

# Summary of Council and Agency Submissions

PP-2022-3802



Issues Raised	Proponent Response	PPA Team Response
Northern Beaches Council Submission (Attachment I)		
<p><b><u>Inconsistent with Plans and Directions</u></b></p> <p>Inconsistency with the Greater Sydney Regional Plan (Regional Plan), North District Plan (District Plan) and NSW Government Local Planning Directions and failure to consider the SEPPs, providing simple Yes/No answers to compliance against SEPPs, contrary to State Government Local Environmental Plan (LEP) making guidelines.</p>	<p>Appendix 3 of the proposal includes a full assessment of the proposal against relevant SEPPs as per the LEP making guidelines.</p> <p>The GCC considers the Planning Proposal is broadly consistent with relevant Objectives in the Greater Sydney Region Plan and associated Planning Priorities in the North District Plan.</p> <p>GCC acknowledges that part of Metropolitan Rural Area (MRA) is also owned by Local Aboriginal Land Councils (MLALC) and that <i>“future planning of these areas may be more flexible ... to balance rural values with greater economic participation, and community and cultural uses by Aboriginal people.”</i></p> <p>As this proposal aims to increase economic participation alongside community and cultural uses, it is consistent with the objectives for the MRA.</p>	<p>The PPA team is satisfied that a full assessment of the planning proposal has been provided against relevant Regional and Local Plans, Local Planning Directions and the SEPPs.</p> <p>This proposal is consistent with the objectives and priorities of these plans and policies by supporting economic participation and Aboriginal self-determination.</p> <p>The proponent’s response has adequately addressed this issue.</p>
<p><b><u>Development Delivery Plan</u></b></p> <p>Disproportionate weight given to the Development Delivery Plan (DDP) which mostly details MLALC strategic interests in the land but lacks detail analysis on environmental issues.</p>	<p>The DDP guides the delivery of this planning proposal as it is directly relevant to the strategic context and merit of the site. The DDP contains no detailed analysis of environmental issues as it is a precinct wide analysis of which was approved by the Minister for Planning, to set out the objectives for identified land owned by MLALC. In approving the DDP, the Minister has established the strategic merit for the</p>	<p>The Northern Beaches DDP establishes a framework to investigate potential development and conservation outcomes and is the first step in the planning process. It provides guidance on the indicative constraints and opportunities on the site.</p> <p>The planning proposal includes detailed</p>

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	<p>site.</p> <p>This PP provides detail solely for the Patyegarang site and addresses all other matters as per the LEP making guidelines, and all other relevant policies. The detail provided in the PP can be sufficiently relied upon by the Planning Proposal Authority to assess all factors on the merit.</p>	<p>site investigations and studies to further determine site opportunities, land suitability and appropriate land uses for the site.</p>
<p><b><u>Inconsistency with Local Plans and Policies</u></b></p> <p>Inconsistency with Northern Beaches Council strategic plans and policies, including the Local Strategic Planning Statement - Toward 2040, Local Housing Strategy, Affordable Housing Policy and the recommendations of Council's Conservation Zones Review.</p>	<p>An updated response to the relevant Local Planning Directions has been provided in Appendix 1-7 1 of the revised planning proposal.</p> <p>The proposed subdivision layout reflects the local character of the area, assists Council reach their housing targets, addresses the constraints of the site and promotes car and pedestrian access.</p> <p>Council's Conservation Zones Review has been on non-statutory exhibition and is yet to be finalised.</p> <p>Council's recommendation for a conservation zone over the whole site as part of this review reflects their broader precinct and LGA wide studies which do not consider the detailed site analysis and field work that was undertaken to support this proposal.</p>	<p>The PPA team is satisfied that a full assessment of the planning proposal has been provided against relevant Northern Beaches strategic plans and policies, as outlined in Appendices 1-7 of the updated planning proposal.</p> <p>The proponent's response has adequately addressed this issue.</p>
<p><b><u>Insufficient Information on Management and Mitigation Measures (fire, water, design, etc.)</u></b></p> <p>The proposal still does not provide sufficient information or evidence to support the proposed re-zoning, particularly regarding bushfire mitigation and</p>	<p>The Bushfire Protection Assessment and Strategic Bushfire Study supporting the proposal satisfy the requirements of <i>Planning for Bushfire Protection 2019 (PBP)</i>.</p> <p>In response to comments from RFS during exhibition,</p>	<p>Whilst the proponent and their technical team made several significant changes to the planning proposal to address bush fire risk, designing for PBP and meeting the Ministerial Direction, two</p>

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<p>management, urban design, water detention and stormwater management</p>	<p>the bushfire management approach has been aligned to a national risk management protocol (NERAG) previously used by Council's bushfire consultant.</p> <p>The planning proposal, zoning and DCP controls were updated to reflect a further independent peer review undertaken by Dr Grahame Douglas in February 2024 to ensure bushfire mitigation and management.</p> <p>Detailed urban design for design for bushfire mitigation, water detention and stormwater management will be addressed at DA Stage.</p>	<p>recommendations were made by both the proponent's specialist team and RFS that were not taken up, namely:</p> <ul style="list-style-type: none"> <li>• Similar use of zoning RE2 below the perimeter roads on the south-east and south-west portions of the site, to that done at the southern perimeter road; and</li> <li>• Demonstrated evidence of two road accessibility for most dwellings to further assist with bushfire evacuation – particularly for smaller sized lots, and the need for a perimeter road in the south-west of the structure plan.</li> </ul> <p>The PPA team reviewed the structure plan considering these two issues with the DPHI Urban Design team. The Urban Design team prepared an example of alternative structure plan that could address these two issues, whilst also considering the steep slope on parts of the site and realistic lot sizes for this land to minimise vegetation loss. The development outcome from this exercise reduced the maximum number of lots from 450 to 370.</p> <p>Whilst it is acknowledged that the 370</p>

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		<p>dwelling outcome designed by DPHI's Urban Design team isn't the only possible design solution, it does demonstrate that to implement two further design refinements recommended by specialists to minimise bushfire risk (perimeter roads and APZs, and second road access), a reduced dwelling number below 450 is likely necessary.</p> <p>Subject to the implementation of the reduced dwelling numbers to 370, and introduction of RE2 zones below perimeter roads at the south-east and west of the site, the PPA team consider that the planning proposal can meet the objectives of PBP 2019 and the Ministerial Direction.</p> <p>Inclusion of a perimeter road at the south-west of the DCP structure plan should also be considered by Council.</p>
<p><b><u>Unclear on R2 Zone Use Prohibitions</u></b></p> <p>The R2 zone under Warringah LEP 2011 permits a range of uses that are vulnerable to hazards, including but not limited to bed and breakfasts accommodation and centre-based child care facilities. It is not clear if these uses will be prohibited.</p>	<p>The R2 zone will be implemented as per the Warringah LEP 2011 (or equivalent if/when the Northern Beaches LEP is made). Any DA that includes vulnerable uses, such as community facilities, will address the risks and mitigation measures for these uses at the DA Stage.</p>	<p>The proponent's response has adequately addressed this issue.</p> <p>Any proposed land uses in the R2 Low Density Residential zone can be assessed as part of a future DA.</p>

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<p><b><u>APZ Environmental/Visual Loss</u></b></p> <p>The revised Planning Proposal specifies and maps minimum lot sizes. There are significant concerns about the environmental and visual impacts/ loss of landscaping resulting from the current location of Asset Protection Zones (APZs) along the roads.</p>	<p>The developable area, including the APZs, is separate from the proposed conservation zone and are not located on biodiversity values.</p> <p>The planning proposal has been revised so that areas identified for future APZs no longer have height or minimum lot sizes applying to them.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>A revised draft DCP includes controls to minimise environmental and visual impacts of APZs, which Council can consider or revise in the DCP finalisation process.</p> <p>Any potential impacts from the APZs can be assessed in the detailed design phase as part of a future DA.</p>
<p><b><u>Access/Egress</u></b></p> <p>The proposal’s Transport Assessment has not demonstrated that the development achieves the access and egress assessment considerations of Section 4 of PBP (2019).</p> <p>Safe evacuation routes rely on compulsory acquisition of Council land, currently serving as a vegetation buffer to properties, for the development of a slip line, which may not be sufficient to resolve the evacuation concerns given the catastrophic bushfire risk.</p>	<p>JMT’s Traffic modelling indicates there are 2 safe evacuation points, on the day of a fire event, turning west onto Forest Way.</p> <ol style="list-style-type: none"> <li>1. Morgan Rd slip lane</li> <li>2. Oates Place (open only in the event of a bushfire emergency)</li> </ol> <p>Evacuation south on Morgan Road to Oxford Falls Road and onto the Wakehurst Parkway is a feasible evacuation route in the days before a fire event only due to heavy vegetation and pinch points along this route.</p> <p>The design of the Morgan Road slip lane has been revised so that it no longer relies on acquisition of</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>The Morgan Road slip lane design no longer relies on acquisition of Council land and TfNSW have advised that they have no in principle objection to the introduction of a slip lane at this location.</p> <p>TfNSW have requested further consultation at the DA stage regarding the final design of the Morgan Road and Forest Way intersection.</p>

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	<p>Council land.</p> <p>The cumulative impacts of evacuation in the event of a bushfire emergency in the broader catchment area cannot be addressed by this proposal alone and should be part of a separate process led by the RFS.</p>	
<p><b><u>Water Capacity</u></b></p> <p>Confirmation that potential future augmentation accounts for water capacity and pumping requirements necessary for fire-fighting purposes.</p>	<p>Sydney Water advised that an existing 500mm water main in Forest Rd has sufficient capacity to service the proposed development Detailed hydraulic analysis will be required at DA stage.</p>	<p>The proponent’s response has adequately addressed this issue.</p>
<p><b><u>Codes SEPP</u></b></p> <p>As the Codes SEPP does not take into account other clauses in an LEP, there is potential; that the quantity of dwellings on the land will inflate community risk beyond what was modelling and impact evacuation.</p>	<p>Any complying certificate must comply with an appropriate condition of consent which can be applied to the subdivision approval.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Council, as the relevant planning authority, can ensure appropriate conditions at the subdivision approval stage.</p>
<p><b><u>Meridian Urban – Independent Review</u></b></p> <p>The review states the inappropriateness of the scale, density, and urban design of the site and highlighted significant inadequacies, omissions, and wrongful assumption, including but not limited to:</p> <ul style="list-style-type: none"> <li>• underestimating the bushfire risk,</li> <li>• ignoring of strategic bushfire management,</li> </ul>	<p>In 2021, Meridian’s outcome of their assessment was the production of fire line intensity mapping. Travers Bushfire &amp; Ecology note that Meridian appears to refute the comprehensive science surrounding the PBP bushfire behaviour APZ tables that are based on comprehensive fuel investigations undertaken by the RFS. Meridian Urban’s challenge of PBP fire behaviour is without foundation.</p>	<p>Subject to the changes recommended by the PPA team in the report, the proponent’s response has adequately addressed this issue.</p> <p>The revised strategic bushfire study and peer review also resulted in further changes to the planning proposal, zoning, and draft DCP to ensure bushfire</p>

