

GYDE

Planning Proposal



Patyegarang Project

On behalf of Metropolitan Local Aboriginal Land Council

July 2023

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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 respects to Elders past, present and emerging.

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 seeks to:

- transfer the Site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones
- secure dual occupancies as an additional permitted use within the R2 low density residential zone
- secure additional permitted uses within the RE2 Private Recreation zone to enable environmental management works, stormwater services, APZ and bushfire works. utilities and servicing works where required.
- introduce maximum building heights (8.5 metres)
- introduce a range of small, medium to large residential lot sizes and
- manage an appropriate number of dwellings based on the site capacity.

The outcome of this Planning Proposal will be to 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 and the protection of significant biodiversity and cultural values on the site.

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 considerable 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 19.8 hectares (28%) of the Site identified to have high ecological, scientific, cultural or aesthetic values, including the riparian zone and 3 currently unprotected AHIMS registered Aboriginal heritage sites;
- Enhanced bushfire protection, improving the existing bushfire protection measures
- Positive impact on local waterways management to benefit the Site and surrounding community, including Narrabeen Lagoon;
- Supporting self-determination of the Aboriginal people through land development that is within the urban context and consistent with the local character, to balance environmental values with the objectives of greater economic participation and community and cultural use of the land;
- Delivery of increased housing supply and diversity to assist in reaching housing targets;
- Creation of job opportunities through the construction stage and ongoing development operation;
- Availability of existing and proposed new infrastructure to support future development, including public open space, active transport connections, new internal roads and proposed road upgrades, stormwater, a cultural community centre, including contribution to local affordable housing provision

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.

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 land¹, 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);*

¹ <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*”.

DPE issued a Gateway determination on 9 June 2023. In accordance with the Gateway conditions, the planning proposal has been updated to address the conditions as outlined below and a site specific DCP (Appendix 24) has been submitted to DPE.

As detailed below, the planning proposal has been updated following the issue of the Gateway determination to address a requirement to review the proposed zoning of the site. The previous iteration of the planning proposal proposed to zone the site R2 Low Density Residential and C2 Environmental Conservation. The revised planning proposal proposes the following land use zones:

- R2 Low Density Residential

The R2 zones across the site have been reduced to provide areas of RE2 Private Recreation zoning for riparian corridors and cultural heritage areas. The R2 zoned elements of site are intended to encompass residential development, roads, servicing, open space and recreation areas. 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 planning proposal seeks an RE2 Private Recreation zone for the parts of the site for cultural heritage around the aboriginal heritage rock carvings and the Snakes Creek riparian corridor and parts of its tributaries. The RE2 Private Recreation zone is the most appropriate zone for these areas, given that the site is to remain in community title. These areas will not 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 proponents intention to manage and conserve these areas for their intended purpose, i.e. heritage, culture and open space.

- C2 Environmental Conservation

The revised proposal makes no changes to the proposed C2 Environmental Conservation Area. This part of the site is intended to be conserved, with no development occurring within these areas.

Table 1: 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 26.</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 and the current status of the Northern Beaches Conservation Zone review.</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> <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</p>

Item	Condition	Response
		community title management plan to ensure that the dwelling cap cannot be exceeded through the development actions of future individual landowners in perpetuity.
c (i)	review the zoning of the Lizard Rock sacred site;	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.
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 26</p> <p>The revised planning proposal applies an RE2 zone to the northwest portion of the Snake Creek riparian corridor and parts of its tributaries. This reflects the proponent’s intention to retain vegetation within these areas and enable their ongoing management and enjoyment by future and existing residents.</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 also sought as 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.</p>
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

Item	Condition	Response
		<p>a conservation zone as this impacts the ability for ongoing management and clearing.</p>
c (iv)	<p>investigate appropriate zone options to identify the proposed open spaces.</p>	<p>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.</p>
d	<p>introduce a discussion of how the proposal will deliver affordable housing in a manner consistent with the Northern Beaches Council Affordable Housing Contribution Scheme;</p>	<p>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.</p>
e	<p>introduce minimum lot sizes through LEP mapping, rather than the Development Control Plan;</p>	<p>Refer to proposed minimum lot size map at Figure 30.</p> <p>The planning proposal seeks to apply minimum lot sizes for the site under the LEP comprising of 200sqm, 450sqm and 600sqm lots. The lot sizes and their location respond to the topography 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 to provision of a diverse range of housing typologies.</p>
f	<p>if the planning proposal adopts the R2 zone, Additional Permitted Uses for seniors housing and community facilities should be removed, otherwise provide further</p>	<p>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</p>

Item	Condition	Response
	justification and reasoning to support the introduction of these APUs;	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.
g	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.
h	prepare a site-specific Development Control Plan.	A site-specific DCP has been prepared to support the planning proposal (refer to Appendix 24). 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.

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 621m². As part of a land audit and high-level strategic assessment of MLALC owned sites², 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.

² https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Keelie+Drupal+Documents/APPEND~2.PDF

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.

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) 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.

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.

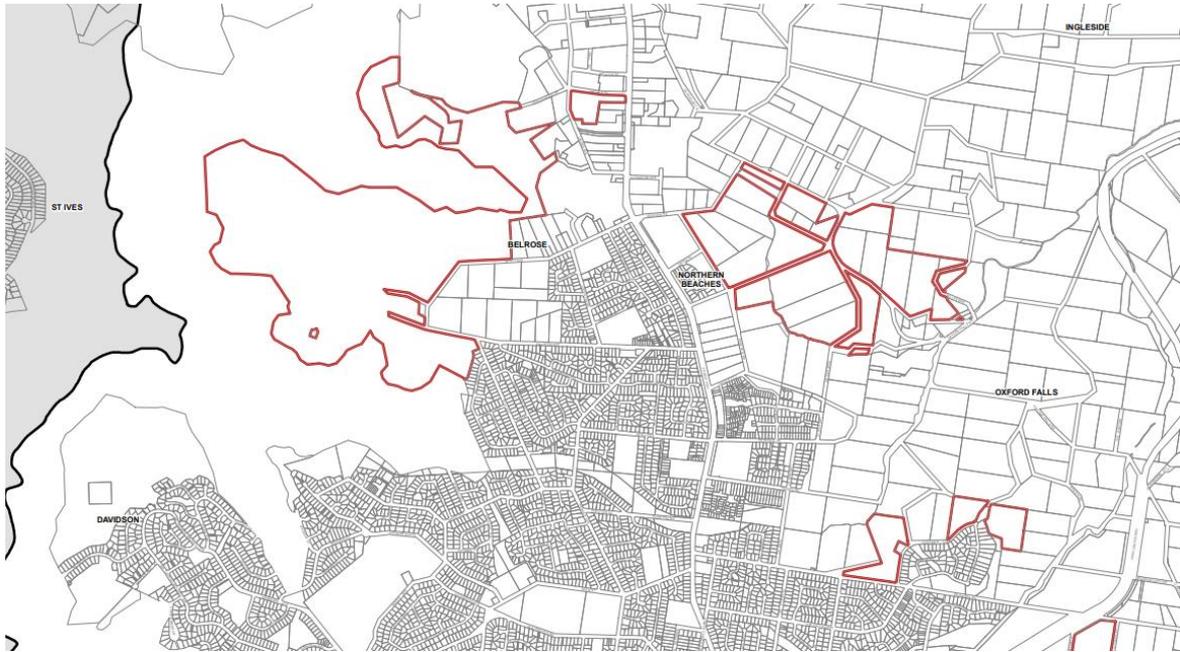


Figure 1: Land Application Map, showing MLALC land subject to Chapter 3 of the Planning Systems SEPP (Source: NSW Legislation)

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 3rd 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 2: 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
Total Site Area	677,000sqm (67.7ha)	

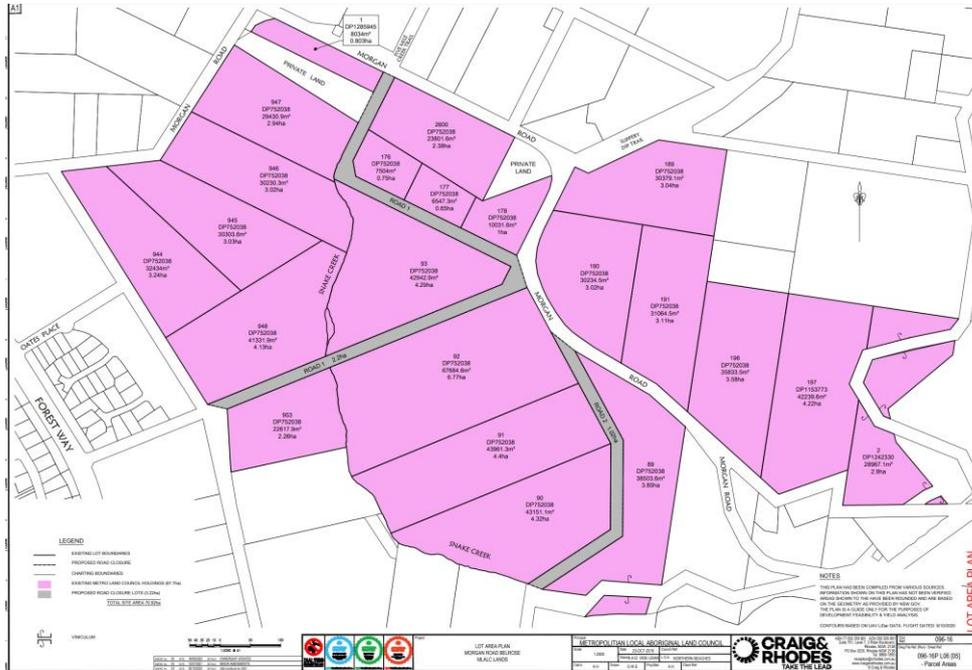


Figure 2. Area Map of site with lots under MLALC ownership shown in purple (Source: Craig & Rhodes, September 2022)



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.

