

ATTACHMENT BOOKLET

EXTRAORDINARY COUNCIL MEETING

TUESDAY 24 JANUARY 2023

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24 November 2022

Ms Lauren Templeman
Manager Infrastructure and Planning
Department of Planning and Environment

Email: lauren.templeman@planning.nsw.gov.au

Our Ref: 2022/748456

Dear Ms Templeman

**Northern Beaches Council Submission - Planning Proposal for Lizard Rock,
Morgan Road, Belrose**

I refer to your letter dated 27 October 2022.

Thank you for the opportunity to make a submission on the Planning Proposal for Lizard Rock, Morgan Road, Belrose.

Council considered the matter at its meeting on 22 November 2022 and resolved to make the attached submission.

In summary, the submission opposes the granting of a Gateway approval for the Planning Proposal for several reasons, including lack of strategic or site specific merit, environmental and infrastructure impacts, inadequacies within the documentation and inconsistencies with existing policies and strategies.

Should you require any further information or assistance in this matter, please contact my office on (02) 8495 6273.

Regards



Andrew Pigott
Executive Manager Strategic & Place Planning

Attachment: Detailed Council submission.



Northern Beaches Council Submission

Planning Proposal for Lizard Rock, Morgan Road, Belrose

November 2022

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Introduction

Northern Beaches Council welcomes the opportunity to provide a submission to the Planning Proposal for Lizard Rock, Morgan Road, Belrose by the Metropolitan Local Aboriginal Land Council (MLALC) in the Northern Beaches Local Government Area (LGA).

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before white occupation and that the NSW Aboriginal Land Rights Act 1983 (ALR Act) was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community.

As outlined within our Local Strategic Planning Statement, Towards 2040, a key priority of Council is for Strong engagement and cooperation with Aboriginal Communities (Priority 13). It also includes actions to work with MLALC to implement initiatives in their community land and business plan (A13.3), and to better understand constraints as well as feasible and appropriate land use opportunities on land owned by MLALC (A4.7).

Council however has many concerns with the planning proposal, including process and statutory compliance issues and a number of environmental and land suitability issues.

Summary of Issues

- **Inconsistency with Strategy** - The Planning Proposal does not demonstrate strategic merit and is inconsistent with key aspects of the Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement - *Towards 2040* and Northern Beaches Local Housing Strategy.
- **Non-compliant process** - There has been no pre-lodgement consultation with Council on the Planning Proposal, as required by the *Local Environmental Plan Making Guideline* and as recommended by the consultation outcomes report prepared by WSP consultants on behalf of the Department following exhibition of the *SEPP (Planning Systems) 2021 Aboriginal Lands & draft Northern Beaches Aboriginal Land Development Delivery Plan*.
- **Insufficient Consultation** – Council has been given insufficient time to comment. 28 days is clearly not sufficient to consider and comment upon such a complex proposal with almost 1400 pages of documentation.
- **Significant inconsistencies within Planning Proposal documentation** – for example:
 - Various referring to 450 “dwellings” and 450 “lots”. 450 lots has the potential to create double or triple that number of “dwellings” if seniors housing and dual occupancy is permitted, as proposed. This has major impacts on all aspects of the proposal.
 - Referring to proposed B1 zone and RE2 zone for up to 5000 sqm of neighbourhood shops, supermarkets, medical centre and office and childcare facilities (page 63), inconsistent with zoning maps which include only residential and conservation zones.
 - Referring to securing “*additional permitted uses...for dual occupancies and seniors housing, as well as community facilities*” in the residential zone (page 5) whilst elsewhere stating “*the proposal does not involve “inappropriate development” such as schools or retirement villages*” (pages 42 & 101). This is reiterated in the Travers Bushfire and Ecology report (p vii) documents and is critical to consideration of bushfire and infrastructure requirements.
- **Inconsistency with Conservation Zones Review** - The Planning Proposal is inconsistent with Council’s Conservation Zones Review which recommends applying a C3 Environmental Management Zone to most of the site due its high environmental value. Whilst not mandated as a head of consideration for Planning Proposals, it is a matter that should have been addressed, and would have, had there been appropriate pre-lodgement processes.
- **Enormous loss of high biodiversity habitat** - The Planning Proposal would facilitate development that would result in approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) being cleared, and a further 6.9 hectares (including threatened species) subject to indirect impacts, resulting in significant impacts on core habitat, known habitat for various threatened species of flora and fauna, and Threatened Ecological Communities (TECs), contrary to adopted policy and the *NSW Biodiversity Conservation Act 2016*. The Planning Proposal incorrectly states that the site “predominantly comprises disturbed bushland”, contrary to the Preliminary Biodiversity Development Assessment Report submitted with the Planning Proposal and contrary to Council’s own knowledge and studies.
- **Bushfire** - The proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are

not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.

Some discrepancies are also noted that need to be clarified, for example, the proposal seeks to secure additional permitted uses within the R2 zone for residential land uses such as “dual occupancies, seniors development and community facilities” (p.5, Gyde consulting) – yet this is at odds with later statements that “The proposal does not involve “inappropriate development” such as schools or retirement villages.” (p42 & p. 101).

In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents. It is unclear whether utility services (electricity and water) identified to service the site are adequate in terms of bush fire risk. Further information is required.

- **Draft Development Control Plan required** – the Planning Proposal suggests that matters such as minimum allotments sizes will be controlled through a site-specific Development Control Plan (DCP) however no draft DCP has been submitted. Given the scale and complexity of this Planning Proposal, a DCP should be submitted together with the Planning Proposal for consideration and assessment.
- **Insufficient Affordable Housing** - The Planning Proposal is inconsistent Council’s Affordable Housing Policy and Local Strategic Planning Statement which seek 10% affordable rental housing for all strategic plans and planning proposals for up-zoning, urban renewal or greenfield development (the proposed contribution of \$2.5 million is well below 10%).
- **Unjustified and outdated urban design** - The urban design concept has not been justified by comparing alternative settlement options; does not sufficiently account for the site constraints and location; mimics the urban form of the 1970’s by creating a sparse, isolated, car-reliant, enclave; and does not make clear how the proposed new settlement relates to or integrates with Belrose.
- **Insufficient survey work of Aboriginal heritage** - The proposal provides only basic information about the known Aboriginal sites and potential for unrecorded sites at Lizard Rock. There is insufficient information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation. Site mapping of the rock engravings is of a very general nature and likely to be inaccurate and the report fails to demonstrate the significance of the rock engraving sites and how the proposal can safeguard them from current and future impacts as part of a managed visitor experience.
- **Proposed slip lane on Forest Way is on Council land** - the land identified to accommodate the future slip lane is owned by Council, is zoned RE1 – Public recreation, is classified as Community Land, and has not been specifically identified in the Planning Proposal document. The land is part of a broader vegetated buffer along both sides of Forest Way from Morgan Road extending 1.4km south to Dawes Road and provides visual treatment and noise attenuation between the busy road corridor and adjacent developments. No discussions have taken place with Council about this land. Any proposition to include Council’s land for road widening requires a Council resolution as the landowner before contemplating a reclassification of land under the Local Government Act and rezoning of that land to reflect the new public purpose.
- **Major impacts on Waterways** - The Planning Proposal would result in significant environmental impacts within the Snake Creek / Narrabeen Lagoon catchment. The proposal is a major catchment disturbance that will affect the value of the valley setting and receiving waters, and impact riparian land. It is inconsistent with adopted waterway related policy and strategy documents published by both the NSW Government and Northern Beaches Council.
- **Slope instability** – The planning proposal identifies sites which could have potential ‘moderate’ or

‘high’ slope stability risk and would require slope stability remedial measures. Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk.

- **Insufficient information regarding stormwater infrastructure impacts** – The proposal provides insufficient information to adequately consider the considerable infrastructure upgrades necessary to support the development. New roads are proposed on valley slopes that exceed the maximum grades recommended by Austroads. Due to the steep grades and geotechnical conditions, concern is raised about the long term adverse or cumulative impacts of the proposed development on flood behaviour and performance of the stormwater detention system.
- **Insufficient information about economic and social impact** – The proposal estimates an increase in population from the proposed development of 1,428 people, 20 to 140 jobs post construction, and over 5000 sqm retail and services floorspace. Insufficient information is provided about the staging of new retail and services development, potential impacts on existing or planned commercial centres, the likely social impacts (positive and negative) of the proposal, and demand on social infrastructure.
- **Insufficient modelling of traffic and transport and Active Transport proposals** – the modelling fails to consider impacts on the broader Morgan Road corridor. Morning peak northbound queuing at the Morgan Road/ Wakehurst Parkway intersection increases by over 150m. There is no modelling of the intersection of Oxford Falls Road and Wakehurst Parkway (known blackspot location). There is also no supporting modelling to demonstrate no net impact on the adjoining intersections along the Forest Way or Wakehurst Parkway corridors. Active transport planning is insufficient, appearing as an afterthought rather than the focus for the new development as required under Council’s MOVE Strategy. Suitable bus infrastructure at the three main points serviced should be considered.
- **Insufficient emergency evacuation modelling** – the modelling does not demonstrate the real time evolving situation and does not consider the broader area impacts. Further modelling is required about how the emergency situation would evolve on a variety of scenario events. Modelling of a worst-case scenario is required, involving full evacuation including traffic from the areas to the north simultaneously being evacuated along Forest Way, movements required to facilitate the assisted evacuation of the nearby Seniors Living developments and the inability of traffic to filter through the network to the north, west and east.
- **Inconsistencies in documentation regarding infrastructure provision** – it is not clear how and where community facilities will be provided as no zoning for this land is indicated. Various references to 450 dwellings versus 450 lots has significant infrastructure implications.
- **Additional infrastructure demand not adequately addressed** - The proposal generates additional demand for Community Facility floorspace, Library Services floorspace, Open Space, Active transport, and traffic infrastructure which cannot all be met on-site. The application of Council’s “standard” Section 7.12 Contributions Plan to address these matters will not cover the cost of this infrastructure – a new separate Section 7.11 Contributions Plan is required.
- **Voluntary Planning Agreement (VPA) offer not supported** – the VPA provides for critical infrastructure needed for the creation and registration of serviced land ready for sale at market, it is not a contribution for a public purpose. The affordable housing offer (\$2.5m) is inconsistent with Council’s Affordable Housing Policy and Local Strategic Planning Statement requirements.

Strategic Context

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

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

Table 1 : legal description of the site, including site area and ownership



Figure 1 : Aerial view of site, outlined in white

The land subject to the planning proposal is on land identified as a “Deferred Matter” pursuant to Warringah Local Environmental Plan 2000 and is identified within the B2 Oxford Falls Valley locality statement (See Figure 2)



Figure 2 : Locality B2 - Oxford Falls Valley within WLEP 2000

The land is also identified within the Metropolitan Rural Lands Area (MRA) and Future potential MRA within Council's Local Strategic Planning Statement (LSPS).

The site was subject to a previous planning proposal and was recommended for investigation into future development potential by the Planning Assessment Commission in its 2009 report of the *Review of four sites in Oxford Falls Valley for Urban Development*. It was the subject of Stage 2 of the [Oxford Falls Valley and Belrose North Strategic Review Planning Proposal](#), pending transfer of the planning controls from Warringah LEP2000 to Warringah LEP2011 (Stage 1). Stage 1 was progressed through to public exhibition, however Stage 2 never progressed following DPE's determination not to proceed on 5 May 2020.

Council is undertaking several studies to inform future planning for this site (inclusive of the additional MLAC sites identified in the Planning Systems SEPP) in preparing the new Northern Beaches LEP and Development Control Plan (DCP) (LEP/DCP Technical Studies). These include a Conservation Zones Review (formerly known as the Environmental Zones Review) and supporting technical studies: Deferred Lands Strategic Bush Fire Assessment; Deferred Lands Biodiversity Assessment; Biodiversity Planning Review; Watercourse, Wetlands and Riparian Lands Study and Estuary Planning Level Studies for Cowan Creek/Cottage Point and North and Middle Harbour. Other technical studies being finalised include the Environment Study, Stormwater Management Study, Geotechnical Review, Local Character Study, Urban Design Study, Social Infrastructure Study and Employment Study.

Council's investigations and technical studies are being delivered as part of our program '[Planning our Sustainable Future](#)'. As outlined in *Towards 2040*, these studies will inform our comprehensive LEP and DCP, and place-based planning in the MRA and MRA investigation area.

The planning proposal is to be assessed in terms of the alignment with *Towards 2040*, supported by the Greater Sydney Commission (GSC) for consistency with the *Greater Sydney Region Plan* (GSRP) and *North District Plan* (NDP). Attention is drawn to the principles of *Towards 2040*, including the strategic principles for managing growth and change.

Discussion of Key Issues

A discussion of the key issues is provided below, with more detailed comments provided in Appendix 1 (Aboriginal heritage) and 2 (Independent bushfire report).

Process and Statutory Compliance Issues

1. Alignment With Regional Strategic Plans

The Planning Proposal does not have appropriate regard to the Greater Sydney Regional Plan (GSRP) and is inconsistent with the provisions of the North District Plan (NDP).

The proposal will support residential uses on the site, however a key objective of the GSRP is to support new diverse housing in the right location consistent with the NDP, Councils Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

The site is highly constrained, non-urban land which has previously not been considered suitable for land release. Whilst the GSRP requires more flexible planning in these areas to enable greater economic participation, and community and cultural uses by Aboriginal people, the proposal is inconsistent with GSRP objectives (see Table 2) and NDP priorities (see Table 3) including alignment with Council's LSPS *Towards 2040* (Table 5).

Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal's inconsistency with the relevant objectives of the Greater Sydney Region Plan is detailed within Table 2.

Relevant Planning Objectives - GSRP	Inconsistency
Objective 2 - Infrastructure aligns with forecast growth – growth infrastructure compact	The planning proposal will increase demand on existing infrastructure and require the provision of new infrastructure to support the development. However, the infrastructure assessment provided in the planning proposal does not adequately address the demand or infrastructure delivery.
Objective 5 - Benefits of growth realised by collaboration of governments, community and business	Given the significance of the planning proposal, it is unacceptable that there has been no communication with Council about the planning proposal prior to its lodgment to the NSW Department of Planning and Environment – particularly as key aspects of the proposal rely on Council assets (such as the slip lane on Forest Way to facilitate safe egress from the development) – and further that Council has been given only 28 days to now review and comment on the proposal and numerous supporting documents.
Objective 10 – Greater housing supply	The proposal will support residential uses on the site; however, the objective is to support new housing in the right location and must be coordinated with local infrastructure. Councils endorsed LSPS and LHS identify a centres based approach for the locations of proposed new housing growth in the Northern Beaches LGA to 2036. The subject site is an isolated site, away from transport, and services and facilities to support the incoming population. Future residents will be required to rely on private cars for transport. The Planning Proposal is not the right location for development of this scale and is inconsistent with both endorsed strategic documents and objective 10.
Objective 11 – Housing is more diverse and affordable	The objective is to provide diverse housing choices, particularly in the form of additional affordable rental housing (with targets in the range of 5–10 per cent of new residential floor space being generally viable). Council's affordable housing policy requires areas of urban renewal (areas of zoning uplift) to provide 10% affordable rental housing. Whilst it is acknowledged the proposed planning agreement seeks to provide a monetary contribution or land dedication to the value of \$2.5 million for the purposed of affordable housing, this is considerably below the minimum 10% affordable rental housing which is a requirement for all planning proposals for up zoning.

Relevant Planning Objectives - GSRP	Inconsistency
Objective 12 - Great places that bring people together	The 450 dwelling development is isolated and does not enhance local identity through place-based planning and design.
Objective 13. Environmental heritage is identified, conserved and enhanced	Aboriginal heritage report submitted with the planning proposal provides insufficient information regarding the ongoing protection of Aboriginal sites at Lizard Rock and visitation management. Refer to comments below under Aboriginal heritage
Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	To achieve a 30-minute city the integration of land use and transport planning is required to create walkable cities. Council's adopted position within its LHS for exploring additional housing diversity is the identification of Centre Investigation Areas within an 800- metre radius of the B-line bus stops. These areas have been identified as the most appropriate location within a walkable distance to services, jobs, and public transport. The Planning Proposal to change the zoning and significantly increase the number of dwellings on this site, which is located well outside of the 800-metre investigation area, is inconsistent with this stated approach.
Objective 25 - The coast and waterways are protected and healthier	The proposal would result in significant environmental impacts within the Snake Creek / Narrabeen Lagoon catchment. The proposal is a major catchment disturbance that will affect the value of the valley setting and receiving waters, and impact riparian land.
Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation	The proposal would facilitate development that would result in approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) being cleared, and a further 6.9 hectares (including threatened species) subject to indirect impacts, resulting in significant impacts on core habitat, known habitat for various threatened species of flora and fauna, and Threatened Ecological Communities (TECs), contrary to adopted policy and the <i>NSW Biodiversity Conservation Act 2016</i> .
Objective 28 – Scenic and cultural landscapes are protected	The clearing of existing bushland and existing canopy trees within the proposed subdivision allotment area removes all the vegetation such that a 'cleared' site will alter the current vistas into the site from 'forest' land to 'cleared'.
Objective 29 - Environmental, social and economic values in rural area are protected and enhanced	The proposal is inconsistent with principles to avoid urban intensification and subdivision in the Metropolitan Rural Area (MRA) and future MRA investigation area and to limit development to a scale, form and density consistent with the existing character and use
Objective 30 - Urban tree canopy cover is increased	A large portion of the site, estimated at 70%, is proposed for bushland and tree canopy removal, disconnecting existing bushland and wildlife corridors.
Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The planning proposal indicates that it seeks to provide a green and resilient urban environment and will provide sustainable transport options which can contribute to reducing emissions. There is limited other information contained in the planning proposal about reducing carbon emissions and managing energy, water and waste efficiently. The proposed development is a car dependent enclave which is at odds with this priority.
Objective 37 - Exposure to natural and urban hazards is reduced	The proposal seeks to locate 450 dwellings within a bushfire prone area. The proposal is inconsistent with principles to avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to bush fire.

Table 2 :Inconsistency with relevant priorities in the Greater Sydney Region Plan

North District Plan

The proposal's consistency with the relevant objectives of the North District Plan (NDP) is detailed within Table 3.

Relevant Planning Priority - NDP	Inconsistency
Planning Priority N1 - Planning for a city supported by infrastructure	The proposal will increase infrastructure requirements, however the infrastructure assessment and service delivery plan is inadequate and incomplete. There has been no collaboration with Council regarding infrastructure provision or upgrade needed.
Planning Priority N2 - Working through collaboration	There has been no collaboration with Council prior to lodgement of this planning proposal.
Planning Priority N5 – Providing housing supply, choice, and affordability, with access to jobs, services, and public transport	Priority N5 identifies that councils are in the best position to investigate and confirm which parts of their local government area are suited to additional housing opportunities through the preparation of local housing strategies (LHS). The Northern Beaches LHS has identified that there is sufficient capacity to accommodate future housing demand in and around centres in existing urban areas without the need to encroach on existing undeveloped areas such as within the Deferred Lands area and the Metropolitan Rural Area. The proposal is inconsistent with Councils LHS.
Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city	Councils' adopted position within its LHS for exploring additional housing diversity is the identification of a Centre Investigation Areas (Mona Vale, Narrabeen, Dee Why, Brookvale and Manly Vale) and within an 800- metre radius of B-line bus stops. The Planning Proposal seeks to significantly increase the number of dwellings in an area that is outside the 800-metre investigation area.
Planning Priority N15 - Protecting and improving the health and enjoyment of Sydney Harbour and the District's Waterways	Much of the proposal is in the Narrabeen Lagoon catchment which is of high environmental, social and economic value to the Northern Beaches. The proposed clearing of land and urbanization to provide 450 dwellings would result in unavoidable impacts to creeks, wetlands, and their associated riparian environments at such a scale as proposed would be inconsistent with the objectives and principles of the objectives and principles of the GRSP, NDP and Towards 2040
Planning Priority N16 - Protecting and enhancing bushland and biodiversity	The loss of such a large area of natural bushland and tree canopy removes biodiversity and alters the scenic landscape quality of the site and is not consistent with this planning priority.
Planning Priority N17 – protecting and enhancing scenic and cultural landscapes	The extensive land clearing will result in an irreversible change to the landscape.
Planning Priority N18 – better managing rural areas	The proposal is inconsistent with principles to avoid urban intensification and subdivision in the MRA and future MRA investigation area and to limit development to a scale, form and density consistent with the existing character and use
Planning Priority N19 - Increasing urban tree canopy cover and delivering Green Grid connections	The proposal is inconsistent with the principle to protect, maintain and enhance the existing urban tree canopy, including mature trees. Vegetation clearing in sites within the 'Future MRA investigation area' and urban areas, will significantly impact the Northern Beaches Council's urban tree canopy measured as 39% (GSC, 2019), and hinder the ability for Greater Sydney to meet their target of 40% by 2036.

Relevant Planning Priority - NDP	Inconsistency
Planning Priority N20 - Delivering High Quality Open Space	It is unclear to what community value the proposed public open spaces indicated in the proposal would provide when such spaces are spread across various locations within the proposed R2 land use zones, that will limit the available area space for open space use.
Planning Priority N21 - Reducing carbon emissions and managing energy, water and waste efficiently	There is limited other information contained in the planning proposal about reducing carbon emissions and managing energy, water and waste efficiently. The proposed development is a car dependent enclave which is at odds with this priority.
Planning Priority N22 - Adapting to the impacts of urban and natural hazards and climate change	The site is identified as bushfire affected which will result in an intensification of development, inappropriate development and incompatible land uses in areas exposed to high risk of bush fire, likely to increase risks to life and property and present difficulties in evacuation.

Table 3 : Inconsistency with relevant priorities of North District Plan

Metropolitan Rural Area

The proposal is also clearly inconsistent with the GSRP and NDP as it relates to the operation of the “Metropolitan Rural Area” or MRA.

GSRP	NDP
The MRA is an area identified in the GSRP having: <i>...a wide range of environmental, social and economic values. It covers almost one quarter of Greater Sydney and contains farms; rural towns and villages; rural residential developments; heritage, scenic and cultural landscapes; mineral resources; and locations for recreation and tourism. Its areas of high environmental value have been mapped by the Office of Environment and Heritage.</i>	The NDP reinforces: <i>It should be noted that no part of the Northern Beaches is identified as an existing Growth Area or an Urban Investigation Area</i>
The GSRP goes on to say: <i>Urban development is not consistent with the values of the Metropolitan Rural Area. This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area, including existing Growth Areas and urban investigation areas.</i>	And: <i>The District’s rural areas provide opportunities for people to live in a pastoral or bushland setting. Urban development is not consistent with the values of the Metropolitan Rural Area.</i>
And: <i>Restricting urban development in the Metropolitan Rural Area will help manage its environmental, social and economic values, help to reduce land speculation, and increase biodiversity from offsets in Growth Areas and existing urban areas</i>	Importantly, the North District Plan also states: <i>Parts of the urban-rural fringe are owned by the Local Aboriginal Land Council. Future planning of these areas may require flexibility in order to balance rural values with the objectives of greater economic participation and community and cultural use of these areas by Aboriginal people.</i>

Table 4 : Metropolitan Rural Area

The subject site is partly within the MRA. Urban development is proposed on this site (450 lot subdivision). The inconsistency of the proposal with the GSRP objectives and NDP priorities for the MRA has not been adequately addressed.

This is a threshold issue for development in the area. It is not sufficient to suggest, as the NDP

states, that as “flexibility” is required to deal with MLALC-owned lands in the MRA, there is no need to consider the clear non-compliance with the GSRP, NDP, LHS and LSPS in relation to good planning principles established through the existing strategic planning framework.

2. Alignment With Towards 2040

The planning proposal inaccurately and selectively suggests compliance with Council’s Local Strategic Planning Statement, Towards 2040. This is incorrect. The proposal is inconsistent with many priorities of Towards 2040 including those relating to waterways, biodiversity and housing.

The Northern Beaches Council’s LSPS (Towards 2040) was made by the Chief Executive Officer under delegated authority based on Council’s resolution 25 February 2020 and a letter of support from the Greater Sydney Commission (GSC) for consistency with the GSRP and NDP. This new planning document sets out a 20-year vision for land use in the area. Councils LSPS is the mechanism to provide a locally relevant response to the GSRP and NDP housing targets.

The below table shows Council’s identification of inconsistencies with *Towards 2040* which has been supported by the GSC for consistency with the GSRP and NDP. Table 5 includes reference to relevant *Towards 2040* planning priorities, and related GSRP objectives and NDP priorities.

Towards 2040 priorities which were not considered inconsistent were as follows:

- *P13 – Strong engagement and cooperation with Aboriginal communities* - the proposal has the potential to be consistent, if a more collaborative process is established from this point forward. See section Collaboration.

Inconsistency with LSPS Towards 2040 Priorities	Relevant aligned GSRP Objectives and NDP Priorities
Theme: Sustainability, Direction: Landscape	
<p>Priority 1 - Healthy and valued coast and waterways</p> <p>Much of the proposal is in the Narrabeen Lagoon catchment which is of high environmental, social and economic value to the Northern Beaches. Ecological water quality monitoring has been undertaken for 10 years demonstrating consistently high results. Impacts from the proposal would likely have negative impacts on the lagoon water body.</p> <p>It is considered that impacts to creeks, wetlands, and their associated riparian environments at such a scale as proposed would be inconsistent with the objectives and principles of the objectives and principles of the GSRP, NDP and Towards 2040. It is also inconsistent with Council’s LEP and DCP, Draft Environment Study, Protection of Waterways and Riparian Lands Policy and Warringah Creek Management Study (2004).</p>	<p>Objective 25 – the coast and waterways are protected and healthier</p> <p>Priority N15 - Protecting and improving the health and enjoyment of Sydney Harbour and the District’s waterways</p>
<p>Priority 2 - Protected and enhanced bushland and biodiversity</p> <p>The loss of such a large area of natural bushland and tree canopy removes biodiversity and alters the scenic landscape quality of the site and is not consistent with this LSPS priority.</p> <p>The proposal disconnects bushland and wildlife corridors, removing the ecological patterns of the site and adjoining lands. The proposed development does not avoid or minimise environmental impacts due to the concentration of the proposed development across a contained area of the site. Existing tree canopy is not incorporated for preservation</p>	<p>Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>Planning Priority N16 - Protecting and enhancing bushland and biodiversity</p>

Inconsistency with LSPS Towards 2040 Priorities	Relevant aligned GSRP Objectives and NDP Priorities
<p>within the road pattern as value added asset street trees, including significant canopy trees.</p> <p>The proposed C2 Environmental Conservation zone is not inclusive of valuable bushland and biodiversity areas, including the watercourses and creeklines, all areas of retained and protection vegetation, and the sites of significance, as identified in the Structure Plan.</p>	
<p>Priority 3 - Protected scenic and cultural landscapes</p> <p>Whilst the development is located in a valley and not on the ridgeline, the residential areas rise to the northern part of the site, and the extensive land clearing of existing bushland and existing canopy trees within the proposed subdivision allotment area removes all the vegetation such that a 'cleared' site will alter the current vistas into the site from 'forest' land to 'cleared' land, with the highest elevation at RL146, such that the visual impact from surrounding lands impacts the scenic quality of the landscape.</p> <p>Surrounding residential lands to the west are located at a higher elevation and the proposed development will result in the existing 'forest' landscape character altered to a cleared site with limited potential, due to the allotment pattern, to reduce the visual impact with future tree canopy planting, including United Church land (RL148 to RL180), Lyndhurst Estate (RL148 to RL1720) and residential properties west of Forest Way and directly west of the development site (RL 170 to RL186 at Skene Place).</p>	<p>Objective 28 – Scenic and cultural landscapes are protected</p> <p>Planning Priority N17 – protecting and enhancing scenic and cultural landscapes</p>
<p>Priority 4 – Protected Metropolitan Rural Area</p> <p>The proposal is inconsistent with principles to avoid urban intensification and subdivision in the MRA and future MRA investigation area and to limit development to a scale, form and density consistent with the existing character and use.</p>	<p>Objective 29 - Environmental, social and economic values in rural area are protected and enhanced</p> <p>Planning Priority N18 – better managing rural areas</p>
<p>Priority 5 - Greener urban environments</p> <p>The proposal is inconsistent with the principle to protect, maintain and enhance the existing urban tree canopy, including mature trees. Vegetation clearing in sites within the 'Future MRA investigation area' and urban areas, will significantly impact the Northern Beaches Council's urban tree canopy measured as 39% (GSC, 2019), and hinder the ability for Greater Sydney to meet their target of 40% by 2036.</p> <p>A large portion of the site, estimated at 70%, is proposed for bushland and tree canopy removal, disconnecting existing bushland and wildlife corridors. Renewal of tree canopy presents a challenge with future lack of space for tree planting to offset the canopy loss within the proposed subdivision allotments due to road and individual lot patterns and expected infrastructure delivery above and below the ground.</p>	<p>Objective 30. Urban tree canopy cover is increased</p> <p>Planning Priority N19. Increasing urban tree canopy cover and delivering Green Grid connections</p>
<p>Priority 6 - High quality open space for recreation</p> <p>It is unclear to what community value the proposed public open spaces indicated in the Open Space Structure Plan provides when such spaces are spread across various locations within the proposed R2 land use zones, that will limit the available area space for open space use,</p> <p>Open space(s) of considerable area are not proposed to facilitate community benefits for recreation and social interaction, to provide flexible and multifunctional spaces.</p>	<p>Planning Priority N20 -Delivering High Quality Open Space</p>

Inconsistency with LSPS Towards 2040 Priorities	Relevant aligned GSRP Objectives and NDP Priorities
Theme: Sustainability, Direction: Efficiency	
<p>Priority 7 - A low-carbon community, with high energy, water and waste efficiency</p> <p>The planning proposal indicates that it seeks to provide a green and resilient urban environment, and will provide sustainable transport options which can contribute to reducing emissions. There is limited other information contained in the planning proposal about reducing carbon emissions and managing energy, water and waste efficiently. The proposed development is a car dependent enclave which is at odds with this priority.</p>	<p>Objective 33. A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p>Planning Priority N21. Reducing carbon emissions and managing energy, water and waste efficiently</p>
Theme: Sustainability, Direction: Resilience	
<p>Priority 8 - Adapted to the impacts of natural and urban hazards and climate change</p> <p>The proposal is inconsistent with principles to avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to bush fire. The proposals are likely to increase risk to life and property and be difficult to evacuate.</p>	<p>Objective 37. Exposure to natural and urban hazards is reduced</p> <p>Planning Priority N22. Adapting to the impacts of urban and natural hazards and climate change</p>
Theme: Infrastructure and Collaboration, Direction: Resilience	
<p>Priority 9 - Infrastructure delivered with employment and housing growth</p> <p>Given the significance of the planning proposal, it is unacceptable that there has been no communication with Council about the planning proposal prior to its lodgment to the NSW Department of Planning and Environment – particularly as key aspects of the proposal rely on Council assets (such as the slip lane on Forest Way to facilitate safe egress from the development) – and further that Council has been given only 28 days to now review and comment on the proposal and numerous supporting documents.</p>	<p>Objective 2 - Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>Objective 5 - Benefits of growth realised by collaboration of governments, community and business</p> <p>Planning Priority N1 - Planning for a city supported by infrastructure</p> <p>Planning Priority N2 - Working through collaboration</p>
Theme: Liveability, Direction: Housing	
<p>Priority 15 - Housing supply, choice and affordability in the right locations</p> <p>The proposal is inconsistent in that it does not locate new housing in strategic or local centres within reasonable walking distance (800m) of high-frequency public transport. See section Local Housing Strategy below. The proposal indicates that it would deliver a diversity of housing including secondary dwellings, dwelling houses, seniors housing and dual occupancies. Further information about the mix and quantum of housing types delivered through the development is required.</p>	<p>Objective 10 Greater Housing Supply</p> <p>Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>
<p>Priority 16 - Access to quality social housing and affordable housing</p> <p>Whilst it is acknowledged the proposed planning agreement seeks to provide a monetary contribution or land dedication to the value of \$2.5 million for the purpose of affordable housing, this is considerably below the minimum 10% affordable rental housing which is a requirement for all planning proposals for up zoning. See section Local Housing Strategy.</p>	<p>Objective 11 - Housing is more diverse and affordable</p> <p>Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>
Theme: Liveability, Direction: Great Places	

Inconsistency with LSPS Towards 2040 Priorities	Relevant aligned GSRP Objectives and NDP Priorities
<p>Priority 17 - Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes</p> <p>It is unclear whether the proposal includes a retail, commercial and other services to be zoned B1 Neighbourhood Centre – see section below ‘Inconsistencies with documentation’. Limited and inconsistent information is provided within the planning proposal.</p>	<p>Objective 12 - Great places that bring people together</p> <p>Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District’s heritage</p>
<p>Priority 18 - Protected, conserved and celebrated heritage</p> <p>The Aboriginal heritage report submitted with the planning proposal provides insufficient information regarding the ongoing protection of Aboriginal sites at Lizard Rock and visitation management. Refer to comments below under Aboriginal heritage.</p>	<p>Objective 13 - Environmental heritage is identified, conserved and enhanced</p> <p>Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District’s heritage</p>
Theme: Productivity, Direction: Connectivity	
<p>Priority 19 - Frequent and efficient regional public transport connections</p> <p>The proposal is inconsistent with principles to focus growth within 800m of high- frequency public transport.</p>	<p>Objective 14 – integrated land use and transport creates walkable and 30- minute cities</p> <p>Planning Priority N12 - Delivering integrated land use and transport planning and a 30-minute city</p>

Table 5 : Inconsistencies with LSPS priorities and alignment with relevant GSRP and NDP priorities

3. Alignment With Council Local Housing Strategy

The proposal inaccurately and selectively suggests compliance with Council’s Local Housing Strategy. The endorsed Local Housing Strategy states that development in existing non-urban areas is not required to meet Council’s housing targets and is not consistent with good planning principles as established by the Government through its strategic planning framework.

The planning proposal identifies the potential for the development to address Council’s Local Housing Strategy (LHS) “Priority 1 – Housing Targets – Meet District Plan and 6-10 year housing target”.

Council’s LHS was approved by the Department of Planning and Environment (DPE) on 16 December 2021, consistent with the Greater Sydney Region Plan, North District Plan and Towards 2040. It guides planning for a diversity of housing within the Northern Beaches LGA for the next 20 years and builds on the designation of strategic, local and village centres identified in the LHS.

The LHS identifies that we will need to accommodate around 12,000 new homes by 2036 to provide for population growth. The shortfall between what is needed and what is currently proposed for development is less than 300 dwellings.

The approved LHS has identified that there is sufficient capacity to accommodate future housing demand in and around centres in existing urban areas without the need to encroach on existing undeveloped areas such as within the Deferred Lands area and the MRA.

Put simply, the LHS states that development in existing non-urban areas is not wanted based on good planning grounds, and not needed based on housing demand grounds. DPE’s conditional approval of the LHS agrees with this position.

The Planning Proposal incorrectly states that Council fell short of the NDA 0-5 year dwelling target of

3,400 dwellings by 1,082 homes.

It is acknowledged by DPE that the 2016 to 2021 housing completions data outlined in the DPE dashboard is incomplete. The data does not count completions data for secondary dwellings, seniors housing developments, and boarding house rooms constructed in the Northern Beaches. In the period 2016-2021, 841 secondary dwellings, 259 seniors living units, and 268 boarding house rooms were completed on the Northern Beaches. Together with the 2318 other completed “homes” identified in the dashboard, this equates to 3686 new dwellings – meeting the 5 year dwelling target of 3,400.