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<ul style="list-style-type: none"> <li>• an overreliance on slip lane for safe evacuation.</li> <li>• Statements unsupported by more detailed information or evidence.</li> <li>• Inadequate assessment of land use, as per Chapter 4 of the PBP.</li> <li>• Draft planning proposal does not adequately address evacuation.</li> </ul> <p>Independent Assessment Blackash</p> <ul style="list-style-type: none"> <li>• Availability evacuation routes has not been demonstrated and are fundamental to the proposal and would require alterations to the proposal to respond to activation on site.</li> <li>• In its current form, the proposed development presents an unacceptable and catastrophic risk to future residents.</li> <li>• Concerns are raised about the accuracy of the weather data.</li> </ul>	<p>Travers Bushfire and Ecology readily acknowledge that evacuation is a key driver of this site, which is why the slip lane was a significant element of the design and a second evacuation onto Forest Way was recommended.</p> <p>Despite Meridian emphasising the proximity of the higher fire line intensities in 2023, Figure 14 in their 2021 Independent Review shows they are a significant distance away. There is no reasoning behind their opposition to the residential development.</p> <p>PBP 2019 remains the sole policy document on strategic bushfire assessment in NSW. Any suggestion of a higher strategic assessment method being used would be outside the realm of both Ministerial Direction 4.3 and PBP section 4</p> <p>Travers Bushfire &amp; Ecology prepared a strategic bushfire study (October 2022), which was revised in February 2024, including a peer review by Dr Graham Douglas, and this fully responds to the matters required by both Ministerial Direction 4.3 and PBP Chapter 4. Notwithstanding, after a request from the RFS to align with national risk management protocol, the National Emergency Risk Assessment Guidelines (NERAG) will be used to inform the strategic bushfire study.</p>	<p>mitigation and management has been designed into the structure plan for the land.</p> <p>The PPA team have recommended further changes including a reduction in dwellings to 370, and:</p> <ul style="list-style-type: none"> <li>• Similar use of zoning RE2 below the perimeter roads on the south-east and south-west portions of the site, to that done at the southern perimeter road; and</li> <li>• Demonstrated evidence of two road accessibility for most dwellings to further assist with bushfire evacuation – particularly for smaller sized lots, and the need for a perimeter road in the south-west of the structure plan.</li> </ul>

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	<p>The implementation of a 100m wide APZ on the boundaries addresses the concept of density in bushfire prone landscapes.</p> <p>Site evacuation is possible from at least two directions both going to the west onto Forest Way. Traffic modelling indicates there are no impediments in the provision of an efficient evacuation from the site. Travers Bushfire readily acknowledge that evacuation is a key driver of this site and made sure that the Morgan Rd slip lane was a significant element of the development design.</p> <p>Additionally, they recommended a second evacuation route onto Forest Way and acknowledge that, while Morgan Rd is an evacuation, it is unlikely to be used due to bushland pinch points along the road. The future residents will be capable of three evacuation routes in the days before a fire event and on the day of the event, should that occur, then two evacuation routes to the west, onto Forest Way, will be safe to use – excluding the Morgan Rd / Oxford Falls Rd option due to pinch points.</p> <p>The revised strategic bushfire study also addressed the accuracy of weather conditions.</p>	
<p><b><u>Inconsistent with Biodiversity Conservation Act 2016</u></b> The proposal is Inconsistent with requirements under</p>	<p>The preliminary BDAR is highly comprehensive and includes extensive documentation detailing the surveys, fieldworks and analysis which inform the</p>	<p>The PPA team also separately engaged an additional independent peer review of the BDAR (Hayes Environmental), the</p>



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<p>the Biodiversity Conservation Act 2016 (BCA) in that it has failed to demonstrate that sufficient or appropriate reasonable steps have been taken in the hierarchy of 'avoidance and minimisation' of impacts, before 'offsetting' has been applied.</p>	<p>conclusions and recommendations. Hayes Environmental have confirmed the preliminary BDAR meets the requirements set out under the Biodiversity Conservation Act 2016 (BC Act), and all assumptions made in the BDAR are consistent with the current BC Act.</p> <p>Further, a peer review (biosis) was conducted in February 2024 confirms that the preliminary BDAR meets the requirements of Table 24 (Stage 1: Biodiversity assessment) and Table 25 (Stage 2: Impact assessment [biodiversity values]) of PP Appendix K of the Biodiversity Assessment Method.</p> <p>Subsequently, the preliminary BDAR has been updated to confirm there is no uncertainty over the identification of Plant Community Types (PCTs) on the site. Considerable work was done across the site to specifically ground-truth and map PCTs. Threatened species associations are linked to PCTS, not TECs, and were correct as at the date of the preliminary BDAR. It is acknowledged that threatened species associations have changed regularly since commencement of the BC Act and are expected to continue to change.</p> <p>Technically a BDAR is only valid for 14 days, so it will need to be updated to accompany any future development application. The preliminary BDAR sets out the avoidance and minimisation measures undertaken to meet the necessary thresholds. This is</p>	<p>BCS submissions, and the BDAR Peer Review by biosis to assist in understanding the fundamental matters of contention, and whether the work undertaken to date is satisfactory from a strategic planning threshold (planning proposal).</p> <p>A summary of the peer review's findings is below:</p> <ul style="list-style-type: none"> <li>• The BDAR has produced evidence and surveys that comply with BAM;</li> <li>• The plant community types (PCT) selected are sound;</li> <li>• There are no threatened ecological communities (TECs) present on the site;</li> <li>• The iterative filtering process for threatened flora and fauna is sound and correct;</li> <li>• The seasonal surveys for flora are sound and the survey efforts described within the BDAR and shown on Figure 5b of the BDAR are consistent with the BAM survey guidelines. Where some surveys were carried out in the 'incorrect' season, those species had sufficient</li> </ul>

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	<p>supported by significant strategic mapping of biodiversity values across the site and was used to inform the development of the indicative structure plan. In relation to the zoning and structure plan design, the preliminary BDAR assumes a “worst case” total loss of vegetation within the development footprint. Therefore, the assessment outcomes of potential impacts will not be altered due to changes in location of zoning between the R2 and RE2 zoned land, or the design within the developable area.</p> <p>At this stage it is also not practical to design the structure plan to a finer scale of biodiversity values mapping. There is flexibility in the structure plan for detailed and nuanced avoidance of potential values at the detailed design stage. Any future development application will be subject to an assessment regarding the sufficient avoidance and minimisation of potential impacts on biodiversity.</p>	<p>survey also carried out in the correct season;</p> <ul style="list-style-type: none"> <li>• No serious and irreversible impact entities were identified on the project site, and this is supported in the BDAR with evidence-based justification;</li> <li>• Some minor updates or clarifications to the BDAR could assist in the assessment, however, would not likely alter the conclusions as to the presence of threatened species or PCTs selected;</li> <li>• Exclusion and inclusion of ecosystem credit species is sound and appropriate;</li> <li>• The surveys and conclusions of the BDAR would need to be carried out again at the development application (DA) stage due to the data currency requirements of BAM;</li> <li>• The BDAR adequately describes the measures taken to ‘avoid or minimise’ impacts to biodiversity. This included a strategic assessment of the most suitable MLALC land holdings, through to altering design of ancillary</li> </ul>

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		<p>facilities within the project site to avoid and minimise impacts; and</p> <ul style="list-style-type: none"> <li>• This review concurs with the review carried out by Biosis.</li> </ul> <p>The PPA team's peer review and the proponent's response has adequately addressed this issue.</p>
<p><b><u>Major Loss of High Biodiversity Habitat</u></b></p> <p>There is potential loss of high biodiversity value habitat through clearing of almost 45 hectares of bushland, impacts on known habitat of various threatened species and clearing of land to provide APZs.</p>	<p>The Metro LALC will deliver appropriate Biodiversity Offset Strategies across its other landholdings to compensate for loss of biodiversity from this proposal. This will also ensure funding for the ongoing protection, management and rehabilitation of Metro LALC landholdings not suitable for development.</p> <p>The biodiversity assessment assumes that riparian corridors and the cultural reserve will not be directly impacted by the development but are subject to indirect impacts. Management plans for these indirect impacts will be prepared at the DA stage.</p> <p>APZs will retain native vegetation to the extent they meet statutory APZ requirements. This vegetation will be protected and maintained through a Vegetation Management Plan implemented by the community strata and controlled by Council.</p> <p>APZs are all included within the proposed R2 and RE2 zones. Bushland and trees with high biodiversity</p>	<p>Refer to discussion above.</p>

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	value will be protected in a conservation zone.	
<p><b><u>Insufficient Information regarding Infrastructure Upgrades and Costs</u></b></p> <p>The proposal has insufficient information about infrastructure upgrades and costs.</p> <p>New roads are proposed on valley slopes are unwalkable and will require excessive and expensive work to achieve complying gradients, which will further impact the proposed developments existing biodiversity and environmental quality. The significant infrastructure costs would need to be borne by future residents making the feasibility of the project questionable.</p>	<p>Proposed infrastructure works to facilitate development will be developer funded and are documented in the <i>Non-Binding Letter of Offer – Patyegarang Project, 28 July 2023</i>.</p> <p>The likely infrastructure required to support the project has been identified during the early stages of the planning proposal and have been informed by multiple applications and enquiries dating back many years to utility providers. The services report provided with the planning proposal provides detailed information regarding the applications and investigations completed to date.</p> <p>We confirm that all required infrastructure upgrades would be developer funded and that there is no expectation or necessity for Council to fund any of these works.</p> <p>A revised affordable housing feasibility assessment, provided post exhibition, confirms the feasibility of the proposal with a 10% contribution to affordable housing.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Any additional infrastructure needs can be determined at the detailed design phase as part of a future DA.</p>
<p><b><u>Inadequate Dwelling Cap Provisions</u></b></p> <p>Provisions to cap dwelling numbers are inadequate as complying development certificates can bypass the provisions in the LEP resulting in greater dwelling</p>	<p>The application of a dwelling cap will be provided as a site-specific LEP clause, and a condition can be placed on any future subdivision DA approval to enforce the dwelling cap.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Council, as the relevant planning authority, can ensure appropriate</p>

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<p>numbers.</p>	<p>The Management Statement for the proposed Community Title Scheme would also ensure compliance with the dwelling cap.</p>	<p>conditions at the subdivision approval stage.</p>
<p><b><u>Uncertainty of Public Benefits</u></b></p> <p>Public benefits are uncertain, including but not limited to open space, affordable housing, urban heat impact, community infrastructure, and transport.</p> <p>Additionally, it is uncertain if the Aboriginal community will support the proposal as known and potential Aboriginal heritage sites may be put at risk.</p>	<p>The site is currently unmanaged, leaving Aboriginal heritage sites open to graffiti, vandalism and damage from mountain bikers crossing the area.</p> <p>An Aboriginal cultural centre is proposed within private open space as a sustainable option to interpret and conserve the Aboriginal carvings.</p> <p>Conservation Management Plans for known Aboriginal sites will be undertaken at the DA stage.</p> <p>The MLALC engaged Biosis to prepare a preliminary Aboriginal Cultural Heritage Assessment (draft in May and updated August 2024). The ACHAR is developed with First Nations people who will be provided the opportunity to inspect the land and the Patyegarang rock engravings sites.</p> <p>The ACHAR is informed by the Patyegarang Conservation Management Plan (CMP) and the First Nations consultation, among other things, will discuss the mitigation of potential impacts to the engravings sites that may result from future interpretation and accumulated impacts to the sites that may result from increased public visitation.</p> <p>A detailed digital recording of each of the Patyegarang rock engravings, along with conditions at</p>	<p>The proponent’s response has adequately addressed this issue.</p>

