

CONTROL/COUNCIL COMMENT TO ADDRESS	COUNCIL COMMENT ON HOW TO PROCEED	APPLICANTS RESPONSE
<p>Planning Proposal to rezone land to any of the following zones must address the relevant objectives as detailed</p> <p><b>R2 'Low Density Residential'</b></p> <ul style="list-style-type: none"> <li>▪ To provide for the housing needs of the community within a low density residential environment.</li> <li>▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>▪ To ensure that low density residential environments are characterised by landscaped settings that are inharmony with the natural environment of Warringah.</li> </ul> <p><b>RE1 'Public Recreation'</b></p> <ul style="list-style-type: none"> <li>▪ To enable land to be used for public open space or recreational purposes.</li> <li>▪ To provide a range of recreational settings and activities and compatible land uses.</li> <li>▪ To protect and enhance the natural environment for recreational purposes.</li> </ul>		<p>See Section 4.2 of Planning Proposal report prepared by Urbis</p>

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<ul style="list-style-type: none"> <li>▪ To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.</li> <li>▪ To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> </ul> <p><b>E3 'Environmental Management'</b></p> <ul style="list-style-type: none"> <li>▪ To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>▪ To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>▪ To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.</li> <li>▪ To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.</li> </ul>		

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<ul style="list-style-type: none"> <li>To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.</li> </ul>		
<p><b>As the site contains significant environmental values the planning proposal must demonstrate that the rezoning is consistent with the relevant planning considerations including those outlined as follows.</b></p>		
<p><b>WLEP 2000 - Locality C8 Belrose North</b></p>		<p>See Section 2.2.1 of Planning Proposal prepared by Urbis</p>
<p><b>WLEP 2000 Clause 56</b></p> <p><b>Retaining unique environmental features on sites</b></p> <p>Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.</p> <p>In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourse.</p>		<p>Refer to Planning Proposal document, <b>Appendix A</b> and <b>Appendix B</b>.</p>
<p><b>WLEP 2000 Clause 57 Protection of existing flora</b></p> <p>Development is to be sited and designed to minimize the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.</p>		<p>The Ecological Constraints Assessment has identified areas of the landscape that contain a range of rare, threatened flora and fauna species and endangered ecological communities. The development area impacts on some of these stands of flora.</p>

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		<p>In terms of remnant indigenous flora the impacted area proposed for development results in 75% conservation of all key species but also sets aside a significant conservation area (the proposed E3 zone) suitable for all of the recorded threatened flora species.</p> <p>Potential significant impacts on <i>Grevillea caleyi</i> and <i>Tetratheca glandulosa</i>, but further potential habitat areas are present in the locality and offset lands. The EEC - Coastal Upland Swamp has also been fully protected.</p>
<p><b>WLEP 2000 Clause 60 Watercourses and aquatic habitat</b></p> <p>Development is to be cited and designed to maintain and enhance natural water courses and aquatic habitat.</p>		<p>A specialist's water assessment report has been prepared. The Ecological Assessment (<b>Appendix B</b>) recognises the link between the watercourses surrounding the site and the potential impact that development on the ridgeline could have for surrounding watercourses, aquatic habitat and threatened species such as the Red Crowned Toadlet and the Giant Burrowing Frog.</p> <p>The mitigation of these impacts is subject to Sensitive Urban Water Design principles and meeting the target of a no net change in water quality or quantity from the development landscape into surrounding areas to be conserved.</p>
<p><b>Warringah Biodiversity Conservation Strategy</b></p> <p>High Conservation Significance</p>		<p>The site is mapped as 'moderate' to 'high Conservation Significance' in accordance with the Warringah Biodiversity Conservation Strategy. The ecological data for the site does not contradict this mapping however the relevant value of the site to threatened flora, fauna and endangered ecological communities is considered in more detail.</p> <p>The ecological survey and specialist reports to date identify that whilst the site contains known and potential habitat for threatened flora and fauna species onsite, the site is not critical to survival of</p>

