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Mr Michael Haynes
Sustainable Urban Planning Manager
Warringah Council
DX 91188
DEE WHY NSW

Dear Michael,

Planning Proposal to Amend Warringah Local Environmental Plan 2011
Ralston Avenue, Belrose

This correspondence has been prepared in response to the consultation with the NSW Rural Fire Service, Office of Environment and Heritage and Transport for NSW – Roads and Maritime Services in accordance with the gateway determination for the above Planning Proposal and including:

- Correspondence prepared by the NSW Rural Fire Service dated 20 February 2015.
- Correspondence prepared by the Office of Environment and Heritage dated 27 February 2015.
- Correspondence prepared by Transport for NSW - Roads and Maritime Services dated 10 March 2015.

This correspondence, including the attached supporting documentation prepared by Travers Bushfire & Ecology (with input from Eco Logical Australia) and Matthews Civil Pty Limited (on behalf of the Metropolitan Local Aboriginal Land Council), provides the proponent's proposed response in accordance with the requirements of the gateway determination.

It would be appreciated if Council could confirm the public exhibition dates for the exhibition of the Planning Proposal as outlined further in Section 4 of this correspondence.

1 Response to NSW Rural Fire Service

The NSW Rural Fire Service has confirmed that they are not opposed to the development of the site in principle. However, a number of concerns have been raised regarding the potential bushfire threat posed by the location of the site.

The attached correspondence prepared by Travers Bushfire & Ecology, provides our proposed response to each of the issues raised by the NSW Rural Fire Service (RFS). The key matters raised in the proposed response are summarised below:

- An alternative solution can be developed based on a comprehensive fuel management plan. The fuel management plan will clearly identify the areas that are above 18 degrees and provide responses to the RFS by way of a detailed effective slope categorisation.
- The bushfire report states that the future road design is to provide for 8 metre wide perimeter roads and widths of 6.5 metres for all other roads.

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- The proposed strategic management zone will be further refined within the fuel management plan, taking into account the natural topography, fire history and frequency, existing tracks and clearings. The fuel management plan will provide additional information regarding the compliance of the proposal with the *NSW Planning for Bushfire Protection 2006*.

- Mountain bike riding on the Heath Trail is not critical to the Planning Proposal. However, a perimeter cycleway can be effectively integrated as part of the road, pathway and fire trail design.

Overall, it is considered that each of the concerns raised by the NSW Rural Fire Service can be satisfactorily addressed by way of the preparation and submission of a fuel management plan as outlined in detail within the correspondence prepared by Travers.

2 Response to Office of Environment and Heritage

Our proposed response to each of the issues raised by the Office of Environment and Heritage is provided in the attached correspondence prepared by Travers Bushfire & Ecology. The key issues and responses are summarised below:

- It is proposed, with Warringah Council as the Planning Authority, to proceed with a formal biocertification assessment and application. Significant biometric floristic assessment has already been completed to enable the biodiversity certification to proceed.

- The proposed registration of the BioBank Agreement will secure the biodiversity offsets over the land that is proposed to be located within Zone E3 Environmental Management land. The BioBank Agreement management plan will clearly define the limited activities that can be undertaken on the E3 zoned land, as well as the types of uses and activities that are prohibited, providing a significantly higher level of environmental protection than the standard LEP controls.

- Additional ecological surveys are proposed to be undertaken following the issue of the gateway determination, detailed review of the agency referrals and having regard to relevant seasonal factors for the completion of the required investigations (refer to attached correspondence).

- Additional protection measures are proposed to protect the critical habitat, potentially including the use of legal covenants and physical barriers (eg enclosed outdoor runs, exclusion fencing). The final measures will be resolved upon the completion of the additional ecological survey and fuel management plan.

- An Aboriginal cultural heritage assessment is proposed to be undertaken in accordance with the relevant guidelines and requirements, including consultation with Aboriginal communities.

Overall, it is considered that each of the matters raised by the Office of Environment and Heritage can be addressed as outlined within the detailed correspondence prepared by Travers Bushfire & Ecology (with input from Eco Logical Australia).

