the comments from DCCEEW, as follows:

**Comment 1** - *Further explanation of the assessment of the entire project area outside the previously recorded AHIMS sites as low archaeological potential is included in the report.*

Biosis have added additional information to the discussion section following the survey write up. This section explains that the assessment provided by our two archaeologists on site in addition to the information provided to us via the local context we have determined the study area to hold low potential.

**Comment 2** - *Table 8 in Appendix 5 Archaeological Report describes Snake Creek and other gullies as having high potential for sites such as axe grinding grooves due to the geology and presence of water, but Figure 7 in Appendix 5 shows only a small part of the Snake Creek valley was subject to survey. Clarification on what basis was the remainder of Snake Creek assessed as of low archaeological potential would be helpful.*

Biosis have added further details regarding these areas to the discussion section following the survey write up, we have also added a new recommendation to reflect this. Essentially, the creek areas not directly accessed have been given a 5 meter buffer, with the single creek confluence in the southern extreme of the study area being given a 10 meter buffer. This action is supported by the predictive statements we have observed during the background research. If, during the development application stage of this project the proposed works penetrate the buffer further archaeological assessment is advised to ensure the creek banks do not contain archaeological material. This buffer is reflected in Appendix 5 Figure 9.

**Comment 3** - *As the ACHA is to inform a planning proposal, particular relevant high-significance landforms or areas could be identified as a 'priority for conservation' and require further assessment should impacts be proposed at the development application stage.*

Details were included in ACHA's recommendation section regarding the preparation of a CHMP. This will include details of preserving high significance landforms such as the sandstone outcrops that contain the engraving sites. The discussion section has also been given additional information regarding this.

#### **j) Alternative planning pathway – DCP or SEPP**

The RFI notes detailed design matters would ordinarily be addressed through controls in a site-specific Development Control Plan (DCP). However, as Northern Beaches Council objects to the planning proposal, the detailed design controls may need to be formalised via an alternative planning pathway.

A draft site-specific DCP was exhibited with the planning proposal as required as a condition of the gateway approval. The draft DCP has subsequently been updated to reflect the revised zoning map and planning proposal package. The adoption of such a DCP that can provide the nuanced detail and flexibility for future development is strongly recommended. As MLALC has invested significant time and funds into satisfying this gateway condition, there is a strong preference for the implementation of the detailed design controls to be made via a DCP formally made by the State Government. This pathway has been undertaken previously on behalf of Darkinjung Local Aboriginal Land Council for their Lake Munmorah PP. An alternative approach for Patyegarang would be inconsistent with this established process.

We recognise that an alternative option to a State led DCP would be to amend SEPP (Planning Systems) 2021 or SEPP (Precincts - Eastern Harbour City) 2021 to incorporate design guidelines. While the planning proposal has been updated to reflect the alternative options, MLALC is concerned the time and resources needed to take this alternate action is a matter has the potential to significantly delay the delivery of this proposal.

I trust this information is of assistance in finalising the assessment of the Patyegarang Planning Proposal and look forward to a favourable report to the Sydney North Planning Panel as PPA. I understand this project is extremely complex, so please do not hesitate to contact me if you require any further information.

Yours sincerely



Juliet Grant  
**Executive Director**  
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cc. Nathan Moran, CEO MLALC