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		<p>the recorded threatened flora species or to threatened fauna species, their lifecycles and movement throughout the landscape.</p> <p>Further target survey has been recommended for both Red Crowned Toadlet and Giant Burrowing Frog to comprehensively determine breeding locations and any buffers that might apply to the breeding of burrowing locations.</p>
<p><b>Warringah Creek Management Study</b></p> <p>Category B catchment</p>		<p>The proposal impacts on a category B catchment area. Once again the permissibility of a development in the proposed location is subject to Sensitive Urban Water Design principles and meeting the target of a no net change in water quality or quantity from the development landscape into surrounding areas to be conserved.</p>
<p><b>Strategic Review of the Oxford Falls and Belrose North Localities</b></p> <p>E3 Zoning</p>		<p>See Section 2.2.2 of Planning Proposal report prepared by Urbis</p>
<p><b>Protection of Waterway and Riparian Lands Policy</b></p> <p>Protect, maintain and enhance waterway and riparian function.</p>		<p>The proposed development has allowed for all existing mapped watercourses and drainage lines across the site. Once again the permissibility of a development in the proposed location is subject to Sensitive Urban Water Design principles and meeting the target of a no net change in water quality or quantity from the development landscape into surrounding areas to be conserved.</p>

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<p><b>Warringah Council's Environmental Sustainability Strategy</b></p> <p>Maintain and enhance locally indigenous biodiversity in Warringah</p> <p>Maintain and enhance waterway function in Warringah</p>		<p>The proposal meets both objectives by minimising impacts on significant biodiversity and the provision of a significant conservation area containing known and potential habitat for all of the recorded threatened flora and fauna species.</p>
<p><b>Draft Natural Area Survey</b></p> <p>Regional Core Habitat</p>		<p>Mapped as "Extant Vegetation" in accordance with the Warringah Natural Area Survey. The site is mapped as 'Regional Core – Connectivity' and of 'moderate' to 'high' conservation significance in accordance with the Draft Warringah Biodiversity Conservation Study.</p> <p>The ecological assessment (<b>Appendix B</b>) and specialist reports do not contradict these outcomes, with the exception that the development site is not considered to be critical to the survival of the recorded threatened flora or fauna species and the proposed development area does not cause a loss of connectivity given the proposed conservation area.</p>
<p>Documentation lodged with the pre-lodgement application reaffirms that the site has very high biodiversity values which would be impacted by subsequent development. As indicated above the environmental constraints methodology currently being applied as part of the Strategic Review of the Oxford Falls and Belrose North Localities would result in this site being zoned E3.</p>		<ol style="list-style-type: none"> <li>1. See Section 4.2 of Planning Proposal.</li> <li>2. See Section 5 (overall) of Planning Proposal.</li> <li>3. Overall Planning Proposal prepared by Urbis is set out in accordance with Guide to Preparing Planning proposals. See Section 5.1.2 and all consultant reports.</li> <li>4. See Hassell report (<b>Appendix A</b>).</li> <li>5. See <b>Appendix B</b>.</li> </ol>

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<p>Due to the significant environmental values of the site the planning proposal must:</p> <ol style="list-style-type: none"> <li>1. Demonstrate that the rezoning is consistent with the objectives of the E3 zoning and the desired future character of the Locality C8 Belrose North.</li> <li>2. Demonstrate that in a regional context this site is the most appropriate for this type of development.</li> <li>3. Be prepared in accordance with <i>A guide to preparing planning proposals</i> (written by the former Department of Planning) and state how: <ul style="list-style-type: none"> <li>▪ The proposal is strategic in nature i.e. recommended in a strategic study/report, including an environmental constraints assessment.</li> <li>▪ That the proposal is the most effective way of meeting the intended outcomes.</li> </ul> </li> <li>4. Demonstrate how the proposal has been designed to respond to the environmental constraints of the site and that the current zoning configuration is the 'best fit' in respect of such constraints.</li> <li>5. Demonstrate how the proposal has been designed following the hierarchy of avoid, mitigate and then offset environmental impacts.</li> </ol>		<ol style="list-style-type: none"> <li>6. See <b>Appendix B</b>.</li> <li>7. As contained in the ecological Assessment Report – target seasonal RCT and GBF survey to be completed.</li> <li>8. 7 part test not completed to date and subject to outcomes of target GBF and RCT Survey.</li> <li>9. Subject to Sensitive Urban Water Design and Watercourse Assessment Report.</li> </ol>

