



Ralston Avenue Updated Planning Proposal and Draft Voluntary Planning Agreement

[Assessment and Attachment Booklet](#)

December 2017

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Attachment 1 - Assessment of Planning Proposal

The below information supplements the Report to Council dated 19 December 2017.

Objectives or intended outcomes

The Planning Proposal seeks to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to enable the subdivision and redevelopment of 136.62 hectares of land owned by MLALC (**MLALC Site**) at Ralston Avenue, Belrose, to:

- R2 Low Density Residential - 17.27 hectares (12.6% of the site) with a yield of 156 lots, based upon a minimum lot size of 600 square metres and a maximum building height of 8.5 metres (referred to as the **Development Site**)
- RE1 Public Recreation - 0.3 hectares (0.2% of the site) for a public park (referred to as the **Public Park**)
- E3 Environmental Management - 119.05 hectares (87.2% of the site) to be retained as natural bushland with Asset Protection Zones and recreation trails adjacent to the future residential land (referred to as the **E3 Environmental Management area**)

See Council's Report for a project background and site description.

Council's assessment is supported by technical studies and correspondence as detailed in 12.

Background Supporting Information or on Council's website at

<http://yoursay.northernbeaches.nsw.gov.au/Ralston-planning-proposal>.

Explanation of provisions

The explanation of provisions provided in the 2014 Joint Regional Planning Panel – Sydney Region East (JRPP) assessment would still apply. These include amendments to the WLEP 2011 Zoning Map; Height of Buildings Map; Land Application Map; Lot Size Map and Landslip Risk Map. An amendment would also be required to the Warringah Local Environmental Plan 2000 (WLEP 2000) C8 Locality boundary to exclude the area identified as Lot 1 DP 1139826.

Should the Planning Proposal proceed, the WLEP 2011 *Zoning Map* may also need to designate areas for special infrastructure including:

- Easements owned and managed by TransGrid
- Stormwater Management Facilities

Justification

The proposal includes information about the consistency with the strategic planning framework.

Council's assessment of this information is provided below.

Mapping

The proposal includes sufficient draft mapping and aerial photographs.

Community consultation (including agencies consulted)

For a summary, see the Council Report. For details, see:

- Attachment 2 – Public Authority and Utility Responses
- Attachment 5 – Voluntary Planning Agreement Feedback and Response
- Attachment 6 – Community Feedback and Response

Section A - Need for the Planning Proposal

1. Origin of Planning Proposal

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

The Planning Proposal arose from the Proponent seeking to develop part of the subject site for residential purposes.

It is not the result of any strategic study or report. Council does not have an endorsed Local Housing Strategy.

The 12 Premier's priorities and 18 State priorities referenced by the Proponent were a consideration of District Planning¹. Council's assessment addresses consistency with the draft North District Plan (November 2016) and Revised draft North District Plan (October 2017), so these priorities are not reconsidered in this report.

2. Objectives and Intended outcomes

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

The Planning Proposal provides a means of achieving the objective, assumed to be the Proponent's 'aim', as follows:

To amend Warringah Local Environmental Plan 2011 to enable the subdivision and redevelopment of land owned by the MLALC at Ralston Avenue, Belrose for low density residential housing, public open space and bushfire protection. It aims to redevelop 17.27 hectares (or 12.6% of the total site area) to deliver 156 residential lots and a 3,000m² public park as shown in the indicative subdivision layout plan. The remaining 119.05 hectares will be retained as natural bushland with Asset Protection Zones and recreation trails adjacent to the future residential land.

The Proponent's 'intended outcomes' from the Updated Planning Proposal are as follows:

1. *Utilise the existing assets of the MLALC through the release of land for the wider economic, cultural and social benefits of the Metropolitan Aboriginal community to meet the objectives of the provision of housing, education and employment.*
2. *Allowing land owned under freehold title through the NSW Land Rights Act 1983 to be more than just symbolic, and provide economic opportunity for the Aboriginal people through the development of their own land.*
3. *To provide a landmark development which has the highest regards for urban design and master planning, and at the same time deliver capacity and economic self-sufficiency. The aim is to develop individual house lots for release on the open market.*
4. *Provide compatible land use zones that will create additional low density housing opportunities to meet the existing and likely future needs of the local community.*
5. *Integrate the site with the broader local community through improved accessibility and connections between the adjoining established residential areas and the Garigal National Park.*
6. *Avoid unacceptable impacts on the character and amenity of the adjoining and surrounding residential development by developing a range of controls that will facilitate housing that is consistent with the surrounding development and compatible with the bushland setting.*
7. *Develop an integrated design solution for the site that incorporates the unique ecological and hydrological features.*

Council's assessment of the intended outcomes can be summarised as follows:

- **Supporting the Aboriginal Community (outcomes 1 & 2):** The Planning Proposal is not the only means of achieving the intended outcomes to support the Aboriginal Community.

¹ Draft North District Plan, pg 13

- **Development of the site (outcomes 3 to 8):** The Planning Proposal provides a means of achieving the intended outcome to develop the site for low density housing opportunities. This assessment questions whether the proposed land use zones are compatible with the bushland setting and surrounding development.

Section B - Relationship to Strategic Planning Framework

3. Regional and District Plans

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

3.1 A Plan for Growing Sydney

The Planning Proposal is considered **partially consistent** with the following Directions within A Plan for Growing Sydney:

- Goal 3: A great place to live with communities that are strong, healthy and well connected
 - **Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney:** The proposal will provide a new Park and recreation facilities, improve linkages with the National Park and retain a large portion of the site as natural bushland.
 - **Direction 3.3: Create healthy built environments:** The proposal includes multi-use paths, connections to the National Park, public open space and recreation facilities. The site is within proximity of local retail facilities and public transport, encouraging walking and cycling as means of access.

The Planning Proposal is considered only partially consistent with the above Directions as NPWS does not support increased recreational access to the National Park. As well, the proposal will result in the clearing/modification of at least 25 hectares of bushland highly valued by the community.

The Planning Proposal is considered **inconsistent** with the following Directions within *A Plan for Growing Sydney*:

- Goal 2: A city of housing choice, with homes that meet our needs and lifestyles
 - **Direction 2.1: Accelerate housing supply across Sydney:** This Direction states that the Government will use the subregional planning process to identify areas for additional housing and encourage housing in locations that are feasible for development.
 - The proposal is inconsistent as although it will contribute to housing supply, the site is not considered feasible for residential development by Council's Bushfire Consultant (Blackash), the RFS and TransGrid. The site is not part of the Priority Precincts program and has not been identified in any subregional planning process for the provision of additional housing. There are no plans to support this growth with infrastructure such as transport and schools.
 - **Direction 2.3: Improve housing choice to suit different needs and lifestyles:** This Direction encourages innovative, smaller, well-designed homes to suit a range of lifestyles and budgets. It acknowledges local housing strategies as the first step towards coordinating local and State-funded infrastructure.
 - The proposal is inconsistent as although the Proponent can only offer low density housing in accordance with the Gateway Determination, the provision of detached housing does not contribute to an improvement in housing choice. The isolated nature of the site does not deliver opportunities for affordable housing. The proposal has not been identified through a local housing strategy.
- Goal 3: A great place to live with communities that are strong, healthy and well connected

- **Direction 3.1: Revitalise existing suburbs:** This Direction suggests directing new housing to existing urban areas to protect the environment and reduce impacts. It prioritises housing in or near centres in established urban areas.
 - The proposal is inconsistent as proposed site is within bushland adjacent to, not within an existing, established urban area. It would result in significant environmental impacts.
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources
 - **Direction 4.1: Protect our natural environment and biodiversity:** This Direction encourages a strategic approach to housing and economic development, rather than site-by-site decision making, to manage long-term biodiversity and promote environmental resilience.
 - The proposal is inconsistent in that it is an isolated proposal. It does not comply with local planning controls that limit development to protect high conservation value areas, native vegetation and biodiversity. The current proposal for Biodiversity Certification is not resolved. Council and OEH do not support the proposal due to the likelihood of significant impacts on biodiversity and threatened species.
 - **Direction 4.2: Build Sydney's resilience to natural hazards:** This Direction recognises that bushfires pose the most severe risk to community safety. It encourages a risk-based approach to strategic planning and highlights the importance of halting development in high risk areas that can't be safely evacuated.
 - Both the RFS and Council's Bushfire Consultant (Blackash) conclude the proposal would place inappropriate development (i.e. housing) in a hazardous area. It is likely to place firefighters and a new community within an unacceptable area of risk.
- North Sub-Region Priorities
 - **Promote early strategic consideration of bushfire... in relation to any future development in the subregion:** As above, the proposal is likely to place firefighters and a new community within an unacceptable area of risk.

On balance, the Planning Proposal is considered inconsistent with *A Plan for Growing Sydney*.

3.2 Draft Regional and District Plans

Consideration has also been given to the Greater Sydney Commission's draft Greater Sydney Region Plan (draft Regional Plan - DRP) and Revised draft North District Plan (RDDP), replacing the draft North District Plan referenced above.

The RDDP is a guide for implementing Greater Sydney Region Plan at a District level and is a bridge between regional and local planning. The intent is to inform the assessment of planning proposals as well as community strategic plans and policies.

Consistency of the Updated Planning Proposal is discussed below with reference to both draft documents as their themes, objectives and Planning Priorities are interrelated. Both documents are on exhibition until 15 December 2017.

Theme 1. Infrastructure and Collaboration

The draft Plans propose growth aligned with infrastructure such as transport, schools, and health facilities. The proposal is inconsistent in that it has not been identified by a strategic or collaborative approach with State and local governments. The site is not considered a cost-effective location for

growth based on existing and future infrastructure capacity, due to impacts on the Sydney East Substation. It is not within a Collaboration Area unlike the Frenchs Forest Hospital Precinct. The proposed growth is not supported by a Place Strategy and Infrastructure Plan.

Theme 2. Liveability

The proposal is consistent as it proposes recreational facilities and formalises recreational access to private land. It is also consistent in that the proposal would facilitate the ability of MLALC to derive economic use of Aboriginal land acquired under the *Aboriginal Lands Rights Act 1983*.

However, the proposal is inconsistent with the Liveability theme in that:

- The site is not considered suitable for residential development due to unacceptable risks to life and property. The draft Plans recognise that not all areas are appropriate for development and local amenity constraints require careful consideration.
- There is no proposal to provide affordable housing which is the primary focus of the draft Plan's approach to improve liveability
- Site constraints, particularly bushfire risk, would not allow for a diversity in housing mix and prevent inclusive development for people of all ages
- The proposal has the potential to detract from local amenity
- It proposes land release outside of the Priority Growth Area program which is well progressed to provide additional housing supply
- It has not been identified through a housing strategy, which is the main tool for understanding the need and planning for housing and infrastructure delivery
- It would have adverse impacts on natural heritage valued by the community
- The proposal is not needed to deliver Council's five-year housing target of 3,400 which reflects delivery potential under current planning controls
- The mechanisms for delivering public benefits have not been agreed early in the planning process, as Council does not support the draft VPA
- The proposal would impact on the natural heritage of the area by impacting the landscape including a ridgeline

Theme 4 – Productivity

The proposal does not propose a centre or employment lands, so this theme is not assessed in detail. It is noted however, that:

- To achieve Productivity in the draft Plan, investments in infrastructure are required that are integrated with targeted land use decisions. As above, the proposal is not within a Collaboration Area unlike the Frenchs Forest Hospital Precinct. The proposal has not been identified by a strategic or collaborative approach with State and local governments.
- NPWS have concerns regarding impact on the Garigal National Park, recognised in the RDDP as one of the region's natural attractions contributing to a booming tourist industry. If realised, impacts on the National Park could adversely impact tourism which is a major contributor to the local economy.
- Although the proposal would increase housing, considered as economic infrastructure, the proposed housing is not within a walkable distance of a strategic centre.

Theme 4 – Sustainability

It is unclear whether the site comprises the 'metropolitan rural lands' (as identified in Figure 48 of the DRP) or an 'urban area' (as identified in figure 50 of the DRP). For this assessment, the proposed site is assumed to be part of the 'metropolitan rural lands' as requested by Council.

The proposal is considered inconsistent with this theme for the following reasons:

- The site would be highly exposed and vulnerable to significant bushfire risks making it unable to withstand shocks and stresses, especially with respect to impacts from climate change including heatwaves and extreme heat.
- The Plans recommend avoiding placing new communities in areas exposed to existing and potential natural hazards increasing risk to life and property.
- The proposal to clear land for asset protection zones would have adverse impacts on bushland, its ecological processes and systems.
- It proposes the clearing/modification of at least 25 hectares of natural bushland, considered to be 'green infrastructure' which provides clean air and water, cooler urban environments and habitat.
- It would limit the opportunity for this site to be used as an 'offset' for the expansion of Sydney's urban footprint into the south west south west and north west, and major transport infrastructure like the Outer Sydney Orbital corridor and the Western Sydney Airport
- It would impact on a scenic landscape, including a ridgeline, which creates an attractive visual setting
- If the site is considered a Metropolitan Rural Area, it is inconsistent in that:
 - It proposes the intensification of residential development not consistent with the values of the Metropolitan Rural Area
 - It is important for recreation and tourism and attracts people who want to live in these environments
 - Priority Growth Areas in the Western Parkland City generally provide a long-term supply of land for the growth of Greater Sydney and eliminate the need for urban expansion into the Metropolitan Rural Area.
- It proposes urban development which has adverse impacts on the health of waterways, considered as 'green infrastructure', which support ecosystems that benefit from continuing protection and management. It is not consistent with local land use planning controls to protect environmentally sensitive waterways and the ad-hoc nature of the proposal means that cumulative impacts are not able to be assessed.

4. Local Strategy

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

Council does not have a relevant local strategy endorsed by the Department of Planning and Environment and the proposal is not responding to any change in circumstances.

The following local strategic plans and their relevance is discussed below:

- **Warringah Draft Warringah Housing Strategy 2011:** This Strategy was developed with extensive community consultation to implement the NSW Government's housing target for Warringah in the *Metropolitan Plan for Sydney to 2031*. In 2011, Warringah Council voted to stop work on the Housing Strategy until the State Government committed to funding the extra transport and infrastructure costs. The proposal is inconsistent as no additional land release was proposed in the draft Strategy.