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	<p>and surrounding each engraving site, will be undertaken to enable identification of immediate, short term, and long-term threats.</p> <p>The CMP will guide ongoing protection, conservation, and potential future interpretation of the Patyegarang cultural heritage sites, including specific conservation requirements under Heritage NSW authorisation. The CMP will provide principles and policies for controlled visitation and surveillance. Consultation will underpin the development of the CMP that will provide a management strategy to safeguard the future protection and ongoing conservation of these sites.</p>	
<p><b><u>Insufficient Information in Archaeological Report</u></b></p> <p>The archaeological assessment lacks key information about Aboriginal sites and provides little information on items such as survey work, current sites in their context, management options, and steps for further investigation.</p>	<p>In August 2024 a preliminary ACHAR was provided as part of an amended planning proposal.</p> <p>The ACHA assessment undertook background research for the proposed study area. Key considerations arising from the background research include:</p> <ul style="list-style-type: none"> <li>• The area is underlain by the Hawkesbury Sandstone formation and includes suitable sandstone exposures and overhangs. These features are considered conducive to rock shelter sites and grinding grooves.</li> <li>• The study area contains three previously recorded Aboriginal sites. These are all rock engraving sites. Sufficient sandstone outcrops are present and may contain further engravings.</li> </ul>	<p>The proponent’s response has adequately addressed this issue.</p>

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	<ul style="list-style-type: none"> <li>Two registered Aboriginal Places are located within 2.5 kilometres of the study area: Moon Rock; and Cromer Heights Rock Engravings and Shelter Site.</li> </ul> <p>There are 111 Aboriginal cultural heritage sites registered with the Aboriginal Heritage Information Management System (AHIMS) register, both within the study area as well as in the vicinity.</p> <p>Biosis undertook an archaeological survey on 22 and 23 May 2024. AHIMS 45-6-1219/Belrose and Morgan Road 1 and AHIMS 45-6-2197/Morgan Road 3 were located during the archaeological survey. However, AHIMS 45-6-2196/Morgan Road 2 was not located. No further unrecorded Aboriginal heritage sites were identified within the study area. The remainder of the study area has been assessed as holding low archaeological potential.</p>	
<p><b><u>Privatising Crown Roads</u></b></p> <p>Council does not support and objects to the privatisation of the unformed Crown Roads.</p>	<p>A new local road be included as part of the R2 rezoning area. This road will provide access for both future and adjoining land together, with a bush fire evacuation path and a connection to Oates Place.</p> <p>The new road will facilitate connection to Lots 954 &amp; 955 in DP752038 which currently have no legal road access. This will resolve a long-standing issue for these landowners.</p>	<p>The proponent's response has adequately addressed this issue.</p>

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<p><b><u>Insufficient Traffic Modelling and Active Transport</u></b>                      Insufficient modelling of the traffic, transport and active transport proposals. Concerns are expressed about the lack of public transport connectivity.                      Traffic modelling fails to consider impacts on the broader Morgan Road corridor with no upgrades to Morgan Road proposed.</p>	<p>Detailed analysis of local bus routes has been undertaken for the proposal showing that there is sufficient capacity on the local bus network to accommodate future demands from residents. This will be reassessed at the DA stage.</p>	<p>The proponent’s response has adequately addressed this issue.                      Any additional infrastructure needs can be determined as part of a future DA.</p>
<p><b><u>Site Specific DCP</u></b>                      The provisions of the SEPPs, and National Construction Code (NCC) will override any DCP controls, resulting in larger developments that do not comply with the intent of the DCP.                      The land-clearing requirements for the APZs are non-compliant with the DCP intent.                      Timber construction unlikely to meet bushfire requirements.                      The site specific DCP fails to provide sufficient guidance for small 200m2 allotments and resolve competing design and ESD principles e.g. retention of tree canopy and maintaining APZs.                      The Biodiversity Certification referred to in the DCP does not exist in the current planning proposal.                      Appendix 1 of the DCP should be incorporated into the body of the DCP.</p>	<p>The relevant SEPPs and NCC will apply to the site but would not enable the LEP provisions relating to permissible uses, minimum lot sizes or the dwelling cap to be overridden.                      APZs may reduce bushland but are contained with the proposed R2 zone. Significant trees and bushland retention relates to the protection in conservation zones where biodiversity values are to be maintained, or to canopy cover over proposed open spaces, which do not relate to the APZs.                      Construction elements including timber is inconsequential to the bushfire implications to the site. In any case all forms of construction will need to comply with the relevant bushfire and construction standards and certifications. The DCP does not override this statutory requirement.                      The DCP was updated post exhibition to include design guidance for smaller allotments of 200 –</p>	<p>In response to Council's submission, the PPA team requested further updates to the draft DCP, which were provided by the proponent in September 2024.                      The draft revised DCP is contained in Appendix 27 to the planning proposal and is recommended to be submitted to Northern Beaches Council for review and finalisation.</p>



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<p>The biodiversity and vegetation management chapter has limited practical application beyond subdivision and is vague in its definition of “vegetation” and “trees” that introduces doubt as to when a permit is needed.</p> <p>There are terminology differences in the Design Principles when comparing the Gyde report and the Urban Design Report.</p> <p>It is unclear how the APZ will be able to manifest on land not in the ownership of the MLALC.</p>	<p>350m2, including options for constrained and unconstrained lots.</p> <p>Further ESD principles have also been added into the DCP while considering minimum requirements. ESD principles will be applied at the DA stage and adapted to the constraints of each lot.</p> <p>Undertaking certification or alternate biodiversity management will be undertaken at a later stage as this follows the standard statutory process and requirements.</p> <p>The contents of Appendix 1 will remain in the appendix for document structure and readability.</p> <p>The biodiversity and vegetation section related to the outcomes of the C2 zone. Controls regarding the requirements for vegetation permit reverts to the relevant Warringah DCP controls, as do the definitions of “vegetation” and “trees”. The section also identifies management of residential aspects and outcomes that will guide future DAs on the R2 zones and beyond the existing subdivision.</p> <p>The terminology differences in the Design Principles are deliberate as the documents have different intents. While there are key similarities, the DCP provides more explanation of control, where the Urban Design Report provides guidance on outcomes.</p>	

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Issues Raised	Proponent Response	PPA Team Response
	<p>The APZ does not extend beyond the site and preserves an adequate APZ setback without extending onto land not owned by MLALC.</p>	
<p><b><u>Insufficient Public Engagement</u></b></p> <p>There has been insufficient public engagement during the public exhibition period, and the planning proposal indicates that only five Aboriginal people have been consulted to date on the Northern Beaches DDP.</p> <p>The Northern Beaches Council requests that a public hearing is held to give community members, especially the local Aboriginal community, an opportunity to express their views.</p>	<p>The planning proposal has been publicly exhibited for longer than the required period, providing ample opportunity for community feedback.</p> <p>The Department received over 3600 submissions during the exhibition period.</p> <p>Formal consultation with the local Aboriginal community has been undertaken as part of the Aboriginal Cultural Heritage Assessment Report (ACHAR) process.</p>	<p>Although not a requirement under the Planning Systems SEPP, the Northern Beaches DDP was publicly exhibited for a 6-week period.</p> <p>The Metro LALC was consulted as required.</p> <p>The proponent’s response has adequately addressed this issue.</p> <p>A public hearing has not been required as part of the gateway determination, however, the Panel will be holding a public meeting to hear from submitters to the public exhibition of the planning proposal.</p>
<p><b><u>Waterways</u></b></p> <p>Proposal does not provide a ‘Waterway Impact Statement’ that is required for any development works located within waterways and riparian lands,</p>	<p>A Waterway Impact Statement can be addressed at DA stage and the protection of the waterways and riparian zones will also be addressed.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>No development works are proposed at a planning proposal stage.</p>

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Issues Raised	Proponent Response	PPA Team Response
<p><b><u>Slope Stability</u></b></p> <p>Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk</p>	<p>A Slope Stability Assessment Report prepared with the proposal concludes that “the area is assessed as suitable for the proposed development” however specific location may require treatment to reduce risk to “low”. Detailed slope stability assessment will be carried out at DA stage to address any specific slope requirements relating to a development.</p>	<p>The proponent’s response has adequately addressed this issue.</p>
<p><b><u>Consultation with DCCEEW</u></b></p> <p>Early consultation or referral is recommended with the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) as threatened biodiversity values on the site include those listed under the <i>Commonwealth Environmental Protection and Biodiversity Conservation Act 1999</i>.</p>	<p>Referral to the Commonwealth DCCEEW will be undertaken at the DA stage.</p>	<p>The planning proposal was referred to the Commonwealth DCCEEW in accordance with the Gateway Conditions, with no submission provided.</p>
<p><b><u>Biodiversity Stewardship Agreement</u></b></p> <p>Council recommends the establishment of a local Biodiversity Stewardship Agreement and that offset obligations from the site are retired from within the locality.</p>	<p>A strategic review of Metro LALC land within the Northern Beaches LGA was undertaken to identify land of high biodiversity value (among other characteristics) that should be avoided and not included in the Northern Beaches DDP.</p> <p>The Metro LALC will deliver appropriate Biodiversity Offset Strategies across their landholdings to compensate for loss of biodiversity from the</p>	<p>The Council’s comment is noted.</p>

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Issues Raised	Proponent Response	PPA Team Response
	<p>Patyegarang proposal. This will also ensure funding for the ongoing protection, management and rehabilitation of biodiversity values on other Metro LALC sites.</p>	

Issues Raised	Proponent Response	PPA Response
AGENCY SUBMISSION		
<b>Heritage NSW</b>		
<p>Heritage NSW recognises that there is no compliance with the requirements for continuous consultation with Aboriginal parties in the <i>National Parks and Wildlife Regulation 2019</i> or the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW,2010).</p> <p>Heritage NSW recommends a comprehensive Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared in accordance with relevant policy and guidelines.</p>	<p>In December 2023 (post exhibition), the Metro LALC commissioned an ACHAR for the site, which was provided in draft in May 2024 and final in August 2024.</p> <p>The ACHAR includes the following management recommendations, including:</p> <ul style="list-style-type: none"> <li>• Continued consultation with the registered Aboriginal parties;</li> <li>• Further assessment warranted along creek lines;</li> <li>• Development of a cultural heritage management plan;</li> <li>• Application for an Aboriginal Heritage Impact Permit (AHIP), which should be for a term of two years;</li> </ul>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Refer to further discussion regarding the ACHAR above in Council’s submission.</p>

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Issues Raised	Proponent Response	PPA Response
	<ul style="list-style-type: none"> <li>No further archaeological assessment required in areas of low archaeological potential;</li> <li>Stop works provision – Discovery of previously unidentified sites or objects; and</li> <li>Stop work provision for any potential discovery of human remains.</li> </ul>	
<b>Environment and Heritage Group (EHG) / Biodiversity, Conservation and Science Group (BCS)</b>		
<p><b><u>ENVIRONMENT AND BIODIVERSITY ISSUES</u></b></p> <p><b><u>Inadequate Biodiversity Assessment</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>The Preliminary Biodiversity Development Assessment Report (BDAR) is an incomplete report and requires significant revision to provide a complete biodiversity assessment for the proposal. In this regard, the current BDAR should not be relied on for strategic planning purposes until it is further informed by adequate investigation of impacts and further avoidance of the site’s biodiversity values. Insufficient information has therefore been provided to support the planning proposal including the proposed zone boundaries and structure plan.</p> <p>It is considered that in its current form the proposal has failed to demonstrate application of the Biodiversity Conservation Act 2016 avoid and minimise framework.</p>	<p><b><i>Response 3: October 2024</i></b></p> <p>The preliminary BDAR is highly comprehensive. Hayes Environmental have confirmed the preliminary BDAR meets the requirements set out under the Biodiversity Conservation Act 2016 (BC Act), and all assumptions made in the BDAR are consistent with the current BC Act. Additionally, a peer review, dated February 2024, confirms the BDAR meets the requirements of Table 24 and Table 25 of Appendix K of the Biodiversity Assessment Method.</p> <p>Regarding BCS’s concerns around assessments, refer to our previous comments (December 2023) which address the adequacy of targeted surveys for threatened species and TECs. The preliminary BDAR has been updated to confirm there is no uncertainty regarding PCT identification.</p>	<p>The proponent’s response has adequately addressed this issue, which has been further confirmed by the PPA team’s independent BDAR peer review.</p> <p>Refer to discussion above related to “<i>inconsistent with Biodiversity Conservation Act 2016</i>”.</p>