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.



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

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 3: Description of surrounding land uses

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

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.

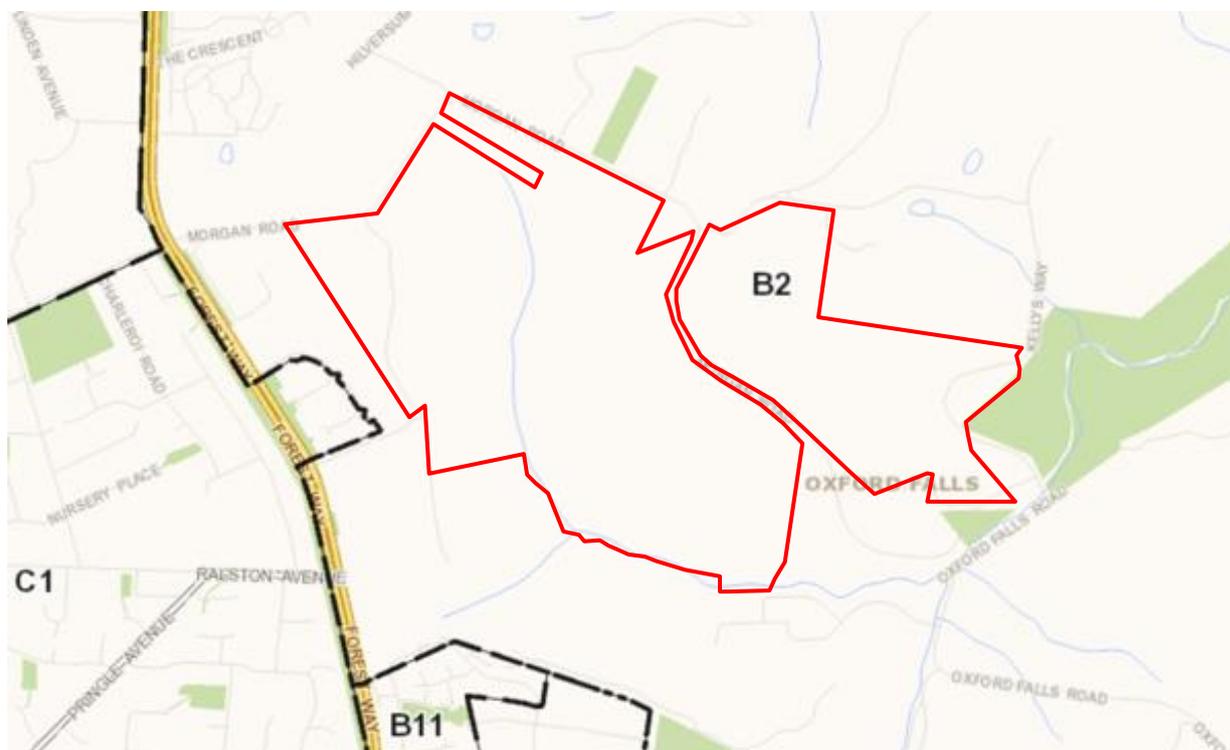


Figure 5: Locality B2 Map with the Site outlined in red (source: Northern Beaches Council)

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.

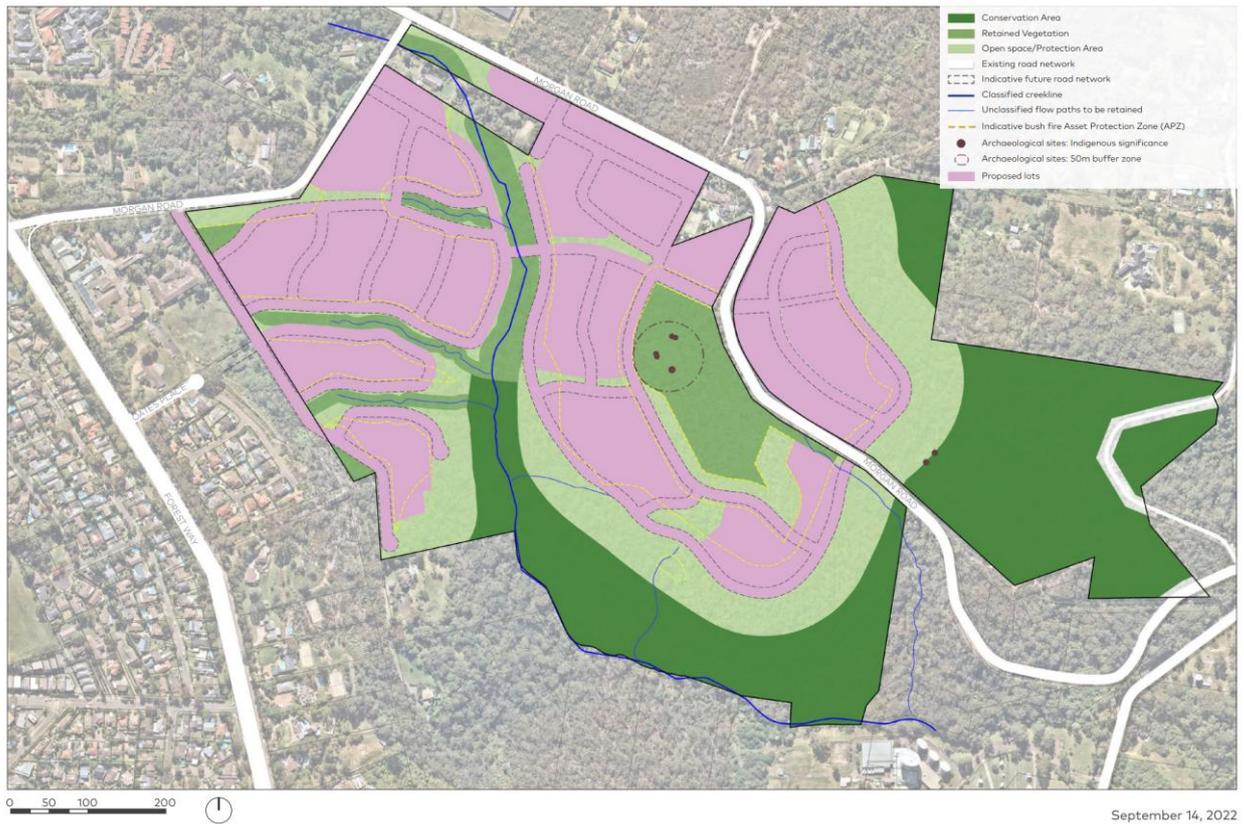


Figure 6. Draft structure plan
 (Source: COX Architecture, September 2022)

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 5).

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 7. Proposed illustrative concept plan, as part of the concept master plan
(Source: COX Architecture, September 2022)*



Figure 8: 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 19.8 hectares (28%) 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 10) 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 9.

- **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 15.

- **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 to the Warringah Local Environmental Plan 2011:

PROPOSED STATUTORY AMENDMENTS	
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 to achieve the proposed outcome	The following standard instrument zones could facilitate the intended development outcome; <ul style="list-style-type: none"> • C2 - Environmental Conservation • R2 - Low Density Residential • RE2 – Private Recreation
Introduce maximum building heights	<ul style="list-style-type: none"> • 8.5 metres
Introduce minimum lot sizes	Amendments to implement and apply a minimum lot size control will be facilitated by a LEP density provisions and a range of minimum lot sizes of 200sqm, 450sqm and 600sqm.
Introduce dual occupancies as an additional permitted use within the R2 Low Density Residential Zone	Include within Schedule 1 an Additional permitted use clause to identify dual occupancies as a permissible use within the R2 zone and a corresponding minimum lot size controls of 600m ² for dual occupancies.
Introduce environmental management works, stormwater services, bushfire works and APZs, utilities and services as an additional permitted use within the RE2 Private Recreation zone	Include within Schedule 1 an Additional permitted use clause to identify environmental management works, utilities and services, bushfire works and APZs and stormwater services as permissible uses within the RE2 zone.

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 22) 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 22) 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 2 and the key priorities summarised below, the planning proposal is consistent with the planning priorities and actions outlines in the LSPS.

Table 4: Summary of Key LSPS Planning Priorities

LSPS Planning Priority	Comment
<p>PLANNING PRIORITY 2: PROTECTED AND ENHANCED BUSHLAND AND BIODIVERSITY</p>	<p>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 zoning and provide opportunities for</p>

LSPS Planning Priority	Comment
	<p>alternative land uses as proposed in this Planning Proposal. Refer to the Preliminary Biodiversity Development Assessment Report at Appendix 8 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"> • development will have building heights below the tree canopy to protect scenic amenity and maintain local values; and • ensuring ridgelines and the valleys are retained as green elements where possible. <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 22) 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</p>

LSPS Planning Priority	Comment
	<p>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 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 & 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</p>

LSPS Planning Priority	Comment
	<p>Investigation Report and Slope Risk Assessment Report prepared by SMEC at Appendix 11 and 12, 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"> • new transport infrastructure comprising road infrastructure, • new social infrastructure including a community cultural centre, • stormwater management infrastructure to improve water quality of Narrabeen Lagoon.
<p>PLANNING PRIORITY 13: STRONG ENGAGEMENT AND COOPERATION WITH ABORIGINAL COMMUNITIES</p>	<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>
<p>PLANNING PRIORITY 15: HOUSING SUPPLY, CHOICE AND AFFORDABILITY IN THE RIGHT LOCATIONS</p>	<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</p>

LSPS Planning Priority	Comment
	<p>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>
<p>PLANNING PRIORITY 18: PROTECTED, CONSERVED AND CELEBRATED HERITAGE</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>

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 1 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.