3 Response to Roads and Maritime Services

The Roads and Maritime Services have not raised any objection to the Planning Proposal, subject to a number of issues being satisfactorily addressed. Each of these matters is responded to below:

- It is understood that the public exhibition of the Planning Proposal would include all relevant supporting documentation, including the transport and traffic assessment.

- The completed Intention to Submit a Voluntary Planning Agreement Offer attached to this correspondence includes a clear commitment to the delivery of the proposed infrastructure works as previously outlined within correspondence dated 22 August 2013.

Each of the matters identified by the Roads and Maritime Services can be readily addressed to facilitate the public exhibition of the Planning Proposal.

4 Next Steps and Anticipated Timing

Warringah Council has consulted with the NSW Rural Fire Services, Office of Environment and Heritage and Transport for NSW – Roads and Maritime Services in accordance with the gateway determination dated 28 January 2015. Responses from each of the above agencies have been received and reviewed in detail by both Council and the proponent.

This correspondence and the attached documentation provide the proponent's proposed response in accordance with the requirements of the gateway determination. It is acknowledged that further detailed information will be provided at a later date and having regard to the outcome of further site investigations and consultation.

It would be appreciated if Council could confirm the public exhibition dates for the exhibition of the Planning Proposal, including the exhibition of the attached response, at your earliest opportunity.

Please do not hesitate to contact me on 8233 9931 should you wish to discuss.

Yours sincerely,

Jennifer Cooper
Associate Director

Our Ref: A14084: JT/MSR/NVD
Council Ref: PEX2013/0003
RFS REF: LEP/0129 DA15020595664

Travers
bushfire & ecology

17th April, 2015

The General Manager
Warringah Council
Civic Centre,
725 Pittwater Road
DEE WHY NSW 2009

Attention: Michael Haynes and Janelle Brooks

Dear Michael & Janelle,

Re: Ralston Avenue Planning Proposal
Response to the NSW Rural Fire Service (RFS) and
Office of Environment & Heritage (OEH) correspondence

Travers bushfire & ecology (TBE) provide the following response to the issues raised by NSW RFS letter (dated 20th February 2015) and OEH correspondence (dated 27/02/15).

In addition to the responses provided below a timetable of tasks has been provided as a summary of deliverables. Each Item has a significant degree of field and reporting works to be completed and the timetable reflects the degree of effort required to prepare the required reporting.

RESPONSE TO ASSET PROTECTION ZONES AND BUSHFIRE PROTECTION

It is noted that the RFS is not opposed to the development at Ralston Avenue. They have however outlined a number of concerns. The issues raised are in bold type followed by our response:

The RFS does not support the location of asset protection zones (APZs) on land exceeding 18 degrees and recommends a modification of the lot layout

Page 57 of PBP states that APZs on slopes greater than 18 degrees is not supported for new developments on wooded vegetation, due to:

- Environmental constraints and difficulties in managing vegetation.
- Ability of vegetation to carry a canopy fire along these steep slopes where an understorey would otherwise normally be required to support a sustained crown fire.

The RFS regularly permit APZ's on land above 18 degrees. Indeed PBP also permits the development of an alternate solution where a proposal deviates from the acceptable solutions. For example on Page 14 of *PBP* it advises that where it can be demonstrated that these issues can be effectively managed, APZs on steeper slopes will be considered as an exceptional circumstance.

In proposing an alternate solution, as an exceptional circumstance, applicants must provide substantiated evidence that the alternative solution can achieve the performance criteria and the objectives of PBP.

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The performance criterion allows the applicant to be flexible and innovative in responding to development opportunities and constraints. It recognises that no two sites or proposals are the same and allows the applicant to consider a broad range of issues and information, including the application of new technologies.

Section 3.1 of the *TBE* bushfire protection assessment (dated August 2013) highlighted that the APZ's within the site are generally situated on slopes of less than 18 degrees and that there were only a select few areas where the slopes exceed 18 degrees. The report identified that these areas are rock ledges that can be incorporated into APZ management.

In preparing a bushfire assessment report for the future subdivision development application, *TBE* will provide / rely on the following for the development of an alternative solution.