- **Draft Community Strategic Plan SHAPE 2028:** The new Northern Beaches Council has developed a Draft **Community Strategic Plan (CSP)** based on two stages of community engagement from September 2016 to April 2017 engaging over two thousand community members. The draft Plan was on public exhibition from July to November 2017, to allow the newly elected Council to participate in conversations with the community before finalising the CSP. The final stage of engagement focused on developing key measures and indicators. On balance, the planning proposal is inconsistent with the following draft goals:
 - **Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations:** Inconsistent in that the proposal will clear/modify at least 25 hectares of native bushland which is valued by the community. There is no guarantee the proposal can protect and improve the ecological conditions in catchments. It's recognised the proposal will provide sustainable access to the environment through the provision of trails.
 - **Goal 2 Our environment and community are resilient to natural hazards and climate change:** Inconsistent in that the proposal will risk the life and property of the new inhabitants' due to the inability to safely evacuate the development.
 - **Goal 5 Our built environment is developed in line with best practice sustainability principles:** Inconsistent in that the proposal will not result in a resilient urban environment due to the inability to safely evacuate the development.
 - **Goal 7 Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community:** The proposal proposes growth which is inconsistent with local values.
- **Oxford Falls Belrose North Strategic Review (Strategic Review):** This Strategic Review was initiated by the Minister for Planning in August 2011 in response to submissions received during the exhibition of the draft WLEP 2011. The Strategic Review is a two-stage process. Stage 1 is complete and recommended the site be zoned E3 Environmental Management to transfer from WLEP2000 to WLEP2011. The Department of Planning and Environment have recently requested Council to progress Stage 2, including an investigation of future development potential of four sites for Urban Development (Oxford Falls West, Red Hill, Lizard Rock, Cromer Golf Club) and the suitability of residential zones in the proposed E4 Environmental Living areas. The proposal is inconsistent with the Strategic Review in that the site has not been identified as having future development potential in Stage 1 of the Strategic Review. Although this initial stage did not intend to significantly change the urban development potential of land in Oxford Falls Valley and Belrose North, the MLALC site has not been earmarked for future investigations in the scope of works for the Stage 2.

Local Provisions and Policies and their relevance is summarised below. More detail is provided in Attachment 3 – Council's Natural Environment and Climate Change Referral Response:

- **Warringah Local Environmental Plan 2000 (WLEP 2000):** The planning proposal is inconsistent with the following provisions WLEP 2000: Clause 56 Retaining unique environmental features on sites; Clause 57 Protection of existing flora and Clause 60 Watercourses and aquatic habitat.
- **Warringah Council Policy ENVPL 005 Bushland Policy:** On balance, the planning proposal is inconsistent with the Warringah Bushland Policy. It is however acknowledged that the policy includes provision for negotiation of offsets and investigating offset schemes such as biobanking and Biodiversity Certification.

- **Warringah Council Policy Protection of Waterways and Riparian Lands:** The proposal requires the removal of remnant flora including canopy trees and understory vegetation within and adjacent to riparian lands. The proposal is likely to lead to degradation of downstream environments due to stormwater quality and quantity impacts. The proposed development is considered to not comply with Council's policy.
- **Warringah Council Policy Water Management Policy:** The water quality objectives for the proposed development do not comply with the requirements of the Policy. As such the proposal is likely to lead to degradation of downstream environments due to impacts associated with stormwater quality and quantity.

On balance, the planning proposal is considered inconsistent with local biodiversity/environment planning controls, local strategies and policies.

5. State Environmental Planning Policies (SEPPs)

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is inconsistent with the following key State Environmental Planning Policies (SEPPs):

- **SEPP No 19—Bushland in Urban Areas:** The proposal is inconsistent with the specific aims of this SEPP as it will result in the clearing/modification of at least 25 hectares of native bushland with associated impacts on rare and endangered flora and fauna; native flora and fauna habitat and stabilisation of soil and natural drainage lines. Although formalised access is proposed to facilitate public enjoyment of the privately-owned bushland, unauthorised informal access has meant the site is highly valued by the community for recreation and education. Development of the site will not protect and enhance the quality of the bushland compatible with its conservation. OEH does not support the proposal and recommends it not progress. Council is not satisfied that the proposal will result in significant environmental, economic or social benefits that outweigh the value of the bushland.
- **SEPP (Infrastructure) 2007:** The proposal is inconsistent with this SEPP as it has not addressed likely impacts on an electricity transmission network and associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation. TransGrid objects to the proposal due to the unacceptable safety risk to the public, and the need to maintain the highest level of security for the Sydney East substation which supplies bulk power to the people of Sydney.

The proposal is not inconsistent with the following SEPPs:

- **SEPP No 44—Koala Habitat Protection:** The Proponent's Ecological Assessment (Travers Bushfire & Ecology - April 2017) concludes that despite the presence of potential koala habitat, koala habitation of the proposed development area is considered unlikely based on existing records. The proposed development is not considered to comprise Core Koala Habitat as defined under SEPP 44.
- **SEPP No 55—Remediation of Land:** The Stage 1 Environmental Site Assessment (April 2013) concluded that the site is suitable for residential purposes. Council's Environmental Health division recommends further site testing and sampling prior to development approval.
- **SEPP (Building Sustainability Index: BASIX) 2004:** Compliance with this SEPP would be reviewed at the development application stage.

The following SEPPs are relevant as they have the potential to allow developments that are incompatible with the intended outcomes of the proposal:

- SEPP (Affordable Rental Housing) 2009
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Housing for Seniors or People with a Disability) 2004

The Proponent suggests that uses other than the 156 residential lots will be restricted through a community title management structure. If the proposal were to proceed, additional local provisions may also be required to restrict developments that could compromise bushfire evacuation procedures and/or adversely impact the surrounding environment.

In summary, the planning proposal is considered inconsistent with key SEPPs: SEPP No 19—Bushland in Urban Areas and SEPP (Infrastructure) 2007.

6. Ministerial Directions (s117 Directions)

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

The Planning Proposal is ***inconsistent*** with the following s.117 Directions (see **Error! Reference source not found.**):

- **2.1 Environmental Protection Zones:** The proposal will change current planning standards that apply the land which protect the environment by restricting residential development to 1 dwelling per 20 hectares.
- **4.4 Planning for Bushfire Protection:** The NSW RFS and Council's Bushfire Consultant consider that the proposal is not consistent with this Direction as it does not achieve the primary objectives: to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage the sound management of bush fire prone areas.
- **6.3 Site Specific Provisions:** If the Planning Proposal were to proceed in its current form, site specific provisions may be required:
 - To restrict certain developments permissible under SEPPs from the R2 Low Density Residential Zone that will significantly increase occupation of the site (e.g. secondary dwellings, bed and breakfast accommodation, boarding houses, childcare centres, educational establishments, group homes, hospitals and places of public worship). In addition, these uses (with the exception of secondary dwellings) are Special Fire Protection Purpose (SFPP) developments as listed in Section 100B (6) of the *Rural Fires Act 1997* with occupants known to be vulnerable to effects of bush fire, often difficult to evacuate and more susceptible to smoke impacts. This is unless Council is satisfied that the Community Title Arrangement would suitably restrict these developments.
 - To align objectives and permissible land uses with the intended use of the E3 Environmental Management zone (a biobank site where the primary use is conservation). This is unless the proposed E3 Environmental Management area could be zoned E2 Environmental Conservation which is more compatible with this purpose.
- **7.1 Implementation of A Plan for Growing Sydney:** The Planning Proposal is inconsistent with A Plan for Growing Sydney as discussed above. It would undermine the achievement of its planning principles; directions; and priorities.

The Planning Proposal is ***partially consistent*** with the following s.117 Directions:

- **2.3 Heritage Conservation:** Whilst OEH are not satisfied that Aboriginal cultural heritage issues have been adequately addressed, the proponent has recently submitted an Aboriginal Archaeological & Cultural Assessment (AACHA – Dominic Steele Consulting), which includes Aboriginal community consultation. If the Planning Proposal were to proceed, the AACHA would need to be referred to OEH for comment.
- **3.1 Residential Zones:** Partially consistent in that the proposal will broaden the choice of locations available in the housing market. However, the provision of more detached style houses will not broaden the choice of building types (acknowledging the conditions of the gateway determination). It is also questionable whether the development is of ‘good design’ as although the minimum lot size fits with adjoining areas, these areas reflect older subdivision patterns that did not factor in bushfire and native vegetation considerations.
- **3.4 Integrating Land Use and Transport:** Consistent in that the proposal will provide walking and cycling access to jobs, housing and public transport. If the proposal were to proceed, the Proponent would be required to include the upgrade of Wyatt Avenue and ensure all roads along the potential bus route can be adequately accessed by buses.
- **6.1 Approval and Referral Requirements:** At this stage, the planning proposal does not propose any provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. However:
 - The proposal is not supported by RFS and OEH, NPWS and TranGrid.
 - Referral to the Commonwealth Government will be required should further ecological surveys detect the New Holland Mouse on site.
 - Approval by the NSW Minister may be required for ‘Red Flag’ variations outlined in the Proponent’s Biodiversity Certification Assessment and Biocertification Strategy .
 - RMS support is contingent on a VPA being entered into.

The following Ministerial Directions were not considered significant to this assessment:

- **4.1 Acid Sulphate Soils:** No acid sulphate soils were found to exist on the site.
- **4.2 Mine Subsidence and Unstable Land:** No evidence of instability was observed within the proposed residential area.
- **6.2 Reserving Land for Public Purposes:** The Planning Proposal proposes the creation of land for public purposes (i.e. the Park) to be managed by Council. If the proposal were to proceed, Council approval would be required to dedicate this land.

In summary, the Planning Proposal is inconsistent with applicable s117 Ministerial Directions: 2.1 Environmental Protection Zones; 4.4 Planning for Bushfire Protection; 6.3 Site Specific Provisions and 7.1 Implementation of A Plan for Growing Sydney.

a) Strategic Merit Assessment

See discussion in Council Report.

b) Site Specific Merit Assessment

i. Does the proposal have site-specific merit, having regard to the natural environment (including known significant environmental values, resources or hazards?)

ii. Does the proposal have site-specific merit, having regard to the current uses, approved uses, and likely future uses of land in the vicinity of the proposal?

iii. Does the proposal have site-specific merit, having regard to 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?

See discussion in Council Report.

Section C – Environmental, social and economic impact

7. Threatened Species and Biodiversity

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

See discussion in Council Report.

8. Other Environmental Effects

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

Refer to the Council Report for a discussion on impacts on the National Park; Aboriginal Heritage; Bushfire Risk and Proximity to the Sydney East Substation and associated infrastructure. Water management issues are discussed in 'Stormwater Infrastructure'.

8.1 Contamination

The Stage 1 Environmental Site Assessment lodged with the original Planning Proposal dated April 2013 identified that the likelihood for contamination is low. It concluded that the site is suitable for residential purposes. Should the proposal proceed, Council's Environmental Health division recommends further contamination site testing and sampling prior to Development Approval to ensure the suitability of the site for its proposed use.

8.2 Topography

The preliminary geotechnical advice lodged with the original Planning Proposal describes the site as being located 'on top of a ridge, with gentle slopes of less than 5 degrees within the proposed residential development area. Immediately outside the proposed residential area, the slopes become steeper up to approximately 15 degrees before essentially becoming a cliff face'. No evidence of instability was observed within the proposed residential area.

The topography of the site presents two main issues, being:

- The proposal requires APZs on land steeper than 18 degrees. RFS do not support these circumstances as management practices are difficult, the clearing of large areas of vegetation destabilises the slope causing erosion and the advantage of an APZ is reduced as the canopy fuels are more readily available to a fire.
- The residential development would be located on a ridgetop, and development of ridgetops is inconsistent with Sustainability Priority 7 of the Draft North District Plan, as discussed above.

In their response to public authority and community submissions (October 2017), the Proponent disputes the RFS claim that the proposal requires APZs on land steeper than 18 degrees. Regardless of this technicality, Council's Bushfire Consultant has confirmed that the presence of deep valleys surrounding the Development Site contributes to an increased bushfire risk.

9. Social and Economic Impacts

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

See discussion in Council Report.

Section D – State and Commonwealth interests

10. Public Infrastructure

Is there adequate public infrastructure for the planning proposal?

Refer to the Council Report for a discussion on Traffic and Transport Infrastructure; Stormwater Management Infrastructure and Utility Services.

11. Public Authority and Utility Responses

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

See discussion in Council Report.

12. Background Supporting Information

All documents available for download at: <http://yoursay.northernbeaches.nsw.gov.au/Ralston-planning-proposal/documents>

November 2017 – Council Assessment

1. Council Report dated 19 December 2017
2. Attachment 1 - Assessment of Planning Proposal
3. Attachment 2 – Public Authority and Utility Responses
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7. Attachment 6 – Community Feedback and Response

October 2017 – Proponent’s response to public and authority submissions

8. Response to public submissions and public authority comments (Urbis) – 25 October 2017
9. Revised Transport, Traffic and Assessment Report (Transport and Traffic Planning Associates) - September 2017
10. Noise Impact Assessment of TransGrid Substation (TTM) - October 2017
11. Response to RFS’s October 2017 Referral Response (Travers Bushfire and Ecology) - October 2017
12. Aboriginal Archaeological & Cultural Heritage Assessment (Dominic Steele Consulting Archaeology) – 1 November 2017

June-October 2017 – public and authority submissions

12. Yoursay Northern Beaches online submissions
13. Yoursay Northern Beaches online submissions - long submissions
14. Submissions from public exhibition by email - post or through drop in session
15. Referral Response – Transport for NSW – 20 June 2017
16. Referral Response – Office of Environment and Heritage – 26 June 2017
17. Referral Response – Sydney Water – 21 August 2017
18. Referral Response – Ausgrid – 12 July 2017

19. Referral Response – TransGrid – 13 July 2017
20. Referral Response – Roads and Maritime Services – 18 July 2017
21. Strategic Bushfire Review (Blackash Consulting) – 20 September 2017
22. Referral Response – Rural Fire Services – 18 October 2017
23. Gateway Determination – Oxford Falls Strategic Land Review – October 2017

April 2017 – Updated Planning Proposal and draft VPA

24. Supplementary Planning Report and Updated Planning Proposal – Urbis - 28 April 2017
25. Appendix A1 - Gateway determination - 28 April 2017
26. Appendix A2 - Extension of the Gateway Determination - 28 April 2017
27. Appendix B - Bushfire Protection Assessment – Travers Bushfire & Ecology (TBE) 28 April 2017
28. Appendix C - Fuel Management Plan - Travers Bushfire & Ecology (TBE) 28 April 2017
29. Appendix D - Ecological Assessment – Travers Bushfire & Ecology (TBE) 28 April 2017
30. Appendix E - Indicative Subdivision Plan - 28 April 2017
31. Appendix F1 - Zoning Map - Total Site - 28 April 2017
32. Appendix F2 - Zoning Map - Areas - 28 April 2017
33. Appendix F3 - Zoning Map - Aerial - 28 April 2017
34. Appendix F4 - Height of Buildings - 28 April 2017