Council’s LHS also includes a dwelling target for the years 2021-2026 of 3,582 dwellings. As identified in Council’s LHS Implementation and Delivery Plan submitted to DPE on 4 July 2022, this target will be achieved largely through the projects detailed within the LHS Implementation and Delivery Plan, being the new Northern Beaches Local Environmental Plan, Frenchs Forest Structure Plan, Brookvale Structure Plan and Mona Vale Place Plan.

It is noted also that the population projections included in the LHS were based on population projections from 2019, which did not account for impacts of Covid-19. Recent Population projections released in June 2022 by DPE indicate that the population projections for the Northern Beaches to 2036 have decreased by close to 2,900 people.

Northern Beaches LGA	2016	2021	2026	2031	2036	2041
Population projections 2019	265,450	269,600	275,250	281,800	288,450	296,650
Population projections 2022	265,468	274,015	276,063	280,440	285,591	289,529
Difference	18	4,415	813	-1,360	-2,859	-7,121

Table 6 : DPE Northern Beaches population projections

Most recent figures from the ABS (June 2022) also show an estimated residential population of 264,481 people in 2021 for the Northern Beaches. Significantly lower than the projected population that informed the housing supply targets.

Irrespective of this, Council also needs to provide for a diversity of dwelling types to meet local needs. To achieve this goal, the LHS outlines the following options:

- Housing diversity areas (HDAs) that will permit seniors housing, boarding houses and dual occupancies within 400m of identified local centres including Avalon Beach, Newport, Warriewood, Belrose and Freshwater.
- Centre investigation areas (CIAs) that will be subject to detailed planning to consider a broader range of housing types within 800m of Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen, and in Forestville and Beacon Hill subject to the future B-Line route.

The approach of having a defined CIA allows for a range of housing types, with a lower density overall, that can be designed in keeping with neighbourhood character yet build on local assets and features and account for constraints. It enables a broader approach to how a centre might function in terms of aspects such as walking and cycling access or integrated planning for open space and other neighbourhood amenities.

Planning for infrastructure to support proposed growth will be a key element of this work, and will consider potential impacts on local infrastructure, including transport, traffic, environmental sustainability, and climate change.

The proposals access to existing centres is also limited, promoting vehicle usage and not active travel options.

4. Insufficient justification

Insufficient justification has been provided for this particular Planning Proposal

No argument has been provided as to the unsuitability of the existing planning controls applying to the land under Warringah LEP 2000 and why the particular elements of this Planning Proposal e.g. dwelling numbers, zones etc. have been settled upon. The current dwelling density under Warringah LEP 2000 is 1 dwelling per 20 hectares whereas the proposed 450 dwellings appear to be twenty times more dense, without any discussion. No alternatives have been considered, or if they have been, no information has been provided about this consideration.

No consideration has been given to Council's current Conservation Zones exhibition (and related environmental and hazards studies), which proposes this land be zoned mostly C3 – Environmental Management. Refer to comments below under 'Conservation Zones Review'.

Insufficient justification has been provided for the inclusion of dual occupancy and seniors housing development in the proposed R2 low density residential zone. Warringah LEP 2000 permits both those uses however they are subject maximum dwelling density, height, and locational controls (for seniors housing must adjoin a locality primarily used for urban purposes) which heavily restrict opportunities for development. Warringah LEP 2011 specifically prohibits dual occupancy and seniors housing in the R2 zone. State Environmental Planning Policy (Housing) excludes seniors housing from the area covered by Warringah LEP 2000.

5. Inadequate Consultation

Insufficient time has been provided for Council to comment on the planning proposal.

The 28-day period given to Council to provide comment to the North Sydney Strategic Panel is unreasonable because:

- The complete set of documentation for the Planning Proposal was not initially provided to Council and was not available on the Department's website until 4 November 2022.
- There is almost 1400 pages of documentation accompanying the Planning Proposal.
- The 23 appendices comprise technical studies which must be reviewed by separate teams within Council and be reported to a Council meeting before finalising a submission.
- Council is the single body which represents the entire community and the only body with extensive knowledge of critical local matters and expertise across all relevant strategic planning aspects of the Planning Proposal – from Stormwater to Social Impact Assessment.

Pre-lodgement processes set down in DPE's LEP making Guideline have not been followed.

Significant inconsistencies have been identified in the documentation provided.

The Local Environmental Plan Making Guideline (December 2021) recommends a 60-day pre-lodgement consultation process be undertaken as the first stage in the process for both standard and complex Planning Proposals, including a scoping proposal and pre-lodgement meeting.

The Development Delivery Plan process for the land under State Environmental Planning Policy (Planning Systems) 2021 did not consider matters addressed in the current Planning Proposal and therefore is not a substitute for pre-lodgement processes.

Council has identified significant inconsistencies in documentation which would have been addressed as part of a pre-lodgement process. Refer to 'Inconsistencies' below

The Independent Report on the DDP by WSP recommended further consultation before submission of the Planning Proposal

In response to concerns raised relating to the engagement process during the exhibition of the SEPP (Planning Systems) 2021 Aboriginal Lands & draft Northern Beaches Aboriginal Land Development Delivery Plan, including inadequate notification and insufficient time to respond to feedback, the WSP Independent Planning Review (May 2022) also strongly recommended:

“that additional community consultation is undertaken at the planning proposal stage (pre and post-gateway) to support transparency and enable further community input into the planning process progression as per the Department of Planning and Environment’s Local Environmental Plan Making Guideline December 2021 “.

Part 5 of the Planning Proposal (community consultation) states that:

“In accordance with the Local Environmental Plan Making Guideline (DPE, 2022) extensive pre-lodgement consultation has been undertaken in the development of the Planning Proposal”

Further:

“Consultation has included meetings with Northern Beaches Council and NSW Government agencies including Department of Planning and Environment, Transport for NSW, Rural Fire Service and Greater Cities Commission to determine the viability of the project proposal, project requirements and best practice outcomes.”

No detailed consultation has been undertaken with Council on the content of the Planning Proposal.

This is therefore not consistent with the process established via the *Local Environmental Plan Making Guideline* or recommendations coming from the WSP consultations outcomes report following exhibition of the SEPP amendment or draft DDP.

6. Inconsistencies in supporting documentation

The planning proposal contains inconsistent information.

Council has identified the following inconsistencies in the short time it has had to review the Planning Proposal and supporting documents:

Land use zones

It is unclear what land use zones are sought. The Planning Proposal document prepared by Gyde Consulting states (on p.24) that applying zones R2 Low Density Residential and C2 Environmental Conservation to the site would facilitate the intended development outcome, along with additional permitted uses to facilitate ‘dual occupancies, seniors housing and community facilities’. The proposed land zoning map (p.65) also indicates zones R2 and C2 applying to the land.

However, the Planning Proposal (on p.63) identifies the proposal will include “*neighbourhood services within the proposed B1 zone, including potential neighbourhood shops, or supermarkets, food and drink premises, medical centre, office premises and/or childcare facilities*”. The supporting Social Impact Assessment (Gyde, on p. 18 and p. 21) also refers to applying Zone B1 Neighbourhood Centre to land within the site, with a height limit of 9.5 metres. Further, the Social Impact Assessment (p.18 and p.21) states that the planning proposal seeks to apply zone RE2 Private Recreation to land within the site. This needs to be clarified.

If land within the site is proposed to be zoned RE2 and/or B1, this needs to be clearly identified on the proposed land use zone map and an assessment of this undertaken. An assessment needs to be undertaken under Ministerial Directions 7.1 Business and Industrial Zones, specifically point 7.1 (e) to “ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary”.

Such floorspace (community centre, retail/commercial, private recreation) are construed to be social infrastructure and commercial land uses critical to the establishment and social connectedness of a new community especially as this site is on the existing urban fringe. By not identifying these land uses on a zoning map, the future delivery of the cultural centre floorspace, private recreation and retail/commercial floorspace remains dubious. The Draft Indicative Structure Plan would also need to be updated clearly identifying the cultural centre floorspace and retail/commercial floorspace resulting in greater certainty in the future delivery of such infrastructure and landuses.

Seniors housing

The Planning Proposal is seeking, as an additional permitted land use, seniors housing, for the subject land. SEPP (Housing) 2021 currently allows, on R2 Zone land, seniors housing with development consent. Nonetheless, the Bushfire Assessment reports submitted with the planning proposal specify that land uses classified as a 'Special Fire Protection Purpose' are expressly excluded from their assessment. The planning proposal also states that "The proposal does not involve "inappropriate development" such as schools or retirement villages." (p42 & p. 101, Gyde 2022).

For the purposes of infrastructure provisioning and consistent with the Reports' assessments, it is assumed that seniors housing and other 'Special Fire Protection Purpose' land uses would be prohibited development at this location. This discrepancy needs to be clarified.

Density

The Planning Proposal document (Gyde, 2022) inconsistently describes the number of dwellings on the site, variously referring to "450 dwellings" (p.5) and "450 lots" (p.67).

From page 5 -

*The outcome of this Planning Proposal will be to implement the Northern Beaches Development Delivery Plan established under Chapter 3 of State Environmental Planning Policy (Planning Systems) 2021 by providing appropriate zoning to **deliver up to 450 dwellings** and the protection of significant biodiversity and cultural values on the site.*

From page 67 -

- "(1) Without limiting clause 4.1(3), the subdivision of Morgan Road, Belrose site –*
- (a) must not result in the creation of more than **450 lots**, and*
 - (b) must preserve existing bushland in the eastern portions of the site, and*
 - (c) must include adequate stormwater management and sewer infrastructure."*

There is a significant difference between the two. Development on 450 lots without a minimum lot size in the LEP could result in development outcomes greater than 450 dwellings particularly with the application of SEPP Exempt and Complying Development (which permits secondary dwellings (i.e. granny flats) as complying development within R2 zones), and in turn, this raises the following concerns:

- more difficult to quantify the infrastructure requirements on 450 lots without a minimum lot size; and
- the infrastructure requirements would be greater than what is quantifiable for 450 new dwellings.

The proposition that the new clause will suffice in limiting the quantum to 450 dwellings will not work in reality given that both land uses have distinct definitions. If anything, the reference to "450 lots" should be amended to "450 dwellings" thus providing greater certainty of the development outcomes and additional population anticipated by the rezoning.

7. Cumulative Impacts

The planning proposal does not address the cumulative impacts of development.

The Planning Proposal does not address the cumulative impacts of future development in the Deferred Lands area of WLEP 2000, nor of other MLALC sites in the vicinity.

Regarding this issue, Council's submission to the NSW Department of Planning and Environment on the Development Delivery Plan (DDP) for Metropolitan Local Aboriginal Land Council, dated March 2022, raised the following issues of concern:

"The DDP applies to nine sites. MLALC has significant other land holdings in the LGA and particularly in Belrose North and Oxford Falls Valley. There is also significant potential for further land holdings to be transferred to MLALC's ownership.

Council is concerned at the cumulative impacts of development in these highly environmentally sensitive areas. It is not sufficient for DPE to say that these matters will be addressed on a case by case basis in the future. It shows a clear lack of strategic land use planning.

The DDP should have addressed all current MLALC holdings in the LGA to enable place-based planning and avoid piecemeal planning and should be updated on a regular basis as other land holdings are transferred to MLALC."

Environment and Land Suitability

8. Aboriginal Heritage

The Aboriginal cultural heritage report submitted with the planning proposal is inadequate. It provides only basic information about the known sites and potential for unrecorded sites and misses the opportunity to demonstrate the significance of the sites and how the proposal can safeguard them from current and future impacts. Further information is required.

Council acknowledges the thought and effort that has gone into the planning proposal to conserve and protect significant Aboriginal rock engravings at Lizard Rock from destruction by vandals. An Aboriginal cultural heritage report, *Aboriginal Archaeological Assessment Morgan Road, Belrose, NSW*, October 2022, prepared by Dominic Steele Consulting Archaeology, has been submitted with the planning proposal.

The Aboriginal Heritage Office (AHO) was requested by Council to review the planning proposal and associated documents, including the Aboriginal cultural heritage report. Appendix 1 to this submission includes advice provided to Council from the AHO following a preliminary review of the proposal. A more detailed review was unable to be undertaken as insufficient time was provided to Council to comment on the proposal.

In summary, the following key points are made:

- This is a large land parcel and there is an opportunity to provide good environmental and urban outcomes that would not be possible with smaller or individual landowners.
- MLALC is operating for its members as a community organisation, not simply for the profit of a single company or family, and this gives scope for a greater net benefit across the community.
- There is increasing expectation in the wider community that Aboriginal communities should be given a fairer go in relation to correcting past wrongs and in protecting cultural heritage
- It is likely that the majority of Aboriginal people living in NBC, whether members of MLALC or not, may not wish any bushland to be developed.
- Bringing the urban fringe closer to Aboriginal sites will put them at greater risk of damage from visitation, graffiti and vandalism.

More specifically, there are a number of issues that require further clarification:

- The archaeological report does not provide sufficient information to address the main issues adequately, i.e. about the known Aboriginal sites and the potential for unrecorded sites. There is a great deal of background information for the region but much less information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation.
- The main rock engraving sites west of Morgan Road appear to be wholly within the proposed conservation zone, however, the maps provided show the sites and the buffer zone to be further west than the AHO understands the engravings to be. The only site mapping provided in the report is of a very general nature and likely to be inaccurate. The rock engravings east of Morgan Road do appear to be more correctly mapped, however, the conservation zone status of these sites is unclear as it is mapped across different proposed zonings.
- The report notes that the area was visited under different survey conditions but does not provide information whether night recording / wet rock survey for engravings was undertaken. There is no map of survey units provided.
- MLALC is not proposing the damage or destruction of any Aboriginal sites. However, given

that the rock engravings are well known and are likely to be incorporated into a managed visitor experience, it seems a lost opportunity to not have included more information in this report at this stage as to how the sites will be protected. The only photos of the sites in their current context are not very clear or detailed. While the proposed conservation zone for the main platform is identified, ideally there would be more discussion as to whether there is sufficient space to provide formal walking areas, protective barriers, and signage.

- If the rock engravings become a centrepiece of the area, there needs to be careful planning to allow for controlled visitation, surveillance, a management program to ensure graffiti can be removed and to highlight the figures to make them easier to see. Ideally a mechanism would be put in place to allow an authority, such as the land manager or a MLALC department, to have a permit to carry out basic non-harm management as the current system requiring a Heritage NSW officer to be present is very slow and impractical. None of this information is presented in the report or proposed to be included at a later assessment/management stage.
- It is recommended that comprehensive site management plans are prepared for the known sites, including more detailed recording to provide a contemporary baseline recording. Highlighting (non-impact cleaning of the grooves under Heritage NSW authorisation) should be carried out as part of the recording process.

9. Conservation Zones Review

The planning proposal proposes the majority of the site to be rezoned to R2 Low Density Residential. This is inconsistent with the recommendation of the Conservation Zones Review to apply Zone C3 Environmental Management to the land due to its constraints and characteristics.

As part of developing a single LEP for the Northern Beaches, there needs to be consideration of how the unique character and diverse coastal, bushland and cultural values should be protected from inappropriate future development. Land that has high conservation values can be protected and managed through conservation zones (or C zones). C zones are used to protect and manage land that is of important environmental value. C zones are also used to limit the intensification of developments that are known to be subject to hazards. Across Pittwater, Warringah and Manly, there is variation in how the current conservation zones (C zones) have been applied. As a result, there is a need to develop a single set of C zones to allow the transition to the new LEP.

Council has commenced the process of undertaking a review of the conservation zones to develop a consistent approach for identifying land across the Northern Beaches with important environmental values and land subject to hazards that should be protected and managed by a C2 Environmental Conservation, C3, Environmental Management or C4 Environment Living zone. The conservation zones review is currently on Public Exhibition and is scheduled to finish on 2 December 2022.

The Review proposes a C3 Environmental Management zone be applied to the majority of the Lizard Rock site, except for one small parcel on the far east of the site, proposed as C2 Environmental Conservation (see Figure 3 below). The C3 zone would permit detached dwelling-houses with limited other compatible land uses, and minimum subdivision and development controls as currently apply to the non-urban lands.

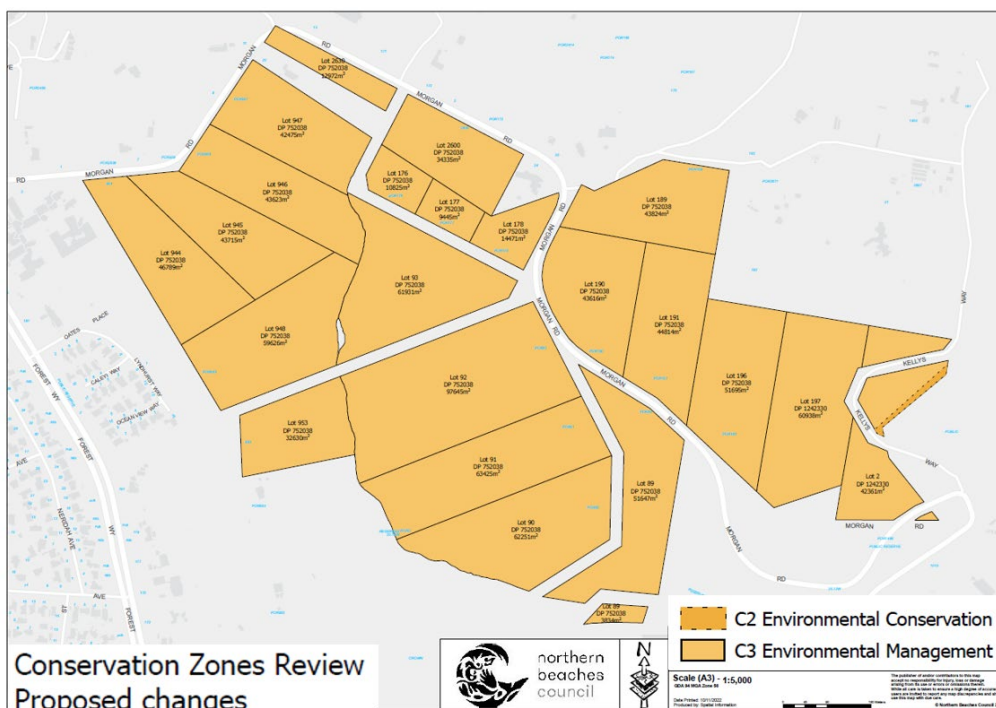


Figure 3 - Zoning recommended for site under the Conservation Zones Review

This recommendation is on the basis of the site's High Environmental Value (HEV) and bushfire status. Biodiversity values of the site are shown in figure 4 below.

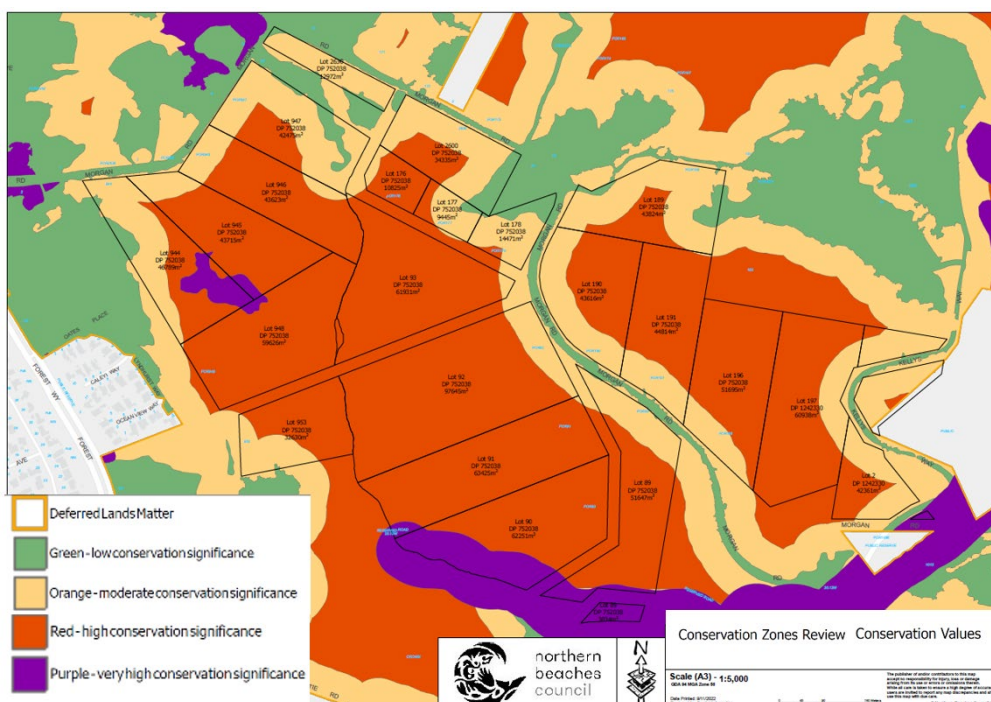


Figure 4 - Biodiversity values of site identified in Conservation Zones review

Contrary to the C Zones review, the Planning Proposal proposes the majority of the site to be zoned R2 Low Density Residential – with additional permitted uses allowing dual occupancy development, seniors housing and community centres on the land - and with 19.8 hectares (28%) of the site to be zoned C2-Environmental Conservation (See Figure 5 below).



Figure 5 : Site - proposed zoning sought in Planning Proposal – within WLEP 2011

10. Bush Fire Risk

The proposal in its current form will result in an intensification of development, inappropriate development and incompatible land uses in areas exposed to high risk of bush fire. Fundamental aspects of the design in terms of evacuation have not been demonstrated. Further information is required.

The subject site is identified as bushfire prone (vegetation category 1) on the Northern Beaches Bushfire Prone Land Map 2020. Bushfire provisions for new development area applicable. Strategic planning is the first stage in the planning process. It is needed to ensure that future developments are not exposed to an unacceptable risk of bushfire. For Planning Proposals, Section 9.1(2) Direction No 4.3 of the *Environmental Planning and Assessment Act, 1979* (EPA Act) must be applied. This requires Council or the consent authority to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any comments by the Commissioner and to have regard to the planning principles of the NSW Rural Fire Service's *Planning for Bushfire Protection 2019*.

Council engaged Black Ash Bushfire Consulting to undertake an independent bushfire review of the planning proposal and supporting documents. The Black Ash report is included as Appendix 2 to this Submission. In brief it concludes that;

- The planning proposal includes key bushfire mitigation strategies including the provision of complying asset protection zone (APZ), a linking road network and emergency management arrangements that have been based on traffic modelling and movement of vehicles from the site.
- The proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place.

The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.

- Some discrepancies are also noted that need to be clarified, for example, the proposal seeks to secure additional permitted uses within the R2 zone for residential land uses such as “dual occupancies, seniors development and community facilities” (p.5, Gyde consulting) – yet this is at odds with later statements that “The proposal does not involve “inappropriate development” such as schools or retirement villages.” (p42 & p. 101).

In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents.

Concern is also raised about the accuracy of weather conditions data referenced in the planning proposal SFS documentation, and limitations in regard to its assessment of the proposal against infrastructure, particularly water, electricity and gas. Further information is required.

Density and bushfire

The development’s threshold of 450 dwellings is a clear limitation due to the bushfire threat. Nonetheless, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the ‘SEPP’) undermines the intent to limit the development quantum on this land, as the landuse table for the R2 zone is the key trigger in determining if it is exempt or complying development, or if a DA is required. This SEPP does not require consideration of other clauses in an LEP, in this case the quantity of dwellings permitted on this land.

This has the potential to inflate the population of an at-risk community beyond what was planned and modelled, thus potentially affecting to the evacuation of the community.

Evacuation in the event of a bushfire

Significant deficiencies in the traffic modelling, particularly evacuation in a bushfire event, need to be resolved in consultation with the following key agencies:

- Transport for NSW, as the road authority for Forest Way,
- NSW Rural Fire Service and Emergency Services on the evacuation strategy,
- Northern Beaches Council, as the owner of the land upon which the intersection upgrade is to be accommodated.

The proposal’s Transport Assessment has not demonstrated that the development achieves the access and egress assessment considerations of Section 4 of PBP (2019) which relevantly state:

- *The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile;*
- *The location of key access routes and direction of travel;*
- *The potential for development to be isolated in the event of a bush fire.*

This is a critical path that must be rectified first. Council asserts this significant issue cannot be overcome by conditional Gateway Determination.

The report does not appear to include commentary on the influence of the childcare centre and nursing home located on the corner of Morgan Rd and Forest Way within the evacuation strategy. The evacuation model does not take into account other traffic generators such as commercial properties (such as the Telstra and Optus sites), in addition to large animal evacuations which would utilise Morgan Road as the primary evacuation route. The report also uses an assumption of 25% that will “stay and defend rather than evacuate”, however modelling should also include a worst-case scenario whereby 100% of the proposed community is afforded the opportunity to evacuate.

Refer also section 'Traffic' later in this submission.

Servicing – Bush fire

Augmentation of utility services has been identified to service the site however clarification is sought on two servicing elements for this site, namely:

- Has Sydney Water confirmed that the potential future augmentation accounts for water capacity and pumping requirements necessary for fire-fighting purposes?
- Sydney Water advice should be sought in regard to this matter.

There needs to be certainty that the existing 33kV powerlines are undergrounded which is a critical element for evacuation in a bushfire event. One of the main evacuation routes from the site is adjacent to the current 33kV alignment and passes underneath these powerlines in one location. The location of these powerlines pose significant risk during a bushfire event and must be undergrounded to eliminate this risk.

11. Biodiversity

The proposal will result in impacts on core habitat, known habitat for various threatened species of flora and fauna and Threatened Ecological Communities (TECs)

The planning proposal will have significant environmental impacts and is inconsistent with adopted biodiversity related policy and strategy documents published by both the NSW Government and Northern Beaches Council.

Specifically, the planning proposal is not supported because:

- Impacts to approximately 44.7 hectares of bushland in good condition with high biodiversity conservation values.
- Likelihood of substantial additional impacts resulting from bushfire protection clearing requirements within riparian zones which dissect the proposal and along primary access and egress roads.
- The resulting significant impacts to threatened species including those identified as being at risk of 'Serious and Irreversible Impacts' (refer to Sections 6.2 (i) and 7.2 of the NSW Biodiversity Conservation Act 2016).
- The resulting 'Prescribed Impacts' that are additional to the impacts of native vegetation clearing, impacting habitats or features of the environment that are irreplaceable.
- The proposal has not adequately demonstrated the hierarchy of 'avoidance and minimisation' of impacts, before 'offsetting' is applied (refer to Section 6.4 (1) of the NSW Biodiversity Conservation Act 2016).

Biodiversity Values of the Lizard Rock Site

The Lizard Rock site is almost entirely represented by intact remnant native vegetation or bushland, mostly in good condition, of which approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) would be cleared to make way for the proposed future development. The Planning Proposal report incorrectly states that the site 'predominantly comprises disturbed bushland' and that 'a significant proportion of the site is suffering from land degradation' (page 12, Gyde Consulting, October 2022).

This is contrary to Council's knowledge of the site and in contradiction with the 'Preliminary Biodiversity Development Assessment Report' (BDAR) submitted with the planning proposal which indicates most areas of vegetation are intact or in uniform good condition with areas of degradation limited to areas fringing the existing residential development (Hayes Environmental, October 2022).

The planning proposal nominates most of the Snake Creek riparian corridor running through the development site as a retained corridor with the intent to 'maintain connectivity and protect water quality'. It is noted that these areas are also mapped on the NSW Governments Biodiversity Values Map. In the context of likely bushfire protection requirements of the NSW RFS, it is Council's experience with other major planning proposals (e.g. Ingleside) that retention of these areas may not be feasible. Furthermore, vegetated areas along primary access and egress routes (e.g. Morgan Road) include significant biodiversity that will likely require future clearing to facilitate safe evacuation during a bushfire event. With reference to Section 4.1 Strategic Principles of Planning for Bushfire Protection 2019, the development may therefore have environmental constraints to the area which cannot be overcome.

Council notes that threatened biodiversity values of the site include those listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Early consultation and or referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) is recommended.

Previous biodiversity studies

The Lizard Rock site provides an important contribution to both local and regional biodiversity habitat and connectivity. In a previous Sydney Metropolitan wide assessment of native fauna habitat values and conservation priorities, the former NSW Department of Environment and Conservation identified land including the Lizard Rock site as having very high fauna habitat values (see Figure 1, DECC 2008).

Between 2010 and 2013, industry recognised experts undertook intensive and wide-ranging fauna surveys of predominantly government tenures (e.g. Crown Land and Crown Road reserves) directly adjoining the site. This study also identified numerous threatened fauna records further demonstrating the presence of high conservation value fauna habitats (Kavanagh et al 2015) that would be impacted by the proposal.

NSW government mapping identified in the Sydney North District Green Grid attributes the Lizard Rock site as 'High Environmental Value' (refer to Figure 8, Tyrrell Studio 2017). More recent biodiversity studies across the deferred lands attributes much of the site to 'High' and 'Very High' biodiversity conservation value (Arcadis, 2021 and 2022). The proposal also impacts upon a larger area of important 'core habitat' within the Northern Beaches. According to GANSW (2020), core habitat areas of bushland are the least disturbed and the most biodiverse, representative of the structure, function, and composition of natural areas. More recent mapping of core habitats and corridors across the Northern Beaches attributes the entire Lizard Rock site to core habitat (SMEC 2021).

Consistency with requirements of the NSW Biodiversity Conservation Act (BC Act)

Based on review of submitted documentation, the proposed future development will have a significant effect on threatened species as defined in Section 7.2 of the BC Act. As noted above, the proposal is located in natural areas identified in various studies as having high to very high biodiversity conservation values. On this basis, the location of the proposal has not demonstrated that sufficient or appropriate reasonable steps have been taken in the hierarchy of 'avoidance and minimisation' of impacts, before 'offsetting' is applied, as required by Section 6.4 (1) of the BC Act 2016.

The Lizard rock site includes known and potential habitat for various threatened species of flora and fauna. The preliminary BDAR notes requirements for the offsetting of Eastern Pygmy-possum across the entire development footprint. Other threatened fauna species likely to be impacted by the proposal include (but are not limited to) Red-crowned Toadlet, Giant Burrowing Frog, Powerful Owl, Spotted-tail Quoll and Rosenberg's Goanna. The preliminary BDAR incorrectly refers to Rosenberg's Goanna as a predominantly nocturnal species and despite the presence of known breeding habitat (termite mounds) considered the likely construction impacts upon non-breeding shelter habitat only.

Threatened flora with known and potential habitat impacted by the proposal includes species that are

identified as being at risk of a serious and irreversible impacts (SAIL) (DPIE, 2022).

As noted in Council's previous comments on the Development Delivery Plan, the endangered orchid *Microtis angusii* is identified as a species at risk of SAIL, and a population of the species occurs within areas which would be impacted by the Lizard Rock proposal. The preliminary BDAR makes no reference to *M. angusii*. The occurrence of SAIL candidate species *Genoplesium baueri* (an endangered orchid) has recently been confirmed within nearby areas of the deferred lands (Arcadis, 2022) and occurs in the same habitat types impacted by the proposal. As noted in the preliminary BDAR, further targeted survey work is required in regards to this species. Both orchids (*M. angusii* and *G. baueri*) are also listed under the Commonwealth EPBC Act. Council also considers that further assessment is also needed to determine the occurrence of Threatened Ecological Communities which the preliminary BDAR states are absent from the site.

In addition to the 44.7 hectares of bushland directly impacted by the proposal, the preliminary BDAR notes a further 6.9 hectares (including threatened species) that are likely subject to indirect impacts. The preliminary BDAR notes the degree of uncertainty with regards to indirect impacts and does not include any assessment of offsets regarding indirect impacts. Indirect impacts to the adjoining natural landscape may be further increased in response to increasing bushfire protection measures (e.g. such as increased frequency of hazard reduction burns) that would need to be applied as part of a future updates to the Warringah Pittwater Bush Fire Risk Management Plans.

Based on Council's experience with development impacts, the indirect impacts of a development of this scale are likely to be substantial, and application of the precautionary principle should be applied consistent with the principles of ecologically sustainable development.

As identified in the preliminary BDAR, the proposal will also result in additional 'Prescribed Impacts' (prescribed impacts) which must be assessed as per clause 6.1 of the BC Regulation. Prescribed impacts occur on habitat features that are not native vegetation such as caves, rocky outcrops and flyways. Prescribed impacts (including direct and indirect impacts) that are applicable to the current proposal include impacts:

- Threatened species habitat including caves, crevices, cliffs, rocks and other geological features of significance
- on areas connecting threatened species habitat, such as movement corridors
- that affect water quality, water bodies and hydrological processes that sustain threatened entities
- on threatened species or fauna from vehicle strikes.

Council considers that the scale of 'Prescribed Impacts' resulting from the proposal will be substantial. Because these types of features cannot be readily replaced or offset, it is important that measures to avoid or minimise impacts are undertaken.

The planning proposal does not nominate how the future developments biodiversity offset obligation would be met but includes conservation zoning to approximately 19.8 hectares. Despite the extensive land holdings of the applicant within the locality, no reference is made to the establishment of a local Biodiversity Stewardship Site. Should the planning proposal be approved, Council's recommends establishment of a local Biodiversity Stewardship Agreement and that offsets obligations from the Lizard Rock site are retired from within the locality.

Consistency with NSW Government and Council Policy and Strategy

The proposed large scale of impacts to biodiversity are inconsistent with the objectives and principles of Council's strategic planning and policy documents including:

- Warringah 2000 Local Environment Plan (refer to Clauses 56 - Retaining distinctive environmental features on sites, 58 Protection of existing flora and 59 Koala habitat

protection of WLEP 2000),

- Northern Beaches Local Strategic Planning Statement (refer to Priority 2, Protected and enhanced bushland and biodiversity)
- Northern Beaches - Environment and Climate Change Strategy (refer to Theme 1, Bushland)
- Northern Beaches Bushland and Biodiversity Policy – (refer to principal 3 - Ensuring that new developments on the Northern Beaches are consistent with the principles of ecologically sustainable development and are designed to first avoid and then minimise impacts upon bushland and biodiversity, in addition to responding to bush fire risk).

Refer also to commentary above under Alignment with Regional Strategic Plans.

12. Waterways

The proposal will result in significant environmental impacts and is inconsistent with the adopted waterway related policy and strategy documents published by both the NSW Government and Northern Beaches Council. The proposed riparian zones are not satisfactory in the context of the Snake Creek Catchment and no Aquatic Ecology Assessment or Waterway Impact Statement has been submitted.

Much of the proposal is in the Narrabeen Lagoon catchment which is of high environmental, social and economic value to the Northern Beaches. Ecological water quality monitoring has been undertaken for 10 years demonstrating consistently high results. Impacts from the proposal would likely have negative impacts on the lagoon water body.

It is considered that impacts to creeks, wetlands, and their associated riparian environments at such a scale as proposed would be inconsistent with the objectives and principles of the objectives and principles of the GRSP, NDP and Towards 2040. It is also inconsistent with Council's LEP and DCP, Draft Environment Study, Protection of Waterways and Riparian Lands Policy and Warringah Creek Management Study (2004).

Previous assessments by the former NSW Planning and Assessment Commission (PAC 2009) and NSW Independent Planning Commission (IPAC 2019) have also cited impacts to biodiversity and waterways (including cumulative impacts) among the concerns raised during review of previous urban development plans including those for Lizard Rock.

The main watercourse within the proposal triggers assessment and referral to NSW Natural Resources Access Regulator for a controlled activity approval. This proposal is also inconsistent with the objectives of the NSW Water Management Act 2000; to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations and, in particular ecologically sustainable development, protect, enhance and restore water resources, management of water sources with other aspects of the environment including native vegetation and native fauna.