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<p>6. Demonstrate how the proposal ensures the protection of threatened species, ecological communities, or their habitats consistent with the Threatened Species Conservation Act and is consistent with the E3 zoning.</p> <p>7. Threatened species survey effort must include; repeat seasonal surveys targeting cryptic species and be conducted during optimum climatic conditions relevant to the target species.</p> <p>8. Reporting must include assessments of significance prepared in accordance with section 5A of the EP&amp;A Act and the 2007 “Threatened Species Assessment Guidelines” issued by the former Department of Environment and Climate Change.</p> <p>9. Demonstrate how the proposal ensures the protection of natural ecological processes and functions of all waterways as well as wetlands consistent with Council’s Protection of Waterway and Riparian Lands Policy and the objectives of the E3 zoning.</p>		
<p><b>Development Engineering</b></p> <p>(a) The subdivision is recommended to be a community title type subdivision which can incorporate the environmental stormwater management for proposed development for both the predevelopment and post development of the subject development site.</p> <p>(b) Stormwater management for the proposed development and its impact on the receiving water course is to be carried out for all storms up to the 1 in 100 year</p>	<p>(a) The subdivision layout and title type is to be appropriately addressed through a subsequent Development Application.</p> <p>Notwithstanding, a statement is to be provided in the planning proposal to indicate the intention of applicant as to the future land titling of the residential subdivision.</p> <p>(b) Stormwater management is to be appropriately addressed through a subsequent Development Application.</p>	<p>Matthews Civil proposed subdivision arrangements are included at Section 4.5 of the Planning Proposal Report.</p> <p>The development of the site for residential zoned land will be satisfactory in relation to road and intersection capacity implications, traffic related environmental implications and traffic management and safety implications. The proposed road geometry reflects a contemporary development which responds appropriately to the terrain, access for service vehicles and buses.</p>



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<p>ARI storm and shall also include water quality management for the proposed development.</p> <p>(c) Feasibility study is to be under taken for the construction and connection of Wyatt Avenue to Ralston Avenue. A suitable traffic report for this study is to be under taken.</p>	<p>(c) Although the Feasibility Study for the construction and connection of Wyatt Avenue to Ralston Avenue will be considered at a later Development Application stage (or upon request by the Department of Planning and Infrastructure at a Gateway stage, if recommended by Council to proceed), the Study will be required to be submitted as part of the suite of supporting documents to the Planning Proposal to substantiate the construction of the roadway to connect Wyatt Avenue and Ralston Avenue. This study will be referred to Parks, Recreation and Foreshores for their initial comment.</p>	
<p><b>Traffic engineering</b></p> <p>It is recommended that the applicant contact Transport for NSW to request the provision of a bus route to the new subdivision</p>	<p>The provision of a bus route to the new subdivision is a matter which will be considered at a later Development Application stage (or upon request by the Department of Planning and Infrastructure at a Gateway stage, if recommended by Council to proceed).</p> <p>Notwithstanding, the potential for public bus connectivity to the proposed residential land is to be discussed in a Traffic Report which is to be provided with the Planning Proposal.</p>	<p>The applicant has informed Forrest Coaches of the proposed development, however ultimate approval and agreement of connectivity of the site to the existing bus routes in the area is at the discretion of Transport for NSW.</p>
<p><b>Parks, Recreation and Foreshores</b></p> <p>(a) It is understood that the proponent proposes a single large public open space area to be retained in a semi natural state, and two small 'manicured' pocket parks.</p> <p>(b) Any proposed public open space and it's subsequent maintenance is to be provided at no extra cost to Council as a</p>	<p>(a) Noted.</p> <p>(b) The provision and subsequent maintenance of any proposed public open spaces is to be appropriately addressed through a subsequent Development Application or upon request by the Department of Planning and Infrastructure at a Gateway stage, if recommended by Council to proceed.</p>	<p>(a) Noted</p> <p>(b) Noted</p> <p>(c) Refer</p>

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<p>result of the rezoning.</p> <p>(c) It is noted that the proponent has undertaken a Recreational/Open Space 'needs study' in preparing their landscape design. Parks, Recreation and Foreshores will consider this report in determining a response to any proposed public open space, particularly within the context of the environmental attributes of the site and any need to maintain environmental areas/buffer.</p>	<p>Notwithstanding, a statement is to be provided in the planning proposal to indicate the intention of applicant as to the future provision and subsequent maintenance of any proposed public open spaces.</p> <p>(c) Although the landscape design will be considered at a later Development Application stage, the Recreational/Open Space 'needs study' will be required to be submitted as part of the suite of supporting documents to the Planning Proposal to justify the provision of the proposed public open space areas. This study will be referred to Parks, Recreation and Foreshores for their initial comment.</p>	
<p><b>Waste Management</b></p> <p>(a) The proposed subdivision must comply with the requirements contained within Councils' Policy No. PL 850 WASTE.</p> <p>(b) Waste Management's preferred position is for the roads to be dedicated to Council as public roads.</p> <p>If the roads are to be community titled private roads then Waste Management can still provide services through the use of a positive covenant and specific clauses inserted into the community management statement.</p>	<p>(a) The subdivision layout to address Council's Waste Policy is to be appropriately addressed through a subsequent Development Application.</p> <p>(b) The future status of the roads is to be appropriately addressed through a subsequent Development Application.</p> <p>Notwithstanding, a statement is to be provided in the planning proposal to indicate the intention of applicant as to the future status of the roads.</p>	<p>(a) See Section 5.4.1 of Planning Proposal report prepared by Urbis.</p> <p>(b) See Section 5.4.1 of Planning Proposal report prepared by Urbis.</p>