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Issues Raised	Proponent Response	PPA Response
<p>The BDAR has failed to adequately justify its assessment of the Plant Community Types (PCTs) and any associated Threatened Ecological Communities (TECs) which in turn undermines all threatened species assessments on the entirety of the Subject Land.</p> <p>The BDAR does not reflect the full extent of the native vegetation removal required within the areas of retained vegetation which are proposed R2 and RE2 zones, and APZs</p> <p><b>Submission 3: September 2024</b></p> <p>BCS has reviewed the Biodiversity Letter and notes that the Preliminary BDAR prepared by Hayes Environmental dated February 2024 has not been updated. As such BCS concerns remain regarding the adequacy of the biodiversity assessment to inform land use planning, including identification of key TECs that may be present on the site such as the Coastal Upland Swamp and Duffy’s Forest Endangered Ecological Communities (EECs), of which Duffy’s Forest is also a Serious and Irreversible Impact entity under the BC Act</p> <p>PCT identification uncertainties, which may mean that the preliminary BDAR has failed to identify potential threatened species on the site, and therefore has not undertaken surveys to confirm presence or otherwise of threatened species.</p>		

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Issues Raised	Proponent Response	PPA Response
<p><b><u>Failure to avoid/minimise impact to Biodiversity Values</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>The BDAR lacks adequate consideration of the full extent of impacts to native vegetation and Biodiversity Values across the Subject Land and as such does not provide the details necessary to be able to draw conclusions in relation to biodiversity impacts. Therefore, the BDAR does not provide the information necessary to develop a planning proposal responsive to these constraints.</p> <p>Avoiding impacts on biodiversity values should not be deferred to the future development stage but should be addressed as part of the planning proposal to maximise the integration of conservation measures with other aspects of the planning proposal outcomes including the conservation of riparian corridors, planning of infrastructure and roads, flood management, and lot patterns.</p> <p>The proposal does not adequately avoid and minimise impacts by appropriately locating and designing the proposal and reducing the scale of the development in accordance with Section 7 of the BAM.</p> <p><b>Submission 2: May 2024</b></p> <p>The protection and conservation of the significant</p>	<p><b>Response 3: October 2024</b></p> <p>The preliminary BDAR sets out the avoidance and minimisation measures undertaken to meet the necessary thresholds. In relation to the zoning and structure plan design, the preliminary BDAR assumes a “worst case” total loss of vegetation within the development footprint.</p> <p>At this stage it is also not practical to design the structure plan to a finer scale of biodiversity values mapping. Any future development application will be subject to an assessment regarding the sufficient avoidance and minimisation of potential impacts on biodiversity</p>	<p>The PPA team consider that the planning proposal and supporting documentation has sufficiently demonstrated the approach of ‘avoid and minimise, then offset’ and consistency with Ministerial Direction 3.1 (Conservation Zones).</p> <p>Chapter 7 of BAM deals with avoiding or minimising impacts on biodiversity values. It provides general guidance on what could be avoided or minimised but does not provide prescriptive descriptions. The chapter describes two key themes when planning a proposal (i.e., development or clearing activity): locating and designing a proposal to avoid or minimise impacts on biodiversity.</p> <p>Eco Logical's Peer Review notes that BAM suggests prior knowledge of biodiversity values should inform decisions about the location of the proposal. BAM provides hints as to how a proponent may go about this: ‘...a final proposal location may be an iterative process...’ (section 7.1.1 (2)). BAM then lists the areas that could be avoided, such as areas lacking in biodiversity values, and suggests that consideration of alternative technologies, routes and</p>

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Issues Raised	Proponent Response	PPA Response
<p>biodiversity values across the site was established in the key design principles of the Northern Beaches Aboriginal Land Development Delivery Plan (DPE, February 2022). BCS notes that the objectives of the Planning Proposal per section 1.2 of the Gateway Determination Report – PP-2022-3802 include to “conserve and protect biodiversity and important environmental values of the land”.</p> <p>BCS considers that the key design principles and objectives have not been realised by the Planning Proposal. BCS recommends strategic mapping of high biodiversity values across the site be used to indicate where avoidance of high biodiversity values can be focused for conservation purposes. The proponent should design their proposal to ensure the persistence of the threatened entities that reside within the site and thereby conserving and protecting biodiversity and important environmental values.</p> <p>The Planning Proposal has not been amended post-exhibition in response to BCS concerns regarding avoidance and minimisation of impacts to biodiversity values across the site. These matters have not been adequately addressed and remain unresolved. In this regard, the Planning Proposal does not comply with the requirements of BAM or the objectives of the Planning Proposal and the key design principles of the Northern Beaches Aboriginal Land Development Delivery Plan.</p>		<p>locations could be explored. At section 7.1.2 (1), BAM seeks that ‘The BDAR or BCAR must document the reasonable measures taken by the proponent to avoid or minimise clearing of native vegetation and threatened species habitat during proposal design...’.</p> <p>In addressing project location, the MLALC sought an examination of their landholdings through strategic planning considerations from the early 2000s, followed by the Planning Systems SEPP and DDP processes. A DDP forms part of a suite of planning mechanisms to assist Local Aboriginal Land Councils (LALCs) achieve economic self-determination for their communities and deliver social, economic and environmental benefits as compensation for the loss and dispossession of their land. A DDP formally recognises the development pipeline for a LALC and must be considered by planning authorities in key planning assessment processes, including Planning Proposals and development applications. These strategic planning processes all consistently demonstrated that the</p>



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Issues Raised	Proponent Response	PPA Response
<p><b>Submission 3: September 2024</b></p> <p>The updated Planning Proposal does not respond to BCS previous concerns regarding avoidance and minimisation of impacts to biodiversity values across the site and has failed to demonstrate application of the BC Act avoid and minimise framework.</p> <p>Proposed C2 zone is unlikely to be able to support the conservation of biodiversity values on the site and the updated proposal fails to demonstrate how avoidance and mitigation measures have been incorporated in accordance with the BAM</p> <p>In addition to the proposed zoning amendments and the introduction of additional permitted uses to the C2 zone, other biodiversity-related amendments in the updated Planning Proposal include an extra road crossing over Snake Creek within 'retained vegetation', and a provision of a strip of RE2 zoned land to function as an asset protection zone (APZ) adjacent which previously contained an area 'retained vegetation'. BCS also notes that there are inconsistencies in the location of the 'retained vegetation' between the Preliminary Biodiversity Development Assessment Report (BDAR) (Hayes Environmental, February 2024) and the updated Indicative Structure Plan.</p> <p>BCS does not agree with the conclusion outlined in the Biodiversity Letter stating "These changes listed above would not increase the assessed impact on biodiversity</p>		<p>subject site was most suitable for development of the MLALC's overall landholdings, including from a biodiversity and conservation perspective.</p> <p>Once design commenced on the subject site, a structure plan was prepared and informed by biodiversity values. According to the BDAR, the advice provided by Hayes included a hierarchy of areas of biodiversity value for avoidance. The PPA team's independent ecologist review stated that it is rare for proponents to prepare evidence of an iterative process, particularly for the selection of a project site versus other site options. Based on the above, the PPA team consider the process taken to assess and document the project's location as reasonable from an 'avoid and minimise' perspective.</p> <p>Within the project site, over 20 ha will be 'avoided and retained' by zoning for conservation (C2). Of all the land zones available in the standard instrument, apart from C1 National Parks and Nature Reserves, C2 facilitates the next highest conservation zoning, with highly restricted</p>

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Issues Raised	Proponent Response	PPA Response
<p>values and would not alter the findings of the preliminary biodiversity assessment for the project”, as the proposed amendments increase biodiversity impacts from the extra road, APZ and the additional permitted uses in the C2 land</p> <p>It is unclear why a new area of zone R2 in the north of the site that was previously zoned RE2 is not zoned as C2.</p> <p>BCS considers that the updated Planning Proposal will not achieve the key design principles and objectives. The current proposed zoning does not adequately avoid impacts. BCS considers it is likely that biodiversity within the site will continue to decline if the proposal is approved in its current form.</p>		<p>permissible land uses. The C2 zone aims to, among other things, ‘ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.’</p>
<p><b><u>Zoning Regime (incl. zone use)</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>the BDAR shows areas mapped as ‘Retained vegetation’ outside of the conservation zone. The Planning Proposal report draft Structure Plan (Figure 6) also identifies these areas of ‘Retained vegetation’ outside the proposed conservation area. The Planning Proposal report zoning map (Figure 26) shows these ‘Retained vegetation’ areas within the RE2 (with additional permitted uses) and R2 zones.</p>	<p><b>Response 3: October 2024</b></p> <p>We note that ‘environmental protection works’ and ‘roads’ are permissible in the C2 zone under Warringah Local Environmental Plan (WLEP) 2011.</p> <p>Our intention for the Snake Creek corridor is to improve water quality and overall environment in the Snake Creek corridor through stormwater management and implementation of WSUD initiatives. Upon review, it is anticipated these works could be characterised as ‘environmental protection works’ and</p>	<p>The proponent has amended the planning proposal so that the entirety of Snake Creek and its riparian tributaries are zoned as Environmental Conservation (C2) and no additional permitted uses are proposed in the C2 zone.</p> <p>The PPA team support the inclusion of APUs for Environmental management works and stormwater services in the RE2 zone. However, APZ, is not a land use definition in the Standard Instrument.</p>

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Issues Raised	Proponent Response	PPA Response
<p>The planning proposal seeks to include Additional Permitted Uses (APU) within the RE2 zone to the northwest portion of the Snake Creek riparian corridor and parts of its tributaries to enable works to enable the servicing and utilities of the adjoining R2 Low Density Residential zone to occur within these areas. The majority of these works would be exempt development under the State Environmental Planning Policy (Transport and Infrastructure) 2021 if undertaken on or behalf of a public authority, i.e., Council and Sydney Water.</p> <p>EHG does not support the proposed approach of zoning the Snake Creek riparian corridor and its tributaries/ natural ephemeral flow paths, retained native vegetation and threatened species habitat to be protected as RE2 and R2. The broad range of permitted uses in the R2 and RE2 zones (including the additional permitted uses the planning proposal seeks to introduce) are inconsistent and incompatible with the retention of native vegetation and protection of the high biodiversity values present including threatened species habitat and the riparian corridor.</p> <p><b>Submission 2: May 2024</b></p> <p>The Proponent Response have not adequately addressed BCS's previous comments. BCS does not support the proposed RE2 Private Recreation and R2 Low Density Residential zoning of the Snake Creek</p>	<p>as such negate the need to references additional permitted used in the C2 zone and allow the accommodation of BCS's request to avoid APUs in the C2 zone.</p>	<p>An alternative permissible term would be 'bush fire hazard reduction work'.</p>