- 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 5: 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 ; or	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; or	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	YES 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 areas, resources or hazards)	YES The proposal includes the management and protection of the natural bushlands and creeks, local flora and fauna, and will preserve a 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. The proposal will ensure: <ul style="list-style-type: none"> • Conservation of 19.8 hectares (26%) of the Site identified to have high ecological, scientific, cultural or aesthetic values; • Protection and improved ecological conditions in catchments, creeks and water quality run-off into Narrabeen Lagoon providing public benefit to the broader community; • 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. • 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

DOES THE SITE HAVE SITE-SPECIFIC MERIT?	COMMENT
	<p>visual character;</p> <ul style="list-style-type: none"> • Protection from further degradation and preservation the Aboriginal rock carvings and paintings, • Preservation of natural land features including many rock-shelves; • 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 • Reduced bushfire hazards with recommended APZs which exceed the minimum requirements outlined in PBP 2019 for subdivision development and improved access for firefighting operations. <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>YES</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 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</p>

DOES THE SITE HAVE SITE-SPECIFIC MERIT?	COMMENT
	<p>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>YES</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 & Rhodes (refer to Appendix 18).</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 2 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 3.

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

Table 6: Consistency with state environmental planning policies.

SEPP TITLE	CONSISTENT?
SEPP Resilience and Hazards 2021 Chapter 4 Remediation of Land	YES
SEPP Housing 2021 Chapter 2 Affordable Housing and Chapter 2 Diverse Housing	YES
SEPP Planning Systems 2021 Chapter 2 State and Regional Development and Chapter 3 Aboriginal Land	YES
SEPP Transport and Infrastructure 2021 – Chapter 2 Infrastructure, Educational establishments and child care facilities	YES
SEPP Biodiversity and Conservation 2021 Chapter 4 Koala Habitat Protection 2021	YES
SEPP (Building Sustainability Index: BASIX) 2004	YES
SEPP (Exempt and Complying Development 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 4. A summary of the applicable Ministerial directions is set out below:

Table 7: Consistency with S9.1(2) Ministerial Directions.

DIRECTION TITLE	CONSISTENT?	COMMENT
1.1 Implementation of Regional Plans	YES	The Planning Proposal is consistent with the Metropolis of Three Cities Sydney region plan as demonstrated in Appendix 1.
1.2 Development of Aboriginal Land Council land	YES	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 22.
3.1 Conservation Zones	YES	The planning proposal will facilitate the protection and conservation of nearly a third of the site that has high ecological, scientific, cultural and aesthetic values. The Planning Proposal proposes to rezone t areas C2 Environmental Conservation and the planning proposal does not remove a current conservation zone. A Preliminary Biodiversity Development Assessment Report has been prepared to support the planning proposal which considers the objective of the Direction.
3.2 Heritage Conservation	YES	The planning proposal will facilitate the conservation of 3 AHIMS registered Aboriginal archaeological sites. The Aboriginal Archaeological Assessment (Appendix 20) 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 appropriately protected.
3.6 Strategic Conservation Planning	YES	The site is not located with an area to which this Direction applied and is not mapped as avoided land or as a strategic conservation area.
4.3 Planning for Bushfire Protection	YES	The Site is located within a Bushfire prone area. Accordingly, Direction 4.4 applies. A Strategic Bushfire Assessment has been undertaken in compliance with Planning for Bushfire 2019 (Appendix 10).

DIRECTION TITLE	CONSISTENT?	COMMENT
		<p>In addition, a Bushfire Protection Assessment has been undertaken by Travers Bushfire & Ecology in accordance with Planning for Bushfire Protection 2019 (PBP 2019) and accompanies this Planning Proposal (Appendix 9).</p> <p>The Planning Proposal is consistent with this direction in the following ways:</p> <ul style="list-style-type: none"> • 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. • The proposed Aboriginal Cultural Centre is a commercial type facility and will provide no accommodation capability. • Significant environmental studies have been undertaken to ensure APZs have been excluded from environmentally sensitive land. • Additionally, where development is proposed, the Planning Proposal is compliant with provisions 6(a) to (f) of Direction 4.4, as demonstrated below: • 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 this 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. • 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 Planning Proposal will provide a future

DIRECTION TITLE	CONSISTENT?	COMMENT
		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. The identified bushfire risk can be mitigated as part of any future development proposal.
6.1 Residential zones	YES	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.
5.1 Integrating land use and transport	YES	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.

6.3. 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, July 2023 (Appendix 6)
- **Social Impact Assessment**, prepared by GYDE, July 2023 (Appendix 7)
- **Preliminary Biodiversity Development Assessment Report**, prepared by Hayes Environmental, July 2023 (Appendix 8)
- **Bushfire Protection Assessment**, prepared by Travers Bushfire and Ecology, July 2023 (Appendix 9)
- **Strategic Bushfire Study**, prepared by Travers Bushfire and Ecology, July 2023 (Appendix 10)
- **Preliminary Site Investigation**, prepared by SMEC, July 2023 (Appendix 11)
- **Slope Risk Assessment**, prepared by SMEC, July 2023 (Appendix 12)
- **PFAS Investigation**, prepared by SMEC, July 2023 (Appendix 13)
- **Flood Impact and Risk Assessment**, prepared by Craig and Rhodes, July 2023 (Appendix 14)
- **Transport Assessment**, prepared by JMT Consulting, July 2023 (Appendix 15)
- **Preliminary Landscape Visual Assessment**, prepared by Urbis, July 2023 (Appendix 16)
- **Stormwater Management Plan**, prepared by Craig and Rhodes, July 2023 (Appendix 17)
- **Infrastructure Delivery Plan**, prepared by Craig and Rhodes, July 2023 (Appendix 18)
- **Economic Impact Statement**, prepared by Macroplan, July 2023 (Appendix 19)
- **Aboriginal Archaeology Report**, prepared by Dominic Steele, July 2023 (Appendix 20)
- **Acoustic Assessment**, prepared by Acoustic Logic, October 2022 (Appendix 21)
- **Development Delivery Plan** – prepared by DPE in collaboration with the Department of Planning, Industry and Environment (Appendix 22)
- **Site Specific DCP** – prepared by Gyde and COX, July 2023 (Appendix 24)

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 9. 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 8. 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 (SAII) 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 8: 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	Broad-headed Snake – predicted and assessed under BOS White-throated Needletail – assumed present and assessed under BOS Swift Parrot – assumed present and assessed under BOS Regent Honeyeater – assumed present and assessed under BOS Spotted-tailed Quoll – assumed present and assessed under BOS Koala – previously recorded within the Site, assessed under BOS Greater Glider – assumed present and assessed under BOS Grey-headed Flying-fox – previously recorded within the Site, assessed under BOS New-Holland Mouse – assumed present and assessed under BOS
Migratory species	A large number of listed migratory bird species are known to occur in the Region. Many would be likely to range over the Site on occasions, and could use habitats within the Site opportunistically. 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.

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.

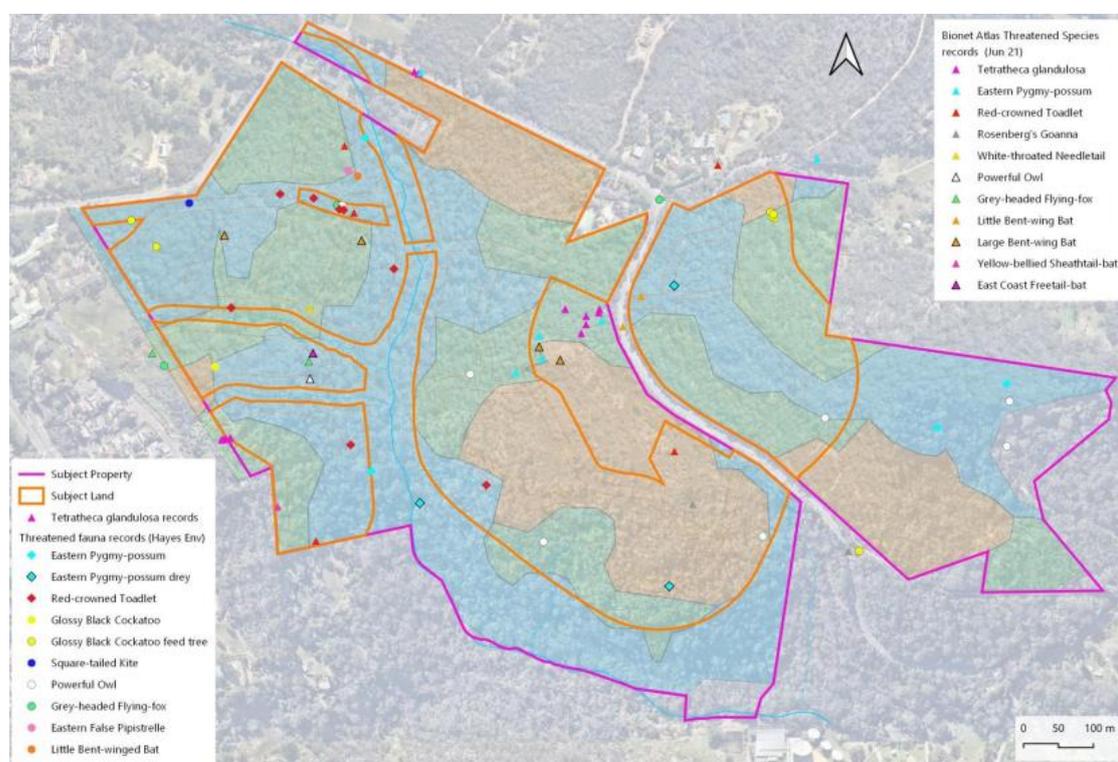


Figure 10. Confirmed candidate threatened fauna and flora species as species credit species (Source: Hays Environmental, October 2022)

One threatened plant species, *Tetratheca 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 of these 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 Red-crowned 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 28% (19.8 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 reflect within the development of the Structure Plan which sought where constraints were identified to provide protection via a 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 sufficient work has been conducted to demonstrate that the concept aster plan is substantially permissible and is feasible. A referral of the proposal should be made 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 BDAR at Appendix 8 for further details.