Council's Protection of Waterways and Riparian Land Policy

The planning proposal appears to have considered Council's Protection of Waterways and Riparian Land Policy. Council is committed to managing, protecting and restoring waterways and riparian land in a manner that:

- allows them to function as natural systems where possible,
- considers risk from instability, erosion and flooding, and
- is consistent with Council's planning controls and guidelines as well as NSW and Australian legislation and guidelines.

The Policy also states that natural ecological processes of waterways and riparian land shall be

maintained and enhanced, bushfire asset protection zones shall be maintained outside of riparian land, and public access should be located outside riparian zones where possible except for crossing points or other strategic locations.

The Policy recommends that development within waterways and riparian land be avoided. Where a waterway has not yet been identified on Council's Waterways and Riparian Land Map, the riparian land widths are to be applied from relevant State guidelines.

The Lizard Rock site forms part of the Snake Creek catchment, flowing into Narrabeen Lagoon via Middle Creek. Narrabeen Lagoon is a high conservation value asset with primary aquatic habitats (natural and modified), migratory routes, landscape qualities, and recognised recreational importance.

The planning proposal nominates most of Snake Creek riparian corridor running through the development site as a retained corridor with the intent to 'maintain connectivity and protect water quality' and states that it is mainly a Strahler 1st Order creek with a 10 metre riparian zone and is a low priority creek as it is classified as Group B creek in the Warringah Creek Management Study (2004).

Council would contend that Snake Creek is mainly a Strahler 2nd Order creek and should be mapped with a 20 metre riparian zone plus a 10 metre buffer and that a Group B creek is not a reference to priority, but that the creek has some degradation in the upper catchments, but high ecological value downstream.

The planning proposal indicates that much of the riparian corridors will remain intact, however there appears to be sections of the smaller mapped tributaries impacted by development and there is at least one creek crossing planned. The overall scale and size of the development also makes it very unlikely that there will be no impact on riparian land.

The proposed development is a major catchment disturbance that will affect the value of the valley setting and receiving waters. The fragmentation impacts of upslope land uses will modify the general valley setting and compromise the natural integrity of the site. The urbanisation project is considered detrimental to catchment processes due to its significance and cumulative impacts, especially considering the developments in the French Forest Precinct.

Additional documentation is needed to address Council's requirements including a Waterway Impact Statement. A Waterway Impact Statement should demonstrate to Council the development will either enhance, or as a minimum, will not adversely affect ecological function or limit opportunities to reinstate the area in the future to the greatest possible extent. Where appropriate, a Waterway Impact Statement is to demonstrate through an attached engineer's report the proposed development is not at risk from damage from creek bank erosion.

The planning proposal states that 'A separate aquatic ecology assessment of the subject property and draft Structure Plan has been carried out by Marine Pollution Research P/L'. This was not provided to Council and may provide information on the impact of the proposed development on the watercourses and their ecology.

Water Quality Management

The requirements for water management on development sites are stated in the Water Management for Development Policy. The main principles are as follow:

Improve the quality of water discharged to our natural areas to protect the ecological and recreational condition of our, beaches, waterways, riparian areas and bushland.

- Minimise the risk to public health and safety.
- Reduce the risk to life and property from any flooding and groundwater damage.
- A sustainable and holistic catchment wide approach is taken to development, of both private

land uses and public facilities, on flood prone land.

- Climate change will inform decisions for future water infrastructure.
- Water sensitive urban design measures will be integrated into the built form to maximise liveability and reduce the impacts of climate change e.g. urban heat island effect and intensified rainfall events.
- Wherever possible, water courses are to be conserved or restored to their natural state. Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources.
- Protect Council stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

Northern Beaches Council participated in a pilot study with the NSW Department of Planning and Environment (DPE) to apply the Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions (Dela-Cruz et al., 2017) in the Narrabeen Lagoon catchment.

The pilot study was completed in 2021 with a recommended stormwater management strategy and targets for the Narrabeen Lagoon catchment. Snake Creek, part of the Oxford Creek sub-catchment, was identified that it is at the point where any increase in flows or pollutants could result in significant deterioration downstream, and that the recommended stormwater management strategy is to avoid impact to the existing hydrological regime and to avoid an increase in the amount of pollution entering the waterway from future greenfield development.

The planning proposal sets out a Stormwater Management Plan document (Craig & Rhodes 2022) that states it complies with Council's Water Management for Development Policy, including demonstration that impervious areas are minimised, and Water Sensitive Urban Design (WSUD) is incorporated in the landscaping and build design to meet the Policy's requirements.

Council would contend that water quality modelling (MUSIC model) results are unclear and that they need to follow the Northern Beaches Council WSUD & MUSIC Modelling Guidelines to ensure they meet the requirement to have no impact on water flow quality and quantity. As the site has numerous escarpments and rocky outcrops and is considered to be high susceptibility to erosion, some proposed solutions identified in the planning proposal may not be fit for purpose in some locations.

Council would recommend a peer review of the Stormwater Management Plan's water management strategy (quality and quantity), and its claim that the stormwater system and WSUD measures would mitigate any increase in stormwater quality and quantity. Council would also contest that a key public benefit of the planning proposal is a "Positive impact on local waterways management to benefit the Site and surrounding community, including Narrabeen Lagoon" (Gyde 2022).

13. Slope Stability Risk

The planning proposal identifies sites which could have potential 'moderate' or 'high' slope stability risk and would require slope stability measures. Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk.

Preliminary Site Investigation, dated 29 September 2022, prepared by SMEC has been submitted with the planning proposal.

The slope stability risk assessment undertaken by SMEC indicates that it is a preliminary assessment based on high level observation with limited geological mapping. Prior to the site inspections, SMEC has identified 9 zones within the development area which could have potential slope stability risk. Access to some areas of those identified zones have been restricted due to topography and vegetation. Even with these limitations, the level of risk to the properties on those zones were

assessed as “moderate” or “high” requiring slope stability remedial measures.

Construction of infrastructure and changes to land formation due to proposed development would increase this slope stability risk. The proponent will need to carry out the detailed investigation and assessment of slope stability risk at the development site and ensure to implement required slope stability remedial works to reduce the risk levels to an acceptable level. All slope stability remedial works are to be fully contained in the property and not in public road reserve.

Urban Design and Infrastructure

14. Urban Design

The proposal cannot be supported from an Urban Design perspective. Proposing a new green-field land release and a new settlement of 450 dwellings is untenable given the site constraints and location. The proposal seems to mimic the urban form of the 1970's creating a sparse, isolated, car-reliant, enclave. It is also unclear from the information supplied how the proposed new settlement relates to or integrates with Belrose.

The following comments are made following a review of the planning proposal and document, *Lizard Rock – Belrose, Urban Design Framework*, October 2022, prepared by COX Architecture.

- The Applicants' documentation needs to illustrate clearly how the concept proposal has resulted from carefully considering the opportunities and constraints and has produced a proposal specific to the place and its character, rather than a concept derived from other drivers. Constraints (i.e. habitat areas, very steeply sloping land, creek) do not seem well responded to (e.g. APZ in habitat areas, roads traversing gradients of 20+ degrees and creek).
- The Applicant should highlight land area(s) with few constraints and more opportunity. The Applicant should explore and document settlement forms other than more of the same suburban, car-dependent settlements. One different approach could be a compact settlement(s) form(s) in very close walking distance to local services and public transport, leaving 80-90% of the bushland untouched in perpetuity. A compact settlement form is also more land-efficient and cost-effective for infrastructure delivery. The Applicant should illustrate how their proposed settlement urban form has more site-specific merit than other settlement forms.

Design Principles (as outlined in COX Architecture, Urban Design Framework) -

- The Applicant must undertake a comprehensive site analysis and urban design study, including built-form envelopes, to base any controls on the specific character, opportunities, and constraints of the place. In some instances, it is unclear how building heights 'under the tree canopy level' will manifest.
- The Design Principles should emerge from rigorous site analysis and exploring different settlement forms for the best option for this land. The Design Principles assume a sparse, low-density, high environmental impact, car-dependent settlement form. In part, the Design Principles also seem at odds with the Applicants' Concept Plan. The Design Principles should be re-formulated after additional study, documentation, and evaluation of other settlement forms.
- The Applicant should explore and document other settlement forms they have considered, illustrating the pros and cons of each type. The Applicant should explore compact settlement forms and protect rocky outcrops, trees, and significant habitat, rather than including them into larger lots to be subdivided and sold with blanket dwelling density targets. After careful site analysis and urban design studies, the Applicant should illustrate how the proposed development can provide a sustainable, compact, walkable, diverse neighbourhood with good access to public transport and services on the remaining suitable land.
- The Applicant should include design guidelines for building on sloping land with any submission (see the Topography section below for more).
- The Applicant should define the 'Northern-Beaches Vernacular' through a reference design(s)

and show how this can relate specifically to the characteristics of the place (subject site). The Applicant should illustrate how Principle 1 (of the outlined design principles) can manifest given the challenges of achieving Principle 2 while designing for Bushfire concerns, and Principle 2 appears at odds with Principle 14, 'respond to bushfire threat on/adjoining the site by the inclusion of local and regional secondary bushfire egress paths'. The inclusion of substantial APZ's will remove the majority of the 'leafy outlook'.

- The MLALC should engage with the Northern Beaches Design & Sustainability Advisory Panel (DSAP) at the earliest opportunity.
- Any retaining walls, cut & fill, or new bridges should be indicated clearly on the drawings and show how the proposal can comply with the Desired Future Character.
- The Applicant should undertake thorough view-shed analyses to prove the proposal will protect views. The area provides scenic and district views of the ridgeline and escarpment that are to be protected.

Bushfire and Urban Design -

- The Applicant should investigate a compact settlement form approach to ascertain if that settlement form can pose less bushfire risk while maintaining the vegetation. The current approach is to clear large bushland areas to provide APZs. Refer to comments above under 'Bush Fire Risk'.
- After undertaking a comprehensive context & site analysis that identifies the unique character of the area and the opportunities and constraints of the site, the pockets of land found to be favourable for residential development should be clearly identified and only then should any dwelling density target be applied to those pockets of land.

Topography and Urban Design -

- After undertaking a comprehensive context & site analysis that identifies the unique character of the area and the opportunities and constraints, any pockets of land found to be favourable for residential development should be clearly identified by the Applicant.
- The Applicant should investigate a compact settlement approach on flatter areas that site analysis has found suitable for residential development. The Applicant must include a design guide for proposals on sloping sites and a Slope Management Plan. Subdivision that will result in buildings and works on any area of a lot with a slope over 20% should not be supported.
- Given the significant site constraints and, in particular, where the slope of any part of the subdivided lot ranges between 10 to 20+ degrees, further information will be required and should include the detailed design of all the dwellings. Any retaining walls, cut & fill, or new bridges should be indicated clearly on the drawings. All proposed new roads should include diagrams to demonstrate the gradients of the streets. Any proposal must show how it will minimise land disturbance.

15. Landscape and open Space

The planning proposal fails to satisfy the landscape objectives of the current applicable Warringah Local Environmental Plan 2000 - Deferred Lands, and of the R2 zone of Warringah Local Environmental Plan 2011 to which rezoning is sought.

Concern is raised that the Planning Proposal, when assessed against the current applicable Local

Environment Plan (Warringah Local Environment Plan 2000), and the Local Environment Plan under the Planning Proposal (Warringah Local Environment Plan 2011), fails to satisfy the landscape objectives as follows:

- Warringah Local Environment Plan 2000 - Deferred Lands –
 - the desired future character objectives of the B2 Oxford Falls Valley Locality Statement, as worded in the Warringah Local Environment Plan 2000 is not achieved by the proposed development due to extensive land clearing and subdivision allotment pattern, including “The natural landscape setting including landforms and vegetation will be protected and, where possible, enhanced”, and “Building will be located and grouped in areas that will minimise disturbance of vegetation and landforms”.
- Warringah Local Environment Plan 2011
 - the landscape objectives of the R2 Low Density Residential zone is not achieved due to extensive land clearing and a subdivision allotment pattern that is unable to provide “ ... low density residential environments characterised by landscaped settings that are in harmony with the natural environment of Warringah.”
 - the Planning Proposal omission of including the existing watercourses and creeklines, all areas of retained and protected vegetation, and the sites of significance as C2 Environmental Conservation zones impacts upon the resilience of the nominated C2 Environmental Conservation zones to maintain the ecological, cultural and aesthetic values; and protect the visual character.

A scheme that groups areas of R2 Low Density Residential zone amongst C2 Environmental Conservation zones is a scheme that is better able to remove the concerns raised by Parks Assets, and ultimately this may require a reduction in dwelling numbers across the property to achieve a balanced proposal in consideration of the natural environment and landscape character of the site.

16. Likely Infrastructure Demand

The proposal and resulting increase in population will generate demand for local infrastructure including community facilities, library services, open space, active transport and the road network. The planning proposal does not adequately consider this demand.

For the purposes of quantifying likely infrastructure demand for the additional population generated by the development, it has assumed the development outcome will be 450 additional dwellings without seniors housing.

Based on the *Social Impact Assessment* (Gyde, Section 6.2 Demographic Characteristics) for Belrose the average number of people per household is 2.9 and the average number of motor vehicles per dwelling is two. Based on these rates per dwelling, Council calculates that this development of 450 new dwellings has an additional anticipated population of 1,305 people and 900 cars.

Conversely and without supporting calculation, Gyde advises that “*The increase in population because of the project is estimated to be 1,428, which is considered to have a minor impact on the demand for services and infrastructure.*” (Social Impact Assessment, p44).

The additional 1,305 people in the Morgan Road Planning Proposal generates demand for the following local infrastructure:

- a) Community Facility floorspace (social infrastructure)
- b) Library Services floorspace (social infrastructure)

- c) Open Space (active and passive)
- d) Active transport
- e) Traffic infrastructure

a) Demand for Community facility floorspace

Based on the population demand, the community floorspace required for the increased population resulting from the proposed development would be 104.4m². This is calculated using the ratio adopted in the Northern Beaches Community Centres Strategy (the Strategy). The planning proposal would add to the current gap in floor space provision in Frenchs Forest (which in 2020 is 468m², and by 2036 is estimated to be 1,695m² accounting for anticipated growth (but excluding additional demand from new developments)).

The Strategy identifies working with the State Government to plan for an integrated facility as part of the Frenchs Forest Town Centre Masterplan. In the Masterplan, Town Centre would include a District-level facility with 1,124m² of floorspace, however that additional floorspace still leaves a significant gap for the Frenchs Forest catchment area. The Lizard Rock Planning Proposal would further increase this gap to a total of 909m².

A Cultural Community Centre is incorporated as a key element of the planning proposal. This is discussed in the Social Impact Assessment as a key piece of social infrastructure that can provide positive social, economic and cultural outcomes. The facility is referred to using several different names and lacks specifics about the design and delivery timeframe making it difficult to quantify its potential impact.

Further detail of this facility, including the design and availability of spaces for community and when it will be delivered, is necessary to determine the extent of the potential positive impacts and understand how it can work towards contributing to the current and forecast under supply in Community Centre space in the Frenchs Forest area.

b) Demand for Library Services floorspace

Based on the widely used and accepted benchmark, People Places State Library NSW, the Planning Proposal will result in demand for an additional 43m² of library floorspace.

Both existing nearby libraries (Forestville Library, and Glen Street Library, Belrose) provide less than half the recommended floorspace for the existing catchment population in the Frenchs Forest planning area. Currently, the floorspace gap is 788m² GFA. If this Planning Proposal proceeds with the anticipated 450 dwellings, the gap in library floorspace increases to 831m² GFA.

There is currently no option to deliver additional library floorspace in the existing facilities or on this site.

c) Demand on Open Space Areas (Passive and Active)

This Planning Proposal will require its own open space areas commensurate with the demand from this development alone, as the subject site is not located within easy walking or riding distance to any existing or planned, future recreational open space areas, and all existing and planned open space areas in Belrose, Forestville and Frenchs Forest only account for the current population, background growth and planned population under the Frenchs Forest Place Strategy.

The Planning Proposal includes *"a total of seven (7) new public open spaces for a variety of uses including picnic and BBQ areas, children's playgrounds, shelter, lookout points and tree reserves"*. (p.63). These areas include riparian corridors and nominal areas at road intersections that are seemingly connected by a future pedestrian/cycleway network (figure 22, p.54 – extract below).



Figure 22. Open Space Structure Plan (Source: COX Architecture, September 2022)

Delivery of these passive open space areas remains uncertain given that much of the land is proposed R2 Zone and there is no clear link to existing recreational open space areas and sportsgrounds identified on the Draft Structure Plan submitted with the planning proposal. To ensure certainty that the identified open space and pedestrian/cycleway networks within the site are delivered in a timely manner, the Draft Structure Plan should be referenced in a statutory provision.

In terms of recreational utility afforded from the riparian corridors, regardless of zoning and ownership (now or in the future), the recreational value of these riparian corridors is limited as their primary utility is environmental protection.

The additional population resulting from this Planning Proposal will generate demand for a new playground which should be accommodated and notated within the open space areas identified on the Draft Structure Plan. As this infrastructure is only required to support the development under this Planning Proposal, this infrastructure should be delivered by direct provision. (The draft Northern Beaches Open Space and Outdoor Recreation Strategy and Action Plan, exhibited in June 2022, identifies a general benchmark of 1 playground per 1,300 people).

The additional demand for active recreation (particularly sportsgrounds) generated by this Planning Proposal will further increase this existing deficit. The location of the closest sportsground to the subject land is Wyatt Reserve, Belrose. This field is fully allocated to summer and winter sports and cannot be increased above its current use.

d) Active transport

Council notes that the Urban Design Framework (Cox) and Figure 7 in the Planning Proposal (Gyde) shows a pedestrian and cycleway network within the development that connects to Council's planned network District Route within the Forest Way road corridor to connect from the new Frenchs Forest Strategic Centre to Terrey Hills village. The pedestrian and cycleway network within the proposed development would need to be delivered by direct provision. To ensure certainty that the network within the site is delivered in a timely manner, the Figure 7 in the Planning Proposal should be referenced in a statutory provision.

It is confirmed that, in accordance with the principles of Council's MOVE Transport Strategy, access to the public transport network is required including bus infrastructure at key locations along Morgan Road, and kerb and gutter along both sides of Morgan Road will be required for the length of the

development site and up to the intersection with Forest Way.

d) Traffic infrastructure

The Planning Proposal is accompanied by a Traffic Assessment, prepared by JMT Consulting. This report includes traffic modelling which purports to demonstrate appropriate access/egress to the site, especially during a bushfire event.

It is unclear if the bushfire evacuation modelling has considered appropriate traffic inputs during an emergency scenario. Deficiencies are identified in the modelling assumptions namely:

- No traffic growth considered along the Morgan Road and Forest Way Corridors.
- The traffic counts used are from 2019 when construction of the road network for the Frenchs Forest Hospital were underway. This may not accurately reflect traffic volumes along Forest Way or other parts of the network pre/post construction.

Concern is raised that consultation on the traffic modelling and assumptions have not occurred with Transport for NSW, or for that matter, prior discussions with Council.

Morgan Road is a key corridor for access/egress to the subject site, particularly in emergencies and is the evacuation route for residents (existing and future) out of this location. The submitted evacuation modelling has not accounted for the pre-requisite inputs associated with evacuation to a designated area away from the bushfire threat rather than evacuation onto Forest Way only. An assessment of broader area impacts is required particularly on Forest Way to the designated safety area for evacuees.

Morgan Road is currently at a rural standard which reflects the existing traffic volumes. Any future development of this land is contingent upon the upgrade of this road to support development contemplated by this Planning Proposal, in particular its role as an evacuation route. As the need to reconstruct Morgan Road is only required by this Planning Proposal alone, the full road reconstruction (including kerb/gutter and drainage) of Morgan Road for the entire length of the development site up to Forest Way, via direct provision.

Refer to further comments below under 'Road infrastructure'.

17. Infrastructure contributions income

The proposition that the potential future 7.12 contributions levied on this site will provide infrastructure commensurate with the demands of this development is not supported.

The Northern Beaches Section 7.12 Contributions Plan 2022 applies to the subject site. This Plan imposes an infrastructure levy on new development to fund public infrastructure identified in the Plan's works schedule. This infrastructure is provided across the local government area, from Palm Beach in the north to Manly in the south.

A generally accepted principal of local infrastructure planning is that a 7.12 contributions plan is appropriate for existing, infill areas where development and population growth (and the resulting increase in infrastructure demand) is sporadic and difficult to plan for.

The Planning Proposal (page 86) states:

"This Planning Proposal will facilitate the delivery of new and upgraded infrastructure by way of increased revenue for Council, increased provision of housing, and future Section 7.12 contributions payments required in future development applications. "

Any notion that the potential future 7.12 contributions levied on this site will provide infrastructure

commensurate with the demands of this development is false and misleading.

This Planning Proposal has very clear, identifiable infrastructure requirements critical to meeting the demands generated by the development of this site. Most infrastructure requirements are in or immediately abutting the development site and for this reason, should be direct provision.

The exception would be the additional community facility and library floorspace and active open space generated by the additional population for this development, as this cannot be delivered in isolation in the development site.

18. Voluntary planning agreement

It is unclear who the MLALC is wanting to enter into a planning agreement with. The details of the agreement are unclear and not consistent with Council policy.

The following is commentary specific to the MLAC letter to the Department of Planning (DPE) dated 12 October 2022, entitled "Proposed planning agreement" included within the Planning Proposal, an extract of which reads as follows:

"...MLALC propose to enter into a Planning agreement to support the Planning Proposal. This letter provides an outline of the potential contributions that may form the basis of that offer and is provided for the purpose of facilitating future discussions with the Department of Planning and Environment and Northern Beaches Council..."

Planning agreements are a legal arrangement made between a developer and a planning authority to facilitate the dedication of land free of charge, provide a monetary contribution towards a public purpose, or provide any other material public benefit. Planning agreements are:

- voluntary and initiated by the developer, and
- established under a legal and procedural framework set out in:
 - Division 7.1 of Part 7 of Environmental Planning and Assessment Act 1979 (the 'Act') and Division 1 of Part 9 of the Environmental Planning and Assessment Regulation 2021,
 - Planning Agreements Practice note (NSW Government, February 2021), and
 - State Voluntary Planning Agreements Process Guide (NSW Government, October 2021).

As such, it is unclear who exactly MLALC is wanting to enter into a planning agreement with. Is it the Department or Northern Beaches Council?

Council asserts its role as an independent authority to assess a developer's offer for a public purpose where it is not considered state and regional infrastructure. Confirmation is requested as to which contributions of the developer's offer are construed to be state and regional infrastructure.

Conversely, the elements listed in the letter are, in the main, critical lead-in service infrastructure facilitating the creation and registration of serviced land ready for sale at market. Council asserts that, if not for the development contemplated by the Planning Proposal, the lead-in service infrastructure is not required.

Further, Council contends that any on-going maintenance and management of the infrastructure via a Community Title Management Scheme is not a contribution for a public purpose but quite simply, is the mechanism demonstrating orderly development of the land. The range of infrastructure includes:

- internal road network noting that the collector roads in the internal road network play a role in the evacuation for this development and must adhere with the emergency evacuation strategy to be established for this land,

- the riparian corridor traversing the site
- location of public open space areas distinct from the:
 - open space/protection zone (seemingly associated with the riparian corridors),
 - areas for retained vegetation,
 - conservation area.
- Active transport network and walking trails (within the broader internal road network and open space structure)
- Stormwater management facilities
- The Asset Protection Zones (APZ).

The Planning Proposal identifies minimum Asset Protection Zone (APZ) requirements for the subject site under the Bushfire Protection Assessment (Travers Bushfire and Ecology), which is required regardless the bushfire threat may be outside the development site. Nonetheless, the portion of land fronting Morgan Road (identified as locations N1 and N2) requires an APZ of 24m which is omitted from Figure 1.4 of the Bushfire Protection Assessment. This omission needs rectification as it is opposite Council land (Lot 2 Morgan Road), identified as urban bushland that cannot be cleared under the Generic Parks Plan of Management (Warringah Council, 2008) and would be an identified bushfire threat to the proposal.

Planning for Bushfire Protection (2019) page 28 notes:

“APZs should be contained within the overall development site and not on adjoining lands. APZs on adjoining land are not encouraged. Where an APZ is proposed on adjoining land, a guarantee must be provided that the land will be managed in perpetuity.”

In the event the developer does voluntarily offer to enter into a planning agreement with Northern Beaches Council, the following matters must be accounted for:

- In June 2022, Council adopted its Planning Agreements Policy (Council Policy) and accompanying Guidelines to help guide developers on Council’s preferred approach to planning agreements. The developer should review both documents as it clearly identifies the legal and procedural obligations to be satisfied by the developer, and details the criteria Council uses to assess the Offer.
- The timing of any Offer to Council is now. As the Planning Proposal is being considered by the Department (as the relevant planning authority), an offer to Council is separately considered by Council.

An offer should be considered by Council before a Gateway Determination is made to a Planning Proposal. This is the best practice approach and allows appropriate consideration of infrastructure required to support any growth in an area.

Council already has in place an Affordable Housing Scheme 2021, requiring 10% affordable housing dwellings to be delivered in any residential development uplift. Accordingly, affordable housing contributions resulting from this Planning Proposal must be consistent with Council’s own Scheme and will be part of the statutory provisions effected in a rezoning. The potential Offer for affordable housing, which has a limit on the monetary contribution amount regardless that it may not achieve the 10% affordable housing requirements in Council’s Scheme, is inappropriate.

19. Road infrastructure

The planning proposal provides insufficient information to adequately consider infrastructure upgrades that would be necessary in Morgan Road, Oxford Falls Road and Oates Place, as well as upgrades to public transport infrastructure.

Morgan Road

No details of proposed upgrades to Morgan Road or consideration as to the suitability of the Morgan Road geometric alignment is provided. Considerable upgrade to existing infrastructure is considered essential to support the proposed development. This includes construction of kerb and gutter, footpaths/shared paths, street lighting, traffic calming, street landscaping and stormwater drainage along the full length of Morgan Road for the frontage of the development site.

An assessment of the geometric alignment of Morgan Road will need to be undertaken to identify any deficiencies and propose solutions to correct those deficiencies, including vertical and horizontal curve radii, sight distance, and intersection safety.

Adequate corner splay at the intersection of proposed internal roads with Morgan Road will be required to enable to construct roundabouts at those intersections as part of the development to facilitate safe traffic movement.

The road carriageway proposed in Oates Place must be constructed to public road standards as must the road from Morgan Road to Lot 955 (towards Perentie Road) and include footpath and cycleway provision for pedestrians from the development site to Forest Way. Provision of a signalised pedestrian crossing at Oates Place may be necessary.

Public Road access will be required to be constructed to provide access to Lot 954 & Lot 955 given the absence of any right of carriageway of existing Lots 944 and Lot 945 after Crown Land was converted to MLALC.

Slip lane Morgan Road and Forest Way

The Planning Proposal identifies that the Forest Way/Morgan Road intersection will require an upgrade to service the 450 dwellings anticipated by the future development. This intersection upgrade involves the construction of a slip lane into the southbound lane of Forest Way (Figure 24, Traffic Assessment, JMT Consulting – extract below).



Figure 24 Proposed upgrade to Morgan Road / Forest Way intersection

The Traffic Assessment (JMT Consulting) identifies that this upgrade is:

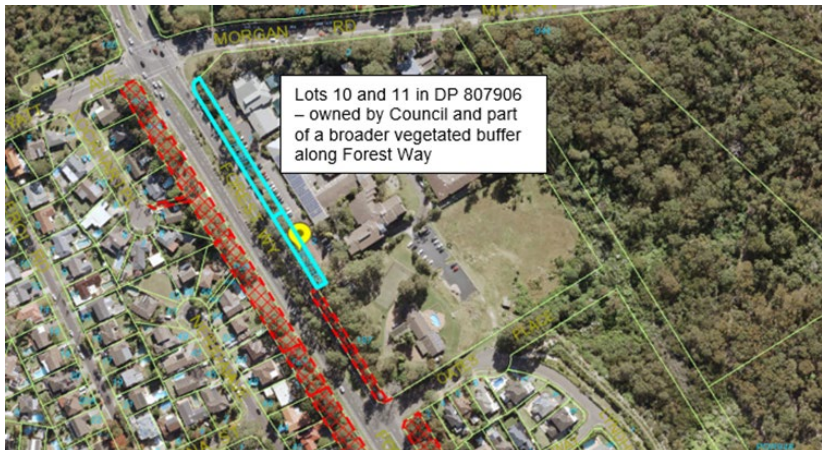
- essential to provide the main egress point for evacuation in a bushfire event and
- required to be delivered when 230 dwellings are completed within the development

The land identified to accommodate the future slip lane is owned by Council. To this end, JMT

Consulting advises that (p. 25):

“The land required to facilitate the upgrade is owned by Council and currently zoned RE1 – making it suitable for the purposes of road widening.”

This land, Lots 10 and 11 in DP 807906, has not been identified in the Planning Proposal document itself. This land is zoned RE1 Public Recreation under Warringah LEP 2011 and is classified Community Land. Currently, Council’s land is part of a broader vegetated buffer along both sides of Forest Way from Morgan Road extending 1.4km south to Dawes Road (see image below). The vegetated buffer provides visual treatment and noise attenuation between the busy road corridor and adjacent developments.



It is inappropriate for this Planning Proposal to assume that public purpose land should be identified for an alternate private purpose without benefit of prior discussions with the authority who owns that land. Council notes that the Planning Proposal is not contemplating acquisition of this land.

Regardless, any proposition to include Council’s land for road widening requires Council resolution as the landowner before contemplating a reclassification of land under the Local Government Act and rezoning of that land to reflect the new public purpose.

The future development contemplated by this Planning Proposal bases its bushfire evacuation strategy on the intersection upgrade being delivered. Resolution of the intersection upgrade with key agencies is critical before a decision to rezone this land is determined. The key agencies being:

- Transport for NSW, as the road authority for Forest Way,
- NSW Rural Fire Service and Emergency Services on the evacuation strategy,
- Northern Beaches Council, as the owner of the land upon which the intersection upgrade is to be accommodated.

Oxford Falls Road

Transport assessment undertaken by JMT Consulting considers that 30% of the traffic generated by the proposed development would travel east along Morgan Road and Oxford Falls Road to Wakehurst Parkway. However, no assessment is provided regarding the impact of this increased traffic on the section of Morgan Road, Oxford Falls Road and the intersection of Wakehurst Parkway.

Work would be required to be undertaken to ensure the road and intersection can operate at an acceptable level of service. This includes the need to upgrade all weather/extreme weather access (flood, fire, etc) with upgrades to Oxford Falls Causeway (multicell culvert or single span bridge) and intersection of Oxford Falls Rd and Wakehurst Parkway (traffic signals or roundabout) allowing the removal of the causeway flood gates.

The proposed development would also need to demonstrate that it does not impact down stream flood levels at Oxford Falls Road/Morgan Road Bridge and that flow and velocities do not impact stream bank erosion along Oxford Falls Road.

Road slope

There are a number of proposed roads to be constructed down the valley slopes, and whilst no design details have been provided, road gradients will be in excess of the maximum grades recommended by Austroads (section 8.5.3) which are 9-10%. The Transport Assessment by JMT Consulting has not addressed this potential issue and the feasibility of road construction within the valley slopes.

Public transport infrastructure

Infrastructure to support public transport is considered essential given some dwellings are proposed to be located 1km to 2km from the nearest bus stop on Forest Way. The local bus operation shall be required to design a road network that accommodates and provides a loop service through the subdivision to provide access to public transport. The proponent shall also be required to provide illuminated bus shelters at each bus stop. The internal community title road network to be designed accordingly.

20. Traffic, active transport and parking

The proposal in its current form has not demonstrated a level of assessment that allows Council to support the proposal. Further detail and additional detailed modelling is required prior to an additional assessment being undertaken and consideration given to the proposal.

Traffic Modelling

The traffic modelling undertaken to support the planning proposal only considers the intersection of Forest Way and Morgan Road and does not consider the cumulative impact on the Morgan Road corridor. The assumption of no traffic growth along the corridor indicates a lack of understanding on the network issues, impacts of recent projects and how the traffic performance is affected within broader region.

The intersection performance in the morning peak increases the northbound queue length by 153.8 m (or 21 vehicles) and results in a further reduction in through traffic speed from 39.6km/h to 30.6km/h in the 80km/h zone. The modelling provided is focused on the traffic generation from the development filtering through into the existing road network not the impact the development proposal has on the existing road network.

There is also no modelling of the intersection of Oxford Falls Road and Wakehurst Parkway (known blackspot location). There is also no supporting modelling to demonstrate no net impact on the adjoining intersections along the Forest Way or Wakehurst Parkway corridors.

Substantial road network modelling needs to be provided to determine whether the proposal can be supported or whether further works are required along the road network. The example of this is the left turn option proposed has no supporting information around the impact of pedestrians crossing on the free flow of traffic, especially given the demographic of the adjoining population in the seniors living developments adjoining the site.

Active transport

The provision of Active Transport connectivity is mentioned briefly in the document, however the main focus for the proponent seems to be a car-based transport project, contrary to Council's adopted position on developments focusing on use of public transport as the first option. The proposed active transport options appear to be an after thought to tick the compliance box.

Council would be expecting full integration with the principles of the MOVE Transport Strategy providing for place within the residential streets (without compromising the access for emergency services) and substantial connectivity to the public transport services along Forest Way without making the regional movement corridor performance worse than the current level.

Based on the residential population forecast increases as part of the development and the adjoining development capacity, solutions to access public transport need to be considered. This should include suitable bus infrastructure at the three main points serviced at the intersection without it affecting the operational capacity of the road network with increase passenger loading times.

Future detailed proposals are to include details of suitable interchange facilities between Active and Public Transport modes, along with details on the Active Transport connectivity to suitable local services, such as shops, medical services, schools and community recreational facilities.

Parking Provision

All dwellings are to provide suitable onsite parking to facilitate the public domain amenity expected by the community. On street parking is to be managed in accordance with Council's guidance that this is for the short-term use of residents and visitors, not the long-term storage of vehicles, trailers and other non-motorised items. This includes both public and community titled roads proposed in the development footprint and curtilage of the proposal.

Kerb and gutter, inclusive of the construction of a suitably designed scheme (below) to address traffic speed, provide clear delineation of parking and traffic lanes along the full site frontage in Morgan Road and extending to the Forest Way intersection needs to be provided by the development to manage the interface between the development and the existing public road.

Traffic Management

Where the development induced traffic joins with the existing public road corridor, suitable traffic facilities are to be provided, in the form of roundabouts, with mid-block devices to be included to provide a self-enforcing precinct maximum design speed of 40km/h on all roads adjoining the precinct.

Public Transport

Any proposal submitted will need to be further assessed on the latest service provision, timetable and patronage numbers. The applicant is required to liaise with the TfNSW and the service provider to determine whether the development will require additional servicing along key routes.

Bushfire Evacuation Modelling

The traffic modelling provided for the emergency evacuation of the proposed precinct does not meet the requirements to demonstrate the real time evolving situation and does not consider the broader area impacts. The modelling only resolves the evacuation of the precinct with no consideration given or demonstrated on how the emergency situation would evolve on a variety of scenario events. The applicant is required to consider a worst case scenario of full evacuation including traffic from the areas to the north simultaneously being evacuated along Forest Way, movements required to facilitate the assisted evacuation of the nearby Seniors Living developments and the inability of traffic to filter through the network to the north, west and east.