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Issues Raised	Proponent Response	PPA Response
<p>riparian corridor and its tributaries/natural ephemeral flow paths, retained native vegetation and threatened species habitat to be protected. The broad range of permitted uses and additional permitted uses in the proposal in the R2 and RE2 zones are incompatible with the retention of native vegetation and protection of the threatened species habitat and the riparian corridor.</p> <p><b>Submission 3: September 2024</b></p> <p>While the additional 2.3ha of C2 zoned land has increased in the updated planning proposal, the compensatory additional permitted uses will increase impacts to all C2 zoned land across the site, as utilities, services and stormwater infrastructure uses will be permissible throughout all C2 land. These additional uses are incompatible with the retention and protection of native vegetation and threatened species habitat, result in an overall decrease in protections across the site, and should be located in urban zoned I. The proposed additional permitted uses are also inconsistent with the Warringah Local Environmental Plan (LEP 2011) C2 zone objectives and permissible uses.</p>		<p>See discussion above.</p> <p>See discussion above.</p>
<p><b><u>Ministerial Direction 3.1 Conservation Zones</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>EHG does not consider that the direction has been adequately addressed and has failed to demonstrate</p>	<p>Refer to discussion above regarding amended zoning. The amended planning proposal includes a detailed assessment against the proposal’s consistency with Direction 3.1 Conservation Zones in Appendix 1-7.</p>	<p>Refer to discussion above.</p> <p>The PPA team consider that the planning proposal and supporting documentation has sufficiently demonstrated the</p>

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Issues Raised	Proponent Response	PPA Response
<p>application of the avoid and minimise framework. The RE2 and R2 are not considered appropriate zones to retain, conserve and protect the high biodiversity values present given the broad range of uses permitted.</p> <p><b>Submission 2: May 2024</b></p> <p>BCS maintains the view that Direction 3.1 has not been adequately addressed as the Proponent Response to Submissions has not adequately addressed BCS's previous comments.</p> <p><b>Submission 3: September 2024</b></p> <p>BCS maintains the view that Direction 3.1 has not been adequately addressed as the proposal does not 'include provisions that facilitate the protection and conservation of environmentally sensitive areas'. As BCS's advice has been ignored at previous stages of the proposal process, biodiversity and flood risk management issues remain.</p> <p>Issue raised by BCS should be addressed upfront as part of the Planning Proposal to ensure adequate consideration of issues and impacts consistent with the Local Environmental Plan Making Guideline (DPE, August 2023). BCS does not deferring unresolved issues to development application stage.</p>		<p>approach of 'avoid and minimise, then offset' and consistency with Ministerial Direction 3.1 (Conservation Zones).</p> <p>In addressing project location, the MLALC sought an examination of their landholdings through strategic planning considerations from the early 2000s, followed by the Planning Systems SEPP and DDP processes. A DDP forms part of a suite of planning mechanisms to assist Local Aboriginal Land Councils (LALCs) achieve economic self-determination for their communities and deliver social, economic and environmental benefits as compensation for the loss and dispossession of their land. A DDP formally recognises the development pipeline for a LALC and must be considered by planning authorities in key planning assessment processes, including Planning Proposals and development applications. These strategic planning processes all consistently demonstrated that the subject site was most suitable for development of the MLALC's overall landholdings, including from a biodiversity and conservation perspective.</p>

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Issues Raised	Proponent Response	PPA Response
		<p>Once design commenced on the subject site, a structure plan was prepared and informed by biodiversity values.</p> <p>According to the BDAR, the advice provided by Hayes included a hierarchy of areas of biodiversity value for avoidance. The PPA team’s independent ecologist review stated that it is rare for proponents to prepare evidence of an iterative process, particularly for the selection of a project site versus other site options. Based on the above, the PPA team consider the process taken to assess and document the project’s location as reasonable from an ‘avoid and minimise’ perspective.</p> <p>The PPA team’s independent ecological review notes that the BDAR describes areas of vegetation and habitats that would be set aside for conservation, and proposed activities such as the drafting and implementation of a Conservation Zone Management Plan, Biodiversity Management Plan (BMP), and Construction Management Plan. The BDAR stated that the BMP would be tied to an appropriate instrument compelling the landowner to carry out certain</p>

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Issues Raised	Proponent Response	PPA Response
		<p>conservation activities in perpetuity. The BMP would facilitate the protection, conservation and management of environmentally sensitive areas. All of these documents and requirements are able to be prepared at or before a development application stage.</p> <p>Within the project site, over 20 ha will be 'avoided and retained' by zoning for conservation (C2). Of all the land zones available in the standard instrument, apart from C1 National Parks and Nature Reserves, C2 facilitates the next highest conservation zoning, with highly restricted permissible land uses. The C2 zone aims to, among other things, 'ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.' The proposal allows for conservation areas containing threatened species and their habitats, and riparian areas that are intended to be managed in perpetuity, and is considered by the PPA team to meet the requirements of the Ministerial Direction.</p>

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Issues Raised	Proponent Response	PPA Response
<p><b><u>C2 Environmental Conservation</u></b></p> <p>It is unclear how conservation lands will be protected in perpetuity, owned and managed. Details relating to the mechanisms that will be relied upon to conserve the proposed conservation land, such as Perimeter roads or similar buffers, are required.</p> <p>Pathways proposed in the conservation areas in Figure 23 Open Space Structure Plan in the Planning Proposal report is inconsistent with conservation outcomes.</p>	<p>The land will be managed in perpetuity through a community title scheme, which will require the landowner to carry out certain conservation activities in perpetuity through a Biodiversity Management Plan.</p> <p>The BMP would facilitate the protection, conservation and management of environmentally sensitive areas. All of these documents and requirements are able to be prepared at or before a development application stage.</p>	<p>The proponent’s response has adequately addressed this issue, which will be subject to future development application and title requirements.</p>
<p><b><u>Asset Protection Zones</u></b></p> <p>The planning proposal states that “requirements and extent of the APZs will not be finalised until the development application stage”. The extent of APZs will be a significant factor in the level of vegetation removal and biodiversity impacts that occur. EHG expects that the full extent of impacts from the APZs will be included in the planning proposal.</p>	<p>The estimation and calculations of impacts have been addressed, this includes recognition of the APZ’s though detailed analysis of impacts will be undertaken at DA stage. Further the potential likelihood of species on site has been addressed.</p>	<p>The proponent’s response has adequately addressed this issue.</p>
<p><b><u>Development Near Zone Boundaries</u></b></p> <p>Section 5.1 of the updated Planning Proposal states that it is proposed to “Include Standard Instrument clause 5.3 – Development near zone boundaries, for zones R2, RE2, and C2”. The relevant distance where</p>	<p><b><i>Response 3: October 2024</i></b></p> <p>To respond to the concerns raised by BCS and to comply with the Standard Instrument Order, we agree to remove the reference to C2 zoned land within the proposed clause, so to only apply between the RE2</p>	<p>The PPA team do not consider the need for a ‘Development Near Zone Boundaries’ Clause between the RE2 and R2 zones as roads are permissible uses in both zones.</p>



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Issues Raised	Proponent Response	PPA Response
<p>this clause applies between zones would be 15m.</p> <p>However, the Standard Instrument – Principle Local Environmental Plan (2006) states:</p> <p>(3) This clause does not apply to(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>The application of this clause to land in the C2 zone must therefore be removed.</p>	<p>Private Recreation and R2 Low Density Residential zones.</p>	
<p><b><u>FLOODING AND OVERLAND FLOW ISSUES</u></b></p> <p><b><u>Inadequate Assessment of Flood Risk</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>EHG has reviewed the supporting information for the planning proposal and considers that insufficient information has been provided.</p> <p>The Flood Impact and Risk Assessment Report has not adequately demonstrated the flood afflux of the pre and post development scenarios. Tables 1 and 2 of the Flood Impact and Risk Assessment Report both show the flows would increase, which is expected to lead to flood impacts. The flood impact mapping will need to be recalculated after reasonable modelling of the proposed development has been completed, including</p>	<p><b><i>Response 3: December 2023</i></b></p> <p>A flood impact and risk assessment (FIRA) report was Prepared with consideration to the NSW Government’s Flood Impact and Risk Assessment Guideline (LU01). At Planning Proposal stage, the analysis is necessarily high-level and therefore it is not possible to respond to every element of Table 5 and 6. A full FIRA assessment in accordance with LU01 will be submitted for DA assessment.</p> <p>Despite Table 1, 2 and 3 of the FIRA showing a marginal increase in the post-development peak flow, the flood afflux result shows a negligible change in peak water level. This is due to a change in the timing of the peak of the hydrographs.</p>	<p>The updated FIRA and Stormwater Management Plans submitted by the proponent in July 2024 provide significant additional modelling scenarios demonstrating that the site will have acceptable stormwater, water quality and flood outcomes in a post-development scenario, and that the planning proposal satisfies the requirements of the Ministerial Direction related to Flooding (4.1).</p> <p>The additional information sought by BCS relates to detail that can only be resolved at a DA level where it relates to overland flow, earthworks and stormwater detention. The proponent’s draft DCP for</p>

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Issues Raised	Proponent Response	PPA Response
<p>stormwater detention measures.</p> <p>A FIRA needs to be prepared in accordance with the NSW Government’s Guideline Flood Impact and Risk Assessment Guideline to support this planning proposal.</p> <p><b>Submission 2: May 2024</b></p> <p>Limited consideration has been given to the previous issues that BCS has raised regarding flood risk associated with the proposed development, therefore they remain issues of concern.</p> <p><b>Submission 3: September 2024</b></p> <p>BCS notes that the flood impacts cannot be accurately assessed until the modelling issues are resolved, particularly the concerns regarding hydrological modelling. BCS remains concerned with the hydrology as the PMF flows are predicted to decrease even without mitigation measures and recommends further scrutiny is applied to the hydrological modelling.</p> <p>A mitigation measure to provided adequate drainage should be considered for Morgan Road north of site as the road is cut during a 5% AEP even with highly hazardous floodwater (category H5) and the proposed development will be adding traffic. Additionally, shallow sheet flow traverse across Morgan Road may need similar consideration following revision of</p>	<p>The Stormwater Strategy (2022 and updated) further demonstrated that peak flows could be managed by the Stormwater Footprint Methodology.</p> <p>The results show that proposed stormwater detention features proposed in the stormwater footprint methodology can manage the peak flows in the post-development scenario to be equal to or less than the peak flows in the pre-development condition in most of the modelled storm events. Although there are some proposed sub-catchment areas which show a slight increase in the post-development mitigated peak flows in the 5% AEP, these increases have largely been offset by reductions in peak flows in the other sub-catchment areas.</p> <p>The updated documents and analysis show that the draft structure plan is compatible with the existing floodplain environment and is adequate to support the planning proposal from a flooding perspective. The flood assessment demonstrates the site can be developed in accordance with Council and DPHI’s flood planning requirements, without causing adverse offsite impacts to water levels and peak discharge downstream of the site.</p> <p>The proposed stormwater detention features located within the lots and roads can manage the increase in catchment runoff due to the proposed development in storm events up to and including the 0.5% AEP event</p>	<p>the site, which is recommended to be submitted to Council for its refinement and approval, includes appropriate planning controls to address these matters. Further, if the planning proposal is supported and the site included in the Warringah LEP 2011, the existing detailed Council DCP controls related to flood and stormwater will also apply to the site to ensure appropriate DA level outcomes.</p> <p>The PPA team is satisfied with the response to submissions, and that community and agency concerns have been adequately addressed, as they relate to flooding and stormwater on the site.</p>