- A comprehensive fuel management plan prepared in support of the planning proposal which will detail the landscape in a most incisive manner.
- A Geotechnical report where slopes exceed 18 degrees and require the management of vegetation (to ensure soil stability)

TBE propose that in support of the current planning proposal and future development application for the site a comprehensive fuel management plan will be prepared. This plan will detail areas where the APZ occurs on land exceeding 18 degrees and how management of the fuels within these areas, and across the entire site will be managed to ensure soil stability as well as habitat retention for important species. In some circumstances these areas will incorporate a rock escarpments which are typically devoid of fuel. Rocky escarpments can have the effect of reducing the bushfire risk posed to a site and act, in effect, as a radiant heat barrier.

For future dwellings to be constructed on the site, the bushfire attack level (BAL) rating provided for under the Australian Standards AS3959 Construction of building in bushfire-prone areas is valid where the effective slope does not exceed 20 degrees. The slopes on this site often exceed this.

TBE concurs that *AS3959* does not recognise APZ setbacks for hazardous vegetation on slopes greater than 20^0 however the fuel management plan will detail the areas that are above 18 degrees and provide responses to the RFS via a detailed effective slope categorisation. This responds to *PBP* which states that where there are slopes in excess of 18 degrees then a detailed performance assessment is required. This will be provided within the fuel management plan and any subsequent DA documentation to the RFS.

The bushfire protection assessment (dated August 2013) recommended asset protection zones of 61m adjacent to slopes of >18 degrees, with the provision of a 100m wide strategic fire advantage zone (SFAZ) around the periphery of the site. The implementation and ongoing management of the SFAZ and APZ will be detailed in the fuel management plan to be prepared in support of the planning proposal, and will form part of the detailed performance based bushfire assessment for subdivision assessment.

Modifications to the asset protection zones will be considered as part of the fuel management plan which will, in turn, inform any changes in the design as appropriate. However these studies are not expected to change the proposed zonings.

The requirements under PBP for public roads are applicable for the road access regardless of final ownership. In this regard perimeter roads are required to have a minimum carriageway width of 8 metres and other internal roads shall have a minimum carriageway width of 6.5m.

The bushfire report prepared for the planning proposal (Table 3.3) states that the future road design is to provide for 8m wide perimeter roads. All other roads are to have a width of 6.5m.

In addition to the RFS response, OEH have also listed a number of concerns in relation to the bushfire impacts of the proposal. Our response to these concerns is provided in our Response to Biodiversity Matters below.

NSW RFS has confirmed that the proposal does not comply with the NSW Planning for Bushfire Protection 2006. Resolution of the bushfire protection measures is required before further consideration can be given to biodiversity impacts.

The RFS noted in their response that they were not opposed to the development. In the preparation of a future bushfire assessment for the purposes of a subdivision development application, a fuel management plan will be prepared further outlining the proposals compliance with *Planning for Bushfire Protection 2006*.

The potential asset protection zones (APZs) will range from a minimum of 15m up to 61 m affecting a total of 4.73ha. The Planning Report suggests the APZs can be utilised as public roads, fire trails, playing fields, parking areas, generally cleared drainage zones, generally cleared electricity easements, playgrounds or similar types of managed facilities. The Bushfire Report recommends that peripheral lands to the development should be designated as a bushfire strategic management zone for a width of approximately 100 metres and be edged with a fire trail. It is likely that the APZs will need to be revised in order to ensure that the proposal complies with the bushfire planning guidelines.

The potential modification to the asset protection zones may occur as a result of the final development design, fuel management plan and any other relevant studies which will be determined for the purposes of a subdivision development application.

The proposed implementation of a strategic management zone will be further refined within the fuel management plan and will take into account the natural topography of the area, fire history and frequency, the location of existing tracks and clearings to ensure the *feasibility and long term maintenance of fire trails and burning regimes.*

The Recreational Study suggests the APZ will include a multi-use path around the perimeter of the proposed development site and form part of a Priority 4 bike path proposed in the Warringah Bike Plan (Warringah Council, 2010a) which links the site to the surrounding bike network. It states that the multi-use bike path should also link to the Urban Linkage proposed by Council and the existing Heath Trail. The Recreation Study references the Garigal National Park Plan of Management, NSW National Parks and Wildlife Service (NPWS) 1998 which is out of date. Consequently, it incorrectly states that mountain bike riding is a suitable activity on the Heath Trail. As discussed further below mountain bike riding is not permitted on the Heath Trail.