2015-2016 - Post Gateway Public Authority Correspondence and Further Studies

1. Referral Response - NSW Rural Fire Service - 20 February 2015
2. Referral Response - Office of Environment and Heritage - 27 February 2015
3. Referral Response - Roads & Maritime Services (RMS) 10 March 2015
4. Applicants Public Authority Response - Ralston Avenue Planning Proposal - 18 May 2015 - 2015/143220
5. Letter from RFS - in reply to the Applicant's response to RFS submission - 26 June 2015
6. 2nd Letter from RFS - in reply to the Applicant's response to RFS submission - 9 July 2015
7. Letter from Office Environmental Heritage - in reply to the Applicant's response to OEH submission - 30 June 2015
8. Applicants response to RFS - Travers - 11 August 2015
9. OEH advice - Ralston Avenue Biodiversity Certification - 9 February 2016
10. Transport for NSW referral comments - Ralston Avenue Planning Proposal - 3 March 2016
11. Applicant's response to Transport for NSW referral comments - 9 March 2016
12. Bushfire Peer Review (Blackash Consulting) - April 2016
13. Referral Response - NSW Rural Fire Service - 23 Sep 2016
14. Applicants Response to Blackash Bushfire Consulting Report Dec 9 2016
15. Applicants Response to the NSW Rural Fire Service (RFS) Nov 3 2016

April 2013 - Original Planning Proposal

16. Appendix A Concept Plan (Hassell) – January 2013
17. Appendix C Open Space and Recreation Study (Gondwana Consulting) – November 2012
18. Appendix D Infrastructure Services and Water Management Strategy (Warren Smith & Partners) – November 2012

19. Appendix D Electromagnetic Field Impact Assessment (Medshield Products International) – January 2013
20. Appendix F Assessment of Traffic Implications (Transport and Traffic Planning Associates) – April 2013
21. Appendix H Economic Impact Assessment (Hill PDA) – November 2012
22. Appendix I Housing Needs Study (Hill PDA) – November 2012
23. Appendix J Aboriginal Archaeological Assessment (Dominic Steele Consulting Archaeology) – April 2013
24. Appendix K Stage 1 Environmental Site Assessment (Environmental Investigations - April 2013) Contamination Assessment
25. Appendix L Geotechnical Assessment (Pells Sullivan Meynink) - April 2013
26. Appendix M Social Impact Assessment (Hill PDA) – November 2012
27. Appendix N Electrical Services Strategy (DEP Consulting) – November 2012
28. Appendix O Consultation Report (consultant unknown) – March 2013
29. Appendix P Survey Plan – April 2013
30. Appendix Q Pre-Lodgement Letter and Response (Urbis) – April 2013

Attachment 2 – Public Authority and Utility Responses

Authority	Date	Support	Planning Proposal & VPA Comments	Council
Transport for NSW	20/06/2017	With Conditions	<ul style="list-style-type: none"> The Planning Proposal has addressed TfNSW’s earlier correspondence by providing a “Perimeter Road” between Ralston Avenue and Wyatt Avenue to facilitate the extension of bus services. To accommodate future bus services: <ul style="list-style-type: none"> Bus capable roads must be provided within the site and all adjoining external connections Funding and relevant criteria must be met under the TfNSW Growth Services program Approval of the subdivision application should be subject to the following public road reserve requirements: <ul style="list-style-type: none"> Transit lanes of 3.5m width; Kerbside/parking lane of 3.0m width for bus parking; Road widths to permit 14.5m bus turning without crossing the centreline; and A shared pathway of 2.5m width including appropriate clearances from the roadway Item 3 of the proposed VPA should be extended to include the upgrade of Wyatt Avenue (approx. 320m from the intersection with Contentin Road to the western property boundary of 26 Wyatt Avenue) to ensure all roads along the potential bus route can be adequately accessed by buses. The contribution value for Item 3 should be adjusted to incorporate the estimated cost to undertake this upgrade. 	Council cannot guarantee the VPA will be entered into. Should the planning proposal proceed, Council will ensure the proposed conditions are implemented either through the VPA or as conditions of consent for the subdivision application
Roads and Maritime Services	18/07/2017 & 28/07/2017	With Conditions	<ul style="list-style-type: none"> The Planning Proposal has addressed RMS’s earlier correspondence through preparation of a VPA including provision of a seagull treatment at the Ralston Ave/Forest Way intersection The draft Voluntary Planning Agreement should include an additional condition that the developer / Proponent will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for the construction of the proposed seagull treatment works. The draft Voluntary Planning Agreement is to be entered into with the Consent Authority prior to the making of the LEP and/or the Development Application Stage. RMS support is contingent on a VPA being entered into. 	Council cannot guarantee that a VPA will be entered into. Should the planning proposal proceed, Council will ensure the proposed conditions are implemented either through the VPA or as conditions of consent for the subdivision application.
Office of Environment & Heritage & National Parks and Wildlife Services	26/06/2017	NPWS – No support OEH – Cannot support in its current form	<p>OEH has significant concerns regarding this proposal and cannot support it in its current form. In brief, the issues are:</p> <ul style="list-style-type: none"> Approximately 30 hectares of native vegetation is to be cleared, plus a further area for bushfire asset protection will be substantially modified The extent of clearing will result in significant impacts on threatened species and their habitat. These species are the Eastern Pygmy Possum, Red-crowned Toadlet, Giant 	<ul style="list-style-type: none"> - OEH comments are consistent with Council’s assessment). - OEH refers to the clearing of approximately 30 hectares while Council’s assessment refers to the clearing/modification of at least 25

Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<p>Burrowing Frog, Rosenberg's Goanna, <i>Grevilia caleyi</i> and <i>Tetratheca glandulosa</i></p> <ul style="list-style-type: none"> The clearing will result in impacts on ROTAP species (<i>Eucalyptus luehmanniana</i> and <i>Angophora crassifolia</i>) The strategy for compensating for loss of biodiversity and proposed conservation measures (i.e. as proposed under Biodiversity Certification) remains unclear, despite references to possible biobanking of land and transfer of lands to the OEH estate or co-management of the land. The Biodiversity Certification Strategy is not up to date and it does not form part of the exhibition package OEH has not been consulted about the possible transfer of lands or co-management and no agreement has been reached Aboriginal cultural heritage issues identified in previous advice have not been adequately addressed Adjoining park issues (Garigal National Park) have not been addressed including unauthorised access into the park and bushfire management. The draft Voluntary Planning Agreement does not contain any proposed arrangements for biobanking or dedicating the land to national park. NPWS advises that it does not support the proposal and recommends that it not progress due to additional issues for National Park management, including: The potential very large increase in impacts on the NP visitors, fauna (including threatened species) and NP management (including fox baiting) of domestic pets, particularly dogs and cats; the effect of stormwater discharge into the NP which could also have impacts on fauna species such as the threatened Red-crowned Toadlet and Giant Burrowing Frog; the difficulty of implementing and enforcing the proposed mitigating measure to ban cats; increased resourcing required for bushfire asset protection within Garigal National Park; the impacts of intensive fuel management measures in APZs on erosion and weed management in the adjoining conservation areas and Garigal NP. 	<p>hectares. Council's estimate is based on the total 28.91ha floristic impacts, excluding the 3.57ha of cleared area (Table 1, pg iv, Ecological Assessment, Travers, 2017). Otherwise, the estimate is taken from the 17.57-hectare R2 Low Density Residential Zone (assumed to be cleared), plus the 10.64 hectares of APZs in the E3 Environmental Management zone (including TransGrid Easements) which is assumed to be modified.</p> <p>- See Council's assessment in Section C – Environmental, social and economic impact- Council does not support the draft VPA</p>
RFS	18 October 2017	Cannot support in its current form	<ul style="list-style-type: none"> The NSW Rural Fire Service (NSW RFS) has further reviewed the modified proposal and supplementary report, and advises that the proposed rezoning of the site to allow significant residential development is not supported. The revised submission and minor plan modifications do not adequately address the issues previously raised by the NSW RFS, and do not significantly reduce the bush fire risk to potential future residents. The report prepared by Eco Logical Australia attempts to quantify the value of the proposal proceeding with a better outcome being achieved for the existing residential development on the interface, against the current situation if the proposal did not proceed. The report proposes that future new development would serve as a buffer to the existing residential housing and electrical substation concluding that the risk from bush fire to the community would be reduced overall. The report showed that any benefit to the existing community including the Sydney East Substation would be limited, and is reliant upon bush fire hazard reduction works on private 	<p>- RFS comments are consistent with Council's Strategic Bushfire Review (Blackash, September 2017).</p>

Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<p>lands, which could be undertaken even if the proposal did not proceed. The report also showed that potential future occupants of the developed site would have an inadequate response time to safely and effectively evacuate the site in the event of a wild fire.</p> <ul style="list-style-type: none"> • The NSW RFS considers that the proposal as amended is not consistent with s.117(2) <i>Environmental Planning and Assessment Act 1979</i> as it does not achieve the primary objectives: to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage the sound management of bush fire prone areas. • The Planning Proposal fails to demonstrate how the rezoning will: <ul style="list-style-type: none"> ○ not increase the risk to life from bush fires, including firefighters; ○ not place inappropriate development in areas exposed to an unacceptable bush fire risk; ○ ensure that appropriate bush fire protection measures can be afforded to properties at risk; ○ minimise negative impacts on the surrounding environment; ○ ensure that provision is made for adequate evacuation for the community; and ○ ensure that development is capable of complying with Planning for Bush Fire Protection 2006 (PBP). • The proposal cannot meet the aims and objectives of Planning for Bush Fire Protection 2006 (PBP) - (to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire). Concerns are also held in relation to the ability of the conceptual subdivision design and layout to meet the future requirements of PBP as follows: <ul style="list-style-type: none"> ○ The proposal requires APZs on land steeper than 18 degrees where on-going management practices are difficult. Clearing of large areas of vegetation destabilises the slope causing erosion and the advantage of an APZ is reduced as the canopy fuels are more readily available to a fire. ○ Some dwellings will be located on the interface where slopes exceeding 20 degrees. The current building standards do not provide deemed-to-satisfy provisions for the determination of the maximum desired bushfire attack level (BAL 29) in these situations. ○ The site is vulnerable at several pinch points along the perimeter road, potentially isolating the peninsular in the event of wild fire. Safe evacuation may not be available and with no refuge space. ○ The proposed mitigation works to reduce bush fire risk to the site would place increased demand on resources and would not be sustainable. ○ The proposed construction of new fire trails linking with existing fire trails is not supported as the extensive engineering works would further impact the environment. 	

Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<ul style="list-style-type: none"> The proposed development is likely to result in unsustainable and problematic bush fire risk management of the landscape for the NSW RFS and future land owners. This would place our own firefighting resources under increased pressure as well as placing firefighters and a new community within an unacceptable area of risk. Accordingly, our original concerns expressed in our previous correspondence to Council in September 2016 (RFS Reference LEP/0129) still apply. The NSW RFS considers that the Planning Proposal should not proceed in its current form. 	
TransGrid	13 July 2017	Objects to the rezoning of the subject site	<p>TransGrid objects to the rezoning of the subject site as a residential development due to the unacceptable safety risk to the public, and the need to maintain the highest level of security for this essential infrastructure which serves to supply bulk power to the people of Sydney. The specific reasons for this objection are:</p> <ul style="list-style-type: none"> No consideration or mention of Transgrid’s existing land rights including registered easements acquired to ensure safety and security of public and for operation and maintenance of transmission lines. One of these easements traverses the development site and has not been taken into account in the development The proposed development would constrain Transgrid’s access to transmission lines structures to the north which is accessed via a track. It is unacceptable to constrain TransGrid’s access to its easements and is a situation that is not acceptable for essential public infrastructure The proposed Wyatt Avenue perimeter road and evacuation route crosses under transmissions lines through Transgrid’s easements. It is possible that an increase in height to the transmission lines may be required to ensure a safe clearance distance to the lines It is worth noting that TransGrid requires accessways that have the capacity to withstand the 40 tonne load capacity of its large maintenance vehicles. TransGrid will generally only de-energise a transmission line due to bushfire if a demand is made by the Rural Fire Service under the provisions of Section 44 of the Rural Fires Act. It would take several hours to isolate and make safe the transmission line and would not assist with short run fires what could take between 10 minutes to an hour to reach the site. The potential for shutting down Transgrid’s power lines in the event of a large residential fire or bushfire to allow safe egress of the community would cause significant operational issues and load shedding consequences. Any required de-energising of TransGrid’s supply lines will have major implication to electricity supply across Sydney, possibly leading to a widespread loss of supply to the Northern Beaches, Ku-ring-gai and other areas North of Sydney’s CBD. TransGrid maintains an Asset Protection Zone (APZ) and would oppose any development which could increase its maintenance costs through APZ management. TransGrid note the proposal would likely result in unacceptable noise levels for future residents due to the proximity of dwellings to this major infrastructure. The distance between many of the proposed lots and the substation is inadequate and the proposal site 	<p>Noted. The proposal is inconsistent with SEPP (Infrastructure) 2007 as discussed in Council’s assessment.</p> <p>Should the Planning Proposal proceed:</p> <ul style="list-style-type: none"> amendments to the zoning map required to acknowledge and facilitate access to TransGrid’s registered easements subdivision layout plan may require an amendment to accommodate existing easements housing near the substation should be removed from the proposal due to noise, safety and security reasons access to the bushland park should be restricted to prevent activities such as ball games and kite flying which could cause damage to TransGrid’s essential infrastructure and be a danger to the public drainage on the north of the site may need further investigation

Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<p>may not be able to accommodate a suitable noise buffer. A noise study has not been undertaken to determine the extent of noise impacts, and TransGrid will not be liable for the cost of any noise mitigation measures should the rezoning proceed</p> <ul style="list-style-type: none"> • Drainage to the north of the site may need to be investigated 	
Sydney Water	21 August 2017	With Conditions	<p>Water</p> <ul style="list-style-type: none"> • The proposed site is outside of the existing water supply zones. • However, the trunk water systems from the adjacent Belrose Water Supply zone have adequate capacity to serve the proposed development of 156 low-density residential lots. • Detailed requirements will be provided when the development applications on the rezoned sites are referred to Sydney Water at Section 73 application phase. <p>Wastewater</p> <ul style="list-style-type: none"> • The proposed site is outside of the existing wastewater servicing areas. • However, the adjacent Belrose Scamp system has adequate capacity to serve the proposed development. • Detailed requirements will be provided when the development applications on the rezoned sites are referred to Sydney Water at Section 73 application phase. 	Noted. Should the Planning Proposal proceed, a condition will be required at DA stage to include a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> .
Ausgrid	12 July 2017	With Conditions	<p>Ausgrid consents to the development subject to the following conditions:</p> <ul style="list-style-type: none"> • Electricity supply - the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. • Conduit Installation - The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design. • Vegetation - All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines. • Overhead Powerlines – The developer is to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site, during construction and for ongoing occupation. • Underground Cables – The developer is to ensure that roads are suitable for the expected additional traffic loads without causing damage to Ausgrid's underground assets within exiting portions or Wyatt Avenue, Ralston Avenue and Elm Avenue. They must also locate and record the depth of all known underground services prior to any excavation and ensure that driveways and construction activities in the footpath area do not interfere with existing cables. Any changes to ground level above a cable needs to be approved by Ausgrid. • Bushfire Mitigation and Access Constraints with Fallen Conductors - Ausgrid manages bushfire risks through its Bushfire Risk Management Plan and by managing vegetation in accordance with ISSC3 - Guideline for the Management of Vegetation in the Vicinity of 	<p>Should the planning proposal proceed, Council will ensure the proposed conditions are implemented either through the VPA or as conditions of consent for the subdivision application.</p> <p>Council's Bushfire Consultant has concluded that the proposal fails to address issues associated with access to the site and evacuation from the site in the event of a bushfire. The proposal also fails to address concerns associated with the risk associated with arcing to ground from the 330kva power lines and disruption of planned evacuation routes.</p> <p>Consequently, Council does not consider that the proposal can satisfy Ausgrid's requirements for</p>

Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<p>Electricity Assets. However, there are still some inherent risks with having electrical assets in bushfire prone areas. In the unlikely event that a conductor breaks or a pole or tower fails, that brings the conductors down to the ground, there is a risk of a fire starting where suitable fuel sources are available. Flames burning under powerlines can conduct electricity down to the ground. For this reason, Ausgrid strongly recommends that a second path of egress from the development (such as the Wyatt Ave extension) be suitably designed, constructed and maintained to allow the community in the proposed subdivision area to evacuate the area. Ausgrid recommends that the developer conducts an investigation to determine that under all reasonably expected incidents, at least one evacuation path is always available from the proposed subdivision, and emergency services are also able to gain access at the same time.</p> <ul style="list-style-type: none"> • Activities within or near to the Electricity Easement (Proposed Extension of Ralston Ave) – this Easement was acquired for the 132,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets, provide adequate working space for construction and maintenance and controlling works or activities which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid’s network. A number of conditions apply for activities within this Easement. • The developer may be required to enter into a commercial agreement with Ausgrid for the relinquishment of the 132kV underground cable easement due to the developers proposal to dedicate a significant portion of this easement as public road, and install other utility services across and/or along the easement. 	bushfire mitigation and access constraints for fallen conductors.