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Issues Raised	Proponent Response	PPA Response
subcatchments.	by reducing the post-development peak discharge from each sub-catchment to within a reasonable amount as predevelopment.	
<p><b><u>Consultation Qualifications</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>EHG refers to the requirements for consultant qualifications as stated in Section 1.4 of the Flood Risk and Impact Assessment (FIRA) Guideline and recommends a consultant specialised in floodplain management with appropriate qualifications and experience completes the required assessment.</p> <p><b>Submission 2: May 2024</b></p> <p>BCS acknowledges that the CV of Kylee Smith has been provided. However, several issues have not been adequately responded to, including in relation to the hydrological modelling methodology.</p> <p><b>Submission 3: September 2024</b></p> <p>Remaining concerns point to the need for consultants to be adequately experienced in flood risk management.</p>	<p><b>Response 2: January 2024</b></p> <p>The flooding works completed as part of this FIRA has the full oversight and review by Kylee Smith, a degree qualified senior civil engineer at Colliers Engineering &amp; Design with chartered status (CPEng, NER) and with over 13 years' experience in water resources and flood modelling.</p>	<p>The proponent's response has adequately addressed this issue.</p>
<p><b><u>Ministerial Direction</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>The Planning Proposal report Appendix 4 outlines</p>	<p>Refer to discussion above</p>	<p>The proponent's response has adequately addressed this issue.</p> <p>It is noted that the Snake Creek corridor is zoned C2 and no development will be</p>

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Issues Raised	Proponent Response	PPA Response
<p>consistency with the Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979. Regarding Direction 4.1 Flooding, the report states “The Site is not located within flood prone land. Accordingly, Direction 4.1 is not applicable.” EHG notes that the Flood Impact and Risk Assessment Report shows the land as flood affected. Therefore, consistency with the Ministerial Directions must be demonstrated. The flood planning area will need to be established.</p> <p><b>Submission 2: May 2024</b></p> <p>The FIRA has confirmed the site is flood prone. BCS maintains the position that the Planning Proposal is inconsistent with Ministerial Direction 4.1 Flooding and the NSW Government’s Flood Risk Management Manual 2023.</p> <p>BCS agrees that not every element of Table 5 and 6 is required but considers there are substantial elements lacking from the FIRA to make it suitable for the planning proposal stage. BCS has reviewed Tables 5 and 6 against the FIRA and recommends several items be included, such as discussion of consistency with local planning directions, subcatchment maps, and critical durations and temporal patterns.</p> <p><i>See BCS submission for further details.</i></p>	<p>Refer to discussion above</p>	<p>permitted within the area.</p>

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Issues Raised	Proponent Response	PPA Response
<p><b><u>Modelling</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>EHG raises concerns over the accuracy of the modelling and notes that the methodology needs to be revised before EHG’s advice can be provided and recommends a floor risk management specialist prepare the relevant modelling and reporting.</p> <p>The methodology outlined in the FIRA for modelling stormwater volume retention by increasing initial loss of the developed area is not considered an appropriate methodology for flood modelling nor stormwater detention modelling. The proposed measures to mitigate peak flow impacts must be explicitly modelled. The hydrographs shown in the report are not indicative of stormwater detention measure outflows and do not correctly show the likely impact of changes to site hydrology and should be presented of the existing case, developed case without detention measures and developed case with detention measures.</p> <p>Further details are required, including but not limited to the percentage imperviousness adopted in each catchment under existing and developed conditions. The overall fraction impervious for the proposed residential areas must be calculated and presented to ensure it is reasonable.</p> <p>Further explanation and justification of the use and</p>	<p><b>Response 3: January 2024</b></p> <p>Colliers considered the option of traditional end-of-line water quality treatment and detention, however due to the very steep and rocky nature of the terrain, a stormwater strategy involving detention basins at the bottom of each catchment was deemed to be unviable and incompatible with an effective and sustainable design.</p> <p>The proposed stormwater strategy instead adopts a more innovative Stormwater Footprint Strategy which involves introducing both stormwater storage and stormwater treatment rather than focusing on just a basin at the bottom of each catchment.</p> <p>A simplified methodology was adopted only to assess potential changes in flow regime due to the development. The water quantity/detention elements will be incorporated into the TUFLOW model, and an updated, complete set of mapping will be provided at DA Stage once the earthworks grading and detailed sizing of the stormwater detention elements are completed. Colliers Engineering &amp; Design (NSW) is confident that the modelling undertaken within the Stormwater Management Strategy (2022) for the Stormwater Footprint is sufficient to demonstrate that there is no adverse impact to the downstream waterway.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Refer to further detailed discussion above.</p>

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Issues Raised	Proponent Response	PPA Response
<p>application of a roughness (Manning’s n) value of 0.05 for residential areas.</p> <p>Reasonable efforts must be made to validate the modelling in the absence of an available flood study from Council and calibration data.</p> <p><b>Submission 2: May 2024</b></p> <p>The original advice remains relevant: This is not considered an appropriate methodology for flood modelling nor stormwater retention modelling.</p> <p>BCS notes that the flood impacts cannot be accurately assessed until the modelling issues above are resolved, particularly the concerns regarding hydrological modelling. BCS remains concerned with the hydrology as the PMF flows are predicted to decrease even without mitigation measures and recommends further scrutiny is applied to the hydrological modelling.</p> <p><b>Submission 3: September 2024</b></p> <p>The maps indicate there is insufficient sub catchment discretization and should be reviewed to ensure they follow topography. BCS queries how flow can be accurately modelled when there are instances of multiple discharges being considered as one. Additionally, subcatchment boundaries require review as there appear to be inaccuracies. A terrain map should be provided with the subcatchment layer</p>	<p>The values for impervious area of catchments (provided in Appendix B of the FIRA 2022) are typically consistent with, or more conservative than, the values recommended in Council’s AUS SPEC Engineering Specifications (2000). Additionally, the catchments external to the site were modelled as undeveloped in the existing conditions scenario and developed in the developed conditions scenario</p> <p>Given the lack of available calibration data, it is proposed to validate the results for the 1% AEP storm event against two peak flow methodologies – Regional Flood Frequency Estimation (RFFE) and the NSW Rational Method. This is an industry standard approach to peak flow comparison.</p> <p>Analysis the extends the hydraulic model further downstream is more appropriate to undertake at DA stage once the bulk earthworks design and detailed design of the stormwater elements is complete.</p> <p>Extending the model further upstream of the two western flow paths will have limited benefit as the flow regime is largely shallow sheet flow due to lack of defined flow paths and would not increase peak flows substantially.</p> <p>The Manning’s roughness n value of 0.05 for the residential areas represents the composite value of the developed lot excluding the building itself. In this model however, the value is largely irrelevant given</p>	

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Issues Raised	Proponent Response	PPA Response
<p>overlaid to ensure subcatchments are appropriately considered.</p> <p>BCS remains concerned with the hydrology as the PMF flows are predicted to decrease even without mitigation measures and recommends further scrutiny is applied to the hydrological modelling.</p>	<p>the lots themselves are not inundated, as it is not a rainfall on grid model.</p>	
<p><b><u>Frequent Flooding of Transport Route</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>The route to Wakehurst Parkway via Oxford Falls Road is frequently flooded and impassable at both Oxford Creek and Middle Creek and should be considered in the investigation s of emergency evacuations.</p> <p><b>Submission 2: May 2024</b></p> <p>BCS original comment is not specifically in relation to flood evacuation, but other emergencies such as bushfire and also day-to-day access. It is noted that fires and floods may occur concurrently. We request this comment be given due consideration and response and recommends the SES is consulted on any proposal to develop a Flood Emergency Response Plan.</p> <p>BCS also requests that an explanation is provided in the FIRA regarding any information from the transport report that may be relevant to this issue.</p> <p><b>Submission 3: September 2024</b></p>	<p><b>Response 2: January 2024</b></p> <p>The rising flood-free egress route via Morgan Road would be the recommended evacuation route. This can be detailed in a Flood Emergency Response Plan for the development if PMF modelling results in flooded lots.</p> <p>With respect to the commentary around Oxford Falls, it is noted that for emergency evacuation, there is a rising flood-free egress route via Morgan Road headed in a north and western direction. This would be the recommended evacuation route as opposed to travelling downstream towards the road crossings over Oxford Creek and Middle Creek which are flood affected. This can be detailed in a Flood Emergency Response Plan for the development if PMF modelling results in flooded lots upon completion of detailed design, although it is considered that this will be unlikely.</p> <p><i>Refer to Transport report prepared by JMT.</i></p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Refer to further detailed discussion above.</p>

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<p>This item also relates to Middle Creek flooding at the causeway on Oxford Falls Road, which has not been upgraded as has the Oxford Creek crossing of Morgan Road. Flooding at both these locations would cut road access to the east to Wakehurst Parkway. BCS original comment was that “This should be considered in traffic and transport investigations and any consideration of emergency evacuation”. Evacuation of the precinct due to flood emergencies is considered unlikely, however other emergencies such as fire may occur concurrently with flooding. Should these other emergencies be required to be addressed in the planning proposal, consideration should be given this issue.</p>		
<p><b><u>Stormwater</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>The provided very high-level stormwater management report does not demonstrate adequate consideration of a strategy to mitigate the impacts of development on stormwater and flood flows.</p> <p><b><i>Submission 2: May 2024</i></b></p> <p>BCS reiterates that appropriate hydrological modelling has not been completed to demonstrate no impact to flows and recommends this is completed per the Flood Risk Management Measure guidelines.</p>	<p><b><i>Response 2: January 2024</i></b></p> <p>The Stormwater Strategy, prepared by Leaders in the field of Integrated Stormwater Management Design, is proposed to act as an innovative industry benchmark where the traditional approach is not viable.</p> <p>The strategy is designed to mimic natural stormwater flows results in management of flood afflux, as well as water quality, and ensures that there is no prompt for hydrogeological adjustments to the waterway due to negligible change in the hydrological regime, thereby minimising the need for hard engineering solutions.</p> <p>The Stormwater Footprint approach considers stormwater volume as the key variable and has a</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Refer to further detailed discussion above.</p>



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Issues Raised	Proponent Response	PPA Response
	target value of 1 to ensure the downstream waterway will remain unaffected, the geomorphic conditions will remain unchanged, and the stormwater quality will achieve a reasonable result. This innovative approach adopts best practice management of stormwater	
<p><b><u>Proposed Earthworks Strategy</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>EHG queries approach to the earthworks strategy including the necessity of raising land above the PMF and the lowering of flow paths rather than provision of a suitable design cross section. EHG queries how this can be consistent with maintaining existing vegetation across the site.</p> <p><b><i>Submission 2: May 2024</i></b></p> <p>Resolved. The earthworks strategy wording should be updated to reflect this.</p> <p>Resolved. It should be confirmed that the updated flood modelling reflects this approach, noting that BCS does not suggest filling of lots to the 1% AEP plus freeboard would be necessary.</p>	<p><b><i>Response 2: January 2024</i></b></p> <p>The bulk earthworks design is not yet complete. Colliers Engineering &amp; Design notes that the Department’s preference to ensure suitable cross-sections with maintenance of vegetation will be considered throughout design development.</p> <p>Owing to the steep terrain on site, the proposed development areas adjacent to the waterways and overland flow paths are generally already above the PMF level, however Colliers agrees that raising the development above the PMF is not necessary and that raising to the 1% AEP + 0.5m freeboard is the preferred approach.</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Refer to further detailed discussion above.</p> <p>An Earthworks Management Plan and approach will be required as part of future development application processes.</p>
<b>NSW Rural Fire Service (RFS)</b>		
<b><u>Bushfire and Evacuation</u></b>	The Metro LALC has revised its approach to bushfire	The proponent’s response has