Mountain bike riding is not critical to the proposed development but cycling should be encouraged and accommodated in the future subdivision design. A perimeter cycleway may effectively be integrated as part of the road, pathway and fire trail design. This may exclude any provisions for use of the Heath Trail for mountain bike riding.

Description of works and timing of submissions to address bushfire matters

To address the above issues the following document will be prepared and submitted:-

Fuel Management Plan

A detailed and comprehensive fuel management plan (FMP) will be prepared to outline the implementation and ongoing maintenance requirements of fuels (particularly where slopes exceed 18^0) within the asset protection zone to ensure soil stability and minimise bushfire risk across the site.

This will require field survey and mapping of important fauna habitat features for protection within the APZ areas. Such features may include rocky outcroppings for the recorded Rosenberg's Goanna, ephemeral drainages for the Red-crowned Toadlet, hollow-bearing trees and banksia groves for the Eastern Pygmy Possum etc.

The FMP will also detail the hazard reduction burning strategy within the 100m wide strategic fire advantage zone (SFAZ) as well as the implementation and maintenance requirements for fire trails.

In accordance with table 1 the preparation of the Fuel Management Plan will be completed over an 8 week timeframe

Item	Task Name	Timeline							
		Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
1	Collation of data (legislation & policy, fire history, frequency and ecological constraints)								
2	Client liaison								
3	Field survey								
4	Undertake GIS mapping								
5	Prepare draft fuel management plan								
6	Submit draft fuel management plan								
7	Meeting / consultation with NSW RFS / client (if required)								
8	Prepare and submit final fuel management plan								

RESPONSE TO BIODIVERSITY MATTERS

The land subject to this planning proposal is densely vegetated and surrounded on three sides by Garigal National Park. It supports significant biodiversity values and provides an important buffer to the National Park. The planning proposal will rezone 17.59ha of the land to R2 Low Density Residential and 118ha to E3 Environmental Management, which allows for a range of uses with and without consent. An Asset Protection Zone surrounding the residential development will require modification, in the form of partial clearing, of 5.53ha of the E3 land.

It is intended to secure the proposed offsets with the registration of a BioBank Agreement over the E3 lands with the Metropolitan Land Council retaining ownership and responsibility for management and reporting.

The Biobanking Agreement and management plan will outline the permissible activities and prohibitions. Other than low impact passive recreation on existing walking tracks, the only permissible activities will be conservation management and cultural activities.

Travers bushfire and ecology have undertaken a number of surveys of the land which forms part of the planning proposal, initially in 2008 and then between late 2011 and August 2013, as part of an ecological constraints assessment of the site. Its surveys show that eight threatened fauna species (Giant Burrowing Frog, Red-crowned Toadlet, Rosenbergs Goanna, Powerful Owl, Little Lorikeet, Grey-headed Flying-fox, Little Bentwing-bat, Eastern Bentwing-bat), two threatened flora species (Grevillea caleyi, Tetratheca glandulosa) and an endangered ecological community (Coastal Upland Swamp of the Sydney Basin) are present or use habitat at the site. It also considered Spotted-tailed Quoll which, although not recorded, has the potential to use habitat at the site. Warringah Council has subsequently recorded an additional threatened species (Eastern Pygmy Possum) using the proposed residential area and identified another threatened species (Southern Brown Bandicoot) with records in the local area which is likely to use habitat at the site. Council has also noted that the Duffy's Forest Endangered Ecological Community (EEC) may be present within the proposed residential area.

The above is noted in respect to Eastern Pygmy Possum and Southern Brown Bandicoot. *Travers bushfire & ecology* recognise that appropriate survey is necessary to determine presence of Southern Brown Bandicoot and Eastern Pygmy Possum and that both of these species are targeted with specific unique methods to increase their chance of detection. Given the recording of Eastern Pygmy Possum further survey will be undertaken in association with Dr Ross Goldingay. Our survey for Eastern Pygmy Possum will be primarily based on a habitat assessment of available hollows within the subject site and offset area to determine areas of critical habitat.