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<p><b>Planning Proposal</b></p> <p>You are advised to justify the proposal by addressing all heads of consideration under Part 2 – ‘The Parts of a Planning Proposal’ of the NSW Planning and Infrastructure’s ‘A Guide to Preparing Planning Proposals’.</p>		<p>Overall proposal has been set out in accordance with guide to Preparing Planning proposals.</p>
<p><b>Strategic Considerations</b></p> <p>The justification for the Planning Proposal is to incorporate and address the following strategic matters:</p> <ul style="list-style-type: none"> <li>▪ Assessment of consistency with the Metropolitan Plan for Sydney 2036 and the draft North East Subregional Strategy (all inconsistencies must be adequately justified).</li> <li>▪ The relationship of the proposal with Council's Strategic Community Plan.</li> <li>▪ Assessment against all relevant State Environmental Planning Policies and deemed State Environmental Planning Policies as noted above.</li> <li>▪ Assessment against all relevant Section 117 Ministerial Directions as noted below.</li> <li>▪ Assessment against the Objectives of the proposed zones under WLEP 2011 as noted above.</li> </ul>		<p>See Section 5.2 of the Planning Proposal prepared by Urbis.</p> <p>Assessment of zone objectives contained at Section 4.2 of the Planning Proposal report prepared by Urbis.</p>

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<p>If an application for the preparation of a Planning Proposal is lodged it will need to clearly address any loss of employment or residential lands. Proceeding with a re-zoning without a Strategy underpinning the proposal is a significant risk. However, it should be noted that this will not prevent Council from proceeding with the proposal, so long as the application provides sufficient justification.</p>		<p>See Section 5.1.4 of the Planning Proposal prepared by Urbis.</p>
<p><b>State Environmental Planning Policies</b></p> <p>A Planning Proposal will be required to clearly address the following State Environmental Planning Policies (SEPPs):</p> <ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy No 19 - Bushland in Urban Areas.</li> <li>▪ State Environmental Planning Policy No 44 - Koala Habitat Protection.</li> <li>▪ State Environmental Planning Policy No 55 - Remediation of Land.</li> <li>▪ State Environmental Planning Policy (Infrastructure) 2007</li> </ul>		<p>See Section 5.2.3 of the Planning Proposal prepared by Urbis.</p>
<p><b>Section 117 Ministerial Directions</b></p> <p>A Planning Proposal will be required to clearly address the Objectives and heads of consideration including 'Consistency', of the following relevant Section 117 Ministerial Directions:</p>		<p>See Section 5.2.4 of the Planning Proposal prepared by Urbis.</p>

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<ul style="list-style-type: none"> <li>▪ Direction 2.1 - Environment Protection Zones.</li> <li>▪ Direction 2.3 - Heritage Conservation.</li> <li>▪ Direction 3.1 - Residential Zones.</li> <li>▪ Direction 3.4 - Integrating Land Use and Transport.</li> <li>▪ Direction 4.4 - Planning for Bushfire Protection.</li> <li>▪ Direction 6.2 - Reserving Land for Public Purposes.</li> <li>▪ Direction 6.3 - Site Specific Provisions.</li> <li>▪ Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036.</li> </ul>		
<p><b>Objectives and Explanation of the Provisions</b></p> <p>A planning study shall be provided to clearly outline what is being proposed and what is planned to be achieved. These will form the basis for a subsequent planning proposal.</p>		See Planning Proposal prepared by Urbis.
<p>A statement from Ausgrid that the residential component of the proposal will comply with both the Reference Levels and the precautionary requirements of the draft ARPANSA's <i>Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz</i>, 7 December 2006.</p>		See <b>Appendix D</b> .

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Zoning and Building Height Maps. The Planning proposal is to include all relevant maps as required by Section 2.4 – ‘Mapping’ of NSW Planning and Infrastructure’s ‘A Guide to Preparing Planning Proposals’.		Refer to <b>Appendix G</b> .