Attachment 3 – Council’s Natural Environment and Climate Change Referral Response

Please see the following referral response from Council’s Natural Environment and Climate Change (NECC) section in relation to the proposal.

A detailed review and commentary is appended for further reference.

A3.1 Recommendation

Council’s Natural Environment and Climate Change section does not support the Planning Proposal due to the large scale of direct and potential indirect impacts upon biodiversity including the likelihood of significant impacts on local populations of threatened species.

The proposal is considered to be inconsistent with the following biodiversity related controls:

- Clauses 56, 58 and 60 of *Warringah Local Environment Plan 2000*, and
- Council’s Bushland Policy
- Council’s Protection of Waterways and Riparian Lands Policy
- Council’s Water Management Policy

Where the consent authority (the NSW Department of Planning and Environment) determines that the Planning Proposal should proceed, the following recommendations are made:

- That the applicant agrees to adequately avoid, mitigate and then offset all environmental impacts through a formal process such as Biodiversity Certification, biobanking and or establishment of a biodiversity stewardship agreement under the pending *NSW Biodiversity Conservation Act 2016*.
- That the Department of Planning and Environment consider taking the role of applicant planning authority as required under the current Biodiversity Certification arrangements.
- That the development footprint is modified to avoid impacts on identified ‘Red Flags’ and where this is not possible, Red Flag variations will need to be sought from the NSW Minister for the Environment. Further consideration should be given to reducing the bulk and scale and design of the development to reduce environmental impacts and improve or maintain biodiversity values.
- That further surveys are undertaken to confirm the presence or absence of New Holland Mouse prior to subdivision. Referral to the Commonwealth is required where this species is detected.
- That any future impact assessment reporting (where required) does not rely upon unproven mitigation measures in determining the degree of the effect on threatened species and ecological communities on the site.
- That any future fire trail construction requirements (if required), under-scrubbing or trail upgrades within in the proposed offset areas be subject to further assessment and included in offset calculations
- That offset requirements are met within the Northern Beaches Local Government Area including the required external offsets that are additional to those identified in the proposed conservation area (i.e. E3 Environmental Management area).

- That the proposed conservation lands (i.e. E3 Environmental Management area) be zoned E2, consistent with zone objectives, permissible land uses and intended use of this land (an offset).
- That the Warringah Development Control Plan Part E – the Natural Environment be updated with relevant controls and mapping based on the findings of technical reports submitted with the Planning Proposal.

Appendix - Detailed Referral Response

A3.2 Background

Previous concerns raised by Council staff in 2013 related to the scale of impacts upon the natural environment including impacts on various threatened species and communities. In response to Council's concerns, the applicant has since undertaken further detailed survey and assessment of the site including provision of various expert reports which seek to address threatened species matters.

In order to address the scale of such impacts, Council and the Warringah Development Assessment Panel (WDAP) previously provided conditional support (e.g. further studies and concurrences) for the proposal including the application of Biodiversity Certification. In relation to the application of Biodiversity Certification, Section 126M (4) of the *Threatened Species Conservation Act 1995* (TSC Act) states '*The Minister may require an applicant to submit evidence that any person or body identified in the Biodiversity Certification strategy as a proposed party to the Biodiversity Certification consents to being made a party to the Biodiversity Certification*'. Advice from the NSW Office of Environment and Heritage (OEH) confirmed that Council (as the relevant 'planning authority') would need to agree to the proposal and support an application being made to the Minister. It is relevant to note that in December 2013, the former elected Councillors for Warringah had voted not to forward the Ralston Avenue Planning Proposal to the Department of Planning for Gateway Determination, meaning that Council did not support the proposal.

Consultation with NSW OEH in 2015 included recommendations that the Planning Proposal be reconsidered and that Council instead proceed with Biocertification. In 2016, it was noted that (in the absence an approved Biocertification application) OEH are unlikely to support the Planning Proposal given the significant environmental impacts that would result from the rezoning.

Given the application requirements under 126M (4) of the TSC Act (as above), Council has deferred further consideration of the proposed Biodiversity Certification Agreement until following public exhibition of the Planning Proposal. On the basis that Council did not support the Planning Proposal previously, the Department of Planning and Environment may consider taking the role of applicant planning authority for Biocertification.

A3.3 Impacts of the Planning Proposal

In relation to impacts upon biodiversity, the Ecological Assessment by Travers Bushfire and Ecology (April 2017) identifies clearing/modification of at least 25 hectares of native vegetation including;

- 0.86 ha (8,600m²) of the Coastal Upland Swamp - Endangered Ecological Community (EEC)
- 0.61 ha (6,100m²) of the Duffys Forest EEC
- Loss of approximately 151 plants of the Vulnerable (*TSC Act*) plant, *Tetratheca glandulosa*
- Loss of habitat and potential indirect impacts to the Critically Endangered plant, *Grevillea caleyi* (no loss of recorded plants)

- Impacts to the known habitat of 10 threatened fauna species with four (4) species considered to offer a constraint to development:
 - Rosenberg’s Goanna (*Varanus rosenbergi*);
 - Eastern Pygmy Possum (*Cercartetus nanus*);
 - Red-crowned Toadlet (*Pseudophryne australis*); and
 - Giant Burrowing Frog (*Heleioporus australiacus*).

The following three threatened fauna species were also considered to have habitat on the site:

- Southern Brown Bandicoot (*Isodon obesulus*);
- Spotted-tailed Quoll (*Dasyurus maculatus*); and
- New Holland Mouse (*Pseudomys novaehollandiae*)

The Ecological Assessment (Travers 2017) notes that an unidentified mouse species has been detected by remote cameras and recommends further survey is required to confirm the presence or absence of the Commonwealth listed threatened species, the New Holland Mouse prior to subdivision. Referral to the Commonwealth Government will be required should New Holland Mouse be detected on site.

Council’s NECC section consider that the Planning Proposal would likely have a significant impact on local populations (threatened species) and local occurrences of EEC’s as defined under Section 5A of the *Environmental Planning and Assessment Act 1979*².

A3.4 Proposed Biodiversity Offsets

The ecology report recognizes the proposed development is in a location of ecological sensitivity, however, that the proposed offset areas are a major contribution to the adjoining National Park estate. As part of the proposed offsets, a total of 119.05 ha is proposed to be zoned E3 – Environmental Management and preferably subject to a future biobanking agreement. The adequacy of proposed offsets in addressing impacts (as above) is proposed to be assessed via the Biodiversity Certification Assessment Methodology (BCAM). A preliminary assessment in accordance with BCAM has been undertaken by Ecological Australia (2015) which is proposed to be updated, mostly to address the additional Asset Protection Zones (APZs) included in the current proposal.

Based on the Biodiversity Certification Assessment Methodology, the Planning Proposal requires a number of ‘Red Flag’ variations which require approval by the NSW Minister for the Environment before Biodiversity Certification could be conferred. According to the Biodiversity Certification Assessment Methodology (DECCW 2011) ‘Red Flags’ are areas which have high biodiversity conservation value threatened species habitat.

Council notes that in order to address the requirements of Biodiversity Certification, external offsets additional to those identified in the proposed conservation area (i.e. E3 Environmental Management area) are needed (Travers 2017).

² Applicable at the time of this assessment (although now repealed)

A3.5 Proposed Mitigation Measures

In addition to the proposed offsets, recommended mitigation measures in the Ecology Assessment and associated expert reports are summarised below with responding commentary from Council:

- Implementation of the Fuel Management Plan & Vegetation Management Plan (to be prepared) to ensure the protection of all key habitat features for protection within the APZ.

The Fuel Management Plan identifies that the proposed APZ's (approximately 10ha) are to be managed at a fuel load of 4 tonnes per hectare. This level of fuel load is at the upper limit permitted within an 'Inner Protection Area' (IPA) of an APZ as per Planning for Bushfire Protection 2006. The capacity of an IPA to be sensitively managed is subject to doubt and the intensity of fuel management within the APZ's will need to be determined based on conditions issued by the NSW Rural Fire Services.

The Fuel Management Plan and Bushfire Protection Assessment recommend the construction of fire trails within the offset areas required to manage the peripheral landscape. Where such fire trails are required, Council has concerns that key habitat features would likely be impacted and that these impacts have not yet been assessed. The peripheral landscape includes notable steep slopes which may require substantial engineering solutions for the construction of new fire trails. Furthermore, table 10 of the Fuel Management Plan identifies under-scrubbing as a tactic to be deployed in the Strategic Fire Advantage Zones which is inconsistent with management of these areas as offsets.

- Management of stormwater, groundwater and surface discharges and water quality to maintain pre-development conditions;

In relation to the assessment of impacts on threatened frogs (Red-crowned Toadlet and Giant Burrowing Frog) and the Coastal Upland Swamp, the assessments of significance and expert report relies upon assumptions that pre-development hydrological conditions can be maintained into the future. The Ecological Assessment (Travers 2017) identifies that indirect impacts such as those caused by stormwater have only been considered at a high level.

The same applies to the Infrastructure Services Strategy (Warren Smith and Partners, 2012) which only provides a generic overview of the proposed stormwater management. The nutrient reduction targets in section 5.1 do not comply with the Stormwater Quality Objectives of Council's Water Management Policy, which establishes no-impact criteria for sensitive receiving environments. This will likely require significant additional areas to be reserved for stormwater management facilities.

Based on Council's experience with other medium to large scale residential subdivisions and development on the Northern Beaches, hydrological impacts will likely extend downstream of the development irrespective of the installation of best practice water management facilities. It is acknowledged that stormwater management facilities can reduce but would not eliminate hydrological impacts. Literature (see references in the NSW and Commonwealth Threatened Species Profiles) suggests that Giant Burrowing Frog and Red-crowned Toadlet are sensitive to such impacts downstream of residential development and in some cases may no longer occur in such locations.

- The protection and enhancement of Eastern Pygmy-possum habitat (in the offset areas) including installation of nest boxes

Supported

- Staged clearing of habitat features and fauna rescue during clearing

Supported

- Restrictions on future owners preventing the ownership of cats by an 88b covenant

Supported, noting the difficulty in relation to enforcement and likelihood of future legal challenges. Due to the level of uncertainty, this mitigation measure should not be used to consider the degree of effect on threatened species such as Eastern Pygmy Possum.

- Provision of a fauna overpass/land bridge across Mona Vale Road or Forestway (to be provided by other agencies, not as a condition of consent).

Not a feasible mitigation measure in relation to the current proposal.

A3.6 Significance of Impacts

The Ecological Assessment (Travers 2017) includes 'Assessments of Significance' prepared under S.5A of the *Environmental Planning and Assessment Act 1979*. In accordance with adopted 'Threatened species assessment guidelines' (DEC 2007), "*Proposed measures that mitigate, improve or compensate for the action, development or activity should not be considered in determining the degree of the effect on threatened species, populations or ecological communities, unless the measure has been used successfully for that species in a similar situation.*" As such, the unproven mitigation measures proposed (eg stormwater controls or restrictions on cat ownership) should not be considered in determining the degree of the effect on threatened species.

It is noted that Assessment of Significance (Travers 2017) and conclusions within the expert reports rely on the effectiveness of some recommended mitigation measures in identifying whether the proposal would constitute a significant impact on threatened species. As described in the section above, Council's experience with these mitigation measures raises doubt in relation to their effectiveness.

As above, Council's NECC section consider that the Planning Proposal would likely have a significant impact on local populations (threatened species) and local occurrences of EEC's as defined under Section 5A of the *Environmental Planning and Assessment Act 1979*.

A3.7 Consistency with relevant biodiversity/environment planning controls and policy

The following Council (former Warringah) controls, NSW and Council policy are considered relevant to Biodiversity and the Planning Proposal.