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Issues Raised	Proponent Response	PPA Response
<p><b><u>Site Location, Zoning, and Density</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>The site will almost certainly be impacted by significant fire in the future with onsite assets listed at “Extreme Risk” and the evacuation route identified as “High Risk” according to the current Warringah Pittwater Bush Fire Risk Management Plan (dated 2010) and its new draft. The site is considered not an appropriate location for the proposal in its current form, based on the Strategic Principles of Section 4.1 of Planning for Bush Fire Protection 2019 (PBP).</p> <p><b>Submission 2: October 2024</b></p> <p>The RFS advises that it does not support the Planning Proposal in its current form as:</p> <p>it does not meet the objectives Local Planning Direction 4.3 (b) by discouraging the establishment of incompatible land uses in bush fire prone areas</p> <p>the high density (200m 2 lots) of small lot sizes to the north of the proposed rezoning will contribute to the vulnerability of the housing in the event of bush fire.</p> <p>As identified in the RFS correspondence dated 14 May 2024, the draft Bush Fire Risk Management Plan prepared by the Northern Beaches Bush Fire Management Committee identifies the broader area as subject to high bush fire risk.</p>	<p>risk assessment for the site and updated traffic modelling to demonstrate the capacity of the road network during a bushfire emergency.</p> <p>Travers Bushfire and Ecology provided an updated report in February 2024, which responded to the following concerns from RFS, including:</p> <ul style="list-style-type: none"> <li>• Further evidence to demonstrate that the subject site is not in close proximity to the mapped ‘high intensity fire scenarios’ in Meridian Urban’s review, except for a small area of steep forest in the southeast sector of the site;</li> <li>• PBP Chapter 4 is the basis of strategic assessment studies as defined by Ministerial Direction 4.3; and PBP itself. Travers Bushfire &amp; Ecology prepared a strategic bushfire study (October 2022) and this fully responds to the matters required by both Ministerial Direction 4.3 and PBP Chapter 4. Notwithstanding that approach, the RFS have recently requested the approach be enhanced and aligned to a national risk management protocol. The proponent chose NERAG which is a ISO3100 protocol and which Northern Beaches Council consultant Meridian Urban used in 2021;</li> <li>• The concept of density in a bushfire prone landscape has been fully addressed through the implementation of a 100m wide APZ on the</li> </ul>	<p>adequately addressed this issue.</p> <p>Also refer to further detailed discussion above.</p>

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<p>Additional bush fire risk modelling has shown that bush fire risk increases to the highest level for the proposed development area because of increasing population density in the locality.</p> <p>During dangerous fire weather, the surrounding Dry Sclerophyll Forest with dense shrubland can facilitate high-intensity fast-moving fire thereby exposing new members of community to significantly higher risk with limited time to react to new ignitions</p> <p>In the event of bush fire impact, the RFS is concerned the proposed 200m<sup>2</sup> and 450m<sup>2</sup> lot sizes will contribute to the vulnerability of the housing due to the density of the proposed lot sizes.</p>	<p>boundaries where hazardous landscapes have potentially threatening downslope vegetation assemblages. This has been identified as the southern aspects. The remaining aspects all have upslopes, mostly with Tall Heath vegetation, such that the potential impact is demonstrably less;</p> <ul style="list-style-type: none"> <li>• Through the planned removal of bushfire hazards the planning proposal will provide a marked decrease in hazard, with the PP development entity providing a hard edge to the urban development precincts that directly abut Forest Way. It is also noted the current vegetation is a huge risk to the landowners and occupiers including in Morgan Road, Oates Place, Lyndhurst Way, Caley Way and Ocean View Way.</li> </ul> <p>A peer review of the Strategic Bushfire Planning Report was prepared by Dr Grahame Douglas in February 2024, who recommended the following changes to the Structure Plan to ensure the future development could meet the relevant Ministerial Direction and PBP 2019.</p>	
<p><b><u>Evacuation and Road Access.</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>The development is likely to be difficult to evacuate during a bushfire due to the density and location of the</p>	<p>Refer to discussion above regarding evacuation and road access. The JMT modelling was updated to address feedback from RFS and TfNSW.</p> <p>As a highly conservative assumption 100% of all dwellings in the precinct are considered at risk and</p>	

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Issues Raised	Proponent Response	PPA Response
<p>development in relation to the surrounding road network.</p> <p>The Transport Assessment report prepared by JMT Consulting for Metropolitan Local Aboriginal Land Council dated 18 September 2023 does not test realistic bushfire scenarios where certain roads are cut by fire or closed by emergency services.</p> <p>Within the site, the road design for the proposed S1 and S2 development areas do not include a secondary access road, and the single access road proposed is bordered by vegetation on both sides, which needs to be addressed during the next stage of the process.</p> <p>Further traffic modelling must be undertaken to demonstrate safe evacuation times during realistic bushfire scenarios where certain roads are cut or closed by fire.</p> <p><b>Submission 2: October 2024</b></p> <p>The RFS advises that it does not support the Planning Proposal in its current form as:</p> <ul style="list-style-type: none"> <li>• it does not contain provisions for two-way access roads which links to perimeter roads required by section 5.3.2 of PBP, 2019 and Local Planning Direction 4.3(3)(c)</li> <li>• the primary evacuation route from the proposed rezoning via Morgan Road could push people to exit</li> </ul>	<p>would be required to evacuate the precinct during a major bushfire event. This is considered a conservative assumption given the development will remove part of vegetated areas which would in turn reduce the number of dwellings at risk, meaning not all of the population would need to evacuate the area and instead could remain in place. As a comparison the bushfire evacuation modelling undertaken for the Ingleside Precinct assumed 25% of residents would 'stay and defend' rather than evacuate.</p> <p>The unoccupied number of dwellings as per the 2016 ABS Census data is approximately 10% on any given day (vacant homes, occupants on vacation etc). Therefore, the number of dwellings occupied at any given time is only 90% of the total, which has been applied to the Dwellings at Risk to calculate the 'Dwellings occupied on day of fire', being <math>500 \times 90\% = 450</math> dwellings.</p> <p>A study undertaken analysing behavioural aspects of the 2009 Victoria Bushfires 2 indicated that 54% of residents evacuated during a bushfire, and of those residents that evacuated 47% left prior to the last hour before the bushfire arrived. Given the site's more urban location, as well as again considering a highly conservative scenario, only 75% of dwellings have been assumed to depart prior to the final hour before the bushfire arriving.</p> <p>Another highly conservative assumption made as part</p>	

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<p>past or through bush fire prone vegetation.</p> <p>The RFS is concerned that a fire approaching from the north could cut the main evacuation route onto the proposed Forest Way slipway, which is the primary egress route relied upon in the Transport Assessment report prepared by JMT Consulting dated 8 September 2023. The remaining egress options would be along heavily forested routes.</p> <p>The Planning Proposal relies on the assumed but non-committed provision of a slip road, which is beyond the boundaries of the subject site and reliant upon others for funding, construction and ongoing maintenance.</p>	<p>of this analysis is that traffic volumes on the adjacent road network (i.e. through the Morgan Road / Forest Way intersection) will not be impacted by the bushfire event. Further, the traffic modelling has considered the busiest hour of the day on the road network, that being the afternoon (5pm – 6pm) commuter peak hours period as previously described in Section 2.3 of this document.</p> <p>During a major bushfire event it has been assumed no traffic would be able to enter or exit from Morgan Road, apart from those vehicles already within the area.</p>	
<p><b><u>Compliance with PBP and other relevant legislation/guidelines.</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>As mentioned above, based on the Strategic Principles of Section 4.1 of the PBP, the site is considered not an appropriate location for the proposal in its current form.</p> <p>Compliance with the minimum standards of the PBP at the development application stage is not an appropriate solution to minimise the risk for high-risk sites at the strategic planning stage. Additional bushfire protection measures will need to be proposed to further mitigate the risk to an acceptable level.</p>	<p>Refer to detailed discussion above regarding the updated strategic bushfire report and the peer review undertaken by Dr Graham Douglas.</p>	<p>Whilst the proponent and their technical team made several significant changes to the planning proposal to address bush fire risk, designing for PBP and meeting the Ministerial Direction, two recommendations were made by both the proponent’s specialist team and RFS that were not taken up, namely:</p> <ul style="list-style-type: none"> <li>• Similar use of zoning RE2 below the perimeter roads on the south-east and south-west portions of the site, to that done at the southern perimeter road; and</li> <li>• Demonstrated evidence of two road</li> </ul>

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Issues Raised	Proponent Response	PPA Response
<p><b>Submission 2: October 2024</b></p> <p>The RFS advises that it does not support the Planning Proposal in its current form as it does not contain provisions for two-way access roads which links to perimeter roads required by section 5.3.2 of PBP, 2019 and Local Planning Direction 4.3(3)(c)</p> <p>Based on the indicative site layout the road design for the proposed S1 and S2 development areas in the south west of the development does not include a required secondary access road, and the single access road proposed is bordered by vegetation on both sides and on this basis the RFS considers the planning proposal does not meet the access requirements required by section 5.3.2 of PBP, 2019 and Local Planning Direction 4.3(3)(c).</p>		<p>accessibility for most dwellings to further assist with bushfire evacuation – particularly for smaller sized lots, and the need for a perimeter road in the south-west of the structure plan.</p> <p>The PPA team reviewed the structure plan considering these two issues with the DPHI Urban Design team. The Urban Design team prepared an example of alternative structure plan that could address these two issues, whilst also considering the steep slope on parts of the site and realistic lot sizes for this land to minimise vegetation loss. The development outcome from this exercise reduced the maximum number of lots from 450 to 370, refer to Section 4.1.2 of the report for further discussion on these items.</p> <p>Whilst it is acknowledged that the 370 dwelling outcome designed by DPHI's Urban Design team isn't the only possible design solution, it does demonstrate that to implement two further design refinements recommended by specialists to minimise bushfire risk (perimeter roads and APZs, and second road access), a</p>

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Issues Raised	Proponent Response	PPA Response
		<p>reduced dwelling number below 450 is likely necessary.</p> <p>Subject to the implementation of the reduced dwelling numbers to 370, and introduction of RE2 zones below perimeter roads at the south-east and west of the site, the PPA team consider that the planning proposal can meet the objectives of PBP 2019 and the Ministerial Direction. Inclusion of a perimeter road at the south-west of the DCP structure plan should also be considered by Council.</p>
<b>Transport for NSW (TfNSW)</b>		
<p><b><u>BUSHFIRE AND EVACUATION ISSUES</u></b></p> <p><b><u>Slip Lane Evacuation</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>TfNSW notes that the majority of the land required for the proposed slip lane Way is owned by the Northern Beaches Council who does not support the Planning Proposal and therefore is not in favour of entering into a Voluntary Planning Agreement (VPA) with the applicant, the contents of which includes the proposed</p>	<p><b><i>Response 2: October 2024</i></b></p> <p>JMT Consulting held discussions with TfNSW and developed an alternative option that provides for a 'high angled slip lane' which provides additional traffic capacity without compromising TfNSW's future road widening plans. Refer to Figure 1 in JMT's response to TfNSW's comments, dated 9 October 2024).</p> <p>The amended slip is considered to provide for an improved traffic outcome given no works would be</p>	<p>In March, DPHI's Transport Advisory Team and the Chief Engineer reviewed the updated documents.</p> <p>Feedback confirmed that the Metro LALC has responded adequately to TfNSW comments, there are no outstanding issues at this stage of the planning process and that further consultation with TfNSW will be required at the DA stage.</p>