Modelling of bushfire evacuation is to include the full route to the area designated as the community safer place, in this case Lionel Watts Recreation area, and on to the main exit corridor of Warringah Road to identify any obstructions to a full timely evacuation.

21. Stormwater management / flood

The planning proposal provides insufficient information to adequately consider the proposed stormwater detention system and test the claim that the system would mitigate any increase in stormwater quantity and quality.

Stormwater Management Plan, Morgan Road, Belrose and Flood Impact and Risk Assessment, Morgan Road, Belrose, both dated September 2022 and prepared by Craig and Rhodes, were submitted with the planning proposal.

The submitted Stormwater Management Plan states it complies with Council's Water Management for Development Policy. However, it is unclear how the plan addresses the stormwater detention requirements of Council's policy for the proposed development to ensure post development stormwater flows are less than pre development flows. The development footprint is to include all housing lots and the road network. The Stormwater Management plan also needs to demonstrate that the water quantity objectives/measures can be achieved given that the majority of the land features challenging topography and steep slopes.

It is recommended a peer review of the Stormwater Management Plan's water management strategy (quality and quantity) be undertaken to demonstrate that all the objectives of Council's Water Management Policy for Development and the claim that the stormwater system would mitigate any increase in stormwater quantity and quality.

In order to manage stormwater runoff, the development proposes to have detention and bioretention systems on each lot while runoff from the roads are proposed to be managed at source. The stormwater management approach is to have two rainwater tanks on each lot. The second 5kL tank leaks to a 10m² bioretention system. At a street scale, cross street roads are proposed to be treated by bioretention systems and sub surface storages. Roads adjacent to riparian zones are proposed to be treated via infiltration systems. An XP-RAFTS hydrological model and two dimensional TUFLOW hydraulic model were used to assess the pre and post development conditions at the site. The results indicate that the 1% AEP post peak flows are similar to pre-development flows.

Due to the site constraints, including steep grades and geotechnical conditions, Council is concerned with how the systems will perform overtime. How will the systems be maintained and what impact will no maintenance have on their long-term performance? How will the detention/bioretention systems function in areas of high bedrock and minimal soil depth? Is there a potential for subsurface water to cause landslips or undermine downstream structures?

Council has concerns that the planning proposal could have long term adverse or cumulative impacts on flood behaviour (onsite with R2 development and the downstream environment). Council must be satisfied that the proposed systems can reduce post development flows to predevelopment levels over the life of the development.

More information is required including, but not limited to: undertaking more detailed flood modelling (pre and post), providing the actual flood models, details of all parameters included in the model, detailed report confirming constructability, detailed operational report including demonstrating how all stormwater, WSUD and detention (anything for managing potential adverse flood effects) will be maintained in perpetuity. This must be conducted in accordance with all relevant guidelines and manual to satisfy Council, and sufficient time is needed to conduct a detailed assessment of the model including civil constructability and ongoing maintenance feasibility.

Council would recommend a peer review of the Flood Impact and Risk Assessment and the Stormwater Management Plan. The Flood Report notes that the proposed development areas and roads are above the PMF event. As such, the houses would provide shelter during large flood events. The Planning Proposal should be referred to the State Emergency Service (SES).

Social and Economic Impact

22. Affordable Housing

The planning proposal is not consistent with the Council's Affordable Housing Strategy. It is unclear whether housing proposed would meaningfully impact on housing affordability in the area.

Council's LHS identifies a significant undersupply of affordable housing on the Northern Beaches to support key and essential workers, and through Council's adopted Affordable Housing Policy aims for the provision of 10% affordable rental housing in areas subject to urban renewal or greenfield development (areas of zoning uplift). This is reinforced through Council's LSPS, which contains several principles and actions in relation to social and affordable housing, including seeking a minimum of 10% affordable rental housing to be included in new planning proposals, consistent with Council's existing Affordable Housing Policy.

Whilst it is acknowledged the proposed planning agreement seeks to provide a monetary contribution or land dedication to the value of \$2.5 million for the purpose of affordable housing, this is considerably below the minimum 10% affordable rental housing which is a requirement for all planning proposals for up zoning.

The Social Impact Assessment (SIA) prepared by Gyde Consulting and submitted with the planning proposal identifies that the proposed development would deliver additional affordable housing via a diversity of housing provided, including secondary dwellings and dual occupancies, and an allocation of affordable rental housing in line with Council's Affordable Housing Policy. Further information about the mix and quantum of housing types delivered through the development and the delivery mechanism and quantity of affordable rental housing is required to determine if this development would meaningfully impact on housing affordability in the area.

23. Economic impact

The planning proposal provides insufficient information on the type and staging of new retail and services development proposed, inconsistency about the proposed land-use zoning, and lack of consideration of the impact of the proposed retail/services development on the viability of surrounding existing or planning commercial centres.

The *Economic Impact Statement* (EIS) prepared by MacroPlan and submitted with the planning proposal, identifies that the subject site would accommodate 120 to 140 new jobs once operational, based on an additional 5,030sqm GFA of 'Retail and Services' floorspace. This is a sizeable amount of new employment floorspace and consideration should be given in the EIS, as to how that may impact viability of the existing or planned commercial centres in the LGA

More information on the staging and mix additional retail floorspace proposed at the "Lizard Rock" site, and how this could impact current/planned retail floorspace in surrounding retail centres, should be provided.

The Social Impact Assessment (SIA) prepared by Gyde Consulting and submitted with the planning proposal, notes that during construction and operation, the proposal is likely to have a positive impact on local businesses and retailers, due to the spending of local employees at the site on surrounding businesses, both during construction and when operational. These figures are based on national average figures of spend per day (\$30.36) from going to work and includes travel, food, grooming and clothing. However, it is likely that this level of employee spend would be lower for the proposed site, especially at the during construction phase. In responding to this question, the SIA does not consider whether the new retail floorspace would impact the viability of existing centres or impact take-up of

proposed new retail floorspace in planned centres.

Refer also to comments above in 'Inconsistencies in supporting documentation' regarding B1 and RE2 zones.

24. Social impact

The planning proposal provides insufficient information to determine the likely social impacts (positive and negative) of the proposed development, and effectiveness of the mitigation strategies claimed.

Population increase and service demand

The Social Impact Assessment, Morgan Road, Belrose, October 2022, prepared by Gyde Consulting and submitted with the planning proposal, identifies an estimated increase in population from the development of 1,428 people, however there is no further breakdown of this estimated population increase provided. (Note comments earlier in this submission which query the estimated population calculated).

It is therefore difficult to forecast the associated increase in demand for services and social infrastructure in a meaningful way without understanding the population breakdown, e.g. service age groups. Services and infrastructure of particular note would be childcare centres, schools, and community centres.

Refer also to comments in this submission and 'Likely Infrastructure Demand'.

Community engagement as social impact mitigation

The Social Impact Assessment identifies community engagement as a mitigation strategy for a number of the identified impacts of the development including: Existing and future community sense of identity and belonging, and Increased population impacts. Further information is required to understand what community engagement is proposed and how this can effectively mitigate those impacts.

Appendix 1 – Aboriginal Heritage Office submission



Aboriginal Heritage Office

Ku-ring-gai, Lane Cove, North Sydney, Northern Beaches,
Strathfield and Willoughby Councils

29 Lawrence St, Freshwater NSW 2096
Email: aho@northernbeaches.nsw.gov.au
www.aboriginalheritage.org

Monday, 7 November 2022

Aboriginal Heritage Office – Review

Planning Proposal for Lizard Rock, Morgan Road, Belrose

The Aboriginal Heritage Office¹ (AHO) has been requested by Northern Beaches Council to review the above planning proposal and associated documents. It appears a great deal of thought and effort has gone into the proposal and this should be acknowledged. An Aboriginal cultural heritage report has been submitted (Appendix 20: Aboriginal Archaeological Assessment Morgan Road, Belrose, NSW by Dominic Steele Consulting Archaeology). The AHO has only undertaken a preliminary review of this report due to the short lead time and provides the following information that may assist. Some information from an earlier review of Metropolitan Local Aboriginal Land Council land development proposals is presented here again for background.

Land holdings context

It is recognised that the Metropolitan Local Aboriginal Land Council has legal, practical and ethical responsibilities to manage its land in the best interests of the Aboriginal community and the environment.

It should be acknowledged that historically Aboriginal peoples owned and had responsibility for all of the land across Australia. From 1770 this was gradually taken from them conceptually and then physically. The loss of land was unsought and it was resisted. Each generation searched for ways to hold onto or reacquire land and each success lead to a new wave of dispossession. Where Aboriginal people could regroup and live on the margins of the new society, eventually the fringe became new development opportunities for an expanding urban landscape.

With the commencement of the *NSW Aboriginal Land Rights Act 1983*, Local Aboriginal Land Councils could claim vacant crown land, again land that was largely on the fringes and lowest in priority. There were many ways that government agencies and authorities could reject each claim, so that only the claims that had the least arguable utility were actually regained by the LALCs. With time this land has become more valuable in the perceptions of wider society. Private landholders and developers have been given opportunities to rezone and develop land, sometimes with poor environmental and planning outcomes. It is considered only fair that MLALC should be given opportunities to plan and develop its land.

Given the historic injustices and the ways that governments and wider society used their powers and means to exclude Aboriginal people from their own land, it may be appropriate for current governments, agencies and society to provide more help and assistance to Aboriginal people to ensure positive outcomes for them. It may be that with additional assistance and expertise in a spirit of collaboration better outcomes may be produced than simply treating the proponent as a normal developer.

¹ The AHO is a unique partnership of local Councils in northern Sydney working to protect and promote Aboriginal heritage and history. The local government Aboriginal heritage position created in 2000 and shared initially by four Councils was a first for Australia and has steadily grown to a strong collaboration of six Councils (including the amalgamated Northern Beaches).

Some key points:

- This is a large land parcel and there is an opportunity to provide good environmental and urban outcomes that would not be possible with smaller or individual landowners.
- MLALC is operating for its members as a community organisation, not simply for the profit of a single company or family, and this gives scope for a greater net benefit across the community.
- There is increasing expectation in the wider community that Aboriginal communities should be given a fairer go in relation to correcting past wrongs and in protecting cultural heritage.

Challenges

- It is likely that the majority of Aboriginal people living in NBC, whether members of MLALC or not, may not wish any bushland to be developed.
- There is a high expectation by the wider community that Aboriginal people should not develop bushland regardless of the merits and regardless of the equity issues.
- Bringing the urban fringe closer to Aboriginal sites will put them at greater risk of damage from visitation, graffiti and vandalism.

What is required in terms of Aboriginal cultural heritage?

An Aboriginal cultural heritage report (Appendix 20: Aboriginal Archaeological Assessment Morgan Road, Belrose, NSW by Dominic Steele Consulting Archaeology) has been provided as part of the planning proposal. The AHO has carried out a preliminary review and considers that there are a number of issues that require further clarification.

The AHO considers that the archaeological report does not provide sufficient information to address the main issues adequately, ie about the known Aboriginal sites and the potential for unrecorded sites. There is a great deal of background information for the region but much less information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation.

The main rock engraving sites west of Morgan Road appear to be wholly within the proposed conservation zone, however, the maps provided show the sites and the buffer zone to be further west than the AHO understands the engravings to be. The only site mapping provided in the report is of a very general nature and likely to be inaccurate.

The rock engravings east of Morgan Road do appear to be more correctly mapped, however, the conservation zone status of these sites is unclear as it is mapped across different proposed zonings.

The report notes that the area was visited under different survey conditions but does not provide information whether night recording / wet rock survey for engravings was undertaken. There is no map of survey units provided.

MLALC is not proposing the damage or destruction of any Aboriginal sites. However, given that the rock engravings are well known and are likely to be incorporated into a managed visitor experience, it seems a lost opportunity to not have included more information in this report at this stage as to how the sites will be protected. The only photos of the sites in their current context are not very clear or detailed. The Urban Design Framework document (Appendix 6) actually provides better quality images of some of the sites (photogrammetry) and it would be expected that this level of recording would be utilised to properly document the heritage sites and demonstrate how they will be protected.

While the proposed conservation zone for the main platform is identified, ideally there would be more discussion as to whether there is sufficient space to provide formal walking areas, protective barriers and signage.

If the rock engravings become a centrepiece of the area, there needs to be careful planning to allow for controlled visitation, surveillance, a management program to ensure graffiti can be removed and to highlight the figures to make them easier to see. Ideally a mechanism would be put in place to allow an authority, such as the land manager or a MLALC department, to have a permit to carry out basic non-harm management as the current system requiring a Heritage NSW officer to be present is very slow and impractical. None of this information is presented in the report or proposed to be included at a later assessment/management stage.

It is recommended that comprehensive site management plans are prepared for the known sites, including more detailed recording to provide a contemporary baseline recording. Highlighting (non-impact cleaning of the grooves under Heritage NSW authorisation) should be carried out as part of the recording process.

Overall, the report provides only basic information about the known sites and potential for unrecorded sites and misses the opportunity to demonstrate the significance of the sites and how the proposal can safeguard them from current and future impacts.

In summary, it is recommended that further detail be provided about the known Aboriginal sites and the potential for unrecorded sites, particularly in relation to the survey work, the current sites in their context, best management options for the site and steps for further investigation.

Aboriginal Heritage Office

Ku-ring-gai, Lane Cove, North Sydney, Northern Beaches, Strathfield and Willoughby Councils

Appendix 2 – Independent bushfire report submission



Independent Bushfire Review

Planning Proposal Morgan Road, Belrose

Prepared for
Northern Beaches Council



10 November 2022
Version V1.0



Document Tracking

Project Name:	Bushfire Review Morgan Road, Belrose		
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 Fire Protection Association of Australia BPAD Level 3 BPD-PA 16373



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Glossary of Terms

This section defines those core terms and concepts which are adopted throughout the body of this report.

Term	Definition
Asset Protection Zone (APZ)	A fuel-reduced area surrounding a built asset or structure which provides a buffer zone between a bushfire hazard and an asset. The APZ includes a defensible space within which firefighting operations can be carried out. The size of the required APZ varies with slope, vegetation and FFDI.
Bushfire	A general term used to describe fire in vegetation, includes grass fire.
Bushfire attack mechanisms	The various ways in which a bushfire can impact upon people and property and cause loss or damage. These mechanisms include flame contact, radiant heat exposure, ember attack, fire wind and smoke.
Bushfire Attack Level (BAL)	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat, and direct flame contact. The BAL is used as the basis for establishing the requirements for construction to improve protection of building elements and to articulate bushfire risk.
Bushfire prone land (BPL)	An area of land that can support a bushfire or is likely to be subject to bushfire attack, as designated on a bushfire prone land map.
Bushfire Hazard	Any vegetation that has the potential to threaten lives, property, or the environment.
Bushfire Strategic Study (SBS)	Provides the opportunity to assess whether new development is appropriate in the bushfire hazard context.
Bushfire Threat	Potential bushfire exposure of an asset due to the proximity and type of a hazard and the slope on which the hazard is situated.
Mitigation	The lessening or minimizing of the adverse impacts of a bushfire event. The adverse impacts of bushfire cannot be prevented fully, but their scale or severity can be substantially lessened by various strategies and actions. Mitigation measures include engineering techniques, retrofitting and hazard-resistant construction as well as on ground works to manage fuel and separate assets from bushland.

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Planning for Bushfire Protection 2019 (PBP)	NSW Rural Fire Service publication effective from 1 March 2020 which is applicable to all new development on bushfire prone land in NSW.
Risk	The degree of risk presented by that interaction will depend on the likelihood and consequence of the bushfire occurring. Risk may be defined as the chance of something happening, in a specified period of time that will have an impact on objectives. It is measured in terms of consequences and likelihood.
Risk assessment	A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking, having regard to factors of likelihood, consequence, vulnerability, and tolerability.
Risk-based land use planning	The strategic consideration of natural hazard risk and mitigation in informing strategic land use planning activities.

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1. Introduction

Blackash Bushfire Consulting has been engaged by Northern Beaches Council (Council) to review documents associated with the bushfire aspects of the Morgan Road Planning Proposal. The assessment of the Planning Proposal bushfire aspects has been undertaken impartially and without prejudice. I confirm that I do not have any conflict of interests or pecuniary interest regarding the independent review or in executing my role as providing expertise for Council. In preparing my review, I have not had any meetings or discussions with staff from Northern Beaches Council, the NSW Rural Fire Service or other agencies or bodies about issues pertaining to the Planning Proposal.

The site is shown in Figure 1 (the site) and Figure 2. The site comprises an amalgamation of 22 allotments with a total area of 710,007sqm (71ha).

The site is on designated Bushfire Prone Land and the bushfire provisions for new development area applicable. Strategic planning is the first stage in the planning process. It is needed to ensure that future developments are not exposed to an unacceptable risk of bushfire. For Planning Proposals Section 9.1 (2) Direction No 4.3 of the *Environmental Planning and Assessment Act, 1979* (EPA Act) must be applied. This requires Council or the consent authority to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any comments by the Commissioner and to have regard to the planning principles of *Planning for Bushfire Protection 2019* (PBP). This has been completed by the applicant and is identified in the Planning Proposal documentation.

In undertaking the review, I have had regard to:

- *Gyde Planning Proposal Morgan Road Belrose October 2022*
- *Bushfire Protection Assessment – prepared by Travers Bushfire & Ecology*
- *Strategic Bushfire Study, prepared by Travers Fire and Ecology – not received*
- *Transport Assessment, prepared by JMT Consulting, September 2022*

Land use planning can be an effective tool in minimising or avoiding the impact of natural hazards such as bushfire. From a risk management perspective, the safest approach is always to avoid high risk areas and to comply with the Planning Direction and *Planning for Bushfire Protection 2019* (PBP).

The intended outcome of the Planning Proposal Gyde p. 18) is to:

implement the Development Delivery Plan for the subject site created under State Environmental Planning Policy (Planning Systems) 2021. The objective of the Planning Proposal is to create a residential community embodying strong conservation principles to support the enhancement of the unique environmental and Aboriginal cultural heritage characteristics of the site.

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The intended outcome of the Planning Proposal is to amend the applicable local planning controls to accommodate up to 450 new residential dwellings as well as a new cultural community centre and protection of aboriginal heritage sites.

As identified in the Gyde document (p. 5), the Planning Proposal seeks to:

- *transfer the Site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones*
- *secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and seniors housing, as well as community facilities*
- *introduce maximum building heights (8.5 metres)*
- *introduce a range of small, medium to large residential lot sizes.*



Figure 1 Draft Structure Plan (Source Gyde p.19)



Figure 2 Concept Plan (source Gyde p. 20)

2. Credentials

This independent review has been prepared by Lew Short from Blackash Bushfire Consulting. Current Curriculum Vitae are at Appendix 2.

Lew Short is the Director at Blackash Bushfire Consulting which has been trading for over eight years. Lew is FPAA BPAD-A Certified Practitioner No. BPD-PA-16373 who is recognised by the RFS as qualified in bushfire risk assessment and has been accredited by the Fire Protection Association of Australia as a Level 3 BPAD qualified consultant. A site inspection was completed on Monday 7 November from publicly accessible areas, including Oates Place.

Lew established and led the Community Resilience Group for the NSW Rural Fire Service (RFS). His areas of responsibility included land use planning, community engagement, education, vulnerable communities, bunkers, Neighbourhood Safer Places, business systems and projects, social media, integrated risk management and environmental management. He was responsible for the establishment, management, and leadership of the development assessment function for the RFS at a State level where he was responsible for the assessment of over 80,000 development applications in Bushfire Prone Areas.

At Emergency Management Victoria, Lew was one of three State Risk and Consequence Manager which is an operational role in the State Control Centre of Victoria, to lead and facilitate strategic risk management to support the Emergency Management Commissioner on an all hazards, all agencies basis. The primary responsibility is to ensure state level risks for major emergencies and consequences of emergencies are identified and proactive mitigation strategies are applied to minimise impacts on the state of Victoria. It was responsible informing and supporting strategic decision making for the State Control Team (SCT), the State Emergency Management Team (SEMT), departments and agencies about the potential consequence of State-level emergency risks.

Lew holds several qualifications including undergraduate and post graduate level in environmental management and specialising in bushfire management. Lew is an expert in the bushfire field and can interpret and apply legislation, policy and bushfire requirements while drawing on extensive professional expertise and operational experience.

3. Strategic Planning for Bushfires

Land use planning is widely recognised as an important measure for limiting future vulnerabilities and losses in areas of new development and a critical element for building disaster resilient communities.

The physical design and layout of communities and settlements are central to the many functions that sustain the social, economic, and environmental support systems for the community. Land use planning provides the opportunity to manage new growth and residual risk resulting from new development by complying with legislation and standards, limiting, or modifying the location of new development and influencing its layout. This can limit both the impacts of new development on natural systems, ecosystem services and hazards and the flow on impacts on the existing community, as well as limiting the impacts that natural hazards can have on new development and its users.

The strategic planning system is particularly important in contributing to the creation of resilient, safe, and sustainable communities that are in keeping with the policy and intent of government.

Comprehensive consideration of bushfires and risks in the NSW planning system needs sound understanding of the landscape context and risks, as well as clarity on risk management principles and on the approach to strategic planning and development controls that will adequately mitigate identified risks. Where there are competing policy objectives, such as biodiversity conservation and provision of asset protection zones, an agreed methodology or guidance is critical. Where the required outcomes cannot be provided, PBP notes (p. 34) that strategic planning should provide for the exclusion of inappropriate development in bushfire prone areas as follows:

- *the development area is exposed to a high bush fire risk and should be avoided;*
- *the development is likely to be difficult to evacuate during a bush fire due to its siting in the landscape, access limitations, fire history and/or size and scale;*
- *the development will adversely effect other bush fire protection strategies or place existing development at increased risk;*
- *the development is within an area of high bush fire risk where density of existing development may cause evacuation issues for both existing and new occupants; and*
- *the development has environmental constraints to the area which cannot be overcome.*

In a bushfire context, strategic planning must ensure that future land uses are in appropriate locations to minimise the risk to life and property from bushfire attack. Services and infrastructure that facilitate effective suppression of bushfires also need to be provided for at the earliest stages of planning. Passive protection is required to be built into the proposal with the provision of managed areas of vegetation to prevent the spread of fire towards vulnerable built assets. These managed areas are in the form of asset protection zones (APZ) which provide separation from unmanaged bushland or bushfire prone



areas. PBP provides minimum setback distances for residential subdivision (29kW of radiant heat) and Special Fire Protection Purpose (SFP) development (10kW of radiant heat). The other Bushfire Protection Measures need to be provided within the PP with key considerations being access, emergency management arrangements (i.e., evacuation) and the provision of services and fire fighting infrastructure.

As such, planning decisions must be based on the best available evidence and rigorous merits-based assessment to ensure that new development - people, homes and businesses are not exposed to unacceptable risk from bushfire. The framework provided within PBP provides the minimum requirements for new development within bushfire prone areas.

Improved land use planning decisions and building controls for developments in bushfire prone areas are intrinsic to an integrated approach to the bushfire management in NSW. The application of legislation, policy, and guidelines provides one of the most effective means of bushfire planning to ensure future developments are resilient and capable of protecting life.

The importance of sound land use planning has been recognised in most significant bushfire inquiries, including Natural Disasters in Australia which noted that land use planning that considers natural hazard risks is the single most important mitigation measure in preventing future disaster losses in areas of new development, and that planning, and development controls must be effective, to ensure that inappropriate developments do not occur¹.

The Strategic Bushfire Study (SBS) as provided by Travers Bushfire and Ecology is a strategic level assessment, requiring a balance between providing sufficient information to determine the suitability of the site, without overly burdening proponents with detail to be managed / finalised at subsequent DA stage. PBP (p. 19) notes that:

The most important objective for strategic planning is to identify whether new development is appropriate subject to the identified bushfire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bushfire prone areas. Land use planning policies can be introduced to limit the number of people exposed to unacceptable risk.

PBP does not articulate threshold limits for what constitutes an unacceptable risk.

Once development has been assessed as being appropriate in its bushfire prone context, it will need to be capable of complying with PBP. The ability of proposed land uses and associated future developments to comply with PBP will be assessed at the strategic planning stage. The expectation will be that the subsequent development will be able to comply with PBP at the DA stage.

¹ Ellis, S et al (2004) National Inquiry on Bushfire Mitigation and Management (p.92)

4. Legislative Framework

The site is on designated Bushfire Prone Land and the bushfire provisions for new development area applicable.

Strategic planning is the first stage in the planning process. It is needed to ensure that future developments are not exposed to an unacceptable risk of bushfire. For Planning Proposals Section 9.1 (2) Direction No 4.3 (see Appendix 3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) must be applied. This requires Council or the consent authority to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any comments by the Commissioner and to have regard to the planning principles of PBP.

The requirements of Planning Direction 4.3 Planning for Bushfire Protection are at Appendix 3.

The requirements of PBP Strategic Planning are at Appendix 4.

5. Review of Documents

The four documents reviewed provide a coherent and integrated approach to the Planning Proposal. Each of the reviewed documents is aligned with intent and purpose, providing a comprehensive overview of the application with technical papers providing specialist review and measures that have been incorporated into the Planning Proposal.

Bushfire is recognised as a key design consideration and design response matter for action which has been well articulated throughout the documents.

Detailed review is in the following section.

5.1. Gyde Planning Proposal Morgan Road Belrose October 2022

The Gyde (2022) Planning Proposal (GPP) document provides an integrated overview of the Planning Proposal, recognising bushfire as a key constraint that is reflected in the design and approach to the PP. The GPP has relied upon the underlying technical Bushfire Protection Assessment, Strategic Bushfire Study and Traffic Assessment which is to be expected.

Key bushfire mitigation strategies include the provision of complying APZ, a linking road network and emergency management arrangements that have been based on traffic modelling and movement of vehicles from the site.

The Gyde PP states (p. 22) that:

Enhanced bushfire evacuation

In the event of a fire, new roads within the Site will provide adequate access for firefighting operations, which link to perimeter roads and/or to fire trail networks and adequate water supply. The Site's access points are designed to accommodate expected traffic flows in accordance with Austroads guidelines, including traffic from neighbouring properties. The Planning Proposal proposes the upgrade of the Forest Way / Morgan Road intersection, comprising a left turn slip lane from Morgan Road to facilitate efficient traffic flows out of the Site, particularly during a bushfire emergency situation, and will be the primary egress route for new residents and surrounding residents evacuating from Morgan Road. Refer to the Transport Assessment undertaken by JMT Consulting at Appendix 15.

While roads have been provided within the site, the PP relies on a new slip land onto Forest Way and a connection to Oates Place in the east. Indeed, the PP is predicated on these two key emergency management arrangements being in place and viable (see Section 5.4 Transport Assessment, prepared by JMT Consulting, September 2022) to accommodate evacuating residents and incoming emergency



services. As a key component of the PP, it is not evident that the slip lane would be approved for Forest Way which is a State Classified Road (MR 529) by RMS. This is a vitally important aspect of the Planning Proposal and would require documentation from RMS supporting such a proposal. Similarly, the proposed emergency access onto Oates Place appears to be over private land or at least on lands not under control by the applicant. During the site inspection, the end of Oates Place includes a drainage line/ creek and a large fall (including a cliff line) that would make a temporary road difficult. Again, as a key emergency management failsafe, actions to secure such an alternative access should be demonstrated in the PP, including concept drawings for such a connection road.

The GPP notes in the executive summary (p. 5) of the document that among other outcomes, the Planning Proposal (PP) seeks to

- *secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and seniors housing, as well as community facilities*

This is at odds with not providing inappropriate development on the site which is reflected in the Gyde document

- *The proposal does not involve "inappropriate development" such as schools or retirement villages. P. 42 & p. 101*

And the Travers Bushfire and Ecology (p vii) documents note that vulnerable uses are excluded from the site:

- *The proposal does not involve "inappropriate development" such as schools or retirement villages.*

Future use and restrictions need to be established up front with appropriate mechanisms to limit vulnerable uses, if this is the intention of the PP. Alternatively, if SFPP development is a consideration, it should be flagged within the PP for consideration.

It is appreciated that the proposed concept master plan includes measures taken to reduce or avoid harm and loss due to bushfire, such as APZs, and the protection of other values such as biodiversity and the functioning of natural systems, including the Site's waterways. This is not always an easy task as bushfire management (i.e., the creation and management of APZs) is fundamentally at odds with many other aspects (vegetation retention, ecology, waterways etc.) of modern PP and subdivisions. The PP has taken a balanced approach to the availability of the site and the need to enhance biodiversity and the protection Aboriginal artefacts. The balance has been well struck.

The APZs will be contained wholly within the subject land and incorporate fire trails (not relied upon but available for management purposes), perimeter road verges, riparian buffers, and vegetation corridors.

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This will improve the level of bushfire protection to adjoining developments. While the benefit to adjoining uses is a consideration, the PP must stand alone on its merits, which in most part it does.

The PP does not address adjoining unmanaged vegetation parcels that provide for a series of pinch points along Morgan Road which is the key evacuation road. These pinch points have potential to be impacted by bushfire and indeed to carry fire adjacent to Morgan Road, thus potentially halting evacuation. The PP identified through the Strategic Bushfire Study (SBS), the potential of 9 fire paths to and or within the site. The consideration of fuels close to evacuation paths needs to be considered. Similarly, within the development, a number of pinch points exist that if on fire, would restrict or halt evacuation from the site. As the site has a known fire history and identified fire runs, the safe access and ingress for emergency services should be provided with APZs along key evacuation routes.

Key matters for consideration:

1. Consideration of the likely success of a slip road onto Forrest Way.
 - 1.1. In principal support from RMS for the slip road
 - 1.2. Supporting documentation from RMS that a slip road is safe and viable
 - 1.3. Concept designs of the proposed slip way and impact on adjoining neighbors and pedestrian access
2. Consideration of the likely availability (approvals) and utility (through a drainage/ creek line and significant drop/ cliff) of an emergency access onto Oates Place
3. Identification of potential pinch points along the Morgan Road evacuation route and consideration of vulnerability of the access if impacted by fire
4. Consideration of APZ within the site adjacent to vegetated areas that form pinch point which may restrict or inhibit evacuation out of the site

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5.2. Bushfire Protection Assessment – prepared by Travers Bushfire & Ecology

The Bushfire Protection Assessment prepared by Travers Bushfire & Ecology (BPA) meets the requirements of the Clause 45 of the Rural Fires Regulation for submission and for PBP.

The BPA is thorough and outlines the history of the site considering bushfire and the availability of the PP and future development applications to comply with PBP.

Due to time limits in this review, I have not undertaken a review of the vegetation, slope, or commensurate asset protection zones (APZ) and have accepted these as being accurate within the BPA.

The PP is afforded perimeter roads which is a requirement of PBP. The road network provides options for access within the site with linking bridge to the eastern precinct.

Two dead end roads are shown on Figure 1 and Figure 2 in the southeast of the PP. Figure 1-3 of the BPA (see Figure 3) shows these two dead end roads joined up as perimeter roads. The Figure 1-3 in the BPA does not provide a legend identifying the road types or the width of the roads kerb to kerb. The discrepancy between the dead-end roads and the joined roads needs to be clarified. Figure 1-3 and Figure 1-4 appear to have the dead-end road (western) at different locations

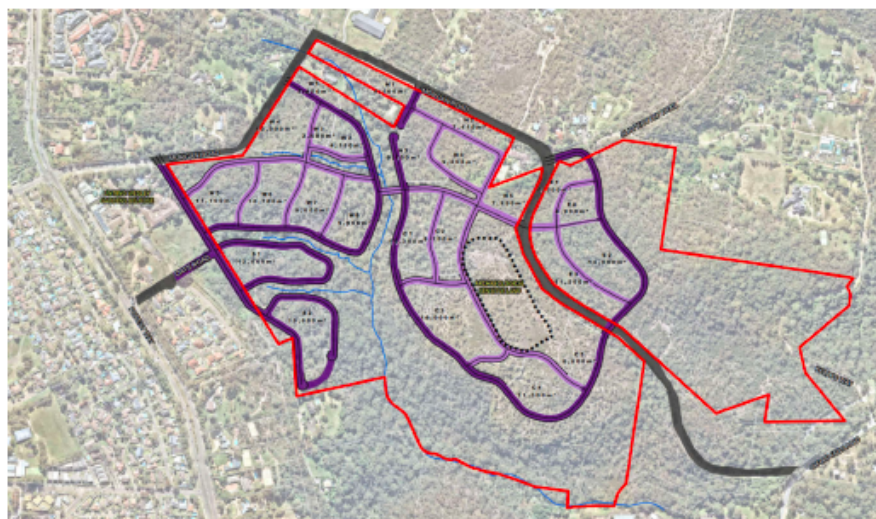


Figure 3 Proposed Road Layout (source BPA p. 4)



The proposed APZ are shown in Figure 4. As noted in Section 5.1, several pinch points are evident within the site and external to the site (see Figure 5). These could be rectified with provision of APZ as has been provided elsewhere within the site. The external pinch points should be considered as a scenario of fire burning within them which restricts passage.



Figure 4 Proposed Asset Protection Zones (source Bushfire Protection Assessment p. 5)

It is noted in the Transport Assessment that a conservative position has been taken with the modelling of up to 900 vehicles evacuating the site. This position should be considered on eventualities of access being compromised. As a response, the SBS and BPA can provide commentary on the inherent protections built into the provision of complying APZ with commensurate construction of houses. Where houses/ assets are built in accordance with the *Australian Standard for Construction of Buildings in Bushfire Prone Areas (AS3959)*, the properly constructed and maintained (i.e., APZs) provide a secure environment for people to shelter in during the impact and passage of a bushfire. The AS3959 provides inherent protection up to a design fire of Forest Fire Danger Index (FFDI) of 100, which is the same as PBP. Fires burning under Catastrophic (i.e., above FFDI 100) would require evacuation as the fire is above

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the safety levels provided by AS3959 and PBP. Forecast Catastrophic fire weather is usually known up to 4 days in advance from the Bureau of Metrology, with the RFS issuing warning for people to leave bushfire prone areas the day before or the morning of such forecast conditions. As such, the PP and the site would be effectively reduced from occupants. This reduces the risk significantly.



Figure 5 Potential Pinch Points

However, it would be prudent to provide APZ along key roads, to ensure unrestricted access as a key redundancy and safety measure.

The ongoing management of the conservation land will be maintained as a Community Association arrangement on an ongoing basis

p. 2 Conservation land - The environmental management zone will be maintained in perpetuity by the future community association and Metropolitan Local Aboriginal Land Council. The area is an ecologically significant landscape which is known to contain threatened flora, fauna, ROTAP species and the EEC, Coastal Upland Swamp.



It is not clear from the documentation if similar arrangements will be in place for the ongoing management of APZ. This should be clarified in the BPA and or SBS.

It is noted (p. 8) that Travers Bushfire and Ecology have had ongoing engagement with the RFS.

The additional information sought by the RFS on the 1st October 2021 was provided in an amended bushfire report dated 6th October 2021. The report was re-submitted back to the RFS earlier this year whereby the RFS provided comments on 13 May 2022 whereby they advised they had no specific objections.

The position of the RFS is noted and would suggest tacit agreement on the PP by the RFS. It is unclear from the documentation if the RFS have set their mind to the availability and utility of access and potential pinch points in the site and surrounding areas. This is in part recognised in the BPA (p. 22):

Egress in a bushfire evacuation scenario can be accommodated safely pending the upgrade of the Morgan Road / Forest Way intersection to accommodate a free flow slip lane from Morgan Road. This upgrade is required following the development of 230 or more dwellings on the site.