Plans/Strategy/ Study	Value / Control	Council Response
WLEP 2000 Clause 56 Retaining unique environmental features on sites	<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 watercourses.</p>	<p>The proposal requires the removal of a substantial portion of remnant bushland</p> <p>Downstream watercourses are also likely to be impacted; as are rock outcrops through the construction of proposed fire trails. The proposal is considered to be inconsistent with Clause 56 of WLEP 2000.</p>
WLEP 2000 Clause 57 Protection of existing flora	<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 proposal requires the removal of a substantial portion of remnant flora including canopy trees and understorey vegetation. The proposal is considered to be inconsistent with Clause 57 of WLEP 2000.</p>
WLEP 2000 Clause 60 Watercourses and aquatic habitat	<p>Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.</p>	<p>The proposal requires the removal of remnant flora including canopy trees and understorey vegetation within and adjacent to riparian lands.</p> <p>The proposal is likely to lead to degradation of downstream environments due to stormwater quality and quantity impacts.</p> <p>As such, the proposal is considered inconsistent to Clause 60 of the WLEP2000.</p>
Warringah Council Policy ENVPL 005 Bushland Policy	<p>The Warringah Bushland Policy seeks to secure and promote long-term conservation of biodiversity and associated environmental values on public and private lands in the former Warringah. It also seeks to ensure bushland conservation and management issues are appropriately addressed and integrated with all activities, including strategic land-use planning (see Section 2.2) and decision-making. Relevant approaches listed in Section 2.2 of the policy include (but are not limited to):</p> <ul style="list-style-type: none"> • <i>Conserve and restore threatened species</i> 	<p>On balance, the planning proposal is considered to be inconsistent with the Warringah Bushland Policy. It is however acknowledged that the policy includes provision for negotiation of offsets and investigating offset schemes such as biobanking and Biodiversity Certification.</p>

Plans/Strategy/ Study	Value / Control	Council Response
	<p><i>habitat in an environment that maximises ecological sustainability</i></p> <ul style="list-style-type: none"> • <i>Protect, restore and enhance bushland in near proximity to bushland with conservation significance, or bushland with higher priority (e.g. national parks, Manly Warringah War Memorial Park, Allenby Park, Jamieson Park and other areas of core bushland) to form a buffer.</i> • <i>Minimise loss of bushland for asset protection zones by siting new development in lower bushfire hazard areas.</i> • <i>Where appropriate, negotiate biodiversity offsets to ameliorate the effects of direct and indirect adverse impacts of development on bushland.</i> • <i>Investigate the use of biodiversity offset schemes such as environmental contributions, biobanking and biocertification of an environmental planning instrument to prevent loss of highly significant ecological sites through development.</i> 	
<p>Warringah Council Policy</p> <p>Protection of Waterways and Riparian Lands</p>	<p><i>3.1 Protection of Waterway and Riparian Land</i></p> <p><i>a) Natural ecological processes of waterways and riparian land shall be maintained and enhanced to the greatest extent possible by:</i></p> <ul style="list-style-type: none"> • <i>causing no net loss to biodiversity;</i> • <i>supporting natural flow regimes;</i> • <i>minimising bank erosion and promoting naturalistic bank protection works when stabilisation is necessary (i.e. soft engineering outcomes);</i> • <i>preventing alteration of watercourses (includes piping, channelling, relocation or removal);</i> • <i>improving plant communities through natural area restoration;</i> • <i>maintaining natural floodplains where appropriate</i> <p><i>b) Bushfire asset protection zones shall be maintained outside of riparian land.</i></p>	<p>The proposal requires the removal of remnant flora including canopy trees and understory vegetation within and adjacent to riparian lands.</p> <p>The proposal is likely to lead to degradation of downstream environments due to stormwater quality and quantity impacts.</p> <p>The proposed development is considered to not comply with Council's policy.</p>
<p>Warringah Council Policy</p> <p>Water Management Policy</p>	<p><i>This policy aims to protect and improve the health of Warringah's waterways through the appropriate planning, design and operation of stormwater treatments measures for urban development. The outcomes Council seeks include:</i></p> <ol style="list-style-type: none"> <i>i. The integration of water sensitive urban design measures in new developments to address stormwater and floodplain management issues</i> <i>ii. Improve the quality of stormwater from urban development</i> 	<p>The water quality objectives for the proposed development do not comply with the requirements of the Policy.</p> <p>As such the proposal is likely to lead to degradation of downstream environments due to impacts associated with stormwater quality</p>

Plans/Strategy/ Study	Value / Control	Council Response
	<p>iii. <i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle</i></p> <p>iv. <i>Preserve, restore and enhance riparian corridors as natural systems</i></p>	and quantity.

A3.8 Warringah Local Environment Plan 2011

In relation to the proposed E3 – Environmental Management zoning for the Conservation Areas (biobank / offsets), Council’s NECC section recommends that E2 – Environmental Conservation is the most appropriate zoning due to the following:

- The 109.35 hectare offset (excluding APZ’s) is intended as a conservation outcome to balance the impact on flora and fauna associated with the proposed development area.
- The offset area is proposed to become a biobank site where the primary use is conservation.
- The application, objectives and permitted uses of the proposed conservation areas are most consistent with the E2 – Environmental Conservation zoning as described in the former Department of Planning LEP practice note (PN 09–002, April 2009) in relation E2 Zones. Applicable examples in the practice note include biobank sites, land with very high conservation values, land with significant wildlife or land containing EEC’s.
- The attributes of an E2 zoning over the conservation area more accurately reflects the criteria identified in the Department of Planning and Environment’s (2015) publication *Final Recommendations Report – Northern Council’s E Zone Review*. The ecological significance of the site is demonstrated by the technical studies submitted with the Planning Proposal.
- The E3 zone objectives and permissible land uses are deemed incompatible with the objective of offsetting and conservation. For example, permissible development types include extensive agriculture, dwelling houses and bed and breakfast accommodation.

The application of the E2 zoning may need to exclude the APZ’s given the intended purpose of these areas would likely require intensive clearing and ongoing management.

A3.9 Warringah Development Control Plan 2011 (WDCP 2011)

Based on relevant ecological studies submitted with the Planning Proposal, it is anticipated that future application of WDCP 2011 to the site would include the following relevant sections from Part E – the Natural Environment

- E1 Private Property Tree Management
- E2 Prescribed Vegetation
- E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat – including DCP mapping
- E4 Wildlife Corridors – including DCP mapping
- E5 Native Vegetation - including DCP mapping
- E6 Retaining unique environmental features
- E8 Waterways and Riparian Lands - including DCP mapping

A3.10 Conclusion

Council's Natural Environment and Climate Change – Biodiversity section does not support the Planning Proposal due to the large scale of direct and potential indirect impacts upon biodiversity, including the likelihood of significant impacts on local populations of threatened species.

Attachment 4 – Council’s Internal Referral Responses

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Environmental Health 14 June 2017	<p>Prior to development approval, Environmental Health recommends:</p> <ul style="list-style-type: none"> • Written confirmation by Sydney water to ensure that connection to Sydney Water sewer mains is eligible (received – see Sydney Water referral response dated 21 August 2017). • Further contamination site testing and sampling to ensure the suitability of the site for it proposed use. • An assessment of noise, water and air pollution to ensure an offense is not created as detailed under the <i>Protection of the Environment Operations Act 1997</i> 	<p>Prior to DA approval:</p> <ul style="list-style-type: none"> • Further contamination site testing and sampling to ensure the suitability of the site for it proposed use. • Assessment of noise, water and air pollution impacts as part of the DA.
Parks Management 22 June 2017	<ul style="list-style-type: none"> • The indicative subdivision plan appears to have taken on board the comments provided previously by Parks Management in response to the 2013 proposal by: <ul style="list-style-type: none"> ○ Providing a consolidated recreational space that is more beneficial than a number of smaller pocket parks scattered across the area. ○ Ensuring that path connections are provided to existing National Parks trail heads • Developer contributions generated from the development should be identified and contributed towards developing sports infrastructure in the areas adjacent to the proposed development to appropriately handle the anticipated increase in usage. 	<ul style="list-style-type: none"> • Securing additional funding for sporting infrastructure, as Council’s S94A Plan 2017 is unlikely to provide adequate funds.
Urban Design 10 July 2017	<ul style="list-style-type: none"> • The proposal could benefit from a more centrally located public park in the location of the proposed ‘Neighbourhood Safer Place’ as indicated in the Bushfire Protection Assessment (page33). This might also further improve the protection measures proposed to mitigate potential bushfire risk. 	<ul style="list-style-type: none"> • Locating the park in a central location such as the proposed ‘Neighbourhood Safer Place’ referred to in the Bushfire Protection Assessment.
Aboriginal Heritage	<p>In response to the Aboriginal Archaeological Due Diligence Assessment (AADDA) 2012</p> <ul style="list-style-type: none"> • There are no registered Aboriginal sites within the study area 	<ul style="list-style-type: none"> • Refer the 2017 Aboriginal Archaeological & Cultural

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Office 6 June 2017	<ul style="list-style-type: none"> • Council's records show the study area falls within a high potential zone for unrecorded sites • The vegetation on the site makes it difficult to confirm if there are any previously unrecorded Aboriginal heritage items in the proposed development area • The Aboriginal Archaeological Due Diligence Report (AADDR) states that the likelihood of previously unrecorded Aboriginal heritage being uncovered during the site's development is low due to the unsuitability of the terrain for extensive Aboriginal occupation • The AHO reviewed the original report and found the recommendations fair and the information fits with the general Aboriginal heritage site modelling for the area • If there are no suitable sandstone outcrops or any such outcrops were inspected and found to have no Aboriginal sites associated with them, then there would be no other issues • Monitoring of vegetation clearing may be appropriate to better see rock outcrops and any potential unrecorded sites • There is one recorded site further north outside the current proposal boundary, however that has not been relocated and further work would need to be done if this area was to be proposed for any impacts <p>In response to the Aboriginal Archaeological & Cultural Assessment (2017)</p> <ul style="list-style-type: none"> • The report's findings are consistent with previous reports and with the archaeological model for the area and consistent with what the AHO would expect for this locality. • The Aboriginal community views had been taken into consideration. 	Assessment (2017) to OEH for comment.
Waste Services 20 July 2017	<ul style="list-style-type: none"> • If the proposal proceeds, Waste would review and comment on plans for road access, width, infrastructure going onto the road and side walk (nature strip) to ensure they are suitable for waste collection vehicles. 	It is noted the Revised Transport, Traffic and Assessment Report (Transport and Traffic Planning Associates - September 2017) states the subdivision roads will facilitate the movements of service vehicles and particularly garbage removal. This would be reviewed at the DA stage.

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Land Release 20 June 2017	<ul style="list-style-type: none"> • Placing APZ in the E3 and RE1 zones, rather than within the R2 zone, will raise uncertainty and risk with an unreasonable burden for the land managers (likely Northern Beaches Council and MLALC) • The proposed minimum lot size of 600m² within the R2 zone will result in total removal of tree canopy/vegetation on the proposed R2 zone land and will not deliver residential lots in a bushland setting as anticipated by the Proponent. The issue with applying a minimum lot size to fit in with the adjoining areas that were developed in the 1970s is that these developments did not factor in bushfire and native vegetation considerations. • Increasing the minimum lot size to 800-1000m² (in lieu of 600m²) is more consistent with the objectives (i) posed by the Proponent, in particular the points 3 to 7 inclusive in the Executive Summary of the Proponent’s Supplementary Planning Report, and (ii) the 3rd objective of the R2 zone <i>“To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah”</i>. • The park is sited well away from the majority of residents, with frontage to only 4 residential lots thereby passive surveillance is strictly limited and under-utilised. It appears to be so located to facilitate the APZ (or potentially water management) for those residential lots thereby the burden is then placed on NBC to maintain the park/APZ. This burden is not, from an equity perspective, in the public interest and is unreasonable. The masterplan design does not incorporate New Urbanism principles of ensuring that public spaces are well connected and accessible to the majority of residents. • Uncertainty on what is actually on the “Existing Corridor” and whether the proposed R2 zone and minimum lot size of 600m² at this location affords sufficient transition for whatever the corridor entails • Concern with the likely impact of proposed Lot 1 on the Duffy’s Forest community, in terms of the community being wholly contained in the reserve lot or is there a need to provide more transition to proposed residential allotment. In the least, if the minimum lot size is to remain at 600m² for the majority of the proposed R2 zone, the minimum lot size must be varied at this very location. The lot size at this very location must ensure that the lots incorporate any APZ necessary and provide the transition to the Duffys Forest community. • Question the appropriateness of the E3 zone given the landuses permitted in this zone may be incompatible with the credit offset that must be achieved. • The masterplan has not identified any location for any water management facility (s). 	<ul style="list-style-type: none"> • Increasing the minimum lot size to prevent total removal of tree canopy on the proposed R2 zoned land • Placing the APZ in the R2 zone, rather than the E3 and RE1 zones, to reduce uncertainty, risks and unreasonable burdens for land managers (likely Northern Beaches Council and MLALC) • Amendments to the zoning map to clarify the use of the ‘existing corridor’ • Increasing the minimum lot size for Lot 1 to incorporate any APZ necessary and provide the transition to the Duffys Forest community • Clarifying the location and details of any water management facilities • Confirming with Sydney Water that sufficient capacity is available to service these allotments for water for firefighting purposes, to ensure sufficient area (s) designated on masterplan (an may require to be

Division & Date	Comment	Recommendations should the Planning Proposal proceed
	<ul style="list-style-type: none"> Ensure that the utility services, particular Sydney Water, have confirmed there is sufficient capacity to service these allotments in particular water for firefighting purposes. In the event that service augmentation is required, these need to be identified to ensure there is sufficient area(s) designated on the masterplan (and may require such to be proposed SP2). <p>VPA</p> <ul style="list-style-type: none"> The items listed in Schedule 1 of the exhibited Draft VPA are generally infrastructure items that can be required by direct provision as the residential development deems it a necessary and essential part of that development eg. all traffic treatment and road upgrade/new road construction including footpaths, water management facilities, the APZ and its management. Additionally, those items associated with the conservation of ecology and Aboriginal services are likely requirements for the 'still to be confirmed' Biocertification Strategy. Caution the use of the E3 zone for the 119 ha of offset land without benefit of reviewing the Biocertification Strategy and OEH's approval given the permitted landuses under the E3 zone; and should generally be provided outside the VPA. In the same schedule for example, public access is proposed to this offset land – How? Given the relatively small scale of this masterplan (in terms of residential lots to be created and area or proposed R2 zone), it is difficult to agree that the broader community will gain public benefit; rather the benefit is significantly weighted to the Proponent to develop part of their land. The utility of the proposed park and the identified upgrades to existing park/community facilities are questionable. Affordable housing provision is a clear omission from this list inconsistent with Council's recently adopted policy. 	<ul style="list-style-type: none"> proposed Sp2) Using the Biocertification Strategy to determine the appropriate zoning for the 119ha offset land (currently E3)
<p>Traffic 2 August 2017</p>	<p>Traffic Treatment – Ralston Ave / Forest Way</p> <ul style="list-style-type: none"> Some recent developments may increase the traffic volume in the area and Forest Way, but may not have direct impact on the intersections of Ralston Ave / Forest Way and Wyatt Ave / Forest Way. Referring to the traffic report provided by the applicant in 2012, the traffic modelling on the intersection of Forest Way / Wyatt Avenue indicates the level of service of 'F' and 'E' for the right turns in and out of Wyatt Avenue in peak hours respectively, both in existing and existing + development situation. Due to this intersection being congested in peak hours and considering 	<ul style="list-style-type: none"> The provision of a signalised intersection at Ralston Avenue / Forest Way subject to RMS approval.