- 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 10). 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 having impact mitigated 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 10). 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 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 11. 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 9) 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 11). 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 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 20. 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.

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 9: 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"> E335660 N6266860 	Rock engraving	1975	Kangaroo and nine footprints
45-6-2196	Morgan Road 2	<ul style="list-style-type: none"> E335670 N6266890 	Rock engraving	1990	Human figure and footprints
45-6-1-2197	Morgan Road 3	<ul style="list-style-type: none"> E338820 N6266810 	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 12: 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.

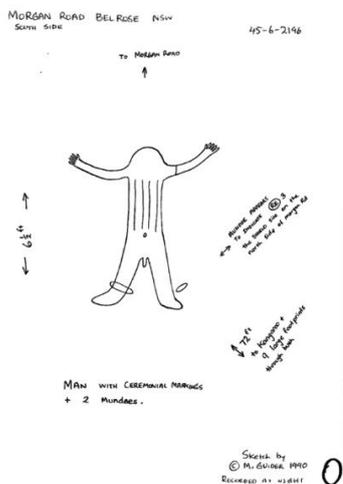


Figure 13: Sketch of AHIMS registered 'Morgan Road 2' site (source: Dominic Steele Consulting Archaeology)

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 14: 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).

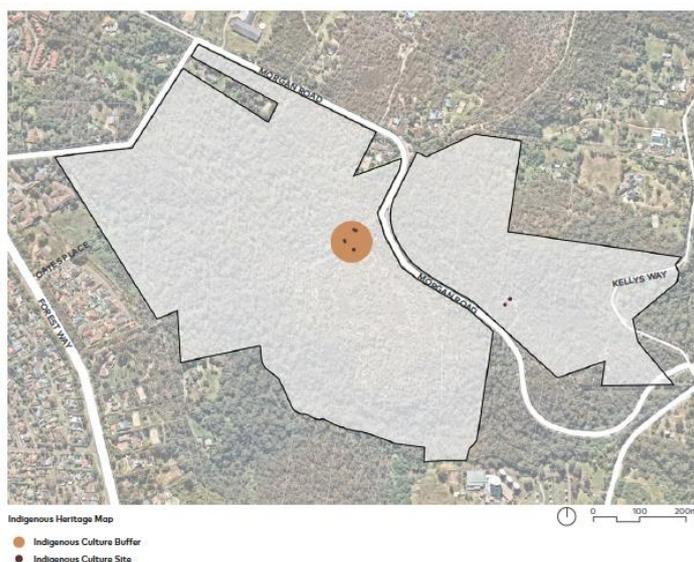


Figure 15: Aboriginal heritage map (Source: COX Architecture, September 2022)

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. 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 land owners 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 Archaeological Heritage Assessment at Appendix 20 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.

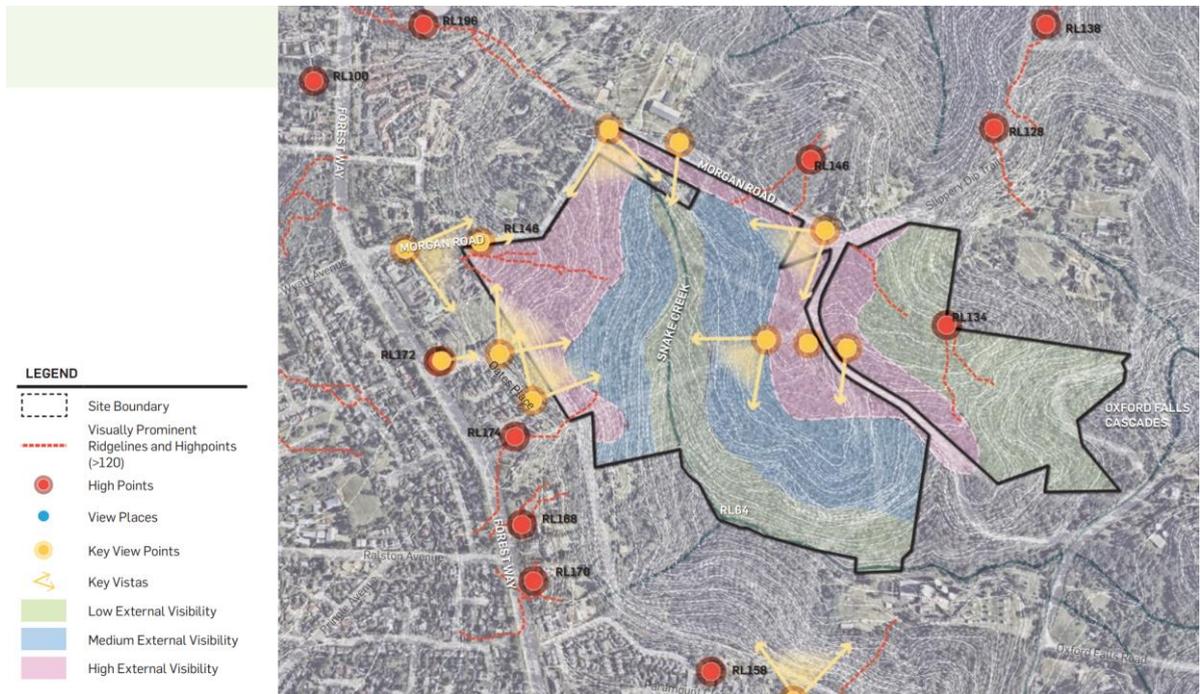


Figure 16: Potential Visual catchments and location/direction of key viewpoints (Source: Urbis, September 2022)

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 17: 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 18: 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 21). 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.

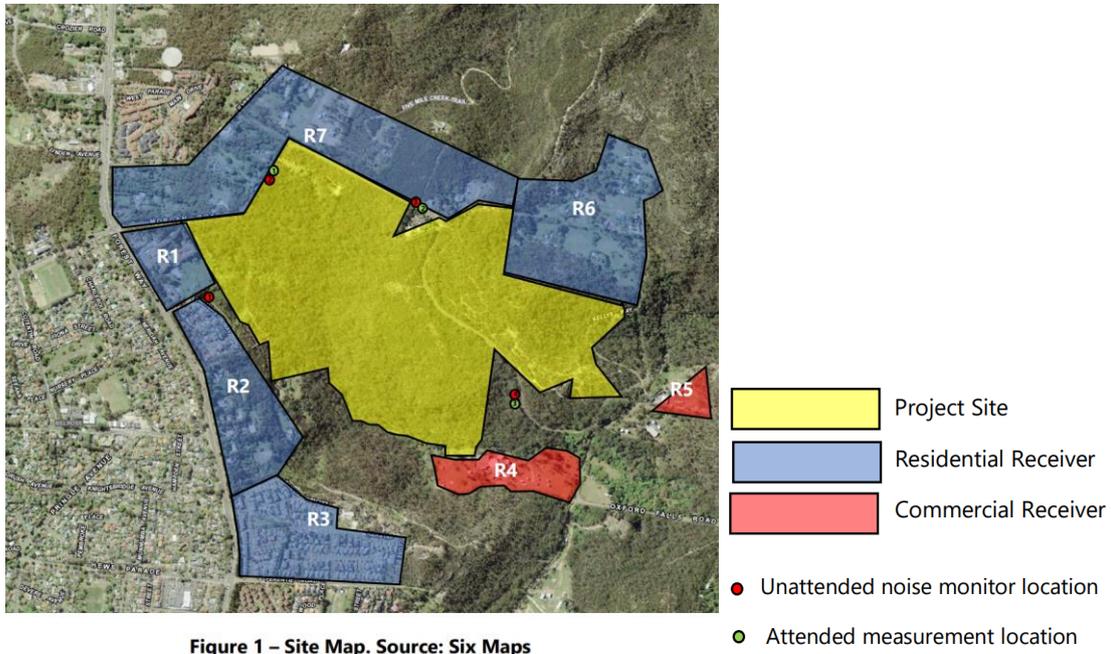


Figure 19. Aerial site map with measurement locations and surrounding nearest receivers (Source: Acoustic Logic, September 2022)

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.

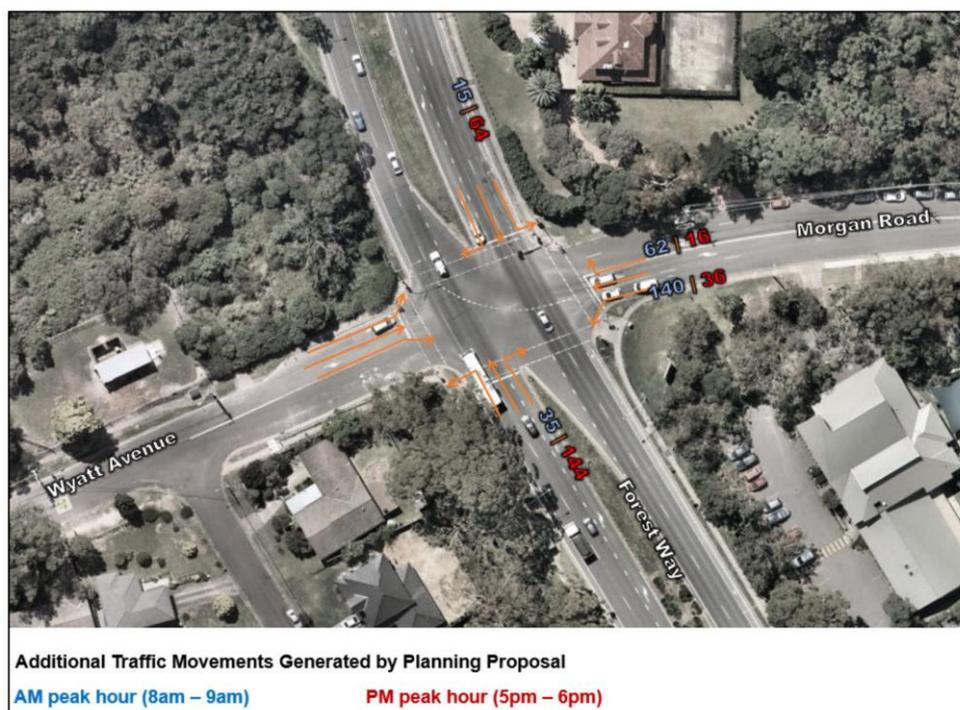


Figure 20. Forecast additional traffic flows – Forest Way / Morgan Road (source: JMT Consulting, September 2022)

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.