As identified above, the evacuation is contingent on the "pending upgrade of the Morgan Road/ Forest Way intersection. Indeed, it could be assumed that the PP by its very nature is contingent on the slip road which will accommodate up to 90% of traffic evacuating the site and Oates Place which will accommodate the remaining 10% of traffic evacuating the site. As such, the slip road is a key enabling provision for the PP. The report is well considered and considers the requirements of PBP.

Key matters for consideration:

5. The discrepancy between the dead-end roads in the southeast of the site and the joined perimeter roads needs to be clarified.
6. Several pinch points are evident within the site and external to the site (see Figure 5). These could be rectified with provision of APZ as has been provided elsewhere within the site. The external pinch points should be considered as a scenario of fire burning within them which restricts passage or where required, owners of land approached to determine potential for areas to be managed providing surety for evacuation routes.
7. The ownership and ongoing management arrangements for APZs should be documented.
8. The evacuation is contingent on the "pending upgrade of the Morgan Road/ Forest Way intersection." The likely success of the slip road should be investigated as a key enabling provision of the PP. If the slip road is not viable, the PP will need to consider other options for the access and bushfire safety.

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5.3.Strategic Bushfire Study, prepared by Travers Fire and Ecology – not received

The SBS has been conducted in conjunction with a BPA. Both documents provide a coherent and integrated approach to bushfire for the site and in consideration of the surrounding area. The SBS has analysed the potential and historic threats to the site, the current and projected access provisions and any adverse impacts on the existing and projected infrastructure serving the community.

The SBS has been clear on the bushfire risk affecting the site and has not shied away from the heavily vegetated and steep land of the site and surrounds. The basis of the SBS is sound and well supported by data and bushfire expertise by Mr. John Travers. The SBS has followed the requirements as set out in PBP Table 4.2.1 for the requirements of a SBS (see Appendix 4).

The SBS describes the fire potential adequately. The statement (p. 6) that:

The proposed site is located downhill of fire threats and potential fire runs located to the northwest, north and northeast. Following a general principle of fires gaining intensity and rate of spread when travelling uphill, the siting of the proposal downhill of fire runs should in theory mitigate the most intense fires.

Is agreed. The SBS notes the potential of fire to approach from the south as a possibility and the PP has responded with APZs in accordance with PBP or greater to reduce this risk. This is to be commended.

Figure 2-5 of the SBS underplays the potential fire runs into the site. The PP provides APZs that are in accordance with PBP and as such, the fire runs should be provided which reflect potential fire penetration into the site.

Of note, the retained vegetation within the site (conservation zone) has potential for spot fire ignition and small-scale fires. This provides potential for pinch points (see earlier sections) to restrict access. This is particularly relevant considering section 2.1.4 of the SBS that identifies significant fire history affecting the site. Again, the provision of APZs is in keeping with PBP throughout the site which manages this risk to tolerable levels.

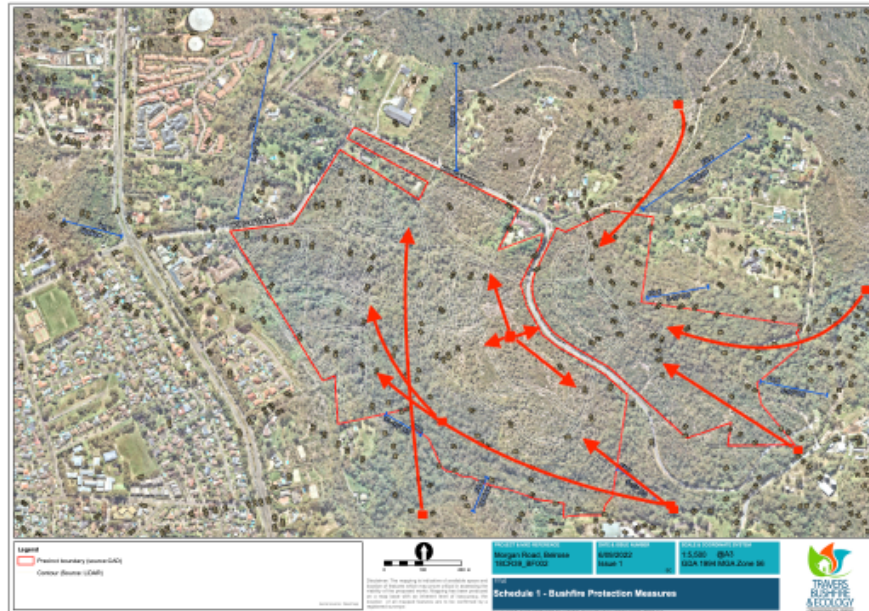


Figure 6 Additional Potential Fire Runs

Section 2.2 of the SBS is a landuse assessment that considers potential bushfire risk. This part of the SBS relies on modelling work completed by Meridian Urban stating (section 2.2 – no page number):

The Deferred Lands Strategic Bush Fire Risk Assessment prepared by Meridian Urban for Northern Beaches Council (March 2022) analyses and identifies land within the deferred matter zoning of the area base on potential fire intensity and inferred fire risk. The Morgan Road site is located within an area mapped by the study as being of lower potential fire intensity and by inference, lower fire risk.

The Morgan Road site is, of all potential development sites identified within the deferred matter zoning area, a preferred site for development in that it is located in an area identified as lower potential fire risk.

The SBS provides three maps extracted from the Meridian Urban study at FFDI 62, FFDI 100 and FFDI 134 – all of which rely on hazard reduction to mitigate fuels. It could not be derived from the Meridian Urban study the extent of reliance on hazard reduction or scenarios where hazard reduction was not undertaken. The NSW planning system through PBP takes a credible worst case fire weather scenario of FFDI 100 reflecting a 1:50 fire weather event. As such, my analysis has focused on the aspect.

The Meridian Urban FFDI 100 fire intensity map is shown at Figure 7. The map shows the PP site as having a modelled fire intensity of 4,000 – 20,000kW/m. Fireline intensity is a measure of fire intensity at the fire front. It is measured as the amount of energy released per metre width of the fire edge. As such, 4,00kW of radiant heat is the equivalent of 4,000 1m radiant heat bars within an area of 1m by 1m.

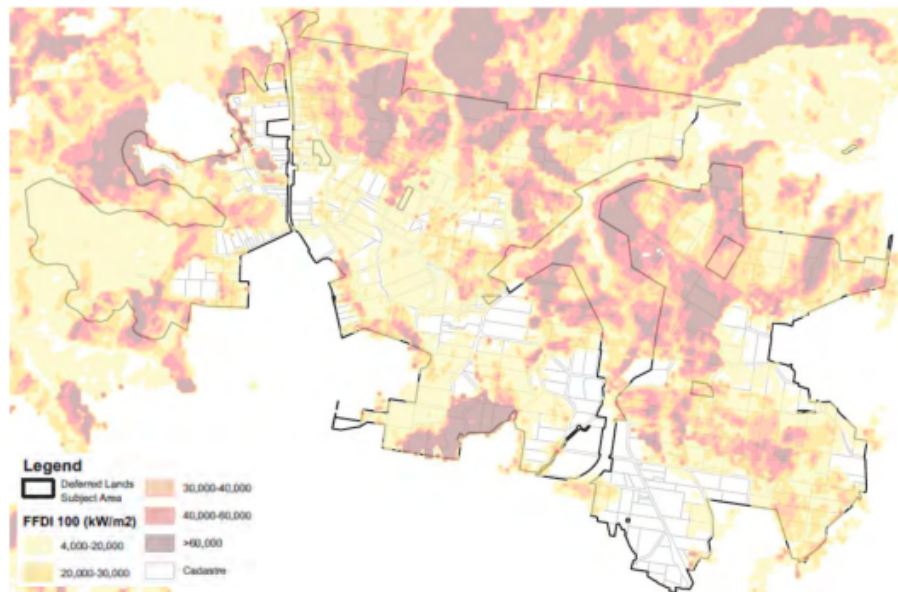


Figure 7 Deferred Lands Strategic Bush Fire Risk Assessment Northern Beaches Council (source Meridian Urban p. 50)

The Meridian Urban report (p. 78) states that

It is important to note that for some aspects of the risk analysis undertaken by this assessment, mapped Fireline intensity up to 4,000kW/m has been removed from the dataset as this class is considered sufficiently low that it not necessarily be considered as part of the risk profile for examination for strategic land use planning purposes.

Of note, the above states that radiant heat levels below 4,00kW as being of low risk (see Figure 8).



Potential bush fire intensity classes	Potential fireline intensity
Very high	40,000+ kW/m
High	20,000-40,000 kW/m
Medium	4,000-20,000 kW/m
Low	0-4,000 kW/m

Figure 8 Potential bush fire intensity classes and corresponding potential Fireline intensity ranges (source Meridian Urban p. 78)

The SBS has taken a view that 4,000 – 20,000 kW is a low risk. Figure 8 shows that 4,000 – 20,000 kW is medium bushfire risk. As a comparison, Figure 9 shows the impact of radiant heat at the lower limits with 10 kW/m² being the upper limit for fire fighters to safely operate within for short periods of time.

Crew leader what radiant heat is not tolerable

Radiant Heat Flux	Likely Effects	Approx. distances
>29 – 110 kW/m ²	Flame Zone	0 - 20 metres
29 kW/m ²	Ignition of most timbers without piloted ignition (3 minutes exposure) (Level 3 construction) during the passage of a bush fire. Toughened glass could fail.	20 metres
19 kW/m ²	Screened float glass could fail (Level 2 construction) during the passage of a bush fire.	27 metres
12.5 kW/m ²	Standard float glass could fail (Level 1 construction) during the passage of a bush fire. Some timbers can ignite with prolonged exposure and with piloted ignition source (eg embers).	40 metres
10 kW/m ²	Critical conditions. Firefighters not expected to operate in these conditions although they may be encountered. Considered to be life threatening < 1 minute in protective equipment. Fabrics inside a building could ignite spontaneously with long exposures.	45 metres
7 kW/m ²	Likely fatal to unprotected person after exposure for several minutes	55 metres
4.7 kW/m ²	Extreme conditions. Firefighter in protective clothing will feel pain. (60 seconds exposure)	70 metres
3 kW/m ²	Hazardous conditions. Firefighters expected to operate for a short period (10 minutes)	100 metres
2.1 kW/m ²	Unprotected person will suffer pain after 1 minute exposure – non fatal.	140 metres

Note: assumes flame temperature of 1090K for all scenarios.

Figure 9 Radiant heat flux and effects on buildings and people for a modelled forest fire (FDI 100 on flat ground) source P8P 2006 p. 60

Similarly, the RFS Group Leaders Manual shows tolerable levels of radiant heat from a firefighting perspective. Of note, at lower FFDI in forest fuels a fire will crown at approximately +2,000 kW with indirect

Figure 9 Radiant heat flux and effects on buildings and people for a modelled forest fire (FDI 100 on flat ground) source P8P 2006 p. 60



attack being recommended. At 12,000 to 18,000kW the fires are extreme and beyond firefighting capability to control. At 18,000 – 25,000kW which is identified within the Meridian report as medium hazard, fire fighters are focusing on protecting life and are employing safeguarding/ defensive strategies. The notion that 4,000kW represents a low hazard is not supported and underrepresents the potential fire impacting the site. This is of particular concern, particularly if the RFS have relied upon the modelling and risk levels both within the Meridian report and the SBS.

FDI	FLAME HEIGHT (M)	RADIANT ENERGY RELEASED (KW/M)	FIRE DANGER RATING (FDR)/ METHOD OF ATTACK
0–12	0–0.5	0–50	Low: Fires generally self-extinguish or hand tool line will hold the fire
12–15	0.5–1.5	50–500	Moderate: Offensive operations usually possible in bush fuels. Most properties usually defensible
15–25	1.5–3.0	500–2000	High: Fire too intense for direct attack. Parallel attack recommended
25–50	3.0–10	2000+	Very High: Crown fire at upper intensities. Indirect attack recommended
50–75	10+	12000–18000	Severe: The fire may be worse than anything previously experienced. Actions should be focused on safeguarding people and defensive operations. Offensive operations may be possible at night
75–100	12+	18000–25000	Extreme: As for Severe but crew and public safety becomes a major concern. Safeguarding refugees and defensive operations may be the only safe options
100+	15+	25000+	Catastrophic: Fire Behaviour is very dangerous, devastating and difficult to accurately predict. Expect significant ember attack. Actions must focus on safeguarding lives

Figure 10 Approximate fire suppression thresholds (forest) based on 20t/ha (source NSW RFS Group Leader Manual p. 45)

However, it is evident from the BPA and the SBS that appropriate APZs have been provided within the site.



The SBS has provided consideration of radiant heat modelling at the Forest Way and Morgan Road intersection but has not considered potential radiant heat from other non-managed bushland areas along Morgan Road.

Key matters for consideration:

9. The SBS underplays the potential fire runs into the site. The PP provides APZs that are in accordance with PBP and as such, the fire runs should be provided which reflect potential fire penetration into the site.
10. The retained vegetation within the site (conservation zone) has potential for spot fire ignition and small-scale fires. This provides potential for pinch points (see earlier sections) to restrict access. Provision of APZs within the retained vegetation should be considered to ensure access.
11. The SBS has taken a view that 4,000 – 20,000kW is a low risk. This is not supported as per Figure 10 and should be reconsidered.
12. Unmanaged vegetation along Morgan Road should be considered in terms of potential pinch point and impact on evacuation.

5.4. Transport Assessment, prepared by JMT Consulting, September 2022

The purpose of the transport assessment (p. 3) is to understand the implications of the PP on the adjacent transport network and identify any upgrades or mitigation measures required to support the future site development.

The report focuses on in part, the access arrangements, and considerations for bushfire, including evacuation management. The key access roads are:

Forest Way is an Arterial Road p. 7

Forest Way is a State Classified Road (MR 529) that traverses in a north-south direction between Mona Vale Road in the north and Warringah Road in the south, carrying approximately 40,000 vehicles per day. It is generally subject to 70km/h or 80km/hr speed zoning. Forest Way carries two lanes of traffic as well as one bicycle lane in either direction within a divided carriageway of width 9.5 metres.

Morgan Road is a Collector Road p. 7

Morgan Road is a collector road that runs in an east-west direction to the north and east of the site, carrying approximately 5,000 vehicles per day. It has a posted speed limit of 50 km/h and



accommodates a single lane of traffic in either direction within an undivided carriageway. Morgan Road forms a signalised intersection with Forest Way Road with all movements permissible.

Access to and from the site is shown in Figure 11. The site access should be considered having regard to additional pinch points (Figure 5) and the implications on access by potential fire impact.

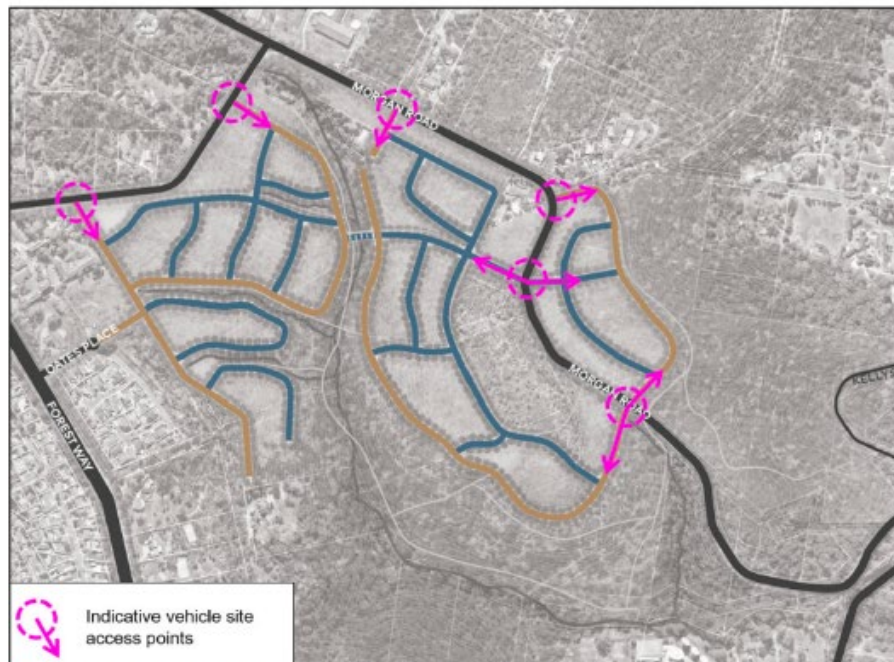


Figure 11 Indicative vehicle site access arrangements (source p. 14 Transport Assessment, prepared by JMT Consulting, September 2022)

Section 6 of the report provides detail on traffic analysis for bushfire evacuation providing assessment of the ability of the road network to accommodate traffic flows during a major bushfire evacuation event. The assumptions made in the traffic modelling are conservative and supported, specifically that:

p. 27 Based on work undertaken by Cox Architecture the total development yield considered is 450 residential dwellings. In addition, the existing dwellings adjacent to Morgan Road east of Forest Way have been taken into consideration, which number approximately 50 households, making a total of 500 households for consideration.



p. 27 As a highly conservative assumption 100% of all dwellings in the precinct are considered at risk and would be required to evacuate the precinct during a major bushfire event.

However, section 6.3 of the Traffic Assessment identifies the road network performance during bushfire emergency, but it does not identify the number of vehicles per hour or the required time to safely evacuate all 900 cars from the site for Morgan Road or Oates Place.

The report states that:

Access to the site will be Morgan Road at the western, northern, and eastern boundaries of the site and a new bridge across Snake Creek will provide active transport connections on a daily basis and vehicular egress during a bushfire or emergency.

This is supported and the bridge increases the options for egress from the site. The provision of APZs should be considered along key pinch points (Figure 5), including the bridge to reduce the risk that it cannot be used as intended during a bushfire emergency.

The report notes that

No vehicle access via Oates Place (except in the event of a bushfire evacuation)

As previously identified, the availability of Oates Place and the utility of providing emergency access should be considered by the PP as a key emergency management arrangement.

The evacuation is contingent on the slip road on to Forest Way and access out of Oates Place. As fundamental aspects of the PP, these foundation pieces need to be shored up as part of the application. Failure of one or both of these strategies has significant considerations for the PP.

Key matters for consideration:

13. The total time to evacuate the PP precinct and surrounding areas should be clarified.

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6. Conclusion

Lew Short from Blackash Bushfire Consulting has completed a review of the bushfire documents presented as part of the Planning Proposal. The assessment of the Planning Proposal bushfire aspects has been undertaken impartially and without prejudice.

The site is on designated Bushfire Prone Land and the bushfire provisions for new development area applicable.

The PP and associated technical document provide a coherent, evidence-based assessment of the proposal which has responded well to the bushfire risk within and external to the site.

A number of key matters for consideration have been provided within the report. Some of these are minor and technical in nature. The PP has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated in the PP and are fundamental enabling provisions for the PP. If one or both of these options are not available, the PP will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.

The bushfire design consideration and response for the PP and from the design team is to be commended in the balanced and sympathetic approach that has been taken for a balanced utilisation and conservation of the site.



Lew Short | Principal

Blackash Bushfire Consulting



Appendix 1 References

Councils of Standards Australia AS3959 (2009) – *Australian Standard Construction of buildings in bushfire-prone areas*

Gyde Planning Proposal Morgan Road Belrose October 2022

JMT Consulting Transport Assessment, prepared by, September 2022

Keith, David (2004) – *Ocean Shores to Desert Dunes – The Native Vegetation of New South Wales and the ACT*. The Department of Environment and Climate Change

Meridian Urban (2022) *Deferred Lands Strategic Bush Fire Risk Assessment Northern Beaches Council*

NSW Rural Fire Service (2015) *Guide for Bushfire Prone Land Mapping*

NSW Rural Fire Service (2019). *Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners*. Draft for Public Exhibition

NSW Government (1979) *Environmental Planning and Assessment Act 1979*. NSW Government Printer.

Travers Bushfire & Ecology Bushfire Protection Assessment

Travers Fire and Ecology Strategic Bushfire Study

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Appendix 2 Curriculum Vitae Lew Short

Qualifications

- BPAD Level 3 Accredited Practitioner Fire Protection Association of Australia
- Graduate Diploma of Bush Fire Design University of Western Sydney, 2006
- Graduate Certificate of Applied Management Australian Institute of Police Management, 2005
- Graduate Certificate of Management Macquarie Graduate School of Management Macquarie University, 2001
- Bachelor of Arts, Resource and Environmental Management Macquarie University, 1994
- Current member Ku-ring-gai Bushfire Brigade (advanced fire fighter).

Project Experience

- Program Director for AFAC on the Nationally significant review of the Fire Danger Ratings System and National Board Member.
- Non-executive Board member Green Cross Australia.
- Developed Community Resilience Framework for Emergency Management in Victoria
- State Consequence Manager for various all hazards state level incidents in Victoria including bushfire.
- NSW RFS Planning for Bush Fire Protection 2006 and associated policy, guidelines, and manager of business practice
- Responsible for over 80,000 bushfire protection assessment at NSW Rural Fire Service
- Bushfire expert in Land and Environment Court cases
- Project manager various bushfire technical reports
- State level manager for NSW Rural Fire Service
- Member of the NSW Building Regulation Advisory Committee, which formulates state-wide policy and input into the Building Code of Australia.
- Represented AFAC on Australian Standards committees (FP20 for AS3959) and the National Building Codes Committee, which determines changes to the Building Code of Australia for bushfire.
- Chair AFAC Bushfire Reference Group and member AFAC Community Safety and Built Environment Group.
- Pioneered various bushfire alert and communication systems

Career Summary

Organisation: **Blackash Bushfire Consulting**

Position: Principal
August 2014 - Present

Organisation: **Emergency Management Victoria**



Position: General Manager Risk, Consequence & Resilience
November 2014 – December 2016
State Consequence Manager
January 2015 – December 2016

Organisation: **Eco Logical Australia**

Position: Principal, Emergency Management & Resilience
January 2013 - Present

Organisation: **NSW Rural Fire Service**

Position: Group Manager Community Resilience
July 2008 – December 2012

Organisation: **NSW Rural Fire Service**

Position: Manager Development Control
May 2003 – July 2008

Organisation: **Ku-ring-gai Council**

Position: Manager Natural Environment and Bushland
April 2001 – May 2003

Organisation: **Ku-ring-gai Council**

Position: Bushland Group Co-ordinator
November 1998 – April 2001

Organisation: **Ku-ring-gai Council**

Position: Bush Fire Management Program Coordinator
November 1995 - November 1998

Organisation: **Ku-ring-gai Municipal Council**

Position: Fire and Natural Resource Officer, 1994 - 1995



Appendix 3 Planning Direction 4.3 Planning for Bushfire Protection

Objectives

The objectives of this direction are to:

1. (a) protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
2. (b) encourage sound management of bush fire prone areas.

Application

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

Direction 4.3

1. (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. (2) A planning proposal must:
 1. (a) have regard to *Planning for Bushfire Protection 2019*,
 2. (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
 3. (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
3. (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
 1. (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 2. (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
 3. (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 4. (d) contain provisions for adequate water supply for firefighting purposes,
 5. (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
 6. (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency

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A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

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Appendix 4 Requirements of a Bush Fire Strategic Study (PBP p. 35)

ISSUE	DETAIL	ASSESSMENT CONSIDERATIONS
Bush fire landscape assessment	A bush fire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.	<ul style="list-style-type: none"> ➤ The bush fire hazard in the surrounding area, including: <ul style="list-style-type: none"> ➤ Vegetation ➤ Topography ➤ Weather ➤ The potential fire behaviour that might be generated based on the above; ➤ Any history of bush fire in the area; ➤ Potential fire runs into the site and the intensity of such fire runs; and ➤ The difficulty in accessing and suppressing a fire, the continuity of bush fire hazards or the fragmentation of landscape fuels and the complexity of the associated terrain.
Land use assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed land uses.	<ul style="list-style-type: none"> ➤ The risk profile of different areas of the development layout based on the above landscape study; ➤ The proposed land use zones and permitted uses; ➤ The most appropriate siting of different land uses based on risk profiles within the site (i.e. not locating development on ridge tops, SFPP development to be located in lower risk areas of the site); and ➤ The impact of the siting of these uses on APZ provision.
Access and egress	A study of the existing and proposed road networks both within and external to the masterplan area or site layout.	<ul style="list-style-type: none"> ➤ The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile; ➤ The location of key access routes and direction of travel; and ➤ The potential for development to be isolated in the event of a bush fire.
Emergency services	An assessment of the future impact of new development on emergency services.	<ul style="list-style-type: none"> ➤ Consideration of the increase in demand for emergency services responding to a bush fire emergency including the need for new stations/brigades; and ➤ Impact on the ability of emergency services to carry out fire suppression in a bush fire emergency.
Infrastructure	An assessment of the issues associated with infrastructure and utilities.	<ul style="list-style-type: none"> ➤ The ability of the reticulated water system to deal with a major bush fire event in terms of pressures, flows, and spacing of hydrants; and ➤ Life safety issues associated with fire and proximity to high voltage power lines, natural gas supply lines etc.
Adjoining land	The impact of new development on adjoining landowners and their ability to undertake bush fire management.	<ul style="list-style-type: none"> ➤ Consideration of the implications of a change in land use on adjoining land including increased pressure on BPMs through the implementation of Bush Fire Management Plans.



Independent Bushfire Review

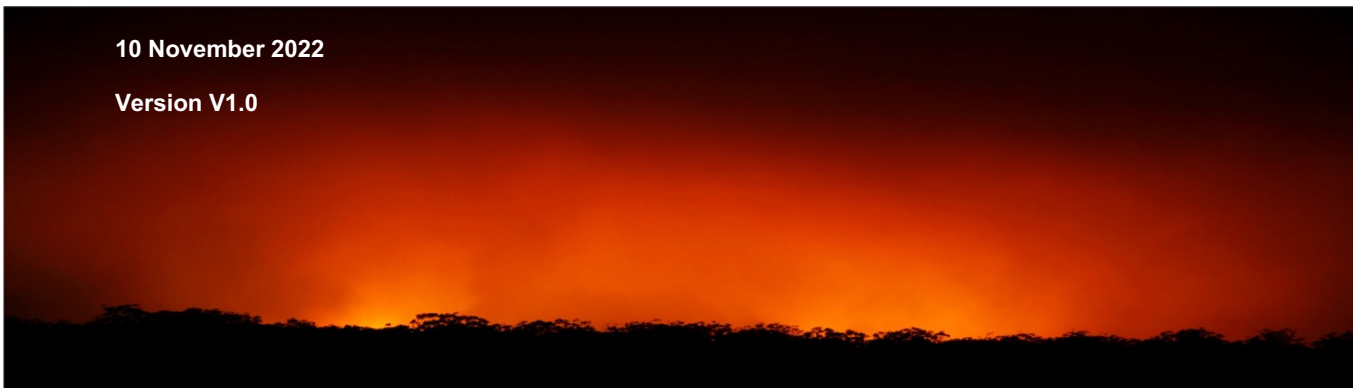
Planning Proposal Morgan Road, Belrose

Prepared for
Northern Beaches Council



10 November 2022

Version V1.0



Document Tracking

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Glossary of Terms

This section defines those core terms and concepts which are adopted throughout the body of this report.

Term	Definition
Asset Protection Zone (APZ)	A fuel-reduced area surrounding a built asset or structure which provides a buffer zone between a bushfire hazard and an asset. The APZ includes a defensible space within which firefighting operations can be carried out. The size of the required APZ varies with slope, vegetation and FFDI.
Bushfire	A general term used to describe fire in vegetation, includes grass fire.
Bushfire attack mechanisms	The various ways in which a bushfire can impact upon people and property and cause loss or damage. These mechanisms include flame contact, radiant heat exposure, ember attack, fire wind and smoke.
Bushfire Attack Level (BAL)	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat, and direct flame contact. The BAL is used as the basis for establishing the requirements for construction to improve protection of building elements and to articulate bushfire risk.
Bushfire prone land (BPL)	An area of land that can support a bushfire or is likely to be subject to bushfire attack, as designated on a bushfire prone land map.
Bushfire Hazard	Any vegetation that has the potential to threaten lives, property, or the environment.
Bushfire Strategic Study (SBS)	Provides the opportunity to assess whether new development is appropriate in the bushfire hazard context.
Bushfire Threat	Potential bushfire exposure of an asset due to the proximity and type of a hazard and the slope on which the hazard is situated.
Mitigation	The lessening or minimizing of the adverse impacts of a bushfire event. The adverse impacts of bushfire cannot be prevented fully, but their scale or severity can be substantially lessened by various strategies and actions. Mitigation measures include engineering techniques, retrofitting and hazard-resistant construction as well as on ground works to manage fuel and separate assets from bushland.

Planning for Bushfire Protection 2019 (PBP)	NSW Rural Fire Service publication effective from 1 March 2020 which is applicable to all new development on bushfire prone land in NSW.
Risk	The degree of risk presented by that interaction will depend on the likelihood and consequence of the bushfire occurring. Risk may be defined as the chance of something happening, in a specified period of time that will have an impact on objectives. It is measured in terms of consequences and likelihood.
Risk assessment	A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking, having regard to factors of likelihood, consequence, vulnerability, and tolerability.
Risk-based land use planning	The strategic consideration of natural hazard risk and mitigation in informing strategic land use planning activities.

1. Introduction

Blackash Bushfire Consulting has been engaged by Northern Beaches Council (Council) to review documents associated with the bushfire aspects of the Morgan Road Planning Proposal. The assessment of the Planning Proposal bushfire aspects has been undertaken impartially and without prejudice. I confirm that I do not have any conflict of interests or pecuniary interest regarding the independent review or in executing my role as providing expertise for Council. In preparing my review, I have not had any meetings or discussions with staff from Northern Beaches Council, the NSW Rural Fire Service or other agencies or bodies about issues pertaining to the Planning Proposal.

The site is shown in Figure 1 (the site) and Figure 2. The site comprises an amalgamation of 22 allotments with a total area of 710,007sqm (71ha).

The site is on designated Bushfire Prone Land and the bushfire provisions for new development area applicable. Strategic planning is the first stage in the planning process. It is needed to ensure that future developments are not exposed to an unacceptable risk of bushfire. For Planning Proposals Section 9.1(2) Direction No 4.3 of the *Environmental Planning and Assessment Act, 1979* (EPA Act) must be applied. This requires Council or the consent authority to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any comments by the Commissioner and to have regard to the planning principles of Planning for Bushfire Protection 2019 (PBP). This has been completed by the applicant and is identified in the Planning Proposal documentation.

In undertaking the review, I have had regard to:

- *Gyde Planning Proposal Morgan Road Belrose* October 2022
- *Bushfire Protection Assessment* – prepared by Travers Bushfire & Ecology
- *Strategic Bushfire Study*, prepared by Travers Fire and Ecology – not received
- *Transport Assessment*, prepared by JMT Consulting, September 2022

Land use planning can be an effective tool in minimising or avoiding the impact of natural hazards such as bushfire. From a risk management perspective, the safest approach is always to avoid high risk areas and to comply with the Planning Direction and *Planning for Bushfire Protection 2019* (PBP).

The intended outcome of the Planning Proposal Gyde p. 18) is to:

implement the Development Delivery Plan for the subject site created under State Environmental Planning Policy (Planning Systems) 2021. The objective of the Planning Proposal is to create a residential community embodying strong conservation principles to support the enhancement of the unique environmental and Aboriginal cultural heritage characteristics of the site.



The intended outcome of the Planning Proposal is to amend the applicable local planning controls to accommodate up to 450 new residential dwellings as well as a new cultural community centre and protection of aboriginal heritage sites.

As identified in the Gyde document (p. 5), the Planning Proposal seeks to:

- *transfer the Site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones*
- *secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and seniors housing, as well as community facilities*
- *introduce maximum building heights (8.5 metres)*
- *introduce a range of small, medium to large residential lot sizes.*

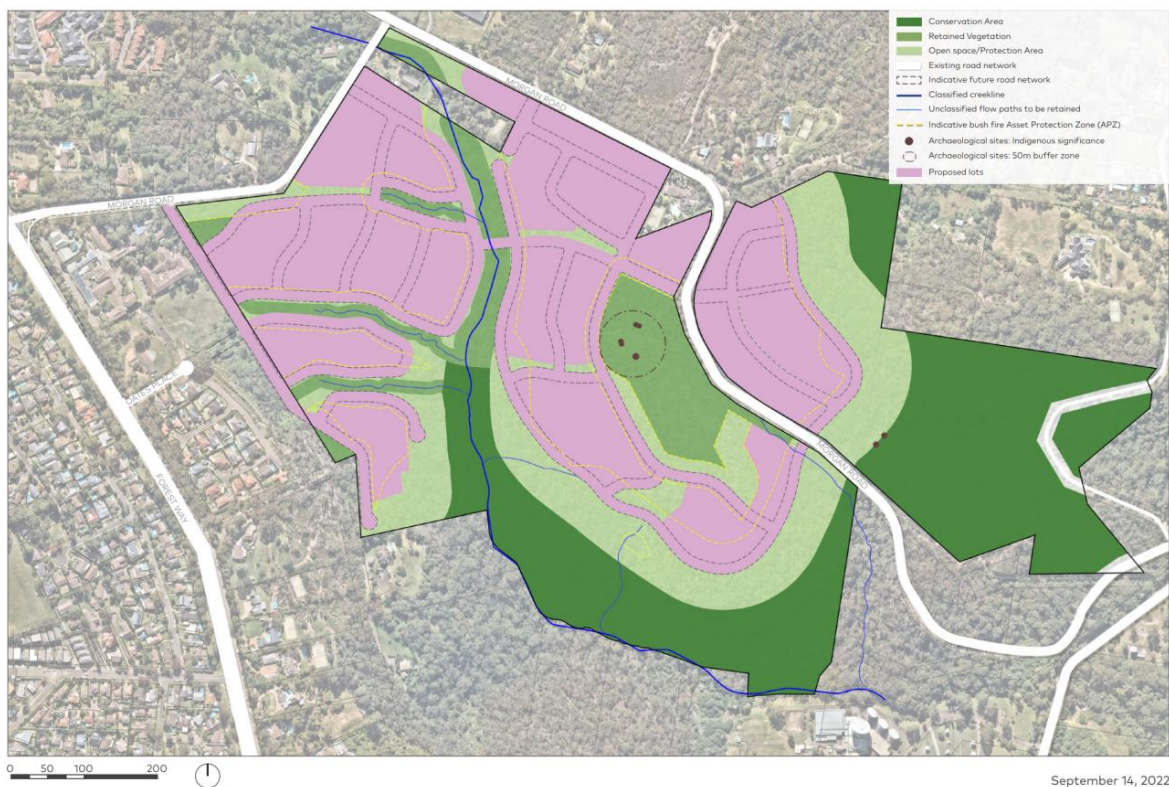


Figure 1 Draft Structure Plan (Source Gyde p.19)



Figure 2 Concept Plan (source Gyde p. 20)

2. Credentials

This independent review has been prepared by Lew Short from Blackash Bushfire Consulting. Current Curriculum Vitae are at Appendix 2.

Lew Short is the Director at Blackash Bushfire Consulting which has been trading for over eight years. Lew is FPAA BPAD-A Certified Practitioner No. BPD-PA-16373 who is recognised by the RFS as qualified in bushfire risk assessment and has been accredited by the Fire Protection Association of Australia as a Level 3 BPAD qualified consultant. A site inspection was completed on Monday 7 November from publicly accessible areas, including Oates Place.