Division & Date	Comment	Recommendations should the Planning Proposal proceed
	<p>the additional traffic generation from the new proposed developments, when distributing the additional movements in the modelling, it should be considered that vehicles tend to use the faster route and may use intersection of Ralston Avenue / Forest Way as an alternative route, which means increase in traffic volume at this intersection.</p> <ul style="list-style-type: none"> • The 5-year crash database from Roads and Maritime Services indicates that there have been 7 relevant crashed at the intersection of Ralston Ave / Forest Way including 5 serious injuries and 2 moderate injuries. This indicates a safety issue at the intersection which is mainly related to the turns in and out of a minor road to a major road with the speed limit of 70km/hr. The intensification in traffic movements at this intersection would increase the safety risk. • In accordance with the traffic report provided by the Proponent, the proposed seagull treatment at the intersection of Forest Way / Ralston Ave would alleviate the traffic condition at the intersection, however in view of the above, it is desirable to alter the intersection to a signalised intersection, should it meet the RMS warrants for traffic signal design. • The traffic treatment at Ralston Ave / Forest Way is under care and responsibility of the RMS, and is subject to their consideration. 	
<p>Transport and Civil Infrastructure 21 June 2017</p>	<p>Recommend further public benefits to be considered in the VPA, namely:</p> <ul style="list-style-type: none"> • Connected footpaths throughout the development, including connections: <ul style="list-style-type: none"> ○ towards Glenrose Shops – e.g. Elm Avenue – Ralston to Calool Cr ○ towards Wyatt Ave Reserve - Wyatt Ave and Ralston Avenue • Traffic calming measures – roundabouts at development intersections and key intersections Wyatt Ave / Contentin Rd; Ralston Ave / Elm Street and Contentin Rd / Ralston Ave • Shared paths along Ralston Ave, Wyatt Ave and Contentin Rd connecting the proposed land to the schools and Forest Way. • Provision for bus shelters on collector route – with property setback to allow adequate provision/space for pedestrians • Shared path connections to bike tracks or on road facility – subject to Bike Plan review • Kerb and gutter and drainage construction of the unformed section of Wyatt Ave, west of Contentin Ave • Bridle trail formalisation Wyatt Avenue – west from Contentin Ave 	<ul style="list-style-type: none"> • Traffic and transport infrastructure improvements

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Development Engineering 12 July 2017	<ul style="list-style-type: none"> A community title development is required to ensure ongoing management of all water quality control facilities are undertaken by a community association 	<ul style="list-style-type: none"> Subdivision subject to the establishment of a community title arrangement
Development Assessment Team 3 October 2017	<ul style="list-style-type: none"> The DA team has raised concerns previously with respect of the proposed lot size, ad-hoc rezoning of 'deferred land', and the isolation of the area relative to nearest services. With reference to the VPA submitted as part of the PP, the DA Team wish to make it clear that most of the items offered under the VPA are subdivision requirements that would be required, or imposed by condition, at the time of a subdivision approval. These items appear to offer little in the way of public benefit beyond those required as part of subdivision works or the future development of the land. Should the Planning Proposal proceed to the amendment or making of the Local Environmental Plan, the Proponent should ensure that it liaises with council at the time of subdivision design via a pre- lodgement meeting to ensure that all issues are given appropriate consideration and attention prior to lodging a DA. 	<ul style="list-style-type: none"> Pre-lodgement meeting prior to submission of the subdivision application

Attachment 5 – Voluntary Planning Agreement Feedback and Response

A5.1 Feedback and Assessment of draft VPA

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
Biodiversity Certification	21 - Implementation of a Bio-Certification agreement for the ongoing preservation on the Offset land area (approximately 119 ha).	<ul style="list-style-type: none"> - Should be separate to the VPA as directed by the OEH - Biodiversity Certification should be exhibited with Planning Proposal - Should be acquired by the Government and allocated to National Park - E3 zoning not compatible with offset objectives 	<p>OEH have advised a VPA cannot require the Proponent to biocertify the land as it is contrary to administrative law. Council has previously advised the Proponent of the above advice.</p> <p>OEH has not been consulted about management arrangements for this land.</p> <p>Determination – Cannot be included in the VPA as advised by OEH. It is not a public benefit as it is required to offset the impacts of the proposal.</p>
Community facilities	15 - \$100,000 Contribution to Council for Local Community facility	<ul style="list-style-type: none"> - Inappropriate to offer cash incentive to local planning authority - Concern existing public amenities are not geared to cope - Insufficient infrastructure to support development (e.g. sports fields and schools) 	<p>This amount is insufficient for the provision of community facilities. Council’s S94A Plan 2017 would not capture adequate funds as it caters for ‘infill’ development within established urban areas (i.e. not land release areas requiring new and additional infrastructure). If the proposal proceeds in the absence of a VPA, Council may require a site-specific development contribution plan to provide adequate infrastructure (including sporting infrastructure) for the increase in population.</p> <p>Determination – Insufficient to support the increase in population. Additional contributions required to adequately fund community infrastructure</p>
MLALC Services and Land	16 - Waratah Park - Engagement of MLALC Ecological and	<ul style="list-style-type: none"> - Could be funded by means other than destroying the environment - No costings or details 	<p>16 - Further information is required regarding funding sources, job description and policy objectives.</p> <p>17 - Further information is required regarding funding sources, description</p>

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
Management	Cultural Heritage Officer for 5 years 17 - MLALC Waratah Park – facilities upgrades 18 - MLALC Aboriginal services (housing, employment, training, health, youth) 19 - Establishment of Aboriginal Youth Foundation	<ul style="list-style-type: none"> - Services and Facilities for MLALC should be funded by profits - Amount proposed is minuscule in relation to proposed profits - Should be supplemented by investments in Belrose community - No evidence of Aboriginal Community support 	<p>of the works, value of the works, maintenance costs and policy objectives. Questionable public benefit to fund MLALC managing their own land.</p> <p>18 & 19 - Further information required specifying how the funds apply to residents of the Northern Beaches Council who identify themselves as being First People of Australia, the amount of funding, the duration of the funding, details about the services to be provided and policy objectives.</p> <p>Determination – Insufficient detail to determine public benefits of the proposed Aboriginal services and MLALC land management proposals. Funding for these services could be provided by the Proponent outside a VPA process.</p>
Ongoing Mgmt Requirements	13 - Design and construct water management facilities, including ongoing maintenance 20 - Bush Fire APZ Management contract	<ul style="list-style-type: none"> - No clarity on community title arrangements - Water Mgmt Facilities not identified in the concept plan - Should be managed in perpetuity by owner or funding allocated to Council - Infrastructure in community title development is not a public benefit 	<p>13 - Subdivision requirement that would be required, or imposed by condition, at the time of a subdivision approval. Council would require a community title arrangement to ensure ongoing management of all water quality control features by a community association.</p> <p>20 - The use of a Fuel Management Plan to manage the APZs and Strategic Fire Asset Zone (SFAZ) is not common and is only in existence due to the peculiar ownership and funding arrangement of the APZ and the high bushfire risk that the site is burdened with. Planning proposal applications should stand alone and not require such documentation to be attached.</p> <p>20 - The management of the APZs, including the SFAZ, will need to be provided in perpetuity and should be made legally binding through easements or community title arrangements.</p> <p>Determination – Would mainly benefit the future occupants rather than the wider community and could alternatively be provided as conditions of consent.</p>

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
Park	<p>9 - Dedication of land for 3,000 m2 for public park and valley view lookout.</p> <p>10 - Construction of new 3,000 m2 public park, and maintenance for 2 years.</p> <p>11 - Public outdoor gymnasium equipment supply and installation of 15 items.</p>	<ul style="list-style-type: none"> - Less formal viewing open areas already exist and don't need to drive there - Park located to mitigate fire risk, unlikely to be used by general public as Belrose already well supplied - Concern over cost to Council after 2 years - Request for swings in the park - Gyms have no resistance and are tokenistic 	<p>9 & 10 - The park is sited well away from the majority of residents, with frontage to only 4 residential lots thereby passive surveillance is strictly limited and under-utilised. It appears to be so located to facilitate the APZ (or potentially water management) for those residential lots thereby the burden is then placed on Council to maintain the park/APZ. This burden is not, from an equity perspective, in the public interest and is unreasonable. The masterplan design does not incorporate New Urbanism principles of ensuring that public spaces are well connected and accessible to the majority of residents.</p> <p>11 - 15 pieces is an oversupply for the Belrose catchment. 4 -5 pieces would be sufficient. These should be located at intervals around the Nature Run to provide a fitness track if these proceeds.</p> <p>Determination – The location of the park is unsuitable for passive surveillance and the park would place an unreasonable maintenance burden to Council due to APZ management requirements.</p>
Recreational Infrastructure	<p>7 - Upgrade walking trails/paths to National Park (approx. 1.5 km).</p> <p>8 - Public access to New Warringah Aboriginal Nature Reserve including insurance & signage costs.</p> <p>12 - Design and construct new Belrose Nature Run</p>	<ul style="list-style-type: none"> - Not enough detail on Aboriginal Nature Reserve - Will adversely impact bushland - Will create more damage from bikes - Already enough nature trails in surrounding valley - Poor substitute for recreation compared with the benefits of protecting the natural landscape - The VPA should confirm mountain biking as a proposed use if intended (x1). 	<p>7 & 8 - NPWS does not want additional access to the National Park due to fire, pest, illegal activities and other management considerations (including increased domestic pets entering the NP and impacts on wildlife). NPWS are concerned of the proposal to formalise and utilise the current proliferation of illegal mountain bike (MTB) tracks in the area for MTB riding, walking and access to Garigal National Park as illegal tracks have been established without planning and authorisation and have associated significant erosion issues and impacts on threatened species. As consultation has not occurred and these issues have not been addressed, NPWS advises it does not support the proposal and recommends it not progress. OEH strongly recommends consultation with NPWS before further consideration of this proposal.</p> <p>12 – The Belrose Nature Run has the potential for environmental</p>

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
	(3km running track)	<ul style="list-style-type: none"> - Motorised trail bikes should be prohibited particularly in any shared path proposal due to noise and safety concerns (x1) 	<p>disturbance due to its proposed location within the offset lands.</p> <p>Determination –NPWS does not support the proposed increased access to Garigal National Park as consultation has not occurred and the associated impacts have not been addressed.</p>
Traffic and Transport Infrastructure	<p>1 - New traffic treatment at Forest Way/ Ralston Ave Belrose.</p> <p>2 - New public roads, internal to site (approx. 3,700m).</p> <p>3 - Upgrade existing external Council road (Ralston Ave)</p> <p>4 - New external Council road (Wyatt Ave)</p> <p>5 - New Council footpaths external to site -approx.</p> <p>6 - New internal 1m wide footpaths</p> <p>14 - Provision of four new bus shelters.</p>	<ul style="list-style-type: none"> - Doesn't address the area's major transport and infrastructure problems - No consideration to gazetted bridle path which exists to protect horses travelling on north side of Wyatt Ave - Do not show adequate connections with existing roads in Wyatt Ave and Ralston Ave - No details of proposed pavements and widths 	<p>Most of the proposed traffic and transport infrastructure would be required as a condition of consent.</p> <p>Council's Traffic division have suggested several improvements in Attachment 4 – Council's Internal Referral Responses. RMS and TfNSW have also outlined requirements shown in Attachment 4 – Council's Internal Referral Responses.</p> <p>Determination – Mostly required as conditions of development consent so minimal public benefits. See suggested traffic and transport infrastructure if the proposal proceeds.</p>

A5.2 Suggested Public Benefits

Suggested Public Benefit	Community Response	Council Response
Sports Infrastructure	<p>Support Sports fields on site or on other MLALC land (x16).</p> <p>Sports fields as bush fire buffer (x2)</p> <p>Against sports fields on site (x2)</p>	<p>Council does not recommend replacing bushland with sports fields due to adverse impacts on the natural environment which is highly valued by the community.</p> <p>Council’s Parks and Recreation Team would require a contribution towards developing sports infrastructure to appropriately handle the anticipated increase in usage from the proposal. Sports infrastructure would be prioritised within developed areas near the site with access to public transport, and delivered in accordance with the Northern Beaches Sportsgrounds Strategy July 2017.</p>
Recreational Access to MLALC land	<p>Allow recreational access to other MLALC lands (x20), for bushwalking, mountain biking and/or horse riding</p> <p>Provision of new mountain biking facilities (x9)</p> <p>Allow mountain bikers to maintain trails (x2)</p> <p>Restore all previous trails at Oxford Falls and Red Hill (1)</p> <p>Provide access for unleashed dog walkers (1)</p>	<p>Council would support the MLALC working with existing recreational user groups to formalise recreational access to their land as a public benefit (in addition to that proposed). This would be subject to environmental impact assessments and securing ongoing management arrangements.</p> <p>Council would not support designating this area for unleashed dog exercise as it would compromise the environment and threatened species as outlined in Council's Animal Management Policy PL370. Permitting free roaming dogs would have potential adverse impacts on native wildlife, particularly ground fauna such as lizards, wallabies and bandicoots.</p>
Housing including Affordable Housing	<p>Support for the proposal if it contains affordable housing (4), including:</p> <ul style="list-style-type: none"> - housing mix for elderly and young people (2) - key workers (1) <p>Against affordable housing in the area (4)</p> <p>Marketing and releasing properties to local residents before</p>	<p>Council requires a 10% contribution of new housing to be dedicated to Council in accordance with the Affordable Housing Policy adopted 5 June 2017. Council may use this contribution to fund the purchase of affordable housing in a more suitable location (e.g. within a centre close to frequent public transport).</p> <p>Should the Planning Proposal proceed, Council would encourage provisions to provide a mix of housing however the site would not</p>

Suggested Public Benefit	Community Response	Council Response
	opening to the market (1)	<p>be suitable for elderly occupants due to bushfire risk.</p> <p>Council would not support any restrictions to purchasers of new properties due to insufficient public benefits. This would only benefit a few individuals and could be immediately lost upon future sale.</p>
Traffic and Transport Infrastructure	<ul style="list-style-type: none"> - Footpath upgrades from Forest Way on Ralston Avenue and Wyatt Avenue (1) - Footpaths in Wyatt, Ralston, Calool and Elm to access Belrose Village Shops (1) - Traffic lights on Ralston Avenue and Forest Way (x 2) - Widening of Wyatt Avenue for emergency access and stormwater drainage (2) - Traffic calming/controlling devices especially near schools (2) - Keep Wyatt Avenue as a dead-end road (1) - Review safety of intersections Wyatt Avenue/Forest way (1) Pringle /Haigh Ave (1); Windrush/Pringle Ave (1) - Night lights (2) - New road connecting to Mona Vale Road (3) 	<p>Council would support most of the suggested traffic and transport improvements including night lighting and other measures for safety and crime prevention.</p> <p>However, the provision of a new road connecting to Mona Vale Road is not supported as this would result in significant environmental impacts.</p> <p>Council's Traffic division have suggested a number of improvements in Attachment 4 – Council's Internal Referral Responses. RMS and TfNSW have also outlined requirements shown in Attachment 4 – Council's Internal Referral Responses.</p>
Bus Access	<ul style="list-style-type: none"> - Diverting the Forest Coachlines full time service (such as the 271 City bus) (1) - No bus routes (1) 	<p>Council supports the provision of adequately wide corridors to accommodate bus access. For the bus shelters, Council's Traffic division requires adequate property setbacks to allow space for pedestrians.</p> <p>Transport for NSW has outlined requirements for bus capable roads.</p>
Other	<ul style="list-style-type: none"> - Use land for new Forest High School instead of demolishing pool and sports ground (1) - Schools (2) - Community facilities (1) 	<p>Council is investigating relocating the Forest High School with the Aquatic Centre.</p> <p>Council would support contributions to community facilities and</p>