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 Figure 21 below. The extent of the slip lane is mostly within land already owned by TfNSW and the Proponent. The extent of further land required to be acquired will be subject to detailed design development discussions with TfNSW, however in its current concept an additional land area of 436sqm would need to be acquired from Council.

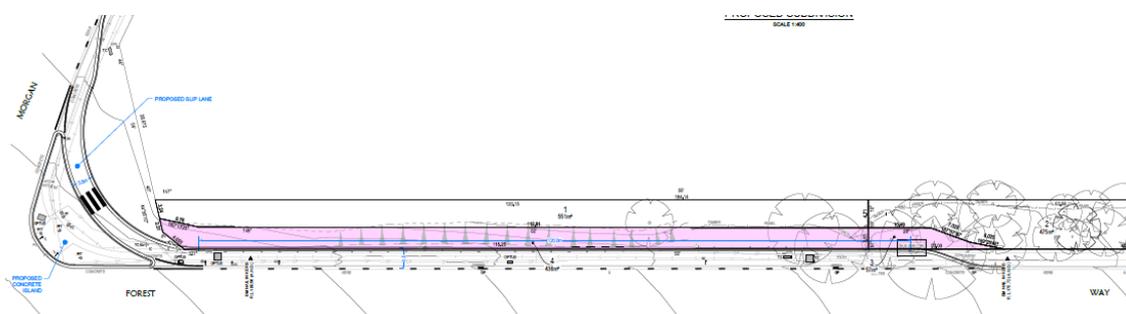


Figure 21: Concept Slip Lane Design with land proposed to be acquired highlighted pink (Source: Craig & Rhodes)

Subject to the implementation of the Morgan Road slip lane, the modelling concludes traffic can efficiently exit the precinct during a bushfire evacuation.



Figure 22. Proposed upgrade to Morgan Road / Forest Way intersection (JMT Consulting, September 2022)

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 23. Open Space Structure Plan (Source: COX Architecture, September 2022)

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 x), 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 11) 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 13). 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 11 and 12, 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 17). 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.

Based on the recommendations of the Stormwater Management Plan 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.

As such, this Planning Proposal is not likely to have any adverse impacts on the local waterways and is likely to have a positive environmental impact.

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.

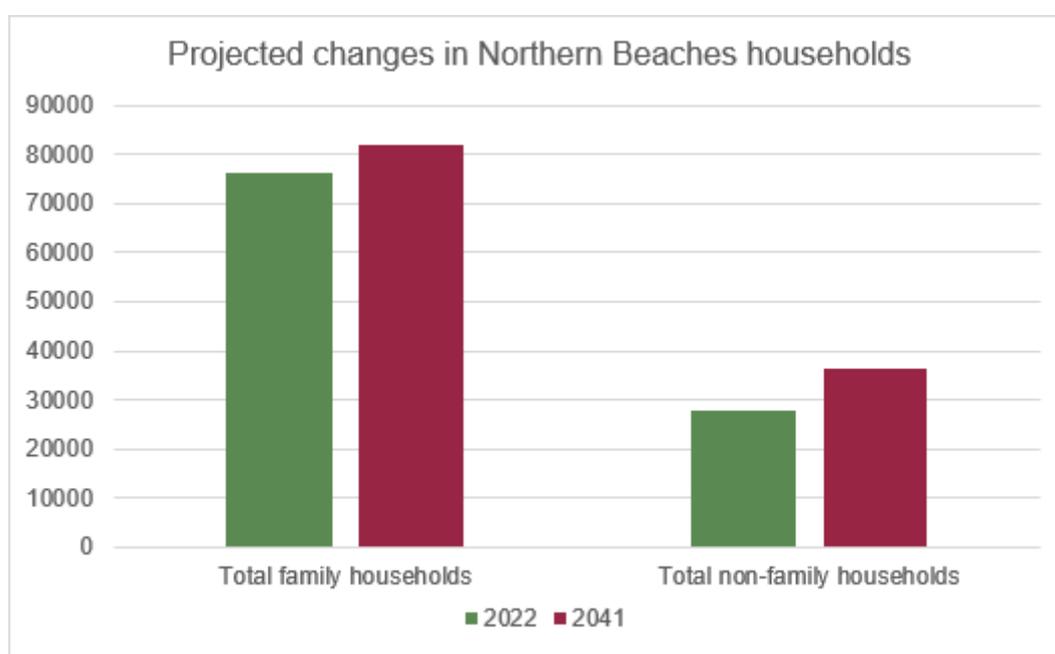


Figure 24. Project Changes in Northern Beaches Households

According to the Economic Impacts Statement prepared by Macroplan (refer to Appendix 19) 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 7 and 19, 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 7), 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 7 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 19).

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 7 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 18).

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?

As a Gateway Determination has yet to be issued by the Minister for Planning, the appropriate State and Commonwealth public authorities have not yet formally been identified. However, it is anticipated the following authorities will likely be identified for consultation:

- 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.

6.5. Response to Northern Beaches Council Panel Submission

Prior to the consideration of the planning proposal by the Sydney North Planning Panel, Council was provided the opportunity to respond to the proposal. Table 10 below summarises the contents of Council's submission dated 24 November 2022 and the Proponents response dated 15 December 2022 which was provided to the Sydney North Planning Panel prior to Independent Aboriginal Review meeting.

Table 10: Summary of NB Council Submission and Proponent Response

Council issue	MLALC Response
Alignment with relevant Strategic Plans and Council Policy	
<p>Planning Systems SEPP and DDP</p>	<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 Development Delivery Plan (DDP) 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 <u>Northern Beaches DDP</u> notes the site has the potential for “<i>a range of land uses, including low density housing, new recreation areas, conservation areas, and cultural community space, subject to further investigation</i>”.</p>
<p>Greater Sydney Region Plan and North District Plan</p>	<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: <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: <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> <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>Appendix 1 to the PP provides a detailed response demonstrating compliance with the Greater Sydney Region Plan and the Northern District Plan.</p>
<p>Northern Beaches LSPS</p>	<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</p>

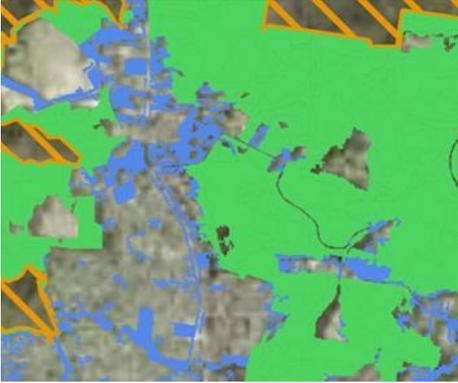
Council issue	MLALC Response
	<p>domains, together with the expansion of drainage networks through parklands, in exceedance of the existing riparian corridors.</p> <p>As noted in the Landscape Visual Assessment Report: “<i>geographically nearly one third of the site will be left in its current state with no changes made to its visual character...visually significant features across other parts of the site will be retained</i>”.</p> <p>Appendix 2 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 compared to the approach proposed as part of this PP which enables the preservation of significant bushland without any direct or indirect impacts.</p>
Insufficient affordable housing	<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: https://metrolalc.org.au/housing/</p> <p>Following the Independent Aboriginal Review by Sydney North Planning Panel, the proponent has confirmed its position in relation to the provision of</p>

Council issue	MLALC Response
	<p>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>
Process	
<p>Non-compliant process</p>	<p>Planning Circular PS 21-032 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 5 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 LEP Making Guidelines 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>
Urban Design	
<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 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</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"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah <p>The illustrative concept plan is conceptual and will be subject to further design refinement as the planning process progresses.</p>

Council issue	MLALC Response
<p>with Belrose.</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"> • Reduces the impacts of natural events such as fire, drought, and flooding, exacerbated by unsustainable land- and water-use practices. • Values and respects Aboriginal cultural knowledge. • Ensures that Aboriginal people have access to their homelands so they can continue their responsibility to care for Country and protect sensitive sites. • Protects and celebrates significant cultural elements • Ensures that the ridgelines and the valleys are retained as green elements • Retains and enhances key flora and fauna areas within larger green spaces and networks • 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 • Provides for a range of lot sizes that enable rocky outcrops, existing trees and landscapes to be retained <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 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.</p>
<p>Alternative settlement forms should be explored, such as a more sustainable, compact,</p>	<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 & Sustainability Advisory Panel (DSAP),</p>

Council issue	MLALC Response
<p>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>	<p>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 & Sustainability Advisory Panel (DSAP) as part of the on-going PP process.</p>
Supporting Documentation	
<p>Inconsistencies in PP documentation</p>	<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>
<p>Slope instability</p>	<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 24) addresses road design, topography and gradients.</p> <p>The Slope Risk Assessment is provided at Appendix 12 of the PP.</p>
<p>Insufficient information on stormwater impacts</p>	<p>The Stormwater Management Plan (Craig & 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 & 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 Appendix 17 of the PP.</p>

Council issue	MLALC Response
<p>Insufficient information on social impact and details of ongoing engagement</p>	<p>A detailed and comprehensive Social Impact Assessment is provided at Appendix 7 of the PP outlining the positive social outcomes of the PP, including:</p> <ul style="list-style-type: none"> • Enhancement, conservation and protection of significant areas of land; • 125 – 145 new full time jobs and increased construction employee spend within the local area; • Unlocking passive and active public open space opportunities for the community at large; • Improved bushfire protection measures • Improved water quality across the wider catchment area. <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>
<p>Additional infrastructure requirements not addressed</p>	<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>
<p>Biodiversity</p>	
<p>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>	<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 Appendix 8 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 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>