Lew established and led the Community Resilience Group for the NSW Rural Fire Service (RFS). His areas of responsibility included land use planning, community engagement, education, vulnerable communities, bunkers, Neighbourhood Safer Places, business systems and projects, social media, integrated risk management and environmental management. He was responsible for the establishment, management, and leadership of the development assessment function for the RFS at a State level where he was responsible for the assessment of over 80,000 development applications in Bushfire Prone Areas.

At Emergency Management Victoria, Lew was one of three State Risk and Consequence Manager which is an operational role in the State Control Centre of Victoria, to lead and facilitate strategic risk management to support the Emergency Management Commissioner on an all hazards, all agencies basis. The primary responsibility is to ensure state level risks for major emergencies and consequences of emergencies are identified and proactive mitigation strategies are applied to minimise impacts on the state of Victoria. It was responsible informing and supporting strategic decision making for the State Control Team (SCT), the State Emergency Management Team (SEMT), departments and agencies about the potential consequence of State-level emergency risks.

Lew holds several qualifications including undergraduate and post graduate level in environmental management and specialising in bushfire management. Lew is an expert in the bushfire field and can interpret and apply legislation, policy and bushfire requirements while drawing on extensive professional expertise and operational experience.

3. Strategic Planning for Bushfires

Land use planning is widely recognised as an important measure for limiting future vulnerabilities and losses in areas of new development and a critical element for building disaster resilient communities.

The physical design and layout of communities and settlements are central to the many functions that sustain the social, economic, and environmental support systems for the community. Land use planning provides the opportunity to manage new growth and residual risk resulting from new development by complying with legislation and standards, limiting, or modifying the location of new development and influencing its layout. This can limit both the impacts of new development on natural systems, ecosystem services and hazards and the flow on impacts on the existing community, as well as limiting the impacts that natural hazards can have on new development and its users.

The strategic planning system is particularly important in contributing to the creation of resilient, safe, and sustainable communities that are in keeping with the policy and intent of government.

Comprehensive consideration of bushfires and risks in the NSW planning system needs sound understanding of the landscape context and risks, as well as clarity on risk management principles and on the approach to strategic planning and development controls that will adequately mitigate identified risks. Where there are competing policy objectives, such as biodiversity conservation and provision of asset protection zones, an agreed methodology or guidance is critical. Where the required outcomes cannot be provided, PBP notes (p. 34) that strategic planning should provide for the exclusion of inappropriate development in bushfire prone areas as follows:

- *the development area is exposed to a high bush fire risk and should be avoided;*
- *the development is likely to be difficult to evacuate during a bush fire due to its siting in the landscape, access limitations, fire history and/or size and scale;*
- *the development will adversely effect other bush fire protection strategies or place existing development at increased risk;*
- *the development is within an area of high bush fire risk where density of existing development may cause evacuation issues for both existing and new occupants; and*
- *the development has environmental constraints to the area which cannot be overcome.*

In a bushfire context, strategic planning must ensure that future land uses are in appropriate locations to minimise the risk to life and property from bushfire attack. Services and infrastructure that facilitate effective suppression of bushfires also need to be provided for at the earliest stages of planning. Passive protection is required to be built into the proposal with the provision of managed areas of vegetation to prevent the spread of fire towards vulnerable built assets. These managed areas are in the form of asset protection zones (APZ) which provide separation from unmanaged bushland or bushfire prone

areas. PBP provides minimum setback distances for residential subdivision (29kW of radiant heat) and Special Fire Protection Purpose (SFPP) development (10kW of radiant heat). The other Bushfire Protection Measures need to be provided within the PP with key considerations being access, emergency management arrangements (i.e., evacuation) and the provision of services and fire fighting infrastructure.

As such, planning decisions must be based on the best available evidence and rigorous merits-based assessment to ensure that new development - people, homes and businesses are not exposed to unacceptable risk from bushfire. The framework provided within PBP provides the minimum requirements for new development within bushfire prone areas.

Improved land use planning decisions and building controls for developments in bushfire prone areas are intrinsic to an integrated approach to the bushfire management in NSW. The application of legislation, policy, and guidelines provides one of the most effective means of bushfire planning to ensure future developments are resilient and capable of protecting life.

The importance of sound land use planning has been recognised in most significant bushfire inquiries, including Natural Disasters in Australia which noted that land use planning that considers natural hazard risks is the single most important mitigation measure in preventing future disaster losses in areas of new development, and that planning, and development controls must be effective, to ensure that inappropriate developments do not occur¹.

The Strategic Bushfire Study (SBS) as provided by Travers Bushfire and Ecology is a strategic level assessment, requiring a balance between providing sufficient information to determine the suitability of the site, without overly burdening proponents with detail to be managed / finalised at subsequent DA stage. PBP (p. 19) notes that:

The most important objective for strategic planning is to identify whether new development is appropriate subject to the identified bushfire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bushfire prone areas. Land use planning policies can be introduced to limit the number of people exposed to unacceptable risk.

PBP does not articulate threshold limits for what constitutes an unacceptable risk.

Once development has been assessed as being appropriate in its bushfire prone context, it will need to be capable of complying with PBP. The ability of proposed land uses and associated future developments to comply with PBP will be assessed at the strategic planning stage. The expectation will be that the subsequent development will be able to comply with PBP at the DA stage.

¹ Ellis, S et al (2004) National Inquiry on Bushfire Mitigation and Management (p.92)

4. Legislative Framework

The site is on designated Bushfire Prone Land and the bushfire provisions for new development area applicable.

Strategic planning is the first stage in the planning process. It is needed to ensure that future developments are not exposed to an unacceptable risk of bushfire. For Planning Proposals Section 9.1(2) Direction No 4.3 (see Appendix 3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) must be applied. This requires Council or the consent authority to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any comments by the Commissioner and to have regard to the planning principles of PBP.

The requirements of Planning Direction 4.3 Planning for Bushfire Protection are at Appendix 3.

The requirements of PBP Strategic Planning are at Appendix 4.

5. Review of Documents

The four documents reviewed provide a coherent and integrated approach to the Planning Proposal. Each of the reviewed documents is aligned with intent and purpose, providing a comprehensive overview of the application with technical papers providing specialist review and measures that have been incorporated into the Planning Proposal.

Bushfire is recognised as a key design consideration and design response matter for action which has been well articulated throughout the documents.

Detailed review is in the following section.

5.1. Gyde Planning Proposal Morgan Road Belrose October 2022

The Gyde (2022) Planning Proposal (GPP) document provides an integrated overview of the Planning Proposal, recognising bushfire as a key constraint that is reflected in the design and approach to the PP. The GPP has relied upon the underlying technical Bushfire Protection Assessment, Strategic Bushfire Study and Traffic Assessment which is to be expected.

Key bushfire mitigation strategies include the provision of complying APZ, a linking road network and emergency management arrangements that have been based on traffic modelling and movement of vehicles from the site.

The Gyde PP states (p. 22) that:

Enhanced bushfire evacuation

In the event of a fire, new roads within the Site will provide adequate access for firefighting operations, which link to perimeter roads and/or to fire trail networks and adequate water supply. The Site's access points are designed to accommodate expected traffic flows in accordance with Austroads guidelines, including traffic from neighbouring properties. The Planning Proposal proposes the upgrade of the Forest Way / Morgan Road intersection, comprising a left turn slip lane from Morgan Road to facilitate efficient traffic flows out of the Site, particularly during a bushfire emergency situation, and will be the primary egress route for new residents and surrounding residents evacuating from Morgan Road. Refer to the Transport Assessment undertaken by JMT Consulting at Appendix 15.

While roads have been provided within the site, the PP relies on a new slip land onto Forest Way and a connection to Oates Place in the east. Indeed, the PP is predicated on these two key emergency management arrangements being in place and viable (see Section 5.4 Transport Assessment, prepared by JMT Consulting, September 2022) to accommodate evacuating residents and incoming emergency

services. As a key component of the PP, it is not evident that the slip lane would be approved for Forest Way which is a State Classified Road (MR 529) by RMS. This is a vitally important aspect of the Planning Proposal and would require documentation from RMS supporting such a proposal. Similarly, the proposed emergency access onto Oates Place appears to be over private land or at least on lands not under control by the applicant. During the site inspection, the end of Oates Place includes a drainage line/ creek and a large fall (including a cliff line) that would make a temporary road difficult. Again, as a key emergency management failsafe, actions to secure such an alternative access should be demonstrated in the PP, including concept drawings for such a connection road.

The GPP notes in the executive summary (p. 5) of the document that among other outcomes, the Planning Proposal (PP) seeks to

- *secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and **seniors housing**, as well as community facilities*

This is at odds with not providing inappropriate development on the site which is reflected in the Gyde document

- *The proposal does not involve "inappropriate development" such as schools or retirement villages. P. 42 & p. 101*

And the Travers Bushfire and Ecology (p vii) documents note that vulnerable uses are excluded from the site:

- *The proposal does not involve "inappropriate development" such as schools or retirement villages.*

Future use and restrictions need to be established up front with appropriate mechanisms to limit vulnerable uses, if this is the intention of the PP. Alternatively, if SFPP development is a consideration, it should be flagged within the PP for consideration.

It is appreciated that the proposed concept master plan includes measures taken to reduce or avoid harm and loss due to bushfire, such as APZs, and the protection of other values such as biodiversity and the functioning of natural systems, including the site's waterways. This is not always an easy task as bushfire management (i.e., the creation and management of APZs) is fundamentally at odds with many other aspects (vegetation retention, ecology, waterways etc.) of modern PP and subdivisions.

The APZs will be contained wholly within the subject land and incorporate fire trails (not relied upon but available for management purposes), perimeter road verges, riparian buffers, and vegetation corridors. This will improve the level of bushfire protection to adjoining developments. While the benefit to adjoining uses is a consideration, the PP must stand alone on its merits, which in most part it does.

The PP does not address adjoining unmanaged vegetation parcels that provide for a series of pinch points along Morgan Road which is the key evacuation road. These pinch points have potential to be impacted by bushfire and indeed to carry fire adjacent to Morgan Road, thus potentially halting evacuation. The PP identified through the Strategic Bushfire Study (SBS), the potential of 9 fire paths to and or within the site. The consideration of fuels close to evacuation paths needs to be considered. Similarly, within the development, a number of pinch points exist that if on fire, would restrict or halt evacuation from the site. As the site has a known fire history and identified fire runs, the safe access and ingress for emergency services should be provided with APZs along key evacuation routes.

Key matters for consideration:

1. Consideration of the likely success of a slip road onto Forrest Way.
 - 1.1. In principal support from RMS for the slip road
 - 1.2. Supporting documentation from RMS that a slip road is safe and viable
 - 1.3. Concept designs of the proposed slip way and impact on adjoining neighbors and pedestrian access
2. Consideration of the likely availability (approvals) and utility (through a drainage/ creek line and significant drop/ cliff) of an emergency access onto Oates Place
3. Identification of potential pinch points along the Morgan Road evacuation route and consideration of vulnerability of the access if impacted by fire
4. Consideration of APZ within the site adjacent to vegetated areas that form pinch point which may restrict or inhibit evacuation out of the site

5.2. Bushfire Protection Assessment – prepared by Travers Bushfire & Ecology

The Bushfire Protection Assessment prepared by Travers Bushfire & Ecology (BPA) meets the requirements of the Clause 45 of the *Rural Fires Regulation* for submission and for PBP.

The BPA is thorough and outlines the history of the site considering bushfire and the availability of the PP and future development applications to comply with PBP.

Due to time limits in this review, I have not undertaken a review of the vegetation, slope, or commensurate asset protection zones (APZ) and have accepted these as being accurate within the BPA.

The PP is afforded perimeter roads which is a requirement of PBP. The road network provides options for access within the site with linking bridge to the eastern precinct.

Two dead end roads are shown on Figure 1 and Figure 2 in the southeast of the PP. Figure 1-3 of the BPA (see Figure 3) shows these two dead end roads joined up as perimeter roads. The Figure 1-3 in the BPA does not provide a legend identifying the road types or the width of the roads kerb to kerb. The discrepancy between the dead-end roads and the joined roads needs to be clarified. Figure 1-3 and Figure 1-4 appear to have the dead-end road (western) at different locations

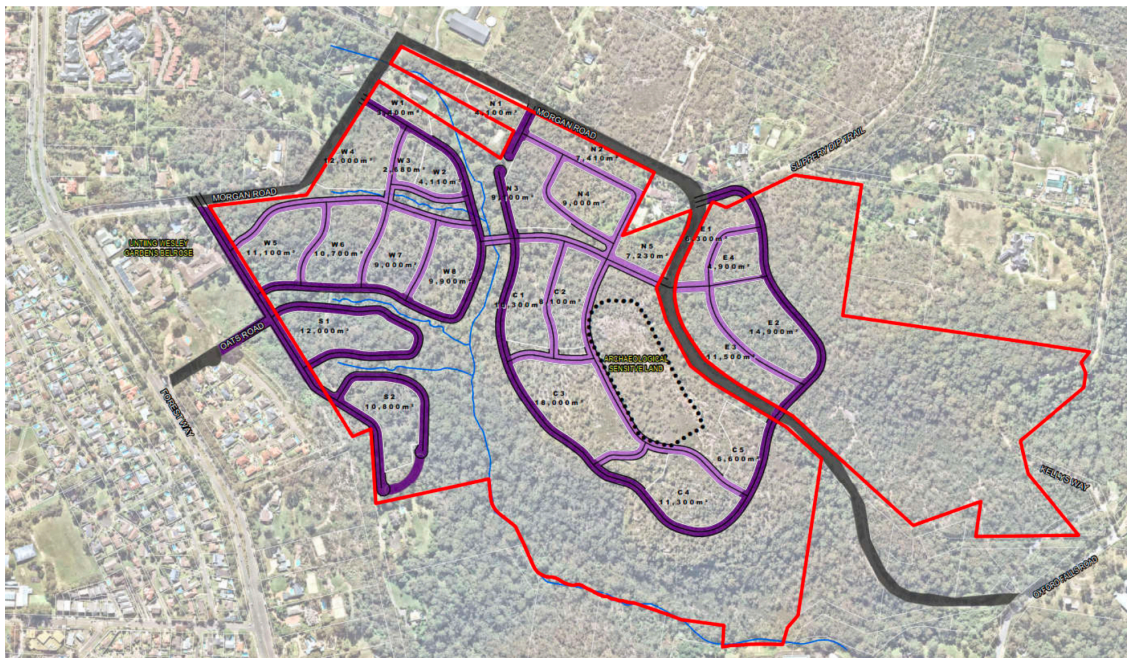


Figure 3 Proposed Road Layout (source BPA p. 4)

The proposed APZ are shown in Figure 4. As noted in Section 5.1, several pinch points are evident within the site and external to the site (see Figure 5). These could be rectified with provision of APZ as has been provided elsewhere within the site. The external pinch points should be considered as a scenario of fire burning within them which restricts passage.

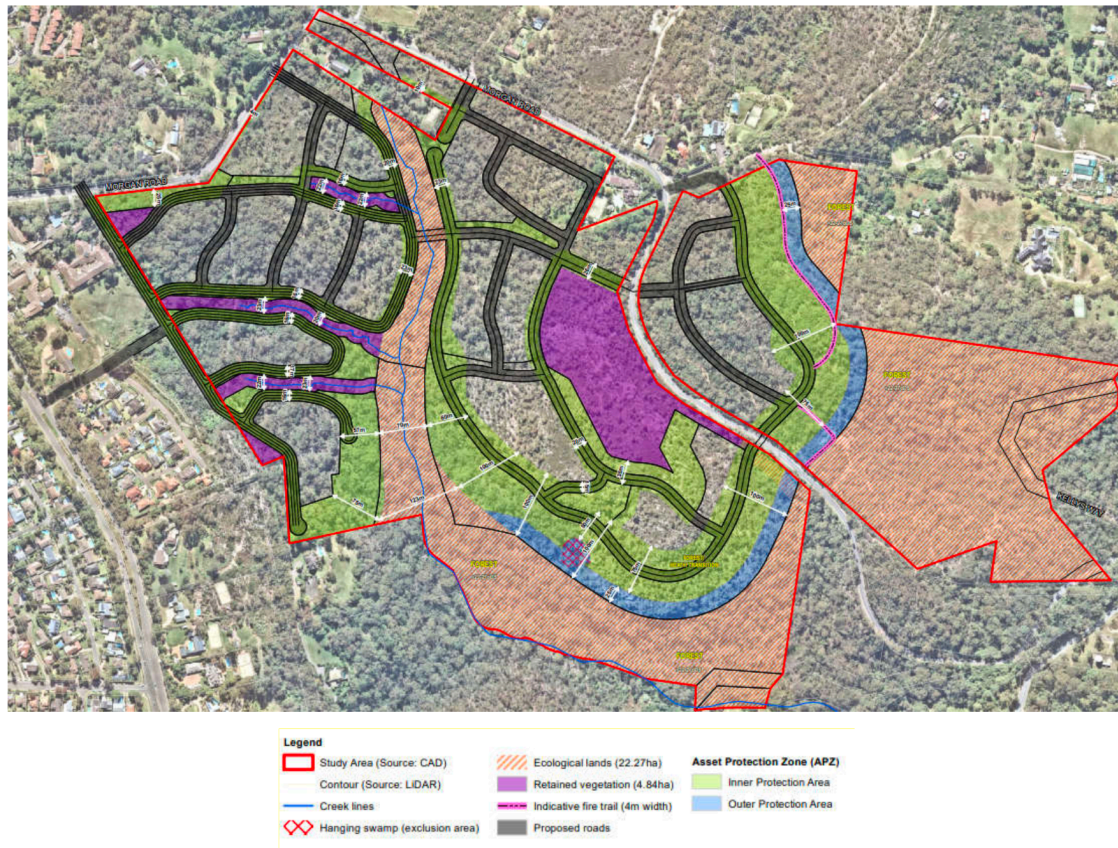


Figure 4 Proposed Asset Protection Zones (source Bushfire Protection Assessment p. 5)

It is noted in the Transport Assessment that a conservative position has been taken with the modelling of up to 900 vehicles evacuating the site. This position should be considered on eventualities of access being compromised. As a response, the SBS and BPA can provide commentary on the inherent protections built into the provision of complying APZ with commensurate construction of houses. Where houses/ assets are built in accordance with the *Australian Standard for Construction of Buildings in Bushfire Prone Areas* (AS3959), the properly constructed and maintained (i.e., APZs) provide a secure environment for people to shelter in during the impact and passage of a bushfire. The AS3959 provides inherent protection up to a design fire of Forest Fire Danger Index (FFDI) of 100, which is the same as PBP. Fires burning under Catastrophic (i.e., above FFDI 100) would require evacuation as the fire is above

the safety levels provided by AS3959 and PBP. Forecast Catastrophic fire weather is usually known up to 4 days in advance from the Bureau of Metrology, with the RFS issuing warning for people to leave bushfire prone areas the day before or the morning of such forecast conditions. As such, the PP and the site would be effectively reduced from occupants. This reduces the risk significantly.

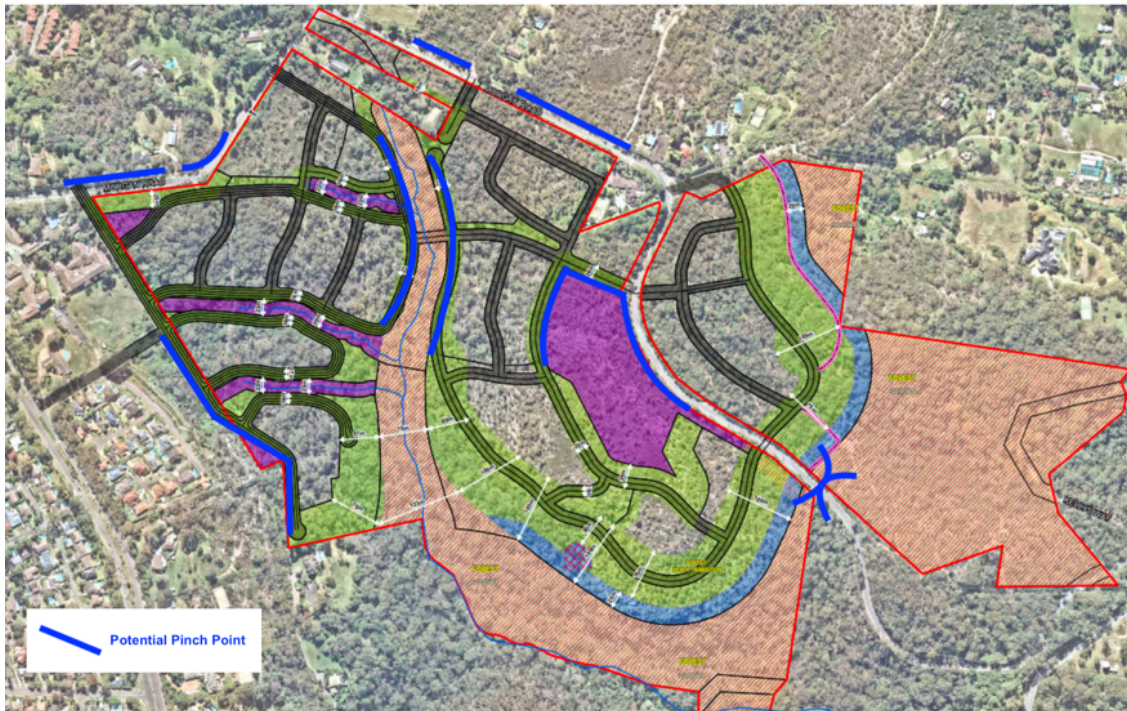


Figure 5 Potential Pinch Points

However, it would be prudent to provide APZ along key roads, to ensure unrestricted access as a key redundancy and safety measure.

The ongoing management of the conservation land will be maintained as a Community Association arrangement on an ongoing basis

p. 2 Conservation land - The environmental management zone will be maintained in perpetuity by the future community association and Metropolitan Local Aboriginal Land Council. The area is an ecologically significant landscape which is known to contain threatened flora, fauna, ROTAP species and the EEC, Coastal Upland Swamp.

It is not clear from the documentation if similar arrangements will be in place for the ongoing management of APZ. This should be clarified in the BPA and or SBS.

It is noted (p. 8) that Travers Bushfire and Ecology have had ongoing engagement with the RFS.

The additional information sought by the RFS on the 1st October 2021 was provided in an amended bushfire report dated 6th October 2021. The report was re-submitted back to the RFS earlier this year whereby the RFS provided comments on 13 May 2022 whereby they advised they had no specific objections.

The position of the RFS is noted and would suggest tacit agreement on the PP by the RFS. It is unclear from the documentation if the RFS have set their mind to the availability and utility of access and potential pinch points in the site and surrounding areas. This is in part recognised in the BPA (p. 22):

*Egress in a bushfire evacuation scenario can be accommodated safely **pending the upgrade of the Morgan Road / Forest Way intersection** to accommodate a free flow slip lane from Morgan Road. This upgrade is required following the development of 230 or more dwellings on the site.*

As identified above, the evacuation is contingent on the "pending upgrade of the Morgan Road/ Forest Way intersection. Indeed, it could be assumed that the PP by its very nature is contingent on the slip road which will accommodate up to 90% of traffic evacuating the site and Oates Place which will accommodate the remaining 10% of traffic evacuating the site. As such, the slip road is a key enabling provision for the PP. The report is well considered and considers the requirements of PBP.

Key matters for consideration:

5. The discrepancy between the dead-end roads in the southeast of the site and the joined perimeter roads needs to be clarified.
6. Several pinch points are evident within the site and external to the site (see Figure 5). These could be rectified with provision of APZ as has been provided elsewhere within the site. The external pinch points should be considered as a scenario of fire burning within them which restricts passage or where required, owners of land approached to determine potential for areas to be managed providing surety for evacuation routes.
7. The ownership and ongoing management arrangements for APZs should be documented.
8. The evacuation is contingent on the "pending upgrade of the Morgan Road/ Forest Way intersection." The likely success of the slip road should be investigated as a key enabling provision of the PP. If the slip road is not viable, the PP will need to consider other options for the access and bushfire safety.

5.3.Strategic Bushfire Study, prepared by Travers Fire and Ecology – not received

The SBS has been conducted in conjunction with a BPA. Both documents provide a coherent and integrated approach to bushfire for the site and in consideration of the surrounding area. The SBS has analysed the potential and historic threats to the site, the current and projected access provisions and any adverse impacts on the existing and projected infrastructure serving the community.

The SBS has been clear on the bushfire risk affecting the site and has not shied away from the heavily vegetated and steep land of the site and surrounds. The basis of the SBS is sound and well supported by data and bushfire expertise by Mr. John Travers. The SBS has followed the requirements as set out in PBP Table 4.2.1 for the requirements of a SBS (see Appendix 4).

The SBS describes the fire potential adequately. The statement (p. 6) that:

*The proposed site is located **downhill** of fire threats and potential fire runs located to the northwest, north and northeast. Following a general principle of fires gaining intensity and rate of spread when travelling uphill, the siting of the proposal downhill of fire runs should in theory mitigate the most intense fires.*

Is agreed. The SBS notes the potential of fire to approach from the south as a possibility and the PP has responded with APZs in accordance with PBP or greater to reduce this risk. This is to be commended.

Figure 2-5 of the SBS underplays the potential fire runs into the site. The PP provides APZs that are in accordance with PBP and as such, the fire runs should be provided which reflect potential fire penetration into the site.

Of note, the retained vegetation within the site (conservation zone) has potential for spot fire ignition and small-scale fires. This provides potential for pinch points (see earlier sections) to restrict access. This is particularly relevant considering section 2.1.4 of the SBS that identifies significant fire history affecting the site. Again, the provision of APZs is in keeping with PBP throughout the site which manages this risk to tolerable levels.

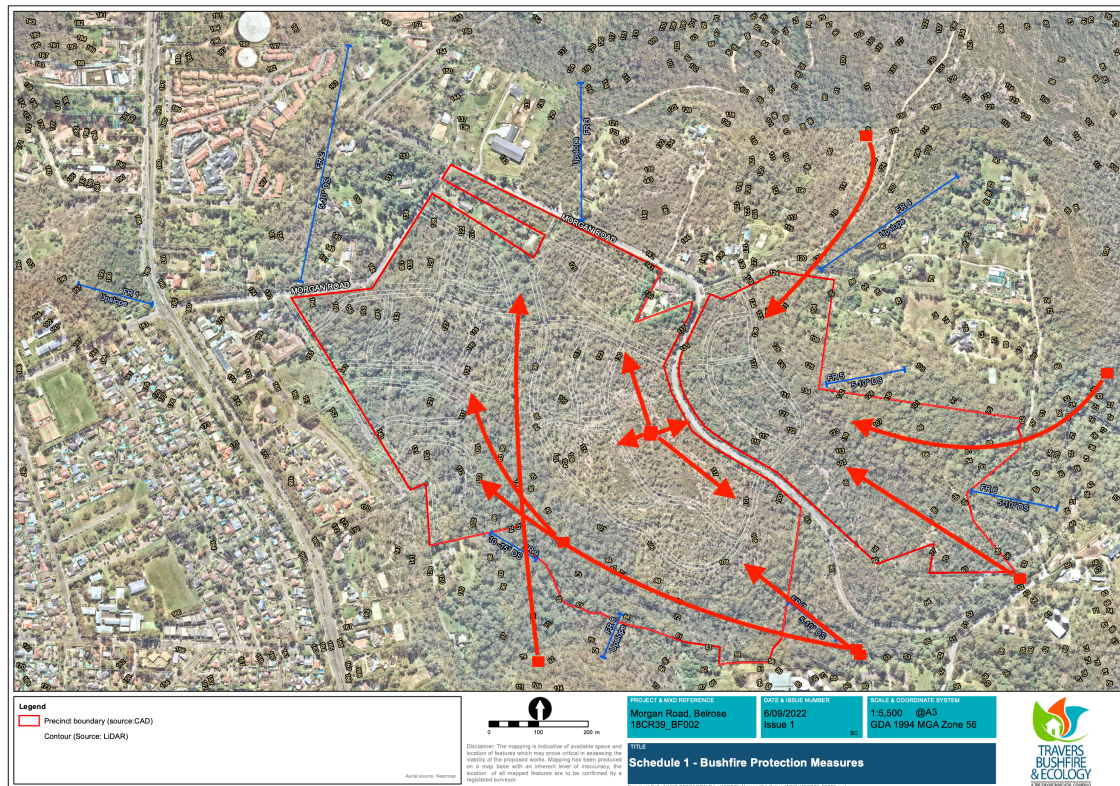


Figure 6 Additional Potential Fire Runs

Section 2.2 of the SBS is a landuse assessment that considers potential bushfire risk. This part of the SBS relies on modelling work completed by Meridian Urban stating (section 2.2 – no page number):

The Deferred Lands Strategic Bush Fire Risk Assessment prepared by Meridian Urban for Northern Beaches Council (March 2022) analyses and identifies land within the deferred matter zoning of the area base on potential fire intensity and inferred fire risk. The Morgan Road site is located within an area mapped by the study as being of lower potential fire intensity and by inference, lower fire risk.

The Morgan Road site is, of all potential development sites identified within the deferred matter zoning area, a preferred site for development in that it is located in an area identified as lower potential fire risk.

The SBS provides three maps extracted from the Meridian Urban study at FFDI 62, FFDI 100 and FFDI 134 – all of which rely on hazard reduction to mitigate fuels. It could not be derived from the Meridian Urban study the extent of reliance on hazard reduction or scenarios where hazard reduction was not undertaken. The NSW planning system through PBP takes a credible worst case fire weather scenario of FFDI 100 reflecting a 1:50 fire weather event. As such, my analysis has focused on the aspect.

The Meridian Urban FFDI 100 fire intensity map is shown at Figure 7. The map shows the PP site as having a modelled fire intensity of 4,000 – 20,000kWm. Fireline intensity is a measure of fire intensity at the fire front. It is measured as the amount of energy released per metre width of the fire edge. As such, 4,00kW of radiant heat is the equivalent of 4,000 1m radiant heat bars within an area of 1m by 1m.

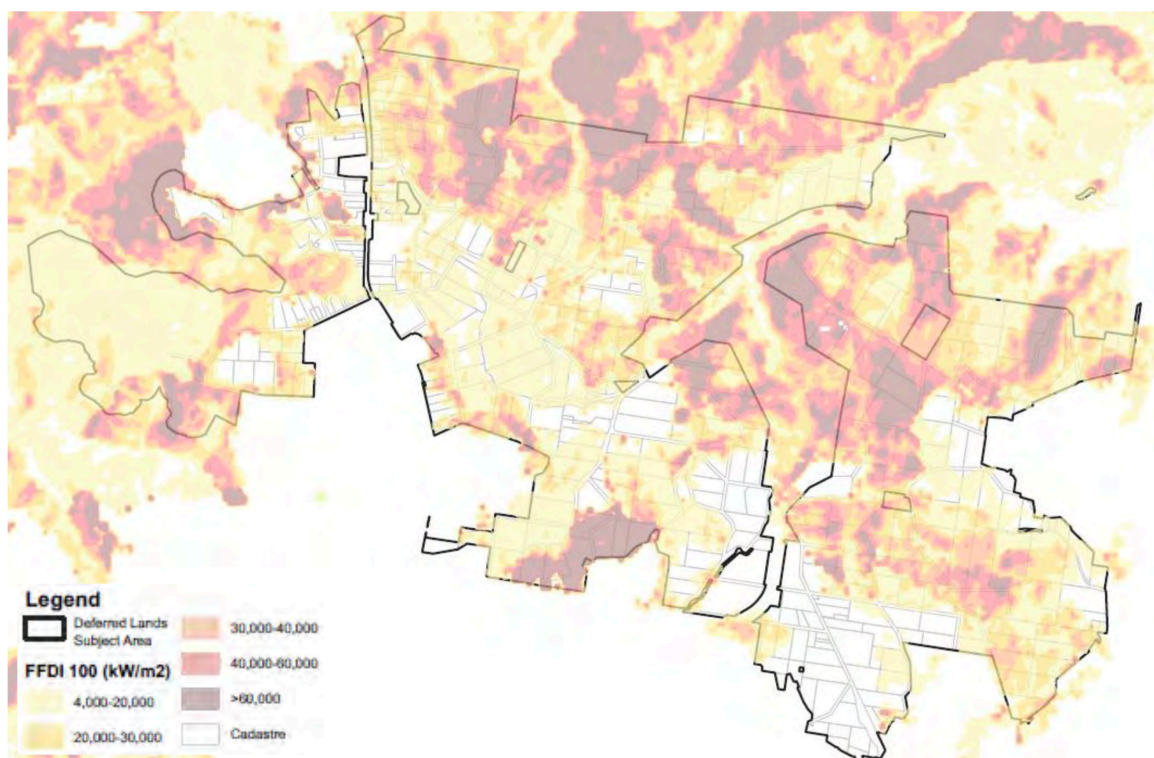


Figure 7 Deferred Lands Strategic Bush Fire Risk Assessment Northern Beaches Council (source Meridian Urban p. 50)

The Meridian Urban report (p. 78) states that

*It is important to note that for some aspects of the risk analysis undertaken by this assessment, mapped Fireline intensity up to **4,000kW/m** has been removed from the dataset as **this class is considered sufficiently low that it not necessarily be considered as part of the risk profile for examination for strategic land use planning purposes.***

Of note, the above states that radiant heat levels below 4,00kW as being of low risk (see Figure 8).

Potential bush fire intensity classes	Potential fireline intensity
Very high	40,000+kW/m
High	20,000-40,000kW/m
Medium	4,000-20,000kW/m
Low	0-4,000kW/m

Figure 8 Potential bush fire intensity classes and corresponding potential Fireline intensity ranges (source Meridian Urban p. 78)

The SBS has taken a view that 4,000 – 20,000kW is a low risk. Figure 8 shows that 4,000 – 20,000kW is medium bushfire risk. As a comparison, Figure 9 shows the impact of radiant heat at the lower limits with 10kWm² being the upper limit for fire fighters to safely operate within for short periods of time.

Crew leader what radiant heat is not tolerable

Radiant Heat Flux	Likely Effects	Approx. distances
>29 – 110 kW/m ²	Flame Zone	0 - 20 metres
29 kW/m ²	Ignition of most timbers without piloted ignition (3 minutes exposure) (Level 3 construction) during the passage of a bush fire. Toughened glass could fail.	20 metres
19 kW/m ²	Screened float glass could fail (Level 2 construction) during the passage of a bush fire.	27 metres
12.5 kW/m ²	Standard float glass could fail (Level 1 construction) during the passage of a bush fire. Some timbers can ignite with prolonged exposure and with piloted ignition source (eg embers)..	40 metres
10 kW/m ²	Critical conditions. Firefighters not expected to operate in these conditions although they may be encountered. Considered to be life threatening < 1 minute in protective equipment. Fabrics inside a building could ignite spontaneously with long exposures.	45 metres
7 kW/m ²	Likely fatal to unprotected person after exposure for several minutes	55 metres
4.7 kW/m ²	Extreme conditions. Firefighter in protective clothing will feel pain. (60 seconds exposure)	70 metres
3 kW/m ²	Hazardous conditions. Firefighters expected to operate for a short period (10 minutes)	100 metres
2.1 kW/m ²	Unprotected person will suffer pain after 1 minute exposure – non fatal.	140 metres

Note: assumes flame temperature of 1090K for all scenarios.