Suggested Public Benefit	Community Response	Council Response
	<ul style="list-style-type: none"> - Planting vegetation for native fauna and food forests for people (1) - Monetary contribution for Council to provide community services such as Northern Beaches Aboriginal Works programs (1) 	<p>services.</p> <p>The provision of schools is outside the jurisdiction of Council. However, the Proponent’s Social Impact Assessment (2012) has stated consultation with the schools suggest that there is capacity to accommodate more students. Therefore, the increase of those in the 5-18 age bracket (as a result of the development) would assist in filling places in the local schools and in turn increase their viability.</p> <p>Planting vegetation for native fauna would be encouraged through Council’s development assessment process and through conditions of consent.</p>
Addition to Garigal National Park	<ul style="list-style-type: none"> - Should dedicate land to National Park rather than Aboriginal Nature Reserve as this would simplify management arrangements (1) - Council should levy rate payers to reimburse the developer for transfer of ownership 	<p>Council would support the dedication of land to National Park, subject to OEH concurrence and approval.</p> <p>As highlighted in OEH’s submission, the reports prepared on behalf of MLALC state that it is intended that the site be biobanked, or transferred to OEH estate or co-managed by OEH and MLALC. However, OEH has not been consulted on any transfer of lands or other arrangements. The draft Voluntary Planning Agreement does not contain any proposed arrangements for biobanking or dedicating the land to national park.</p>

Attachment 6 – Community Feedback and Response

A5.1 Respondents and Submission Handling Process

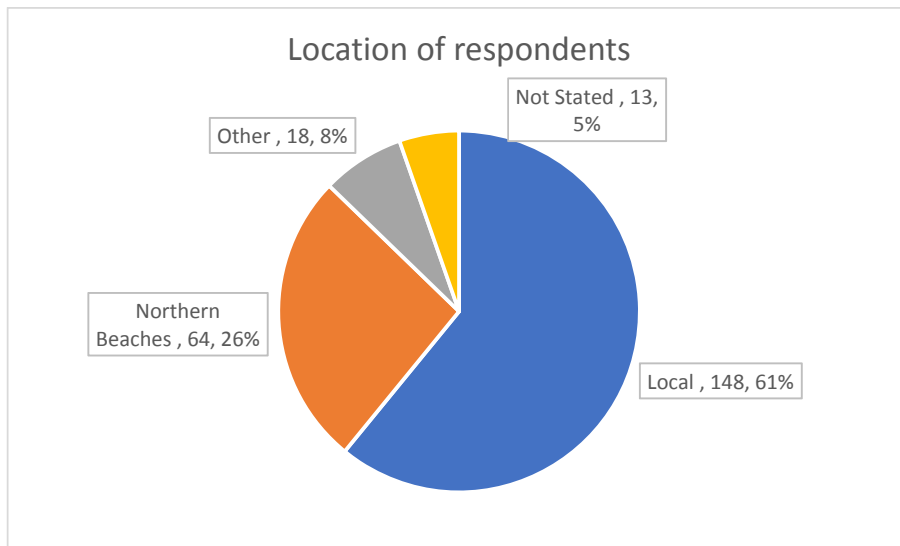
A review of the submissions found multiple duplicate submissions. In this instance, where a single respondent submitted multiple responses, this was classified as one submission. Where two or more respondents submitted the same response, these were classified as separate submissions.

A total of 243 submissions were received. There were five (5) template (or duplicate) responses from 16 different respondents (see below table).

Template ID	Number of submissions
112	3
123	4
204	3
267	2
277	4
Totals	16

A5.2 Location of Respondents

Most respondents (61%) were residents living close to the proposed development (Belrose, Frenchs Forest, Davidson and Oxford Falls). The next largest group were residents from the Northern Beaches Council Local Government Area, from Manly through to Clareville (26%). Other respondents included residents from across Sydney including Asquith; Chatswood; Drummoyne; Hornsby Heights; Killara; Kirrawee; Lane Cove; Mosman, St Ives, Wahroonga. One respondent was from Narrabundah in the Australian Capital Territory.



A5.3 Interests and User Groups

Responses were from a range of interest and stakeholder groups. A large contingent were recreational users of bushland, mentioning the value they placed on walking, horse riding and mountain biking in the area. Mountain bikers comprised a large proportion of respondents (34/240 = 14%) who use trails on subject site and other MLALC lands. It is likely the number of mountain bikers

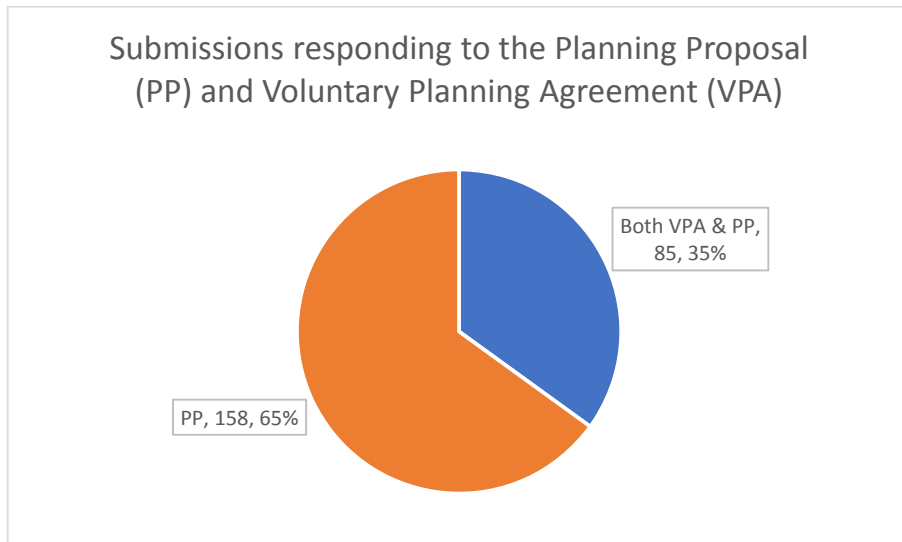
who responded was greater as many raised similar concerns without necessarily stating they were mountain bikers.

Interest groups included the following:

Mountain Biking Groups	Environmental Groups	Other
<ul style="list-style-type: none"> • Sydney Mtb Riders Club • Oxy crew • Trail Care • Chocolate Foot 	<ul style="list-style-type: none"> • Belrose Rural Community Association Inc • Pittwater Natural Heritage Association • Sydney Metropolitan Wildlife Rescue • Australian Plant Society -Northern Beaches • Northern Beaches Envirolink Inc. • Sydney Metropolitan Wildlife Service • Garigal Land Care • Friends of Narrabeen Lagoon Catchment 	<ul style="list-style-type: none"> • Forest Lions Junior AFL Club • Belrose Terrey Hills Soccer Club • John Colet School

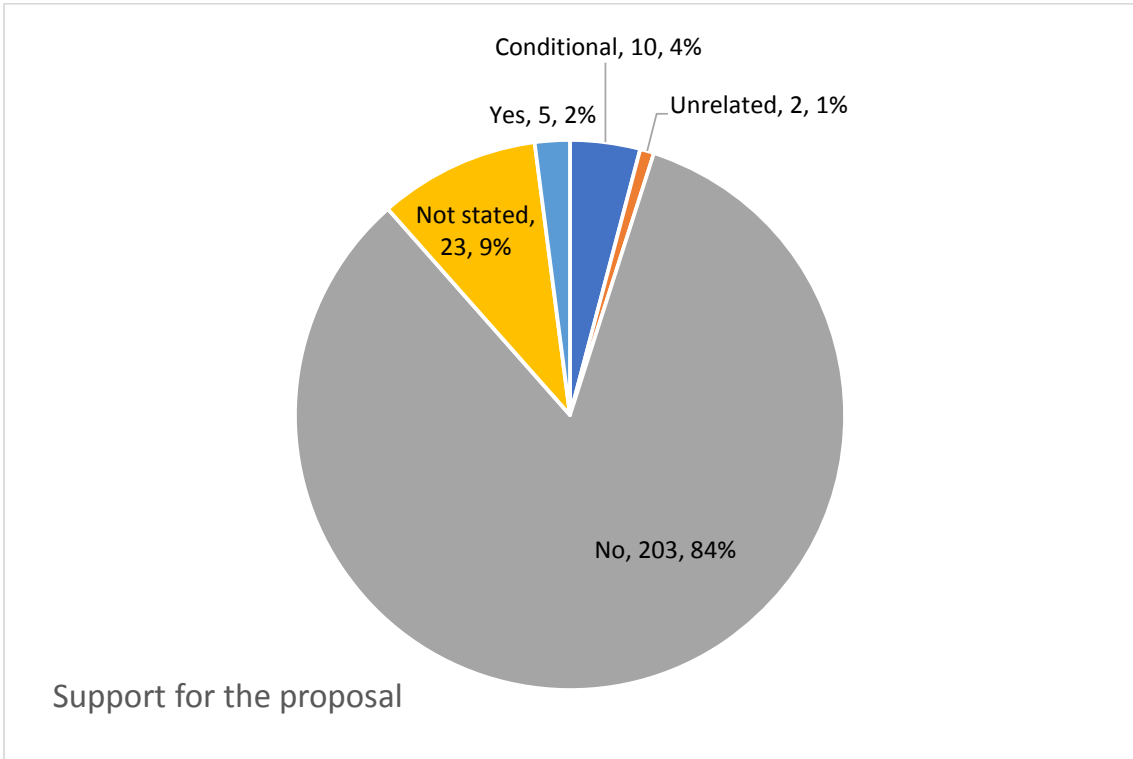
A5.4 Responses to VPA and Planning Proposal

Most submissions referred only to the Planning Proposal (65%), while 35% mentioned both the Planning Proposal and VPA. Those who mentioned the VPA included those who stated that the proposed development had ‘no public benefits’ and those who expressed a desired outcome if the proposal were to proceed.



A5.5 Overall Support for the Proposal

Most respondents highlighted their objection to the proposal (84%). Some expressed support (2%) while some expressed conditions in which the proposal could be accepted (4%). The remaining responses either did not say or were unrelated.



A5.6 Community Feedback

The content of each submission has been reviewed and categorised into the main issues addressed by respondents.

For a summary of community feedback and Council's response, see:

- A5.7 Policy and Land Management Concerns
- A5.8 Objections to Proposal
- A5.9 Support for Proposal
- A5.1 Feedback and Assessment of draft VPA

A5.7 Policy and Land Management Concerns

Issue	Comments	#	Council Response
Too much development in Frenchs Forest / Belrose area	<ul style="list-style-type: none"> - Criticism of Government (Local and State) for planning decisions in area - Too much development in area already (e.g. John Colet school expansion, Belrose Supacentra, hospital roadworks). - No consideration of proposed future developments (e.g. Ingleside and Hospital Precincts) - Loss of 'Forest Feel' which makes area unique in Sydney - Infrastructure should be prioritised over further development (e.g. transport, schools and sports facilities) 	43	<ul style="list-style-type: none"> - Council appreciates the value that residents and visitors place on the natural attributes of the area - The proposal was initiated by the Proponent and was not identified or endorsed by any Government strategic plans, unlike the Ingleside and Hospital Precincts, which have been the subject of detailed planning and community consultation, with studies into the required infrastructure to be funded through developer contributions.
Recreational use of bushland	<ul style="list-style-type: none"> - Recreational use of bushland is too restrictive (e.g. on land owned by MLALC and National Parks) - Government should encourage recreational use of bushland for educational purposes rather than to discourage it - Impacts from recreation are far less than any proposed housing - Northern Beaches is behind other parts of Australia when it comes to catering for the mountain biking population (e.g. Canberra) - Recreational use brings people and income from outside areas 	13	<ul style="list-style-type: none"> - In April 2012, the former Warringah Council adopted a Mountain Biking Research and Directions study that identified the opportunity for a formalised link to Ku-ring-gai Local Government Area via the Garigal National Park. This was given low priority however due to complexities associated with multiple land owners, threatened species and Aboriginal heritage. - The above study acknowledged these proposals are largely out of Council's control due to there being little Council owned/managed land in the area. - Council understands this feedback has also been provided during the public exhibition for Council's Community Strategic Plan. This will allow the newly elected Council to consider this issue for the Northern Beaches Council area.
MLALC as Land Managers	<ul style="list-style-type: none"> - Uncertain of MLALC's right to develop land - Development of reclaimed land is contrary to original heritage claims - Split for profits is too favourable for developers - Developers will mistreat the land 	46	<ul style="list-style-type: none"> - The proponent has clarified that land claimed under the <i>Aboriginal Land Rights Act 1983</i> is intended as compensation for past injustices and does not require a cultural association to be established. Further, the land is transferred by a freehold title

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> - Approval will set a precedent for MLALC to develop other lands - MLALC should not be treated differently to any other commercial developers - No evidence of support from Aboriginal community - Aboriginal people won't be able to afford to live in new area 		<ul style="list-style-type: none"> - enabling the Aboriginal Land Council to decide whether to sell, redevelop and/or retain land under their ownership. - The Proponent submitted an Aboriginal Archaeological & Cultural Assessment (Dominic Steele Consulting, November 2017) which concluded the proposal would not result in any specific cultural heritage impacts identified through consultation with registered Aboriginal Parties. - Council's assessment is based on strategic and site-specific merit and is not influenced by the Applicant or Developer or the beneficiaries of profit. - The draft VPA proposes benefits to the Aboriginal Community
Recreational use of MLALC land	<ul style="list-style-type: none"> - Upset with MLALC for removing established, 30-year-old, mountain biking facilities utilised by community with members from 10 to 60 years old - Upset with MLALC for engaging police to restrict recreational access (mountain bikers and walkers) - Impacts of development are greater than restricted recreational uses - If this goes ahead, MLALC should allow recreational access on their land 	30	<ul style="list-style-type: none"> - MLALC land is privately owned and access is at the discretion of MLALC - Should the Planning Proposal proceed, Council would support increased and formalised recreational access to MLALC land as a public benefit subject to environmental assessments and consultation with OEH and NPWS.