Additional surveys for *Grevillea caleyi* (following a fire 18 months ago), Tetratheca, Southern Brown Bandicoot and Eastern Pygmy Possum are planned as part of the proposed bio-certification assessment.

Duffy's Forest has not been not been found onsite but is known to occur immediately east within the Substation lands. Some quadrats within the subject site that were undertaken mostly in 2008 were compared to the Duffy's Forest Index developed by Smith and Smith to identify the differences between Duffy's Forest, Sandstone Gully Forest and Sandstone Ridgetop Woodland.

Further biometric style quadrats are proposed to support this conclusion and this will be documented in the Biocertification assessment providing justification for the selection of biometric vegetation types. Additional quadrats will be undertaken mostly within a 100m radius of the substation to provide further quantitative analysis and identify whether Duffy's Forest is present in small pockets or not. Survey to date does not support the presence of Duffy's Forest within the proposed residential zone.

Travers bushfire and ecology concluded that a number of the threatened fauna species (Powerful Owl, Little Lorikeet, Grey-headed Flying-fox, Little Bentwing-bat, Eastern Bentwing-bat, Spotted-tailed Quoll) were unlikely to represent a constraint to the proposal because they are only likely to move through or forage at the site and there is plenty of other suitable habitat elsewhere in the locality. OEH considers that these threatened species are less likely to be impacted directly in the short term, but the cumulative effect of reducing foraging resources, restricting movement through

the landscape and increasing exposure to threatening processes associated with urban development will take their toll in the longer term.

OEH comment is noted. The proposed offsets and mitigation measures are intended to reduce the impact of cumulative impacts and to minimise those impacts to non-critical habitat areas wherever possible. The ecological survey, assessment process and mitigation measures consider cumulative impacts.

The retention and active conservation management of a significant part of the local landscape maintains a significant resource for threatened fauna species within the locality. With the exception to Eastern Pygmy Possum all the identified impacts are not considered to be significant. Subject to the outcome of further survey and critical habitat assessment for Eastern Pygmy Possum, the significance of impact for this species will be reconsidered.

The subject site is part of a much larger north-south natural area that connects Garigal and Ku-ring-gai Chase National Parks. It has been identified in the Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Area (OEH 2008) as having a very high fauna habitat ranking. The Garigal Oxford Falls area ranks 15 in 49 habitat areas. The connectivity of this bushland will be enhanced when the planned land bridge over Mona Vale Road as part of the road widening works is established as it will facilitate broader wildlife movement.

A connectivity assessment is part of the BCAM process. Whilst impacting an area of remnant bushland, the proposed offsets lands and adjacent Garigal National Park will maintain a large, connected, consolidated patch of remnant vegetation capable of supporting viable populations of a range of threatened species.

The ecological assessment supports the conclusion that connectivity through the conservation areas and adjoining Garigal National Park will be maintained.

Specialist reports were commissioned for Giant Burrowing Frog, Red-crowned Toadlet, Rosenberg's Goanna and Eastern Pygmy Possum to determine the extent of the impacts on these species which use parts of the site for breeding, foraging and/or shelter. These reports found that the planning proposal would not have a significant impact on:

- ***Rosenberg's Goanna because the local population extends well beyond site and, while individual animals using the site might be affected, the site itself does not appear to be important for breeding purposes nor would the proposal fragment or isolate areas of habitat used by this species;***
- ***Giant Burrowing Frog because their density at the site is low and it is unlikely that habitat in the proposed residential area on the plateau is routinely used for shelter, foraging or breeding. It is also unlikely that development would impact on the connectivity between habitat used for foraging or shelter and breeding, because most of the identified breeding sites were some distance from the plateau; and***

Red-crowned Toadlet because, apart from four breeding sites on the edge of the plateau, most of the breeding locations identified were outside of the proposed residential area along semi-permanent drainage lines and soaks that occur near the escarpment and downslope of the plateau. Movement corridors for this species are also largely within the escarpment and mid-slope areas, so development of the plateau is unlikely to have a major impact on connectivity between the habitats used by this species. However, indirect impacts of the proposed development on the hydrology of the drainage lines and soaks used by this species are likely and would require specific mitigation measures.