Council issue	MLALC Response
	
<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"> (i) impacts of rock habitat - which is not a rare resource in the locality (ii) impacts on connectivity - which is minimised through structure plan design (iii) impacts on waterbodies - to be avoided and minimised through stormwater design, and (iv) vehicle strike - an impact to be managed, not an irreplaceable feature.
<p>Previous biodiversity studies</p>	<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 Appendix 8 of the PP.</p>

Council issue	MLALC Response
	<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>
<p>Consistency with requirements of Biodiversity Conservation Act</p>	<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> <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.</p>

Council issue	MLALC Response
	<p>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 Appendix 14 of the PP.</p> <p>The site specific DCP (Appendix 24) 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>
Bushfire	
Identification of potential pinch points along the Morgan Road evacuation route and consideration of vulnerability of the access if impacted by fire and	<p>A Strategic Bushfire Assessment has been provided at Appendix 10 of the PP.</p> <p>Vegetation management adjacent to pinch points within the site and along Morgan Road can be considered if RFS concur with Council’s assessment.</p>

Council issue	MLALC Response
APZ adjacent to vegetated areas	
Discrepancy between the dead-end roads in the southeast of the site and joined perimeter roads needs to be clarified	<p>As stated in the BPA, the site is constrained by changes in height, preventing continuous road construction.</p> <p>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.</p>
The ownership and ongoing management arrangements for APZs	<p>Ownership of APZs is to be retained as part of any future Community Title.</p> <p>On-going management and funding in perpetuity can be achieved in this manner.</p>
The SBS underplays the potential fire runs into the site.	<p>The potential fire runs into the site exist currently and pose a risk to existing dwellings and facilities.</p> <p>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</p>
The SBS has taken a view that 400-20,00kW is low risk.	<p>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.</p> <p>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.</p>
Traffic Comments	
Slip lane on council land	<p>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.</p> <p>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.</p>
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 impact on the Wakehurst Parkway / Oxford Falls Road intersection.	<p>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.</p> <p>The volume of traffic forecast to travel through the Wakehurst Parkway / Oxford Falls Road intersection is very low in comparison and would not 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 /</p>

Council issue	MLALC Response
	Oxford Falls Road intersection – with this crash noted as ‘minor’ in terms of significance (i.e. no fatality or serious injury)
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"> • Formalisation of existing cycling routes through the site • Internal street network to provide for a variety of walking and cycling paths (including shared paths) • 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) • Connections within the site (passive) to focus on Aboriginal cultural heritage focal points.
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 have road gradients in excess of the maximum grades recommended by Austroads (section 8.5.3)	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 we are confident that all streets within any new development can meet or exceed road gradient requirements.

Council issue	MLALC Response
which are 9-10%.	
Heritage	
Insufficient survey work on aboriginal heritage	<p>An Aboriginal Archaeological Study is included at Appendix 20 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 the site and steps for further investigation. Site mapping of the rock engravings is of a very	<p>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 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>

Council issue	MLALC Response
<p>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>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>
<p>VPA</p>	
<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"> ○ Retention and conservation of nearly 20ha of conservation land ○ Design and construction of the new slip lane ○ Open spaces and recreation infrastructure for public use ○ Relocation and undergrounding of existing overhead powerlines ○ Construction of necessary works to connect with Sydney Water ○ Electrical infrastructure to enable network connection ○ Design and construction of the internal road network including public domain improvements such as lighting ○ Design and construction of the stormwater and bushfire infrastructure

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

Land Zoning Map - Sheet LZN_007

Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
I1	General Industrial
I2	Light Industrial
R1	Low Density Residential
R2	Medium Density Residential
R3	Public Recreation
R4	Private Recreation
R5	Primary Production Small Lots
S1	Special Activities
S2	Infrastructure
W1	Natural Waterways
DM	Deferred matter
Cadastral	
	Cadastral 04/04/2017 © Northern Beaches Council

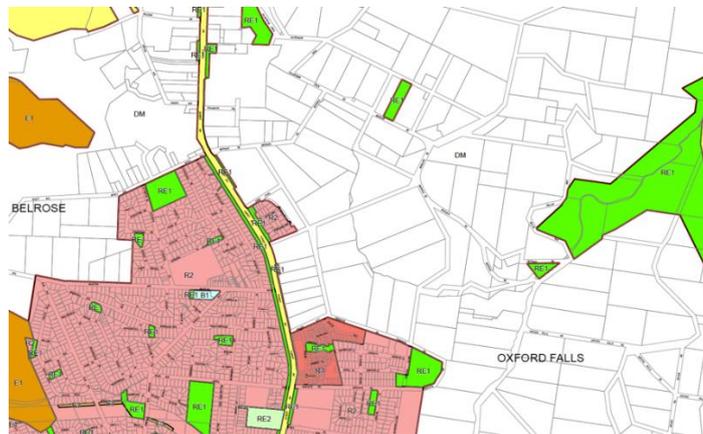


Figure 25: Existing Land Zoning Map, Sheet 007 (extract)

Proposed



Figure 26: Proposed Land Zoning Map, Sheet 007 (Cox Architecture)

Existing

Height of Buildings Map - Sheet HOB_007

Maximum Building Height (RL)
Heights shown on map in RL (m)

- 25
- 28.5
- 32
- 38
- 43.5
- 44
- 46.5
- 47
- 52.5
- 66
- 69
- 75
- 78

- Area 1 Refer to Clause 7.7
- Area 2 Refer to Clause 7.8
- Area 3 Refer to Clause 7.9

Maximum Building Height (m)

- A 0
- C 5
- I 8.5
- J 9
- L 11
- M 12
- N 13
- R 21
- S 24
- T 27

Cadastral

□ Cadastral 21/12/2018 © Northern Beaches Council



Figure 27: Existing Height of Buildings Map, Sheet 007 (extract)

Proposed



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

Existing

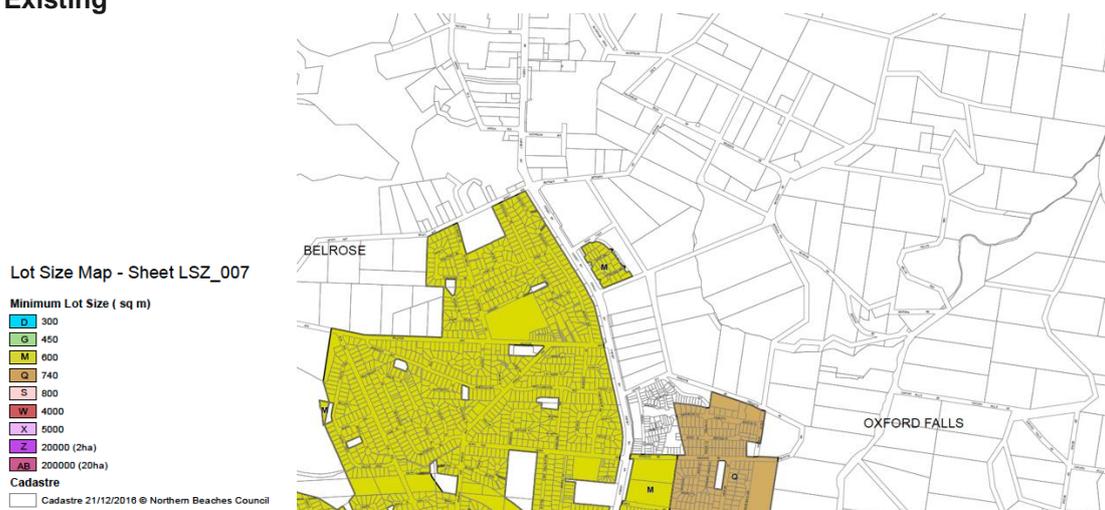


Figure 29: Existing Lot Size Map, Sheet 007 (extract)

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 600m²



Figure 30: 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

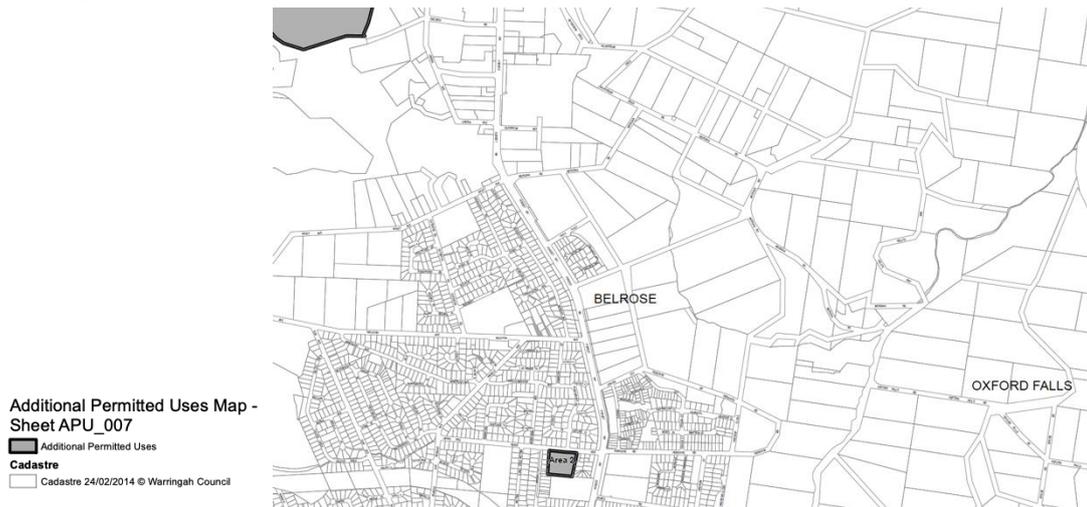


Figure 31: Existing Additional Permitted Uses Map, Sheet 007 (extract)

Proposed

The proposed additional permitted use map will identify the site to enable, dual occupancies, to be permissible with consent within the low density residential zone and 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 also been undertaken with utility providers, including Ausgrid, Sydney Water, NBN and Jemena with a particular focus on ensuring services can be provided in a cost efficient and timely manner. Additional consultation is ongoing with Telstra due to the proximity of the site to Telstra infrastructure.