Figure 9 Radiant heat flux and effects on buildings and people for a modelled forest fire (FDI 100 on flat ground) source PBP 2006 p. 60

Similarly, the RFS Group Leaders Manual shows tolerable levels of radiant heat from a firefighting perspective. Of note, at lower FFDI in forest fuels a fire will crown at approximately +2,000kW with indirect

attack being recommended. At 12,000 to 18,000kW the fires are extreme and beyond firefighting capability to control. At 18,000 – 25,000kW which is identified within the Meridian report as medium hazard, fire fighters are focusing on protecting life and are employing safeguarding/ defensive strategies. The notion that 4,000kW represents a low hazard is not supported and underrepresents the potential fire impacting the site. This is of particular concern, particularly if the RFS have relied upon the modelling and risk levels both within the Meridian report and the SBS.

FDI	FLAME HEIGHT (M)	RADIANT ENERGY RELEASED (KW/M)	FIRE DANGER RATING (FDR)/ METHOD OF ATTACK
0–12	0–0.5	0–50	Low: Fires generally self-extinguish or hand tool line will hold the fire
12–15	0.5–1.5	50–500	Moderate: Offensive operations usually possible in bush fuels. Most properties usually defensible
15–25	1.5–3.0	500–2000	High: Fire too intense for direct attack. Parallel attack recommended
25–50	3.0–10	2000+	Very High: Crown fire at upper intensities. Indirect attack recommended
50–75	10+	12000–18000	Severe: The fire may be worse than anything previously experienced. Actions should be focused on safeguarding people and defensive operations. Offensive operations may be possible at night
75–100	12+	18000–25000	Extreme: As for Severe but crew and public safety becomes a major concern. Safeguarding refuges and defensive operations may be the only safe options
100+	15+	25000+	Catastrophic: Fire Behaviour is very dangerous, devastating and difficult to accurately predict. Expect significant ember attack. Actions must focus on safeguarding lives

Figure 10 Approximate fire suppression thresholds (forest) based on 20t/ha (source NSW RFS Group Leader Manual p. 45)

However, it is evident from the BPA and the SBS that appropriate APZs have been provided within the site.

The SBS has provided consideration of radiant heat modelling at the Forest Way and Morgan Road intersection but has not considered potential radiant heat from other non-managed bushland areas along Morgan Road.

Key matters for consideration:

9. The SBS underplays the potential fire runs into the site. The PP provides APZs that are in accordance with PBP and as such, the fire runs should be provided which reflect potential fire penetration into the site.
10. The retained vegetation within the site (conservation zone) has potential for spot fire ignition and small-scale fires. This provides potential for pinch points (see earlier sections) to restrict access. Provision of APZs within the retained vegetation should be considered to ensure access.
11. The SBS has taken a view that 4,000 – 20,000kW is a low risk. This is not supported as per Figure 10 and should be reconsidered.
12. Unmanaged vegetation along Morgan Road should be considered in terms of potential pinch point and impact on evacuation.

5.4.Transport Assessment, prepared by JMT Consulting, September 2022

The purpose of the transport assessment (p. 3) is to understand the implications of the PP on the adjacent transport network and identify any upgrades or mitigation measures required to support the future site development.

The report focuses on in part, the access arrangements, and considerations for bushfire, including evacuation management. The key access roads are:

Forest Way is an Arterial Road p. 7

Forest Way is a State Classified Road (MR 529) that traverses in a north-south direction between Mona Vale Road in the north and Warringah Road in the south, carrying approximately 40,000 vehicles per day. It is generally subject to 70km/h or 80km/hr speed zoning. Forest Way carries two lanes of traffic as well as one bicycle lane in either direction within a divided carriageway of width 9.5 metres.

Morgan Road is a Collector Road p. 7

Morgan Road is a collector road that runs in an east-west direction to the north and east of the site, carrying approximately 5,000 vehicles per day. It has a posted speed limit of 50 km/h and

accommodates a single lane of traffic in either direction within an undivided carriageway. Morgan Road forms a signalised intersection with Forest Way Road with all movements permissible.

Access to and from the site is shown in Figure 11. The site access should be considered having regard to additional pinch points (Figure 5) and the implications on access by potential fire impact.

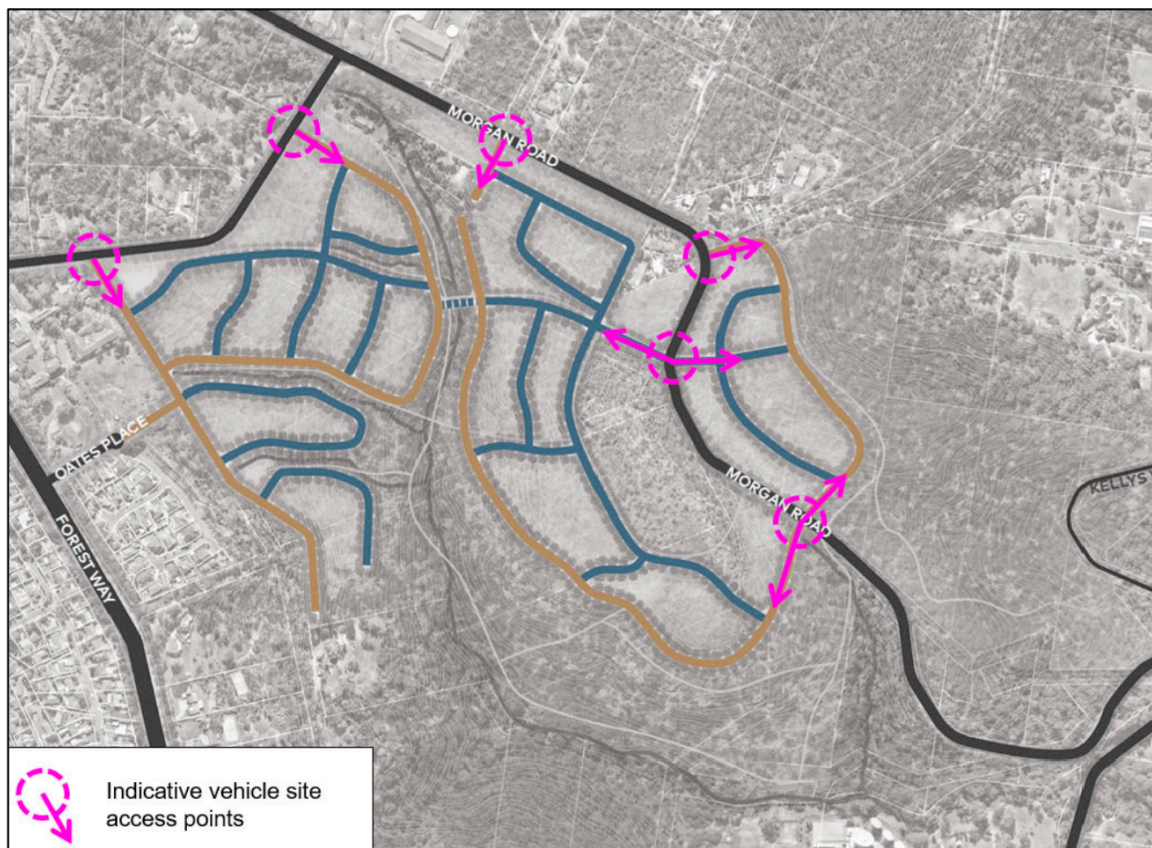


Figure 11 Indicative vehicle site access arrangements (source p. 14 Transport Assessment, prepared by JMT Consulting, September 2022)

Section 6 of the report provides detail on traffic analysis for bushfire evacuation providing assessment of the ability of the road network to accommodate traffic flows during a major bushfire evacuation event. The assumptions made in the traffic modelling are conservative and supported, specifically that:

p. 27 Based on work undertaken by Cox Architecture the total development yield considered is 450 residential dwellings. In addition, the existing dwellings adjacent to Morgan Road east of Forest Way have been taken into consideration, which number approximately 50 households, making a total of 500 households for consideration.

p. 27 As a highly conservative assumption 100% of all dwellings in the precinct are considered at risk and would be required to evacuate the precinct during a major bushfire event.

However, section 6.3 of the Traffic Assessment identifies the road network performance during bushfire emergency, but it does not identify the number of vehicles per hour or the required time to safely evacuate all 900 cars from the site for Morgan Road or Oates Place.

The report states that:

Access to the site will be Morgan Road at the western, northern, and eastern boundaries of the site and a new bridge across Snake Creek will provide active transport connections on a daily basis and vehicular egress during a bushfire or emergency.

This is supported and the bridge increases the options for egress from the site. The provision of APZs should be considered along key pinch points (Figure 5), including the bridge to reduce the risk that it cannot be used as intended during a bushfire emergency.

The report notes that

No vehicle access via Oates Place (except in the event of a bushfire evacuation)

As previously identified, the availability of Oates Place and the utility of providing emergency access should be considered by the PP as a key emergency management arrangement.

The evacuation is contingent on the slip road on to Forest Way and access out of Oates Place. As fundamental aspects of the PP, these foundation pieces need to be shored up as part of the application. Failure of one or both of these strategies has significant considerations for the PP.

Key matters for consideration:

13. The total time to evacuate the PP precinct and surrounding areas should be clarified.

6. Conclusion

Lew Short from Blackash Bushfire Consulting has completed a review of the bushfire documents presented as part of the Planning Proposal. The assessment of the Planning Proposal bushfire aspects has been undertaken impartially and without prejudice.

The site is on designated Bushfire Prone Land and the bushfire provisions for new development area applicable.

The PP and associated technical documents relating to bushfire provide a coherent, evidence-based assessment of the proposal which has responded to the bushfire risk within and external to the site.

A number of key matters for consideration have been provided within the Blackash report. Some of these are minor and technical in nature. However, the PP has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated in the PP and are fundamental enabling provisions for the PP. If one or both of these options are not available, the PP will need to rethink the design response to activation of the site. Similarly, pinch points within and external to the site have not been addressed sufficiently to ensure access (evacuation) availability during bushfire impact. These are fundamental issue to be resolved. Other considerations of loss of vegetation for the development, roads and APZs will clash with ecology and biodiversity considerations for the site.

From a bushfire perspective, it is recommended that the Planning Proposal does not proceed to gateway until the key matters for consideration identified within this report are satisfactorily resolved.



Lew Short | Principal

Blackash Bushfire Consulting

Appendix 1 References

Councils of Standards Australia AS3959 (2009) – *Australian Standard Construction of buildings in bushfire-prone areas*

Gyde Planning Proposal Morgan Road Belrose October 2022

JMT Consulting *Transport Assessment*, prepared by, September 2022

Keith, David (2004) – *Ocean Shores to Desert Dunes – The Native Vegetation of New South Wales and the ACT*. The Department of Environment and Climate Change

Meridian Urban (2022) *Deferred Lands Strategic Bush Fire Risk Assessment* Northern Beaches Council

NSW Rural Fire Service (2015) *Guide for Bushfire Prone Land Mapping*

NSW Rural Fire Service (2019). *Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners*. Draft for Public Exhibition

NSW Government (1979) *Environmental Planning and Assessment Act 1979*. NSW Government Printer.

Travers Bushfire & Ecology *Bushfire Protection Assessment*

Travers Fire and Ecology *Strategic Bushfire Study*

Appendix 2 Curriculum Vitae Lew Short

Qualifications

- BPAD Level 3 Accredited Practitioner Fire Protection Association of Australia
- Graduate Diploma of Bush Fire Design University of Western Sydney, 2006
- Graduate Certificate of Applied Management Australian Institute of Police Management, 2005
- Graduate Certificate of Management Macquarie Graduate School of Management
- Macquarie University, 2001
- Bachelor of Arts, Resource and Environmental Management Macquarie University, 1994
- Current member Ku-ring-gai Bushfire Brigade (advanced fire fighter).

Project Experience

- Program Director for AFAC on the Nationally significant review of the Fire Danger Ratings System and National Board Member.
- Non-executive Board member Green Cross Australia.
- Developed Community Resilience Framework for Emergency Management in Victoria
- State Consequence Manager for various all hazards state level incidents in Victoria including bushfire.
- NSW RFS Planning for Bush Fire Protection 2006 and associated policy, guidelines, and manager of business practice
- Responsible for over 80,000 bushfire protection assessment at NSW Rural Fire Service
- Bushfire expert in Land and Environment Court cases
- Project manager various bushfire technical reports
- State level manager for NSW Rural Fire Service
- Member of the NSW Building Regulation Advisory Committee, which formulates state-wide policy and input into the Building Code of Australia.
- Represented AFAC on Australian Standards committees (FP20 for AS3959) and the National Building Codes Committee, which determines changes to the Building Code of Australia for bushfire.
- Chair AFAC Bushfire Reference Group and member AFAC Community Safety and Built Environment Group.
- Pioneered various bushfire alert and communication systems

Career Summary

Organisation: **Blackash Bushfire Consulting**

Position: Principal

August 2014 - Present

Organisation: **Emergency Management Victoria**

Position: General Manager Risk, Consequence & Resilience
November 2014 – December 2016
State Consequence Manager
January 2015 – December 2016

Organisation: **Eco Logical Australia**

Position: Principal, Emergency Management & Resilience
January 2013 - Present

Organisation: **NSW Rural Fire Service**

Position: Group Manager Community Resilience
July 2008 – December 2012

Organisation: **NSW Rural Fire Service**

Position: Manager Development Control
May 2003 – July 2008

Organisation: **Ku-ring-gai Council**

Position: Manager Natural Environment and Bushland
April 2001 – May 2003

Organisation: **Ku-ring-gai Council**

Position: Bushland Group Co-ordinator
November 1998 – April 2001

Organisation: **Ku-ring-gai Council**

Position: Bush Fire Management Program Coordinator
November 1995 - November 1998

Organisation: **Ku-ring-gai Municipal Council**

Position: Fire and Natural Resource Officer, 1994 - 1995

Appendix 3 Planning Direction 4.3 Planning for Bushfire Protection

Objectives

The objectives of this direction are to:

1. (a) protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
2. (b) encourage sound management of bush fire prone areas.

Application

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

Direction 4.3

1. (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. (2) A planning proposal must:
 1. (a) have regard to *Planning for Bushfire Protection 2019*,
 2. (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
 3. (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
3. (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
 1. (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 2. (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
 3. (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 4. (d) contain provisions for adequate water supply for firefighting purposes,
 5. (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
 6. (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency



A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Appendix 4 Requirements of a Bush Fire Strategic Study (PBP p. 35)

ISSUE	DETAIL	ASSESSMENT CONSIDERATIONS
Bush fire landscape assessment	A bush fire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.	<ul style="list-style-type: none"> ➤ The bush fire hazard in the surrounding area, including: <ul style="list-style-type: none"> ➤ Vegetation ➤ Topography ➤ Weather ➤ The potential fire behaviour that might be generated based on the above; ➤ Any history of bush fire in the area; ➤ Potential fire runs into the site and the intensity of such fire runs; and ➤ The difficulty in accessing and suppressing a fire, the continuity of bush fire hazards or the fragmentation of landscape fuels and the complexity of the associated terrain.
Land use assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed land uses.	<ul style="list-style-type: none"> ➤ The risk profile of different areas of the development layout based on the above landscape study; ➤ The proposed land use zones and permitted uses; ➤ The most appropriate siting of different land uses based on risk profiles within the site (i.e. not locating development on ridge tops, SFPP development to be located in lower risk areas of the site); and ➤ The impact of the siting of these uses on APZ provision.
Access and egress	A study of the existing and proposed road networks both within and external to the masterplan area or site layout.	<ul style="list-style-type: none"> ➤ The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile; ➤ The location of key access routes and direction of travel; and ➤ The potential for development to be isolated in the event of a bush fire.
Emergency services	An assessment of the future impact of new development on emergency services.	<ul style="list-style-type: none"> ➤ Consideration of the increase in demand for emergency services responding to a bush fire emergency including the need for new stations/brigades; and ➤ Impact on the ability of emergency services to carry out fire suppression in a bush fire emergency.
Infrastructure	An assessment of the issues associated with infrastructure and utilities.	<ul style="list-style-type: none"> ➤ The ability of the reticulated water system to deal with a major bush fire event in terms of pressures, flows, and spacing of hydrants; and ➤ Life safety issues associated with fire and proximity to high voltage power lines, natural gas supply lines etc.
Adjoining land	The impact of new development on adjoining landowners and their ability to undertake bush fire management.	<ul style="list-style-type: none"> ➤ Consideration of the implications of a change in land use on adjoining land including increased pressure on BPMs through the implementation of Bush Fire Management Plans.



Planning
Panels

INDEPENDENT ABORIGINAL REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	22 December 2022
DATE OF MEETING	21 December 2022
PANEL MEMBERS	Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury
APOLOGIES	None
DECLARATIONS OF INTEREST	None

INDEPENDENT ABORIGINAL REVIEW

IAR-2022-01 (RR-2022-35 & PP-2022-3802) – Northern Beaches LGA – Lizard Rock, Morgan Road, Belrose (as described in Schedule 1)

Reason for Review:

- ☒ The Local Aboriginal Land Council has requested an Independent Aboriginal Review as the land is subject to a Development Delivery Plan made under the SEPP Planning Systems 2021.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at meetings listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
- ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the extensive documentation, was briefed by the Department of Planning and Environment, and then separately briefed by Council then the Proponent. The Panel also discussed key issues (history of the site, strategic planning framework, Conservation Zones review, bushfire risk and evacuation routes, biodiversity impacts, Aboriginal cultural heritage and infrastructure needs) with Council and the Proponent and both parties responded to numerous questions from the Panel.

Both parties considered bushfire risk and evacuation routes to be significant issues. On balance, the Panel accepted the Proponent's argument that the significant risk could be properly managed and mitigated.

The issue of dwellings versus lots was discussed extensively with both parties and the Proponent confirmed a cap of 450 dwellings not lots and their intention is to work with Council to deliver diverse housing including a commitment to 10% affordable housing.





In summary, the Panel concurred with the Proponent that Strategic Merit had been demonstrated and the Panel noted the significance of the Northern Beaches Aboriginal Land Development Delivery Plan (DDP) in addition to the SEPP Planning Systems 2021, the Greater Sydney Region Plan and the North District Plan. The Panel further noted the Northern Beaches Development Delivery Plan identifies the

Lizard Rock site as an opportunity for “.... a range of land uses, including low density housing, new recreation areas, conservation areas, and cultural community space ...”

The Panel determined that the Proposal had also demonstrated Site Specific Merit and should proceed to Gateway with the following qualifications:

- The number of dwellings is to be capped at 450;
- 10% Affordable Housing is to be provided;
- The final zoning arrangements and boundaries are to be resolved to maximise the retention of important biodiversity values; and
- A site specific DCP, to guide future development to deliver on the objectives and intended outcomes of the Proposal, is to be finalised in consultation with Council and the Department of Planning and Environment before exhibition of the Planning Proposal.

Council will now be offered the role of Planning Proposal Authority (PPA) and has 42 days to accept or decline the role. Should the Council decline this role, in accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Blake Cansdale
 Donna Rygate	 Marcus Sainsbury

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	INDEPENDENT ABORIGINAL REVIEW - IAR-2022-01 (RR-2022-35 & PP-2022-3802) – Northern Beaches LGA – Lizard Rock, Morgan Road, Belrose
2	LEP TO BE AMENDED	Warringah Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	The proposal seeks to transfer the site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones; secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and seniors housing, as well as community facilities; introduce maximum building heights (8.5 metres), and introduce a range of small, medium to large residential lot sizes.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Independent Aboriginal Review request documentation Briefing report from Department of Planning and Environment
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Briefing with Department of Planning and Environment (DPE): 9:30am-10:15am 21 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury DPE staff in attendance: Lauren Templeman, Brendan Metcalfe, Christina Brookes, Dez Ford, Lisa Kennedy, Mary Francis Briefing with Council: 10:15am- 11:05am 21 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury DPE staff in attendance: Lauren Templeman, Brendan Metcalfe, Christina Brookes, Dez Ford, Lisa Kennedy, Mary Francis Council representatives in attendance: Andrew Pigott, Neil Cocks, Lew Short, Brendan Smith, Robert Barbuto, Robert Platt, Jodie Crawford, James Brisebois, Phillip Devon, Joseph Tramonte, Ben Fallowfield, Patrick Stuart, Deb Kempe, Russell Peake, Matt Horwood, Stephen Watson, Toby Philp, David Hellot Key discussion issues included strategic planning matters, conservation zone review and biodiversity considerations, bushfire risk, development details, development contributions, impacts to council land. Briefing with Proponent: 11:05am – 12:10pm 21 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Blake Cansdale, Donna Rygate, Marcus Sainsbury DPE staff in attendance: Lauren Templeman, Brendan Metcalfe, Christina Brookes, Dez Ford, Lisa Kennedy, Mary Francis Proponent representatives in attendance: Juliet Grant, Nathan Moran, Allen Murray, Yvonne Weldon, Rebecca Hogan, Andrew Halmarick, John Travers, Tony Hawkins, Josh Milston, Dom Steele, Lucy Langley, Sophia Veitch, Lachlan Abercrombie Key issues discussed included strategic planning justification, affordable housing provision, water sensitive urban design commitments, bushfire risk management, biodiversity assessment approach and land use zoning.



Mr Ray Brownlee, General Manager
Northern Beaches Council

Attn: Andrew Pigott, Executive Manager Strategic and Place Planning
Via email: andrew.pigott@northernbeaches.nsw.gov.au

22 December 2022

Dear Mr Brownlee,

Independent Aboriginal Review - IAR-2022-01 – (RR-2022-35 & PP-2022-3802) Lizard Rock, Morgan Road, Belrose

I refer to the request for an Independent Aboriginal Review for a proposal at Lizard Rock, Morgan Road, Belrose to transfer the site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement standard instrument zones; secure additional permitted uses within the appropriate zone for residential land uses such as dual occupancies and seniors housing, as well as community facilities; introduce maximum building heights (8.5 metres), and introduce a range of small, medium to large residential lot sizes.

The Strategic Planning Panel of the Sydney North Planning Panel has determined that the proposal should proceed to Gateway determination. In making this decision, the Panel considered the request and advice provided by Council. A copy of the Panel's decision is attached.

Consequently, Council is invited to be the Planning Proposal Authority (PPA) for this proposal and to advise the Planning Panels Secretariat within 42 days of the date of this letter whether it will undertake the role of PPA for this proposal. Should Council agree to be the PPA, it will need to prepare a planning proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* and submit it for a Gateway determination within 42 days after accepting this role.

If Council does not wish to progress this matter, the Panel will be appointed to prepare the planning proposal.

If you have any queries on the Aboriginal Independent Review, please contact Lisa Kennedy, Senior Planning Officer, Strategic Planning Panels Secretariat on (02) 4247 1827 or via email to lisa.kennedy@planning.nsw.gov.au

Yours sincerely,



Peter Debnam
Chair, Strategic Planning Panel of
the Sydney North Planning Panel

encl. Independent Aboriginal Review Record of Decision

Planning Panels Secretariat

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |
www.planningportal.nsw.gov.au/planningpanels

ITEM 12.2	PLANNING PROPOSAL SUBMISSION TO DPE - MORGAN ROAD, BELROSE (LIZARD ROCK)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2022/690437
ATTACHMENTS	1 Submission - Planning Proposal - Morgan Road Belrose (known as Lizard Rock) (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council's approval for a submission to the Department of Planning and Environment on a Planning Proposal for Morgan Road, Belrose (known as Lizard Rock).

EXECUTIVE SUMMARY

On 27 October 2022, Council was notified by the Department of Planning and Environment (the Department) that a Planning Proposal had been submitted for Lizard Rock, Morgan Road, Belrose by the Metropolitan Local Aboriginal Land Council (MLALC). The notification invited comments within 28 days.

The Planning Proposal seeks to:

- remove the "deferred status" of the site by moving it from Warringah Local Environment Plan 2000 into Warringah Local Environmental Plan 2011
- rezone the land for residential (R2 low density) and conservation (C2 Environmental Conservation) purposes
- introduce a maximum height of buildings of 8.5 metres
- apply a dwelling cap control (450 dwellings) instead of minimum lot size provisions.

The Planning Proposal also seeks to accommodate a variety of residential uses, including dual occupancy, secondary dwellings, seniors housing, as well as road and stormwater management infrastructure, a community cultural centre and open space/recreation areas.

The Planning Proposal will be reviewed by the North District Strategic Planning Panel and it will make a recommendation to the Department whether a "Gateway" approval should be granted. If granted, the Planning Proposal will be placed on public exhibition for comment. In that case, Council would need to determine whether to accept the "Planning Proposal Authority" role.

This report recommends that Council make a submission (Attachment 1) to the Department in relation to the Planning Proposal.

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before white occupation and that the *NSW Aboriginal Land Rights Act 1983* (ALR Act) was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community.

However, in summary, the submission opposes the granting of a Gateway approval for the Planning Proposal for the following reasons:

- **Inconsistency with Strategy** - The Planning Proposal does not demonstrate strategic merit and is inconsistent with key aspects of the Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement - *Towards 2040* and Northern Beaches Local Housing Strategy.
- **Non-compliant process** - There has been no formal pre-lodgement consultation with Council on the Planning Proposal, as required by the *Local Environmental Plan Making Guideline* and as recommended by the consultation outcomes report prepared by WSP consultants on behalf of the Department following exhibition of the *SEPP (Planning Systems) 2021 Aboriginal Lands & draft Northern Beaches Aboriginal Land Development Delivery Plan*.
- **Short Consultation Timeframe** – The 28 day timeframe to review the application and associated technical reports for a complex proposal with almost 1,400 pages of documentation and then prepare a meaningful response is considered unreasonable.
- **Significant inconsistencies within Planning Proposal documentation** – for example:
 - Various referring to 450 “dwellings” and 450 “lots”. 450 lots has the potential to create double or triple that number of “dwellings” if seniors housing and dual occupancy is permitted, as proposed. This has major impacts on all aspects of the proposal.
 - Referring to proposed B1 zone and RE2 zone for up to 5000 sqm of neighbourhood shops, supermarkets, medical centre and office and childcare facilities (page 63), inconsistent with zoning maps which include only residential and conservation zones.
 - Referring to securing “*additional permitted uses...for dual occupancies and seniors housing, as well as community facilities*” in the residential zone (page 5) whilst elsewhere stating “*the proposal does not involve “inappropriate development” such as schools or retirement villages*” (pages 42 & 101). This is reiterated in the Travers Bushfire and Ecology report (p vii) documents and is critical to consideration of bushfire and infrastructure requirements.
- **Inconsistency with Conservation Zones Review** - The Planning Proposal is inconsistent with Council’s Conservation Zones Review which recommends applying a C3 Environmental Management Zone to most of the site due its high environmental value.
- **Enormous loss of high biodiversity habitat** - The Planning Proposal would facilitate development that would result in approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) being cleared, and a further 6.9 hectares (including threatened species) subject to indirect impacts, resulting in significant impacts on core habitat, known habitat for various threatened species of flora and fauna, and Threatened Ecological Communities (TECs), contrary to adopted policy and the *NSW Biodiversity Conservation Act 2016*.
- **Bushfire** - The proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.
- Some discrepancies are also noted that need to be clarified, for example, the proposal seeks to secure additional permitted uses within the R2 zone for residential land uses such as “dual occupancies, seniors development and community facilities” (p.5, Gyde consulting) – yet this

is at odds with later statements that “The proposal does not involve “inappropriate development” such as schools or retirement villages.” (p42 & p. 101).

- In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents. It is unclear whether utility services (electricity and water) identified to service the site are adequate in terms of bush fire risk. Further information is required.
- **Insufficient Affordable Housing** - The Planning Proposal is inconsistent Council's Affordable Housing Policy and Local Strategic Planning Statement which seek 10% affordable rental housing for all strategic plans and planning proposals for up-zoning, urban renewal or greenfield development (the proposed contribution of \$2.5 million is well below 10%).
- **Unjustified and outdated Urban design** - The urban design concept has not been justified by comparing alternative settlement options; does not sufficiently account for the site constraints and location; mimics the urban form of the 1970's by creating a sparse, isolated, car-reliant, enclave; and does not make clear how the proposed new settlement relates to or integrates with Belrose.
- **Insufficient survey work of Aboriginal heritage** - The proposal provides only basic information about the known Aboriginal sites and potential for unrecorded sites at Lizard Rock. There is insufficient information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation. Site mapping of the rock engravings is of a very general nature and likely to be inaccurate and the report fails to demonstrate the significance of the rock engraving sites and how the proposal can safeguard them from current and future impacts as part of a managed visitor experience.
- **Proposed slip lane on Forest Way is on Council land** - the land identified to accommodate the future slip lane is owned by Council, is zoned RE1 – Public Recreation, is classified as Community Land, and has not been specifically identified in the Planning Proposal document. The land is part of a broader vegetated buffer along both sides of Forest Way from Morgan Road extending 1.4km south to Dawes Road and provides visual treatment and noise attenuation between the busy road corridor and adjacent developments. No discussions have taken place with Council about the use of this land. Any proposition to include Council's land for road widening requires a Council resolution as the landowner before contemplating a reclassification of land under the Local Government Act and rezoning of that land to reflect the new public purpose.
- **Major impacts on Waterways** - The Planning Proposal would result in significant environmental impacts within the Snake Creek / Narrabeen Lagoon catchment. The proposal is a major catchment disturbance that will affect the value of the valley setting and receiving waters, and impact riparian land. It is inconsistent with adopted waterway related policy and strategy documents published by both the NSW Government and Northern Beaches Council.
- **Slope instability** – The planning proposal identifies sites which could have potential 'moderate' or 'high' slope stability risk and would require slope stability remedial measures. Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk.
- **Insufficient information regarding stormwater infrastructure impacts** – The proposal provides insufficient information to adequately have regard for the considerable infrastructure upgrades necessary to support the development. New roads are proposed on valley slopes that exceed the maximum grades recommended by Austroads. Due to the steep grades and geotechnical conditions, concern is raised about the long term adverse and cumulative

impacts of the proposed development on flood behaviour and performance of the stormwater detention system.

- **Insufficient information about economic and social impact** – The proposal estimates an increase in population from the proposed development of 1,428 people, 20 to 140 jobs post construction, and over 5000 sqm retail and services floorspace. Insufficient information is provided about the staging of new retail and services development, potential impacts on existing or planned commercial centres, the likely social impacts (positive and negative) of the proposal, and demand on social infrastructure.
- **Insufficient modelling of traffic and transport and Active Transport proposals**– the modelling fails to consider impacts on the broader Morgan Road corridor. Morning peak northbound queuing at the Morgan Road/ Wakehurst Parkway intersection increases by over 150m. There is no modelling of the intersection of Oxford Falls Road and Wakehurst Parkway (known blackspot location). There is also no supporting modelling to demonstrate no net impact on the adjoining intersections along the Forest Way or Wakehurst Parkway corridors. Active transport planning is insufficient, appearing as an afterthought rather than the focus for the new development as required under Council's MOVE Strategy. Suitable bus infrastructure at the three main points serviced should be considered.
- **Insufficient emergency evacuation modelling** – the modelling does not demonstrate the real time evolving situation and does not consider the broader area impacts. Further modelling is required about how the emergency situation would evolve on a variety of scenario events. Modelling of a worst-case scenario is required, involving full evacuation including traffic from the areas to the north simultaneously being evacuated along Forest Way, movements required to facilitate the assisted evacuation of the nearby Seniors Living developments and the inability of traffic to filter through the network to the north, west and east.
- **Inconsistencies in documentation regarding infrastructure provision** – it is not clear how and where community facilities will be provided as no zoning for this land is indicated. Various references to 450 dwellings versus 450 lots has significant infrastructure implications.
- **Additional infrastructure demand not adequately addressed** - The proposal generates additional demand for Community Facility floorspace, Library Services floorspace, Open Space, Active transport, and traffic infrastructure which cannot all be met on-site. The application of Council's "standard" Section 7.12 Contributions Plan to address these matters will not cover the cost of this infrastructure – a new separate Section 7.11 Contributions Plan is required.
- **Voluntary Planning Agreement (VPA)** – the VPA provides for critical infrastructure needed for the creation and registration of serviced land ready for sale at market, it is not a contribution for a public purpose. The affordable housing offer (\$2.5m) is inconsistent with Council's Affordable Housing Policy and Local Strategic Planning Statement requirements.

RECOMMENDATION OF EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING

That Council forward the submission at Attachment 1 to this report to:

1. The Department of Planning and Environment for the consideration of the North District Strategic Planning Panel.
 2. The Minister for Planning and Minister for Homes, all local Federal and State members of parliament, and seek a meeting between the Minister for Planning and the Mayor to discuss the submission.
-

REPORT

BACKGROUND

On 5 August 2022, State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) was amended to include six (6) sites owned by the Metropolitan Aboriginal Land Council (MLALC) (see Figure 1).

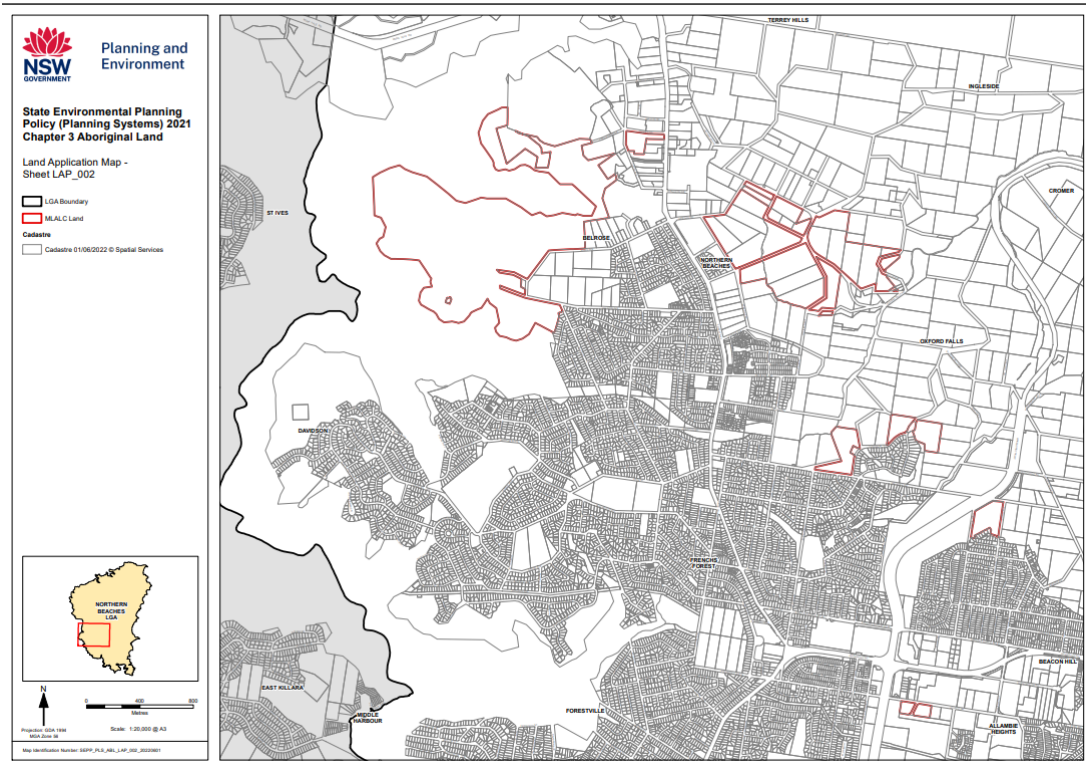


Figure 1 : Land Application Map showing MLALC land subject to Planning Systems SEPP

The Northern Beaches Aboriginal Land Development Delivery Plan (DDP), was also approved by the Minister for Planning.

The DDP identifies all the MLALC's landholdings (see Figure 2), however sets out MLALC's objectives for the six sites included in the Planning Systems SEPP (outlined in red in Figure 2), the nature of development proposed, the basis on which the development is proposed, and strategies and actions to achieve those objectives.