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Issues Raised	Proponent Response	PPA Response
<p>design and construction of a new slip lane at the Forest Way and Morgan Road intersection. TfNSW generally agrees with the intent to provide a left turn acceleration lane from Morgan Road into Forest Way southbound. Further discussion between the Department, Council, and the Proponent is required to determine acquisition, design, delivery, and funding of the proposed slip line prior to Finalisation.</p> <p><b>Submission 2: September 2024</b></p> <p>TfNSW generally supports the intent to provide a left turn acceleration lane from Morgan Road into Forest Way (southbound), but does not support the amended slip lane design and the central median being used by the proponent for the purpose of constructing a slip lane for the following reasons:</p> <ul style="list-style-type: none"> <li>• will effectively reduce the opportunity for TfNSW to use the median to implement safety/ network efficiency measures in the future</li> <li>• amended design presents further issues relating to the angle of the slip lane, pedestrian crossing, and the lateral shift of Forest Way</li> <li>• It is not clear what justification has been provided for the left turn lane in Forest Way (southbound) into Morgan Road.</li> <li>• The short, trapped acceleration lane from the high-angled entry into Forest Wat is not supported as it introduces an unnecessary weaving movement in</li> </ul>	<p>required beyond the existing road reserve, the existing Forest Way central median will require no alterations, and a dedicated left turn traffic movement out of Morgan Road onto Forest Way is maintained.</p> <p>TfNSW noted their in-principle support for the amended slip lane in an email, dated 1 October 2024, and provide design recommendations. Prior to works being undertaken, Detailed designs drawings will be issued to TfNSW for approval. It is envisioned the applicant will enter a Works Authorisation Deed (WAD) with TfNSW undertake the works within the road reserve.</p>	



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Issues Raised	Proponent Response	PPA Response
<p>Forest Way and is considered a safety issue in an 80kph State Road</p> <ul style="list-style-type: none"> <li>• Unclear whether SIDRA modelling has been undertaken to assess the impact and justify the proposed slip lane design.</li> <li>• In the event of a bushfire emergency, the current signal arrangement could be managed by TfNSW and RFS to run the approach phase longer to coordinate an evacuation, potentially removing the need for engineering works.</li> </ul> <p>Proposed slip land should be signalized due to the number of school children currently utilizing the pedestrian crossing at the intersection.</p>		
<p><b><u>Infrastructure Capacity and Delivery</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>Based on SIFRA modelling indicating an 80m queue in AM peak on Morgan Road, TfNSW recommends the removal/restricting of parking to provide an extension to the two approach lanes onto Forest Way.</p> <p>Should the proposal be approved, proposed road works and traffic mitigation measure would need to be reviewed and support by TfNSW prior to lodgement of first subdivision Development Application (DA). Additionally, the works would need to be completed as</p>	<p><b><i>Response 1: December 2023</i></b></p> <p>Detailed analysis of bus routes and frequencies indicates there would be more than sufficient capacity on the local bus network to accommodate future demands from residents. The suitability of the public transport network will be reassessed during the lodgement of these DAs.</p> <p>Oates Place would only ever be used in the event of bushfire evacuation and not in a day-to-day basis. A range of potential options would be available to manage access (e.g. bollards, key/swipe activated access gate, etc.) as well as a backup ‘breakglass</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Also refer to further detailed discussion above and contained within responses prepared by JMT consulting to Appendix 17 of the updated planning proposal.</p>

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Issues Raised	Proponent Response	PPA Response
<p>part of initial development to cater for additional traffic from development.</p> <p>The traffic assessment report anticipates that the development may result in a demand of approximately 200 additional bus trips once the site is fully developed. TfNSW recommends the proponent to consult with TfNSW and agree on an adequate approach to the public transport prior to planning proposal being finalised.</p> <p>Clarification should be provided on how the proposed road link to Oates Place, which is stated to only be provided and available as egress during a bushfire emergency, will be restricted from general car use.</p>	<p>mechanism' could also be available to open the control point to traffic if required</p>	
<b>NSW State Emergency Service (SES)</b>		
<p><b><u>Flooding and Overland Flow</u></b></p> <p><b><i>Submission 1: November 2023</i></b></p> <p>In summary, we:</p> <ul style="list-style-type: none"> <li>• Recommend ensuring that rising road access is available for all proposed dwellings on the site.</li> <li>• Recommend ensuring that the community is aware of the significant flood risk on nearby roads.</li> <li>• Request flood modelling maps detailing the 1% AEP and PMF levels, as although these were requested by NSW SES during the meeting held on 12 October 2023, these were not provided to NSW</li> </ul>	<p>The Metro LALC has completed additional flood modelling for pre &amp; post development scenarios downstream of the site on Oxford Falls Road.</p>	<p>The proponent's response has adequately addressed this issue.</p>

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Issues Raised	Proponent Response	PPA Response
<p>SES prior to the writing of this response.</p> <ul style="list-style-type: none"> <li>Note that the modelling demonstrates overall increases to peak flow for most post-development scenarios.</li> <li>Note that the site has slope gradients reaching up to 35%, and may therefore pose a risk of overland flow flooding on the site and therefore recommend this is assessed.</li> </ul> <p><b>Submission 2: September 2024</b></p> <p>In summary, we:</p> <ul style="list-style-type: none"> <li>Note parts of the site are affected by flooding as frequently as a 5% Annual Exceedance Probability (AEP) event with several proposed residential areas becoming High Flood Islands due to road inundation.</li> <li>Recommend further flood information regarding time to overtopping and duration of inundation for the site and surrounding roads.</li> <li>Reiterate that rising road access should be provided for all proposed dwellings on the site to avoid the risk of isolation.</li> </ul>		
<p><b>Crown Lands</b></p>		
<p><b><u>Crown Road Use</u></b></p> <p>Crown Lands notes and advises that there are a number of Crown roads within the project area that may provide legal access to the development but may not</p>	<p>A new local road be included as part of the R2 rezoning area. This road will provide access for both future and adjoining land together, with a bush fire evacuation path and a connection to Oates Place.</p>	<p>The proponent's response has adequately addressed this issue.</p>

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Issues Raised	Proponent Response	PPA Response
<p>provide practical access and should not be relied upon for such access to the project site. This includes the Crown road west of the proposal area running south from Morgan Road, which may provide legal access but not practical access to Lots 954 and 955 in DP752038. This road, along with several other Crown roads, meets the criteria for transfer to Council and could be realigned to provide practical access to Lots 954 and 955.</p> <p>Crown road mentioned above cannot be used for APZs and must be designed and incorporated within the development they serve</p>	<p>The new road will facilitate connection to Lots 954 &amp; 955 in DP752038 which currently have no legal road access. This will resolve a long-standing issue for these landowners.</p> <p>It is agreed that Crown Lands cannot be used for APZ purposes. All APZ's will be provided outside any Crown Road reserves but within the subject site.</p>	
<p><b><u>Crown Reserve</u></b></p> <p>The Crown Reserve, known as R83616 (Part Lot 2 DP1285945), cannot form part of the proposal area.</p>	<p>DP 1285945 was recently created to identify a future road widening of Morgan Rd where the existing formation crossed onto land transferred to MLALC. It is intended that this land is retained by the Crown and created as a road in the future.</p>	<p>The proponent's response has adequately addressed this issue.</p>
<p><b>Greater Cities Commission (GCC)</b></p>		
<p>The GCC is of the view that the planning proposal has strategic merit and broadly consistent with the relevant objectives of the Region and District Plan.</p> <p>In regard to <i>Planning Priority N22: Adapting to the impact of urban and natural hazards and climate change</i>, a detailed assessment, that includes proposed mitigation measures to protect housing, APZs, and emergency evacuation routes, is required to determine</p>	<p>The GCC's comment is noted and further justification against the objectives in the Greater Sydney Region Plan and associated Planning Priorities in the North District Plan to address Council's concerns.</p>	<p>The proponent's response has adequately addressed this issue.</p> <p>The proponent has provided additional information to demonstrate consistency against the Regional and District Plans.</p>

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Issues Raised	Proponent Response	PPA Response
<p>whether the site’s natural hazards have been adequately addressed.</p>		
<p><b>Sydney Water</b></p>		
<p><b><u>Wastewater Servicing</u></b></p> <p><b>Submission 1: November 2023</b></p> <p>Sydney Water cannot support the planning proposal in its current form as it is outside the wastewater servicing catchment. They recommend the Proponent engage with Sydney water to discuss alternative solutions.</p> <p>Sydney Water currently has no plans to provide wastewater services for the planning proposal area. The Proponent would need to undertake an options assessment with Sydney Water and enter into a services delivery agreement.</p> <p><b>Submission 2: April 2024</b></p> <p>Warriewood network has some capacity constraints, however, treatment plant has capacity to service 450 dwelling. Developer needs to engage consultant to investigate network capacity, connection point, and any network upgrade requirements if required.</p>	<p><b>Response 2: September 2024</b></p> <p>The Water Services Coordinator, Colliers Engineering &amp; Design, as appointed by Sydney Water, confirms</p> <ul style="list-style-type: none"> <li>• Warriewood Wastewater Treatment plant currently services the site and has capacity to service the proposed development</li> <li>• That any required upgrade of Sydney Water assets/infrastructure to service the project will be at no cost to government.</li> <li>• Technical matters associated with the project can be easily resolved.</li> <li>• There are ongoing communication with Sydney Water regarding technical matters and their resolutions.</li> </ul>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Sydney Water has since provided advice that there may be capacity and on the next steps required before development can commence.</p>
<p><b>Water Servicing</b></p> <p><b>Submission 1: November 2023</b></p> <p>Further assessment can be carried out during the S73</p>	<p><b>Response 2: September 2024</b></p> <p>The Water Services Coordinator, Colliers Engineering &amp; Design, as appointed by Sydney Water, confirms</p>	<p>The proponent’s response has adequately addressed this issue.</p> <p>Sydney Water has since provided advice that there may be capacity and on the</p>

# Summary of Council and Agency Submissions

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Issues Raised	Proponent Response	PPA Response
<p>application as the proposed development is primarily outside the existing water supply zones, the closest being Belrose water supply zone.</p> <p><b>Submission 2: April 2024</b></p> <p>The trunk of Belrose water supply zone may have capacity but may require reticulation amplification or extension, which will be reassessed in the S73 application.</p>	<ul style="list-style-type: none"> <li>• Warriewood Wastewater Treatment plant currently services the site and has capacity to service the proposed development</li> <li>• That any required upgrade of Sydney Water assets/infrastructure to service the project will be at no cost to government.</li> <li>• Technical matters associated with the project can be easily resolved.</li> </ul>	<p>next steps required before development can commence.</p>
<b>Ausgrid</b>		
<p>Ausgrid noted that the Proponent has previously contacted Ausgrid regarding supply to the development and recommend they recommence discussions as soon as practicable, given last communication was in 2022.</p> <p>Further assessment can be carried out as part of a Development Application (DA).</p>	<p>Noted</p>	<p>The agencies and the proponent's responses are noted.</p>
<b>Jemena</b>		
<p>Jemena raised no objection to the planning proposal.</p> <p>Jemena can confirm that it operates a high-pressure pipeline approximately 700m east of the proposed development area and anticipates the development will have no impact on the operation of the pipeline</p>	<p>Noted</p>	<p>The agencies and the proponent's responses are noted.</p>

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Issues Raised	Proponent Response	PPA Response
<b>Fire and Rescue NSW</b>		
No response was received from Fire and Rescue.	Noted	The agencies and the proponent's responses are noted.
<b>NSW Environment Protection Authority (EPA)</b>		
No response was received from EPA.	Noted	The agencies and the proponent's responses are noted.
<b>Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW)</b>		
No response was received from DCCEEW.	Noted	The agencies and the proponent's responses are noted.
<b>Natural Resource Access Regulator (NRAR)</b>		
No response was received from NRAR.	Noted	The agencies and the proponent's responses are noted.
<b>Department of Education – Schools Infrastructure NSW</b>		
No response was received from Schools Infrastructure NSW.	Noted	The agencies and the proponent's responses are noted.
<b>NSW Health – Northern Local Health District (NLHD)</b>		
No response was received from NLHD.	Noted	The agencies and the proponent's responses are noted.
<b>NBN Co.</b>		

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Issues Raised	Proponent Response	PPA Response
No response was received from NBN Co.	Noted	The agencies and the proponent's responses are noted.