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.

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 1, 2, 3 and 4)
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 22)
	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 6 – 20.
	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 8)
	Planned future development will require identification of the relevant funding mechanism to support additional State and local infrastructure contributions. 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 planning proposal and supporting reports.	Infrastructure Delivery Plan (Appendix 18)

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 5)
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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 11 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 11: 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
Exhibition	August 2023
Consideration of Submissions	November 2023
Report to RPA	December 2023
Notification of Determination	March 2024

Table 12: 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 has been submitted to enable the future residential development of the MLALC owned Morgan Road, Belrose 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
- Implementing 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 proposed amendments being consistent with the existing land uses and 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.

In accordance with the Aboriginal land planning framework, it is concluded that the Planning Proposal is suitable to be forwarded to the Department of Planning and Environment to obtain a Gateway Determination.

APPENDIX 1

CONSISTENCY WITH GREATER SYDNEY REGION PLAN AND NORTH DISTRICT PLAN

Table 13: Consistency with Greater Sydney Region Plan and North District Plan.

GSRP	DISTRICT PLAN	ACTION	CONSISTENT?
Liveability			
<p>Objective 7: Communities are healthy, resilient and socially connected</p> <p>Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p>	<p>Planning Priority N4: Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>Action 11: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities</p> <p>Action 12: Incorporate cultural and linguistic diversity in strategic planning and engagement</p> <p>Action 14: 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>Action 15: Facilitate opportunities for creative and artistic expression and participation, wherever feasible, with a minimum regulatory burden</p> <p>Action 16: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.</p>	<p>YES</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?
			<p>preserve Aboriginal Heritage Information Management Systems (AHIMS) registered sites owned by MLALC, which are currently not protected by any other authority.</p>
<p>Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable</p>	<p>Planning Priority N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>Action 17: Prepare local or district housing strategies that address the following:</p> <ul style="list-style-type: none"> a) the delivery of five-year housing supply targets for each local government area b) the delivery of 6–10 year (when agreed) housing supply targets for each local government area c) capacity to contribute to the longer term 20-year strategic housing target for the District d) the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include: <ul style="list-style-type: none"> i. creating capacity for more housing in the right locations ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure iv. supporting the role of centres. 	<p>YES</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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</p>

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 persuade. 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>Objective 13: Environmental heritage is identified, conserved and enhanced</p>	<p>Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>Action 21: Identify, conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place b) applying adaptive re-use and interpreting of heritage to foster distinctive local places c) managing and monitoring the cumulative impact of development on the heritage values and character of places. 	<p>YES</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.
Productivity			
<p>Objective 14: A Metropolis of Three Cities - integrated land use and transport create walkable and 30 minutes cities</p>	<p>Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Action 50: Integrate land use and transport plans to deliver the 30-minute city.</p>	<p>YES 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.</p>
Sustainability			
<p>Objective 25: The coast and waterways are protected and healthier</p>	<p>Planning Priority N15: Protecting and improving the health and enjoyment of Sydney Harbour and the District’s waterways</p>	<p>Action 62: Protect environmentally sensitive areas of waterways and the coastal environment areas.</p>	<p>YES 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. 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.</p>
<p>Objective 27:</p>	<p>Planning</p>	<p>Action 64: Improve the health of</p>	<p>YES</p>

GSRP	DISTRICT PLAN	ACTION	CONSISTENT?
<p>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>Objective 28: Scenic and cultural landscapes are protected</p> <p>Objective 29: Environmental, social and economic values in rural areas are protected and enhanced</p>	<p>Priority N16: Protecting and enhancing bushland and biodiversity</p> <p>Planning Priority N17: Protecting and enhancing scenic and cultural landscapes</p> <p>Planning Priority N18: 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>Action 66: Protect and enhance biodiversity by:</p> <p>a) supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</p> <p>b) managing urban bushland and remnant vegetation as green infrastructure</p> <p>c) managing urban development and urban bushland to reduce edge-effect impacts.</p> <p>Action 67: 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"> retaining 6.9 hectares of intact native vegetation in small reserves and along riparian corridors within the development site, and retention and protection of a further 19.8 hectares of intact native vegetation and habitat as a Conservation Zone within the landholding. <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 16) 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"> • Protection from further degradation and preservation the Aboriginal Rock Carvings and Paintings through RE2 Private Recreation zoning; • Protection and preservation the mature trees and large areas of native vegetation and habitat on the site; • Preservation of the many rock-shelves. <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>Objective 31: Public open space is accessible, protected and enhanced.</p>	<p>Planning Priority N20: Delivering high quality open space</p>	<p>Action 73: Maximise the use of existing open space and protect, enhance and expand public open space by:</p> <ol style="list-style-type: none"> 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 b) ... (g) providing walking and cycling links for transport as well as leisure and recreational 	<p>YES</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 2

Consideration of each LSPS planning priority and relevant associated actions

Table 14: Consideration of each LSPS planning priority and relevant associated actions

PLANNING PRIORITY 1: HEALTHY AND VALUED COAST AND WATERWAYS	
Actions	Comment
<p>1.3 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 & 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 24). 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>2.1 Prepare a biodiversity planning analysis to identify core, transition and connection zones (wildlife corridors) and to support a strategic urban biodiversity framework</p> <p>2.2 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"> • Protect core areas and areas of high environmental value from urban development. • Conserve and restore threatened species habitat. • Retain native vegetation and maintain or enhance ecological functions in core areas and wildlife corridors (connection zones). • Ensure future developments avoid, then minimise,

<p>State policies</p> <p>2.3 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 8 for further detail.</p> <p>A site specific DCP has been prepared to include specific controls relating to biodiversity and environmental management (see Appendix 24).</p>
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PLANNING PRIORITY 3: PROTECTED SCENIC AND CULTURAL LANDSCAPES

Actions	Comment
<p>3.1 Prepare a scenic and cultural landscape assessment with the community to identify landscapes and their social, architectural, natural, local and regional values</p> <p>3.2 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"> • Enhance and protect views of scenic and cultural landscapes from public areas. • Protect areas of exceptional natural beauty and aesthetic importance. • Make new development visually subservient to scenic and cultural landscapes. • Protect the natural landscape, including landforms, rock outcrops and remnant bushland. • Avoid new development on ridgelines or in places that will disrupt the skyline. <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"> • development will have building heights below the tree canopy to protect scenic amenity and maintain local values; and • ensuring ridgelines and the valleys are retained as green elements.

	<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>
PLANNING PRIORITY 4: PROTECTED METROPOLITAN RURAL AREA	
Actions	Comment
<p>4.2 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>4.4 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>4.7 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 LSPPS.</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>5.1 Implement the Urban Tree Canopy Plan, including the protection of trees and tree-lined areas</p> <p>5.2 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>5.3 Prepare design guidelines and develop LEP and DCP controls for urban tree canopy, urban heat and UV radiation...</p> <p>5.4 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>6.1 Prepare LGA-wide studies including a social infrastructure study and an open space and recreation strategy</p> <p>6.2 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 7 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>7.2 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>7.3 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>7.4 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.</p> <p>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>8.1 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>8.2 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>8.3 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>8.4 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 & 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.</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 & 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>8.5 Implement our Environment and Climate Change Strategy Protect. Create. Live. and develop associated action plans for adaptation and resilience</p> <p>8.6 Prepare a climate change action plan for the LGA and a climate change adaptation plan for Frenchs Forest strategic centre</p> <p>8.8 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 11 and 12, 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>
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PLANNING PRIORITY 9: INFRASTRUCTURE DELIVERED WITH EMPLOYMENT AND HOUSING GROWTH

Actions	Comment
<p>9.1 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>9.2 Develop LEP and DCP controls that safeguard transport, waste and other infrastructure needs, including a review of the SP2 infrastructure zone</p> <p>9.8 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"> new transport infrastructure comprising road infrastructure, including a proposed new slip lane at the Forest Way intersection, existing road upgrades, and

	<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"> • 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 • stormwater management infrastructure to improve water quality of Narrabeen Lagoon. <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-serviced area. A site specific DCP has been prepared including controls relating road design, street networks and infrastructure.</p>
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PLANNING PRIORITY 11: COMMUNITY FACILITIES AND SERVICES THAT MEET CHANGING COMMUNITY NEEDS

Actions	Comment
<p>11.1 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>11.4 Prepare place plans that respond to the findings of these studies</p> <p>11.5 Explore opportunities for joint and shared use and public-private partnerships</p> <p>11.9 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 7 for further detail.</p>

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

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

<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>12.5 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 7.</p>
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PLANNING PRIORITY 13: STRONG ENGAGEMENT AND COOPERATION WITH ABORIGINAL COMMUNITIES

Actions	Comment
<p>13.1 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>13.2 Finalise the Crown Lands Transfer program</p> <p>13.3 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>13.4 Implement the community participation plan and incorporate Aboriginal representation and collaboration with the local Aboriginal Heritage Office</p> <p>13.5 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"> a) engaging an Aboriginal Liaison Officer to direct how we consult with local Aboriginal and Torres Strait Islander people 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 c) supporting a national treaty between Aboriginal and Torres Strait Islander people and all levels of government 	<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>

PLANNING PRIORITY 14: A COMMUNITY ENRICHED THROUGH THE ARTS AND CONNECTED THROUGH CREATIVITY

Actions	Comment
<p>14.1 Implement the Arts and Creativity Strategy, Northern Beaches Public Art Policy, Collection Management Policy and Community Centres Strategy</p> <p>14.2 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>14.3 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>14.4 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>