A5.8 Objections to Proposal

Issue	Comments	#	Council Response
Biodiversity	<p>Flora and Fauna</p> <ul style="list-style-type: none"> - Significant irreversible loss of biodiversity and threatened species - Impacts on wombats believed to be in the area - Increased threats to wildlife (e.g. road kill and fauna predation by domestic pets) - Increased threats from tree poisoning for view enhancement 	122	<ul style="list-style-type: none"> - Concerns regarding impacts on biodiversity are addressed in Council's assessment - The Environmental Assessment did not identify any evidence of

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> - Will result in poor-quality bushland which is difficult to rehabilitate - Vegetation management will be complicated by the spread of responsibility across multiple land managers (e.g. private landholders, community association, contractors, Council, the MLALC and NPWS) - Adverse impacts on adjoining National Park (e.g. noise, light pollution and recreational access) - Impacts from increased recreational access <p>Biodiversity Certification and offset areas</p> <ul style="list-style-type: none"> - Correct biodiversity certification process not followed (i.e. should be separate to VPA process and exhibited with the planning proposal) - Biocertification only assessed Zone E3, without an assessment of the entire site as recommended by OEH - E3 zoning not compatible with offset objectives - Offsets will allow for destruction of existing sensitive areas and protection of residual areas that would not have been impacted by development anyway <p>Reports</p> <ul style="list-style-type: none"> - OEH have criticised survey efforts and do not support proposal - Applicant's statement that the fauna can relocate is not based on any studies of suitability of habitat <p>Policy</p> <ul style="list-style-type: none"> - Council should prioritise bushland in accordance with state and local policies and preserve for future generations - Site contains natural heritage values of regional significance - Importance of bushland for oxygen generation, capturing carbon pollution, managing microclimates and countering the effects of global warming <p>APZs and Bushfire Management</p> <ul style="list-style-type: none"> - Impacts on flora and fauna from increased fire frequency - APZs will result in vegetation removal important to protect steep surrounding bushland slopes with erosive soils - Should be part of development impact not in addition to it - APZ sizes may need to increase due to climate change and potential for vulnerable user developments (SPPF) permitted in R2 zones (e.g. hospitals, 		<p>wombats existing in the area</p> <ul style="list-style-type: none"> - OEH advice pre-dated the application under consideration. However, updated OEH advice confirms they do not support the Updated Planning Proposal. - The proponent has clarified that perimeter fencing is proposed along the external boundary of the APZs to reduce likelihood of road kill and fauna predation by domestic pets) (Urbis, October 2017)

Issue	Comments	#	Council Response
Traffic and Transport	<p>childcare and group homes)</p> <p>Existing Traffic Issues</p> <ul style="list-style-type: none"> - Traffic congestion during school times and sports days - Traffic restricted by parked boats and trailers - Recent increase in traffic from additional students at the John Colet School - Driveways regularly blocked by cars during school times - Traffic on Elm Avenue impacted by late operating hours of theatre and shopping centre - Visibility at some intersections is poor - Two deaths have occurred on Ralston Avenue and many accidents <p>Transport</p> <ul style="list-style-type: none"> - Minimal transport exists - Access for buses during school drop off hours would be difficult - No formal agreement with Forest Coach Lines - No commuter parking in the area <p>Reports / Proposed measures</p> <ul style="list-style-type: none"> - Report out of date regarding recent and proposed developments including the Hospital Precinct, Forest Way, increased medium and low density in area e.g. Elm and Belrose Road Corridor, traffic on secondary roads - Proposed 'seagull treatment' not much different from the current set up - No details of proposed pavement widths - No mention of impact on Elm Ave despite being logical route for accessing shopping centres <p>Policy</p> <ul style="list-style-type: none"> - Inconsistent with S117 Directions Directive 3.4 as proposal will increase reliance on private vehicles and dwellings are situated over 400m and up to 1km from existing transport <p>If the proposal were to proceed</p> <ul style="list-style-type: none"> - Traffic lights needed - Additional transport required - Traffic calming such as speed bumps required <p>Impacts</p>	103	Concerns regarding traffic and transport are addressed in Council's assessment.

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> - Increase traffic congestion - Noise pollution from cars and buses - Impacts from construction period - Children will no longer be able to walk or play safely in streets - Most traffic will use Wyatt due to traffic lights - Will put children, horses, riders and drivers at risk 		
Bushfire Risk	<p>Hazardous location</p> <ul style="list-style-type: none"> - Development surrounded by gullies and subjected to hot westerly winds - Personal accounts of ‘frightening’ bushfire evacuations in recent decades - Substation will prevent safe evacuation in event of bush fire - Inconsistent with s117 Direction to avoid locating residential zones in hazardous areas - Will result in maximum risk loadings from insurers and increased building costs - No provision of Neighbourhood Safer Place <p>Comments regarding RFS</p> <ul style="list-style-type: none"> - RFS do not support the proposal - Additional burden on RFS in area where existing fire management is inadequate - Why is Council paying a bushfire consultant rather than relying on RFS advice? <p>APZ Management</p> <ul style="list-style-type: none"> - APZs will be difficult to maintain in perpetuity - Increased hazard burns will exacerbate impacts on human health (environmental impacts discussed above) 	58	<ul style="list-style-type: none"> - RFS advice pre-dated the application under consideration. However, updated RFS advice confirms they do not support the Updated Planning Proposal. - Council engaged specialist bushfire advice as Council does not have in-house expertise in this area. This advice helped inform Council’s assessment of biodiversity impacts which are influenced by bushfire management processes. - Concerns regarding bushfire risk have been addressed in Council’s assessment
Loss of bushland used for recreation	<ul style="list-style-type: none"> - Loss of bushland highly valued for recreation by residents and visitors to the area - Existing site allows for different users to coexist in harmony, e.g. mountain bikers, walkers, motorbikes and horse riders - Recreational use of site has occurred for many years prior to the Aboriginal Land Claim - Site used as a ‘perfect off leash area’ and ‘pets love this bushland’ - Development will hinder recreational access to bushland and National Park - MLALC haven’t consulted with or considered impacts on existing recreational users - Bushland should be retained to combat obesity and accommodate increase in 	52	<ul style="list-style-type: none"> - Council appreciates the bushland is highly valued by residents and visitors to the area. However, there is no entitlement for the public to access land privately owned by the Metropolitan Aboriginal Land Council - Off-leash dog walking is hazardous to native wildlife and is only permitted in a few select

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> - population from Hospital - Loss of limited, useable, safe recreational horse riding areas with increased shared use making it hard for horse riders to share safely 		<ul style="list-style-type: none"> - areas within the Northern Beaches. - As above, Council would support increased and formalised recreational access to MLALC land as a public benefit subject to environmental assessments and consultation with OEH and NPWS.
Loss of Amenity	<ul style="list-style-type: none"> - Construction impacts on local community including noise and traffic - Visual impacts especially in context of being a ridgeline development - Change to character and ambience of the neighbourhood described as quiet, leafy, relaxed, peaceful, as having a 'bush feel' or 'rural nature' and as being family friendly and safe for children and the elderly - Decrease in existing property values - Residents have paid a high price to live in the area away from development - Character described as becoming a rarity within the Greater Sydney Region - Impact on the quality of living and on some people's retirement plans - Will drive out existing community who moved there for quietness - Loss of amenity for surrounding properties should not be an inevitable outcome - Park will attract visitors who may not value the peace and tranquillity of area - Concern that affordable housing will attract undesirables - The development would adversely affect the scenic amenity of Garigal National Park. 	46	<ul style="list-style-type: none"> - Impacts on amenity is a consideration in the strategic merit assessment discussed in Council's report - There is currently no proposal to locate affordable housing on the site
Alternate use of site	<ul style="list-style-type: none"> - Should be permanently protected for future generations - Land should be handed back to the Crown - Government should compensate MLALC for ongoing protection of the land - Use land for new Forest High School instead of demolishing pool and sports ground - Should be zoned E3 as per Strategic Land Review - Use for sporting and recreational facilities 	43	<ul style="list-style-type: none"> - Council would support the rezoning of the entire site as E3 as per the Strategic Land Review. - Council is investigating relocating the Forest High School to the Aquatic Centre site to create a state of the art education and recreational precinct

Issue	Comments	#	Council Response
			<ul style="list-style-type: none"> - Clearing bushland to create sportsfields would have significant environmental impacts
Water Management	<ul style="list-style-type: none"> - Stormwater contamination from exotic weeds, herbicide, pesticide, fertilisers, diesel, fuel, oil, chemicals and waste dumping - Changes to hydrology resulting from development including APZ management - Erosion of creek system - Concern over location of sewer lines and impact on bushland - Inconsistent with local policies including Warringah Creek Management Study Reports - Inadequate studies to assess the negative impacts of stormwater and residential activities on creek lines and catchments, including Middle Harbour catchment, and on habitat for threatened fauna species. - No studies to indicate the proposed Stormwater mitigation devices will address permanent changes to groundwater dependent fauna and vegetation communities (e.g. threatened Red-crowned Toadlet and Giant Burrowing Frog) - No information on how the quality and quantity of stormwater will be dealt with or monitored 	40	<ul style="list-style-type: none"> - Concerns regarding water management and impacts on biodiversity are addressed in Council's assessment
Housing	<ul style="list-style-type: none"> - Proposed housing is excessive, with some suggestions of a cap at 30-50 houses - Inconsistent with the strategic planning framework and Warringah Housing Strategy 2011 which does not recommend new development in urban bushland - Preference for infill development in established areas rather than development of bushland - R2 zoning would allow for denser developments such as boarding houses - E4 zoning would be more suitable - Unsuitable for housing due to substation and high voltage transmission lines - Design is insular, socially exclusive and inward looking - Requires a mix of housing to cater for elderly and young families - Doesn't accommodate for Affordable Housing 	24	<ul style="list-style-type: none"> - Most of these statements are consistent with Council's assessment which concludes the site is not suitable for any form of residential development
Aboriginal Heritage	<ul style="list-style-type: none"> - Land was claimed for heritage value and is precious to Aboriginal people - Land contains Aboriginal sites - Aboriginal Heritage may be destroyed 	22	Concerns regarding Aboriginal Heritage are addressed in Council's assessment. The proponent's

Issue	Comments	#	Council Response
			Assessment reports have concluded that no archaeological sites have been recorded on the subject site. The site is unlikely to have attracted intensive or repeated use by people and created substantial archaeological deposits.
General Infrastructure	<ul style="list-style-type: none"> - Insufficient infrastructure to support development (e.g. sports fields and schools) - Park located to mitigate fire risk and unlikely to be used by general public - Proposed infrastructure in VPA only supports the development is not a public benefit - Park will become a cost burden to Council - Not enough green space - All services should be underground and available at all times - No services exist within the walkabout 400-800m radius so applicant shouldn't be able to argue the proposal based on existing facilities - Design does not create social cohesion within the locality as park is located on the edge rather than being used for casual surveillance and integration amongst the community - No mention of CPTD principles and little attempt at providing suitable security and safety for new and existing occupants in locality, e.g. bushland and infrastructure has historic and ongoing abuse of land for anti-social behaviour 	15	<ul style="list-style-type: none"> - Council does not support the draft VPA as the proposed park is in an unsuitable location and would place an unreasonable maintenance burden to Council due to APZ management requirements. - Compliance with CTPD principles would be assessed at the subdivision stage <p>Should the Planning Proposal proceed, Council would:</p> <ul style="list-style-type: none"> - Suggest locating the park in a central location such as the proposed 'Neighbourhood Safer Place' referred to in the Bushfire Protection Assessment. - Secure an appropriate development contribution to provide adequate infrastructure for the increase in population.
Increased recreation access will adversely impact the	<ul style="list-style-type: none"> - Increased access not supported by OEH and NPWS and no formal consultation undertaken - Bikes will create more damage through new tracks and jumps - Increase in rubbish and pollution transported into the National Park 	22	<ul style="list-style-type: none"> - OEH advice pre-dated the application under consideration. However, updated OEH advice confirms they do not support the

Issue	Comments	#	Council Response
environment	<ul style="list-style-type: none"> - Shared paths don't work and there is no one to police them - Already sufficient access through bushland 		<p>Updated Planning Proposal.</p> <ul style="list-style-type: none"> - Existing access through MLALC land is unauthorised

A5.9 Support for Proposal

Issue	Comments	Council Response
<p>General comments in support (including comments from those who supported the proposal subject to conditions)</p> <p>Support for the proposal = 5 submissions</p>	<ul style="list-style-type: none"> - Commended MLALC's proposed use of financial benefits - MLALC has rights to develop their land - Land release preferred over high density - Heritage sites will be protected - Well planned and will be a nice place to walk around - John Colet School welcomes further development and more families in the area - Land will no longer be used as dumping area and overseen by responsible residents - Land currently being degraded by 4WD and trail bike users - Threatened species can re-establish in National Park - R2 and RE1 zones occupy a small percentage of total landholding - Would help increase population in area well served by transport, schools, hospitals and shopping centres and increase supply to address affordable housing - Schools, sporting clubs, service organisations, commercial enterprises will benefit from growth brought by development - Existing OSD system on northern side of Ralston Ave has coped with flood rain events without damaging the National Park - Fire Management <ul style="list-style-type: none"> o Pre-planned buffer zone will protect houses unlike other unprotected residential areas o Provides opportunity for cultural burning and diversity of fire to be used as exemplar of cool burn, low smoke control which could stimulate better bushland management o Will protect fauna species previously that have been decimated by hot fires o Proposes innovative and purposeful cooperation with NPWS which would create educational and research benefits that could bring credit to the region 	<ul style="list-style-type: none"> - The Planning Proposal includes some laudable outcomes for the Aboriginal Community, however the Planning Proposal is not the only means of achieving these outcomes. - An increase in housing supply can bring social and economic benefits, however not when the proposed development is inconsistent with local and state policies as is demonstrated in Council's assessment. - The NSW RFS has concluded the proposal is likely to result in unsustainable and problematic bush fire risk management of the landscape for the NSW RFS and future land owners - Hydrological impacts will likely extend downstream of the development irrespective of the installation of best practice water management facilities.

Issue	Comments	Council Response
Support subject to conditions = 10 submissions	<ul style="list-style-type: none"> - No untreated runoff (including surface runoff) should be accepted to protect native flora & fauna - Detailed design of stormwater infrastructure is warranted as part of the Planning Proposal, demonstrating nil nutrient / pollutant loadings in discharged stormwater. - Stormwater infrastructure maintenance - should be managed in perpetuity by the owner - The VPA Instrument should confirm mountain biking as a proposed use as part of the shared use trails - Motorised trail bikes - should be prohibited particularly in any shared path proposal due to noise and safety concerns. - MLALC provide recreational access to their land - VPA to include new mountain bike facilities - Development should allow sports fields - Improvements to traffic safety especially around the school - Provision of housing for elderly and disabled - Improvements to traffic and transport infrastructure including footpaths and lighting - Increased frequency and access to buses - Marketing and release of properties for local buyers, with an initial period of exclusive access for residents 	<ul style="list-style-type: none"> - These issues are addressed in Attachment 5 – Voluntary Planning Agreement