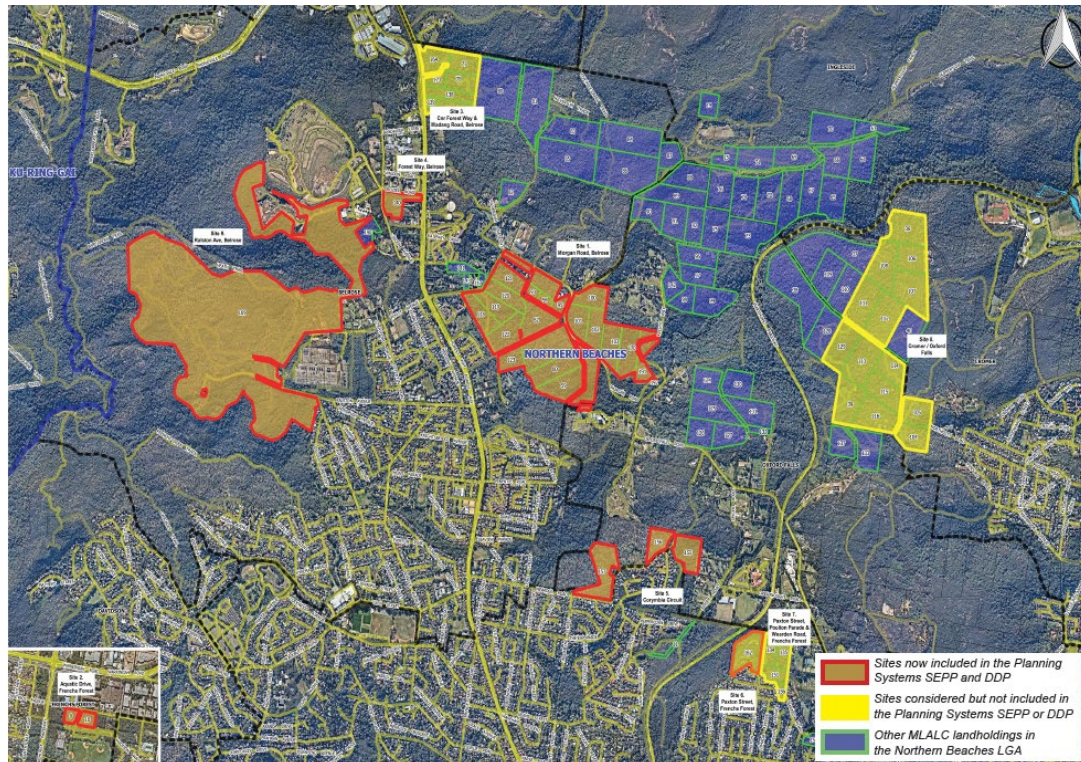


Figure 2 : Key land holdings of MLALC

The Planning Systems SEPP:

- requires the consideration of the DDP in the preparation of any Planning Proposal to amend Council's Local Environmental Plan (LEP) applying to the land.
- requires the consideration of the DDP (in part) in the assessment of any development application for the land.
- creates an 'independent proposal review' process whereby MLALC can request the Regional Planning Panel to review a Planning Proposal before it is submitted to DPE for a "Gateway" determination (removing Council from the Planning Proposal Authority role)
- makes the Regional Planning Panel, not Council, the consent authority for development with a value exceeding \$5m or with more than 50 submissions or where Council takes longer than 60 days to determine the application. Council would only have power to exhibit, assess and provide a recommendation to the Panel on whether the development should be approved.

On 27 October 2022, Council was notified by the Department of Planning and Environment that a Planning Proposal had been submitted for Lizard Rock, Morgan Road, Belrose, which forms a site within the DDP.

The Planning Proposal will be reviewed by the North District Strategic Planning Panel and the Panel will make a recommendation to the Department whether a "Gateway" approval should be granted. If granted, the Planning Proposal will be placed on public exhibition for comment. Council would need to determine whether to accept the "Planning Proposal Authority" role.

Council has been invited to comment on the Planning Proposal within 28 days and provided with an opportunity to address the North District Strategic Planning Panel. We have been advised that the panel will meet in mid- December 2022.

Planning Proposal

The Planning Proposal, prepared by the Metropolitan Local Aboriginal Land Council (MLALC), seeks to:

- remove the “deferred status” of the site by moving it from Warringah Local Environment Plan 2000 into Warringah Local Environmental Plan 2011
- rezone the land for residential (R2 low density) and conservation (C2 Environmental Conservation) purposes
- introduce a maximum height of buildings of 8.5 metres
- apply a dwelling cap control (450 dwellings) instead of minimum lot size provisions.

The Planning Proposal also seeks to accommodate a variety of residential uses, including dual occupancy, secondary dwellings, seniors housing, as well as road and stormwater management infrastructure, a community cultural centre and open space/recreation areas.

Site Description

The subject site (Figure 3) is an amalgamation of 22 allotments and the 2 roads on site with a total area of 701,000sqm (70.1ha).



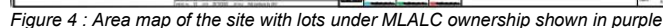
Figure 3: Subject site – outlined in white

Site ownership

All allotments are in MLALC ownership totalling a site area (excluding internal unmade roads) of 677,000sqm (67.7ha) (See Table 1 and Figure 4). A Crown Road purchase application to acquire the unformed roads is also underway.

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

Table 1 : legal description of the site, including site area and ownership



A summary of the proposed amendments to WLEP2000 is shown in Table 2 with further detail identified below the table.

Table 2 : Summary of proposed statutory amendments

The following amendments to WLEP 2000 are proposed:

- A. Transfer the site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement R2 low density residential zone and C2 Environmental conservation zone

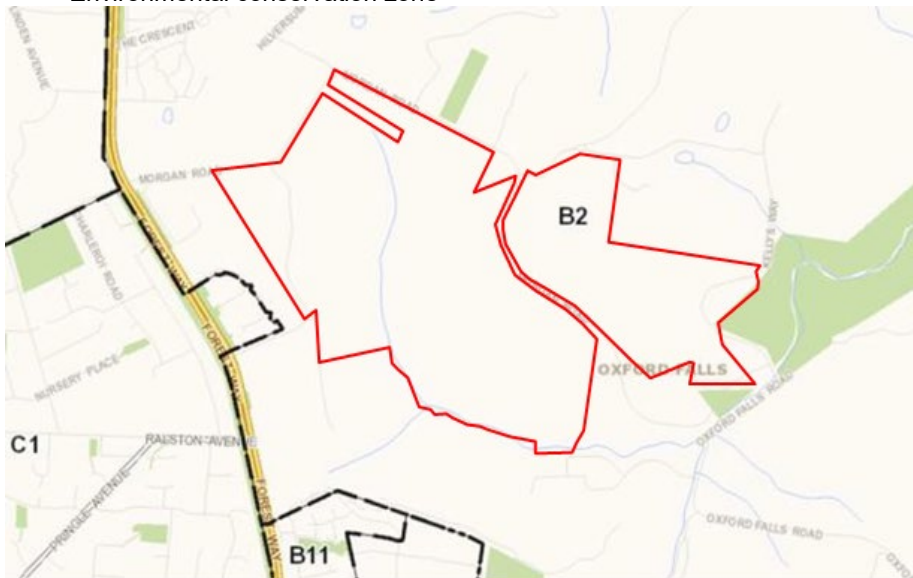


Figure 5 : Site – existing zoning - Locality B2 - Oxford Falls Valley within WLEP 2000



Figure 6 : Site - proposed zoning – within WLEP 2011

- B. Introduce maximum building height of 8.5m

Height of Buildings Map -
Sheet HOB_007

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

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

Area 1 Refer to Clause 7.7

Area 2 Refer to Clause 7.8

Area 3 Refer to Clause 7.9

Maximum Building Height (m)

A	0
C	5
D	8.5
E	9
F	11
G	12
H	13
I	21
J	24
K	27

Cadastral

Cadastral 21/12/2016 © Northern Beaches Council



Figure 7 : Site - existing building height map



Figure 8 : Site - proposed building height map

- C. Introduce a range of small, medium to large residential lot sizes

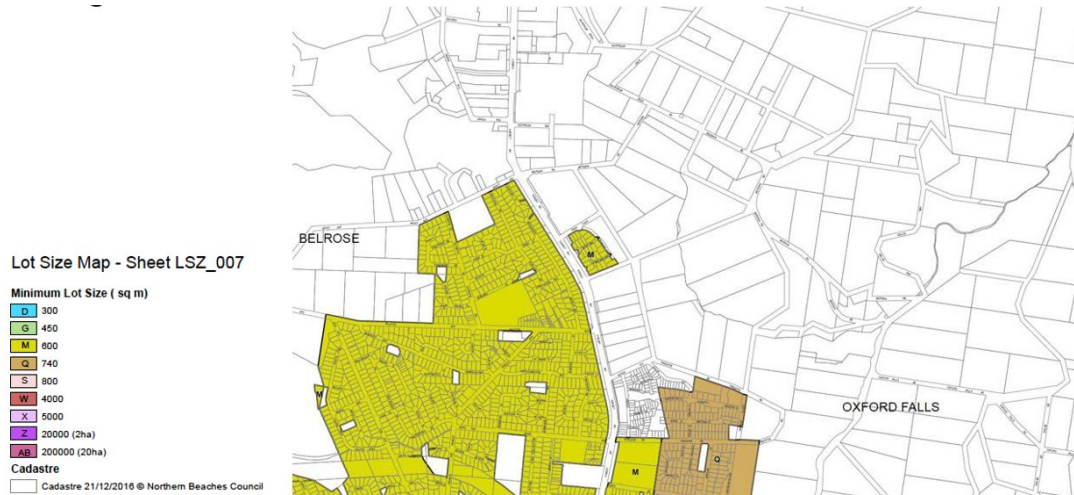


Figure 9 : Site - existing lot size map

The planning proposal does not seek to add minimum lot size controls within the relevant local environmental plan mapping. The density of the site is proposed to be managed through lot size controls within a site-specific Development Control Plan (DCP) which proposes to address the individual environmental and landscape constraints of the site, together with a maximum dwelling clause local provision. A draft of the proposed local provision is outlined below:

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

D. Additional permitted uses

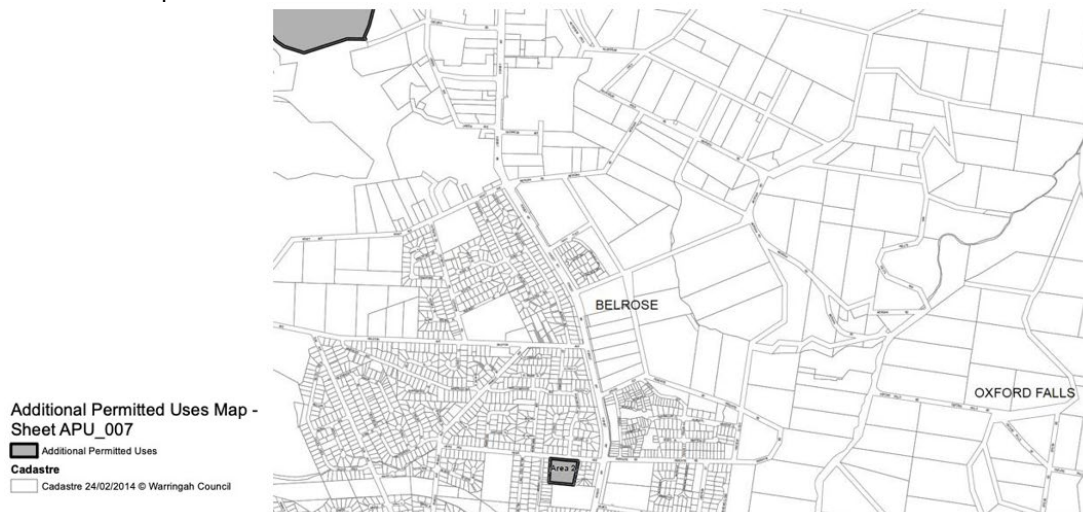


Figure 10 : Site - existing additional permitted uses map

The proposed additional permitted use map and associated provision will depend on the overall zoning applied to the site. The planning proposal seeks to ensure that dwelling houses, dual occupancies, community facilities and seniors housing are permissible with consent.

Submission

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before European occupation and that the NSW Aboriginal Land Rights Act 1983 was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the Planning Systems SEPP is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community. It is recognised the proposed developments could provide much needed and significant funding to fund outcomes in the community land and business plan, included within the DDP.

As outlined within Council's Local Strategic Planning Statement, Towards 2040 (the key local strategic planning document of Council), a key priority of Council is for Strong engagement and cooperation with Aboriginal Communities (Priority 13). It also includes actions to work with MLALC to implement initiatives in their community land and business plan (A13.3), and to better understand constraints as well as feasible and appropriate land use opportunities on land owned by MLALC (A4.7).

Council however has a number of concerns with the planning proposal, including process and statutory compliance issues and a number of environmental and land suitability issues.

Statutory compliance

- The Planning Proposal is inconsistent with the Greater Sydney Plan – *A Metropolis of Three Cities* (GSRP), North District Plan (NDP), Northern Beaches Local Strategic Planning Statement - *Towards 2040* (LSPS) and Northern Beaches Local Housing Strategy (LHS), in relation to sustainability, infrastructure, housing and connectivity, among others.
- The GSRP supports new housing in the right location, coordinated with local infrastructure, diverse housing choices and integration of land use and transport planning to create walkable cities consistent with the NDP, Councils LSPS and LHS. The NDP does not specifically require additional housing in the location of the subject site.
- Priority N5 of the NDP sets five-year housing targets for the Northern Beaches area and stipulates that each council is to develop 6-10 housing targets through its LHS and demonstrate capacity for steady housing supply. The LHS has identified that there is sufficient capacity to accommodate future housing demand in and around centres in existing urban areas, without the need to encroach on existing undeveloped areas such as within the Deferred Lands area and the Metropolitan Rural Area.
- Council has met the delivery on its 0-5 year dwelling target of 3,400 dwellings, with the LHS Implementation and Delivery Plan submitted to DPE on 4 July 2022 showing the 6-10 year target of 3,582 dwelling will be achieved largely through the projects detailed within the LHS, being the new Northern Beaches Local Environmental Plan, Frenchs Forest Structure Plan, Brookvale Structure Plan. Recent Population projections released in June 2022 by DPE indicate that the population projections for the Northern Beaches to 2036 have decreased by close to 2,900 people.
- The proposal is also inconsistent with the GSRP and NDP as it relates to the operation of the "Metropolitan Rural Area" with urban development being deemed *not consistent with the values of the Metropolitan Rural Area*. The LHS further states that development in existing non-urban areas is not required to meet Council's housing targets and is not consistent with good planning principles as established by the Government through its strategic planning framework.

- The “flexibility” stated in the NDP for dealings with MLAC landholdings in the Metropolitan Rural Area does not warrant the clear non-compliance with the GSRP, NDP, LHS and LSPS in relation to good planning principles established through the existing strategic planning framework.
- The Proposal is inconsistent with the GSRP (which includes affordable rental housing targets in the range of 5–10 per cent of new residential floor space being generally viable), Councils LSPS and affordable housing policy which seeks 10% affordable rental housing for all strategic plans and planning proposals for upzoning, urban renewal or greenfield development (the proposed contribution of \$2.5 million is well below 10%).
- Insufficient justification has been provided regarding the inclusion of dual occupancy or seniors housing development in the proposed low density residential zone.

Process

- Council was consulted in relation to the preparation of the DDP however, there has been no detailed consultation with Council on the Planning Proposal, which is not consistent with the process established via the *Local Environmental Plan Making Guideline* or recommendations coming from the WSP consultations outcomes report following exhibition of the SEPP (Planning Systems) 2021 Aboriginal Lands & draft Northern Beaches Aboriginal Land Development Delivery Plan.
- The 28-day period (as stipulated in the Department of Planning guidelines), given to Council to provide comment on the Planning Proposal is considered unreasonably short having regard for the complexity and volume of material accompanying the Proposal.

Inconsistencies in supporting documentation

- The planning proposal contains a number of inconsistencies, including relating to the land use zones that are sought to be applied within the site, the density of the development, and proposed land uses.
- It is unclear whether the proposal seeks only to rezone the land to R2 Low Density residential and C2 Environmental Conservation, or also to B1 Neighbourhood Centre and RE2 Private Recreation. All four zones are referred to throughout the planning proposal, including provision of “potential neighbourhood shops or supermarkets, food and drink premises, medical centre, office premises and/or childcare facilities” (page 63) – yet the proposed zoning map included in the proposal only refers to residential and conservation zones.
- The proposal raises ambiguity with the development quantum. Various referring to 450 “dwellings” and 450 “lots”. 450 lots has the potential to create double or triple that number of “dwellings” if seniors housing and dual occupancy is permitted, as proposed. This has major impacts on all aspects of the proposal.
- Referring to securing “*additional permitted uses...for dual occupancies and seniors housing, as well as community facilities*” in the residential zone (page 5) whilst elsewhere stating “*the proposal does not involve “inappropriate development” such as schools or retirement villages*” (pages 42 & 101). This is reiterated in the Travers Bushfire and Ecology report (p vii) documents and is critical to consideration of bushfire and infrastructure requirements.

Conservation Zones Review

- The planning proposal seeks to rezone most of the site to R2 Low Density Residential, with a portion of the site zoned C2 Environmental Conservation. This is contrary to the Council’s Conservation Zones Review, on public exhibition until 2 December 2022, which applies a

consistent approach for identifying land across the Northern Beaches with important environmental values and land subject to hazards that should be protected and managed.

- The Review recommends that the majority of the subject site be zoned C3 Environmental Management, with a small area within the far east of the site zoned C2 Environmental Conservation. This recommendation is based on the site's constraints and characteristics (i.e., undeveloped bushland, High Environmental Value (HEV) - threatened ecological communities, high or very high biodiversity value, core habitat, riparian corridor, bush fire hazard). The C3 zone would permit dwelling-houses and limited other land uses.

Aboriginal heritage

- The Aboriginal cultural heritage report submitted with the planning proposal, *Aboriginal Archaeological Assessment Morgan Road, Belrose, NSW*, October 2022, prepared by Dominic Steele Consulting Archaeology, does not provide sufficient information to address the main issues adequately.
- The report provides only basic information about the known Aboriginal sites and potential for unrecorded sites at Lizard Rock. There is insufficient information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation. The site mapping of the rock engravings provided in the report is of a very general nature and likely to be inaccurate.
- The report misses the opportunity to demonstrate the significance of the rock engraving sites and how the proposal can safeguard them from current and future impacts as part of a managed visitor experience.

Bushfire

- Council engaged Black Ash Bushfire Consulting to undertake an independent bushfire review of the planning proposal and supporting documents. The subject site is identified as bushfire prone (vegetation category 1) on the Northern Beaches Bushfire Prone Land Map 2020.
- Key bushfire mitigation strategies for the proposal include the provision of complying asset protection zone (APZ), a linking road network and emergency management arrangements that have been based on traffic modelling and movement of vehicles from the site.
- The Black Ash report concludes that the proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.
- Some discrepancies are also noted that need to be clarified, for example, the proposal seeks to secure additional permitted uses within the R2 zone for residential land uses such as "dual occupancies, seniors development and community facilities" (p.5, Gyde consulting) – yet this is at odds with later statements that "The proposal does not involve "inappropriate development" such as schools or retirement villages." (p42 & p. 101).
- Further, although the planning proposal is seeking an R2 zoning for 450 dwellings, the yield may in fact be higher on the basis that secondary dwellings (i.e., granny flats) are permissible as complying development in an R2 zone under SEPP Exempt and Complying Development. This has the potential to inflate the population of an at-risk community beyond what was planned and modelled, thus potentially affecting to the evacuation of the community.

- Significant deficiencies in the traffic modelling, particularly evacuation in a bushfire event, need to be resolved in consultation with Transport for NSW, the Rural Fire Service and Council. This is a critical path that must be rectified. Refer to comments below under 'Traffic' regarding evacuation modelling.
- In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents. It is unclear whether utility services (electricity and water) identified to service the site are adequate in terms of bush fire risk. Further information is required.

Biodiversity

- The planning proposal would facilitate development that would result in approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) being cleared, and a further 6.9 hectares (including threatened species) subject to indirect impacts, resulting in significant impacts on core habitat, known habitat for various threatened species of flora and fauna, and Threatened Ecological Communities (TECs). It is likely that further bushland would need to be cleared to facilitate safe evacuation during a bushfire event.
- The Lizard Rock site provides an important contribution to both local and regional biodiversity habitat and connectivity and has been identified in numerous biodiversity studies as having high to very high environmental and fauna habitat value. Threatened biodiversity values of the site include those listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposal is inconsistent with adopted biodiversity related policy and strategy documents published by both the NSW Government and Northern Beaches Council.
- The planning proposal report prepared by Gyde Consulting incorrectly states that the site 'predominantly comprises disturbed bushland' and that 'a significant proportion of the site is suffering from land degradation' (p12). This is contrary to Council's knowledge of the site and the proposal's '*Preliminary Biodiversity Development Assessment Report*' (BDAR) which indicates most areas of vegetation are intact or in uniform good condition with areas of degradation limited to areas fringing the existing residential development (Hayes Environmental, October 2022).
- The planning proposal has not adequately demonstrated the hierarchy of 'avoidance and minimisation' of impacts, before 'offsetting' is applied (refer to Section 6.4 (1) of the *NSW Biodiversity Conservation Act 2016*). The fauna assessment outlined in the BDAR contains errors and omits species known to exist within the subject area. 'Indirect impacts' are not adequately addressed, and the scale of 'Prescribed Impacts' resulting from the proposal will likely be substantial and irreversible.

Waterways

- The Lizard Rock site forms part of the Snake Creek catchment, flowing into Narrabeen Lagoon via Middle Creek. Narrabeen Lagoon is a high conservation value asset with primary aquatic habitats (natural and modified), migratory routes, landscape qualities, recognised recreational importance. It is of high environmental, social and economic value to the Northern Beaches. The planning proposal will result in significant environmental impacts within the catchment.
- The planning proposal nominates most of Snake Creek riparian corridor running through the development site as a retained corridor with the intent to 'maintain connectivity and protect water quality' with a 10-metre riparian zone, however this is insufficient. The creek should be mapped with a 20-metre riparian zone plus a 10-metre buffer. The overall scale and size of the development makes it very unlikely that there will be no impact on riparian land.

- The proposed development will result in major catchment disturbance that will affect the value of the valley setting and receiving waters. The fragmentation impacts of upslope land uses will modify the general valley setting and compromise the natural integrity of the site. The urbanisation project is considered detrimental to catchment processes due to its significance and cumulative impacts. No Aquatic Ecology Assessment or Waterway Impact Statement has been submitted.
- The planning proposal is inconsistent with the adopted waterway related policy and strategy documents published by both the NSW Government and Northern Beaches Council. Previous assessments by the former NSW Planning and Assessment Commission (PAC 2009) and NSW Independent Planning Commission (IPAC 2019) have also cited impacts to biodiversity and waterways (including cumulative impacts) among the concerns raised during review of previous urban development plans including those for Lizard Rock.

Slope stability

- The Preliminary Site Investigation, dated 29 September 2022, prepared by SMEC, identifies sites which could have potential 'moderate' or 'high' slope stability risk and would require slope stability remedial measures. Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk.
- The proponent will need to carry out the detailed investigation and assessment of slope stability risk at the development site and ensure to implement required slope stability remedial works to reduce the risk to an acceptable level. All slope stability remedial works are to be fully contained in the property and not in public road reserve.

Urban Design

- The proposal cannot be supported from an urban design perspective. Proposing a new green-field land release and a new settlement of 450 dwellings is untenable given the site constraints and location. The proposal seems to mimic the urban form of the 1970's creating a sparse, isolated, car-reliant, enclave. It is also unclear from the information supplied how the proposed new settlement relates to or integrates with Belrose.
- The Design Principles set out in *Lizard Rock – Belrose, Urban Design Framework*, October 2022, prepared by COX Architecture and submitted with the planning proposal, assumes a sparse, low-density, high environmental impact, car-dependent settlement form. Large areas of bushland are proposed to be cleared to provide Asset Protection Zones (APZ) which would remove the 'leafy outlook'. Constraints of the land (i.e., habitat areas, very steep sloping land) do not seem well responded to.
- Alternative settlement forms should be explored, such as a more sustainable, compact, walkable, and diverse neighbourhood with good access to public transport, considering the topography of the land, and with rocky outcrops, trees and significant habitats protected. Scenic and district views should be protected, and bushfire risk managed. The 'Northern-Beaches Vernacular' should be defined and shown how this can relate specifically to the characteristics of the place (subject site). The MLALC should engage with the Northern Beaches Design & Sustainability Advisory Panel (DSAP) at the earliest opportunity.

Landscape and open space

- The proposal fails to satisfy the landscape objectives of the current applicable Warringah Local Environmental Plan 2000 - Deferred Lands, and of the R2 zone of Warringah Local Environmental Plan 2011 to which rezoning is sought.
- WLEP 2000 – the desired future character objectives of the B2 Oxford Falls Valley Locality Statement is not achieved by the proposed development due to extensive land clearing and subdivision allotment pattern, including "*The natural landscape setting including landforms*

and vegetation will be protected and, where possible, enhanced”, and “Building will be located and grouped in areas that will minimise disturbance of vegetation and landforms”.

- The Planning Proposal omission of including the existing watercourses and creeklines, all areas of retained and protected vegetation, and the sites of significance as C2 Environmental Conservation zones, impacts upon the resilience of the nominated C2 zones to maintain the ecological, cultural and aesthetic values, and protect the visual character.

Likely infrastructure demand

- The planning proposal estimates an increase in population of 1,428 people, noting that this would “*have a minor impact on the demand for services and infrastructure*”. Based on Belrose’s average of 2.9 people per household multiplied by 450 dwellings, Council estimates the population increase would be around 1,305 people (assuming no seniors housing).
- The population increase would generate demand for community facilities (est. 104.4sqm additional floor space) and library services (est. 43sqm additional floorspace), adding to the undersupply in infrastructure that currently exists in the Belrose / Frenchs Forest area
- The proposal will also add to demand for open space, and given the isolated location of the site, this would need to be provided within the development itself. The Planning Proposal includes “*a total of seven (7) new public open spaces for a variety of uses including picnic and BBQ areas, children’s playgrounds, shelter, lookout points and tree reserves*”. (p.63). Delivery of these areas remains uncertain given as many such identified areas are proposed to be zoned R2.
- The pedestrian and cycleway network would need to be delivered by direct provision.

Section 7.12 Infrastructure contributions

- The Planning Proposal (page 86) states: “*This Planning Proposal will facilitate the delivery of new and upgraded infrastructure by way of increased revenue for Council, increased provision of housing, and future Section 7.12 contributions payments required in future development applications.*”
- The potential future 7.12 contributions levied on this site will not provide infrastructure commensurate with the demands of this development. This Planning Proposal has very clear, identifiable infrastructure requirements critical to meeting the demands generated by the development of this site. The majority of infrastructure requirements are in or immediately abutting the development site and for this reason, should be direct provision.
- The exception would be the additional community facility and library floorspace and active open space generated by the additional population for this development, as this cannot be delivered in isolation in the development site.

Planning agreement

- The planning proposal states that “*MLALC propose to enter into a Planning agreement to support the Planning Proposal. This letter provides an outline of the potential contributions that may form the basis of that offer and is provided for the purpose of facilitating future discussions with the Department of Planning and Environment and Northern Beaches Council...*”.
- However, it is not clear who the MLALC seeks to enter into a planning agreement with – the Council, or the NSW Department of Planning and Environment? This needs urgent clarification and would need to be considered by Council consistent with its Planning Agreements Policy adopted in June 2022. Any offer would need to be considered by Council

before a Gateway determination is granted by the Department made for the Planning Proposal.

Road infrastructure

- Insufficient information is provided in *Transport Assessment – Lizard Rock, Belrose* (September 2022) prepared by JMT Consulting to adequately consider the considerable infrastructure upgrades that would be necessary in Morgan Road, Oxford Falls Road and Oates Place to support the proposed development.
- Upgrade of the Morgan Road / Forest Way intersection to provide a slip lane (southbound on Forest Way) is proposed to service the 450 dwellings. This is identified as a critical aspect of the proposal's emergency evacuation plan in event of a bush fire. However there has been no discussion with Council regarding the use of this land (Lots 10 and 11 in DP 807906) which is Council-owned land, zoned RE1 Public Recreation under Warringah LEP 2011 and classified Community Land. This land is part of a broader vegetated buffer along Forest Way providing visual treatment and noise attenuation between the busy road corridor and adjacent developments including Wesley Gardens Aged Care Village. The Planning Proposal is not contemplating acquisition of this land.
- New roads are proposed to be constructed down valley slopes that would have road gradients in excess of the maximum grades recommended by Austroads (section 8.5.3) which are 9-10%, yet this issue is not addressed in the planning proposal.
- The Transport Assessment considers that 30% of the traffic generated by the proposed development would travel east along Morgan Road and Oxford Falls Road to the Wakehurst Parkway, however no assessment is provided regarding the impact of this increased traffic.
- Infrastructure to support public transport is considered essential given some dwellings are proposed to be located 1 to 2km from the nearest bus stop on Forest Way. The local bus operation shall be required to design a road network that accommodates and provides a loop service through the subdivision to provide access to public transport, with illuminated bus shelters at each bus stop.

Traffic / Active transport

- The traffic modelling undertaken to support the planning proposal only considers the intersection of Forest Way and Morgan Road and does not consider the cumulative impact on the Morgan Road corridor, or impact on the Wakehurst Parkway / Oxford Falls Road intersection (a known blackspot location).
- The assumption of no traffic growth along the corridor indicates a lack of understanding on the network issues, impacts of recent projects and how the traffic performance is affected within broader region.
- The main focus for the proponent seems to be a car-based transport project, contrary to Council's adopted position on developments focusing on use of public transport as the first option. Council would be expecting full integration with the principles of the MOVE Transport Strategy providing for place within the residential streets (without compromising the access for emergency services) and substantial connectivity to the public transport services along Forest Way without making the regional movement corridor performance worse than the current level.
- The traffic modelling provided for the emergency evacuation of the proposed precinct (such as in the event of bush fire) does not meet the requirements to demonstrate the real time evolving situation and does not consider the broader area impacts. The modelling only resolves the evacuation of the precinct with no consideration given or demonstrated on how the emergency situation would evolve on a variety of scenario events.

Stormwater infrastructure / Flood

- The *Stormwater Management Plan* (Craig and Rhodes, 2022) submitted with the planning proposal provides insufficient information to adequately consider the proposed stormwater detention system and test the claim that the system would mitigate any increase in stormwater quantity and quality.
- Concern is raised about the long term adverse or cumulative impacts of the proposed development on flood behaviour. Due to the site constraints, including steep grades and geotechnical conditions, Council is concerned with how the systems will perform over time.
- The submitted plan does not sufficiently address the stormwater detention requirements of Council's Water Management for Development Policy to ensure post development stormwater flows are less than pre-development flows. It does not demonstrate that the water quantity objectives/measures can be achieved given that the challenging topography and steep slopes or indicate how the systems will likely perform overtime.
- The planning proposal should be referred to the State Emergency Service (SES) to consider emergency response during a large flood event.

Affordable housing

- The proposed planning agreement seeks to provide a monetary contribution or land dedication to the value of \$2.5 million for the purpose of affordable housing, however this is considerably below the minimum 10% affordable rental housing which is a requirement for all planning proposals for up zoning.
- The proposal identifies that the proposed development would deliver additional affordable housing via a diversity of housing provided, including secondary dwellings and dual occupancies, and an allocation of affordable rental housing in line with Council's Affordable Housing Policy. Further information about the mix and quantum of housing types delivered through the development and the delivery mechanism and quantity of affordable rental housing is required to determine if this development would meaningfully impact on housing affordability in the area.

Economic impact

- The planning proposal provides insufficient information on the type and staging of new retail and services development proposed, inconsistency about the proposed land-use zoning, and lack of consideration of the impact of the proposed retail/services development on the viability of surrounding existing or planned commercial centres.
- The *Economic Impact Statement* (EIS) prepared by MacroPlan, identifies that the subject site would accommodate 120 to 140 new jobs once operational, based on an additional 5,030sqm GFA of 'Retail and Services' floorspace. This is a sizeable amount of new employment floorspace and consideration yet there is no consideration given to how that may impact viability of the existing or planned commercial centres in the LGA.
- There is also a need to clarify what land use zone is proposed for the retail and services uses. The planning proposal provides conflicting information – on p63 it identifies that the proposal includes "a cultural community centre and neighbourhood services to be located within the proposed B1 zone, including potential neighbourhood shops, or supermarkets, food and drink premises, medical centre, office premises and/or childcare facilities", however, the proposed land zoning map on p65 shows only R2 and C2 zones which would not permit these uses. Consideration of Ministerial Directions 7.1 Business and Industrial Zones is required for a business zone.

Social impact

- Insufficient information is provided in *Social Impact Assessment, Morgan Road, Belrose*, October 2022, prepared by Gyde Consulting, to determine the likely social impacts (positive and negative) of the proposal, or to ascertain the effectiveness of mitigation strategies claimed.
- Community engagement is identified as a mitigation strategy for the identified impacts of the proposed development, however there is insufficient information provided to understand what engagement is proposed and how this can effectively mitigate those impacts.

CONSULTATION

The Planning Proposal was referred internally for comment to all relevant departments.

TIMING

Council has been given 28 days to make a submission to DPE on the Planning Proposal with the due date being 24 November 2022. The Panel will consider and make a recommendation to the Department whether to issue a "Gateway" approval. If an approval is granted the Planning Proposal would be formally exhibited for comment.

LINK TO STRATEGY

As above, the proposals demonstrate many inconsistencies with the Greater Sydney Region Plan and North District Plan and Council's Local Strategic Planning Statement, Towards 2040 and Local Housing Strategy.

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Protection of the Environment - Goal 3: Our community is well-supported in protecting the environment.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Transport and Infrastructure - Goal 16: Our integrated transport networks meet the needs of our community.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

Potential future Council costs, some of which will be offset by fees and charges, include:

- Contribution Plan preparation and approval
- Development and maintenance of off-site infrastructure to support the incoming community, including road upgrades, parks and community facilities
- Maintenance and management of any lands dedicated to Council as part of any future development.

SOCIAL CONSIDERATIONS

Development of the Planning Proposal site, will provide an income stream to MLALC to fund the goals identified in the Community Land and Business Plan, including five key goals:

1. To secure short to medium term financing for implementing the objectives and strategies in this CLBP.
2. To facilitate the healing and enhance the social wellbeing and participation of our community.
3. To promote, protect, and celebrate Aboriginal values, our culture and our heritage.
4. To ensure the prosperity of our community through the effective management of our land and other assets.
5. To develop new businesses and grow our existing businesses while prudently managing our investments.

The proposal estimates an increase in population from the proposed development of 1,428 people, and 120 to 140 jobs post construction. Insufficient information is provided to adequately consider the likely social impacts (positive and negative) and demand on social infrastructure.

ENVIRONMENTAL CONSIDERATIONS

As outlined above, the planning proposal would result in incompatible and inappropriate land uses in areas exposed to high risk of bush fire. It proposes substantial vegetation clearing which will negatively impact threatened species habitat, Threatened Ecological Communities, watercourses, wetlands, and riparian areas.

GOVERNANCE AND RISK CONSIDERATIONS

It is recommended that future collaboration between DPE and MLALC is the subject of a Probity Plan and Audit.