PLANNING PRIORITY 15: HOUSING SUPPLY, CHOICE AND AFFORDABILITY IN THE RIGHT LOCATIONS

Actions	Comment
<p>15.1 Prepare and implement a local housing strategy</p> <p>15.2 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>15.3 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"> (a) seniors housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (b) boarding houses under State Environmental 	<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>15.5 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>
<p>PLANNING PRIORITY 16: ACCESS TO QUALITY SOCIAL HOUSING AND AFFORDABLE HOUSING</p>	
<p>Actions</p>	<p>Comment</p>
<p>16.1 Increase the supply of affordable rental housing through the local housing strategy and LEP and DCP controls</p> <p>16.2 Implement the affordable housing policy and action plan, including:</p> <p style="padding-left: 20px;">a) updating the voluntary planning agreement policy</p> <p>16.4 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>16.5 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>
<p>PLANNING PRIORITY 17: CENTRES AND NEIGHBOURHOODS DESIGNED TO REFLECT LOCAL CHARACTER, LIFESTYLE AND DEMOGRAPHIC CHANGES</p>	

Actions	Comment
<p>17.1 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>17.2 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>
PLANNING PRIORITY 18: PROTECTED, CONSERVED AND CELEBRATED HERITAGE	
Actions	Comment
<p>18.1 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>18.2 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>18.3 Educate the community on the heritage, history and culture of the local area and maximise opportunities for learning experiences around heritage</p> <p>18.4 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>	
PLANNING PRIORITY 19: FREQUENT AND EFFICIENT REGIONAL PUBLIC TRANSPORT CONNECTIONS	
Actions	Comment
<p>19.2 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>19.9 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>
PLANNING PRIORITY 20: SUSTAINABLE LOCAL TRANSPORT NETWORKS	
Actions	Comment
<p>20.1 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>20.2 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-serviced by public transport in exchange for</p>	<p>LSPS principles under this priority include:</p> <ul style="list-style-type: none"> • Prioritise safe cycling routes separated from motor vehicle traffic within five kilometres of strategic centres or connecting to local centres, villages and destinations such as schools and beaches. • 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. <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>

<p>public benefit</p> <p>20.4 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>20.5 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>21.1 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>21.2 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>23.1 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"> • a low-carbon precinct with high efficiency in energy, water and waste • design excellence through a competitive design process for the town centre • criteria required by the Green Star-rating, including increased BASIX targets • for all new dwellings • affordable rental housing targets of 15% in the town centre and 10% for the remaining rezoned area • a 30% landscaped area site control and 25% tree canopy target <p>...</p> <p>23.7 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>
PLANNING PRIORITY 24 TO 28	
<p>Actions</p>	<p>Comment</p>
<p>N/A</p>	<p>This proposal is not inconsistent with priorities 24 to 28 of the LSPS.</p>
PLANNING PRIORITY 29: A THRIVING, SUSTAINABLE TOURISM ECONOMY	
<p>Actions</p>	<p>Comment</p>
<p>29.5 Prepare an open space and recreation strategy and night-time economy strategy; implement the Arts and Creativity Strategy</p> <p>29.6 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 3

Consistency with State Environmental Planning Policies

Table 15: Consistency with state environmental planning policies.

SEPP TITLE	CONSISTENT?
SEPP Housing 2021	YES. The Planning Proposal will not contain provisions that will contradict nor hinder application of this SEPP.
SEPP Planning Systems 2021	YES. 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	YES. The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP Biodiversity and Conservation 2021	YES. The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP Resilience and Hazards 2021 (55. Remediation of Land)	YES. The Planning Proposal will not contain provisions that will contradict or would hinder the application of this SEPP. 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	YES. The Planning Proposal will not contain provisions that will contradict nor hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	YES. The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.

APPENDIX 4

Consistency with S9.1(2) Ministerial Directions

Table 16: Consistency with S9.1(2) Ministerial Directions.

DIRECTION TITLE	CONSISTENT?
Planning Systems	
1.1 Implementation of Regional Plans	<p>YES</p> <p>The Planning Proposal is consistent with this Ministerial Direction as demonstrated in Appendix 1.</p>
1.2 Development of Aboriginal Land Council land	<p>YES</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 will be consistent with this Ministerial Direction.</p>
1.3 Approval and Referral Requirements	<p>YES</p> <p>The Planning Proposal will be consistent with this Ministerial Direction.</p>
1.4 Site Specific Provisions	<p>YES</p> <p>The Planning Proposal will be consistent with this Ministerial Direction.</p>
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 Pymont 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
Biodiversity and Conservation	
3.1 Conservation Zones	<p>YES</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 8) in support of the Planning Proposal which gives consideration to the objectives of this direction. 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 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.</p>

3.2 Heritage Conservation	<p>YES</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 20). 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	Not applicable
Resilience and Hazards	
4.1 Flood Prone Land	The Site is not located within flood prone land Accordingly, Direction 4.1 is not applicable.
4.2 Coastal Protection	Not applicable
4.3 Planning for Bushfire Protection	<p>YES</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 &</p>

	<p>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"> • 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 facility and will provide no accommodation capability. • Significant environmental studies have been undertaken to ensure APZs have been excluded from environmentally sensitive land. <p>Additionally, where development is proposed, the Planning Proposal is complaint with provisions 6(a) to (f) of Direction 4.4, as demonstrated below:</p> <ul style="list-style-type: none"> • 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 this 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. • 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. <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	YES

	<p>A Preliminary Site Investigation has been prepared by SMEC (Appendix 11) 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>
4.5 Acid sulphate soils	The Site is not located on acid sulphate soils. Accordingly, Direction 4.1 is not applicable.
4.6 Mine Subsidence and Unstable Land	Not applicable
Transport and Infrastructure	
5.1 Integrating land use and transport	<p>YES</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>YES</p> <p>The Planning Proposal will be consistent with this Ministerial Direction.</p>
5.3 Development Near Licensed Aerodromes	Not applicable
5.4 Shooting Ranges	Not applicable
Housing	
6.1 Residential zones	<p>YES</p> <p>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.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not applicable

Industry and Employment	
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
Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Primary Production	
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 5

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	A meeting was held between the project team and representatives of Northern Beaches Council. Key issues for discussion included: <ul style="list-style-type: none"> • Zoning of the land for appropriate use • Appropriate dwelling density • Outcomes of the Development Control Plan
	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"> - AusGrid - Sydney Water - Jemena - NBN 	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	Ongoing engagement is underway to address Telstra infrastructure adjacent to the k site. Telstra has provided the Department with a detailed submission regarding the site and potential impacts to Telstra infrastructure.
	16 August 2022	Site visit	The project team attended a site visit at the Telstra facility adjacent to the site. Key issues for discussion included: <ul style="list-style-type: none"> • Noise levels from generators at the facility and potential impacts to residents at the site.

Stakeholder	Date of Engagement	Engagement Type	Engagement Outcomes
Rural Fire Service	18 August 2021	Submission of a Pre-DA Application Form	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.
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"> • 1,099 submissions from the local community • 9 submissions from NSW Government agencies and service provider – Transport for NSW, NSW Environment and Heritage, NSW Rural Fire Service and Telstra Corporation • 2 submissions from Council and Council groups – Northern Beaches Council and Aboriginal Heritage Office • 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 • 2 submissions from State and Federal Members • These submissions were summarised in an Exhibition Outcomes Report prepared by WSP Consulting in May 2022 and responded to in the Independent Planning Review. <p>https://pp.planningportal.nsw.gov.au/northern-beaches-aboriginal-land-development-delivery-plan</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"> • Session 1 was attended by 91 people, and written comment was invited via survey, email, webform or post. • The second session 2 was a targeted Aboriginal group session with 4 attendees.
	February & March 2022	Public information	<p>Department consultation also included:</p> <ul style="list-style-type: none"> • Project webpage made available between the 7th of February 2022 – 21st of March 2022 • 6,300 postcards to nearby residents during the first week of exhibition • 1,086 letters sent to landowners who live outside the area during the first week of exhibition • Media release • Electronic Direct Email sent to 303 subscribers on the 24th of February 2022 • Advertisements in Northern Beaches Review, Koori Mail (print and digital and Koori Radio between the 16th -23rd of February 2022 • Social media advertising on Facebook from the 7th -8th of March 2022

APPENDIX 6

Urban Design Report – prepared by COX Architects

APPENDIX 7

Social Impact Assessment – prepared by GYDE Consulting

APPENDIX 8

Preliminary Biodiversity Development Assessment Report – prepared by Hayes Environmental Consulting

APPENDIX 9

Bushfire Protection Assessment – prepared by Travers Bushfire & Ecology

APPENDIX 10

Strategic Bushfire Study, prepared by Travers Fire and Ecology

APPENDIX 11

Preliminary Site Investigation Report – prepared by SMEC

APPENDIX 12

Slope Risk Assessment Report – prepared by SMEC

APPENDIX 13

PFAS Investigation – prepared by SMEC

APPENDIX 14

Flood Impact and Risk Assessment – prepared by Craig and Rhodes

APPENDIX 15

Transport Assessment – prepared by JMT Consulting

APPENDIX 16

Preliminary Landscape Visual Assessment – prepared by Urbis

APPENDIX 17

Stormwater Management Plan – prepared by Craig & Rhodes

APPENDIX 18

Infrastructure Delivery Plan – prepared by Craig & Rhodes

APPENDIX 19

Economic Impact Statement – prepared by Macroplan

APPENDIX 20

Aboriginal Archaeological Assessment – prepared by Dominic Steele

APPENDIX 21

Acoustic Assessment – prepared by Acoustic Logic

APPENDIX 22

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

APPENDIX 23

Non-Binding VPA Letter of Offer

APPENDIX 24

Site Specific DCP