Points 1 – 3 noted. Agree with the implementation of mitigation measures to be implemented for stormwater management to minimise downstream impacts. In this case the keystone species to consider is the Red-crowned Toadlet. Significant consideration is to be given to the impact of water quality and quantity changes in Red-crowned Toadlet. Mitigation measures can be accommodated within the proposed design to mitigate the expected impacts.

The report on the Eastern Pygmy Possum however, concluded that the planning proposal would impact important areas of foraging and breeding habitat for this species. These impacts would be both direct, through the clearing of habitat for residential development, as well as indirect, through the introduction of domestic animals (particularly cats) associated with this development. The report notes that suitable foraging habitat also occurs on the land surrounding the proposed residential area but recommends further surveys of this land be undertaken to determine whether the vegetation provides equivalent breeding habitat to the development area in terms of suitable tree hollows and if dispersal is possible east and west from these lands to the adjoining national parks in order to maintain the local population of this species. Specific recommendations are made in the report regarding further survey requirements for Eastern Pygmy Possum and OEH considers that these recommendations should be implemented to ensure that the impacts on this species are adequately understood.

Habitat assessment survey is proposed to be undertaken during April and May 2015 to provide an estimate of the number and density of hollows considered suitable for Eastern Pygmy Possum within the Low Open Forest mapped areas of the proposed offset lands. This will be accompanied with calculated presence of banksias and target trapping effort within these areas.

Large numbers of feral and domestic cats are part of the existing urban/bushland interface and the number of additional cats resulting from an additional estimated 300 residents will not significantly add to this impact.

The proponent is willing to place a restriction on use covenant over the subdivision prohibiting the ownership/keeping of cats, however notes that these covenants are extremely difficult to enforce. It could however only have a positive effect if it reduces the number of cats marginally and may place community pressure on other residents to restrain/appropriately manage domestic animals.

In addition there should be a generic requirement for all pet owners to provide enclosed outdoor runs for any pets kept within their property to minimise the risk of escape. This enables residents to keep a greater range of pet types without causing a significant impact on the surrounding environment.

Additional protection measures are available to protect critical habitat of the recorded threatened species immediately adjoining the proposed residential subdivision. This will include exclusion fencing immediately adjoining the critical habitat areas of Rosenberg's Goanna. This provides a protected interface against direct interference from residents or dogs. It is not required to fully enclose the site should extend the full interface of the critical habitat. The fencing may incorporate the full asset protection zone but is subject to the completion of the proposed ecological survey works & fuel management plan.

Travers bushfire and ecology notes that the survey effort for Southern Brown Bandicoot did not meet national guidelines in terms of survey seasonality and the recommended level of survey effort undertaken using baited infrared cameras and hair tubes. Surveys for this species were only undertaken within the proposed development area and Travers bushfire and ecology acknowledges that failure to

detect Southern Brown Bandicoot should not be considered as indicative of their absence. This species occurs at very low densities in this part of its range and OEH considers that a more intensive use of baited infrared cameras over a longer time period (up to 1 month) during autumn would be required to detect them.

As above, further target survey work for Southern Brown Bandicoot incorporating baited infra-red cameras, each left for over one month during autumn, is planned for 2015. This survey will be undertaken as per the Draft National Recovery Plan for the Southern Brown Bandicoot (2010) inclusive of survey guidelines for the species, across the entire subject site area.

Travers bushfire and ecology reports that 149 Tetratheca glandulosa plants will be directly impacted by the proposed residential development. These plants are likely to be part of a larger population that extends on to the surrounding land, but no adequate targeted surveys have been undertaken to determine the size and extent of this population. OEH considers that additional targeted searches, for this species are required on the surrounding lands during its peak flowering period to determine whether the loss of 149 plants is likely to be significant and if the proposed development footprint will need to be amended to reduce this loss.

Under a Biocertification assessment, *T. glandulosa* is a red flag species that allows negligible loss of 5 individuals. Impacts greater than 5 individuals require a red flag variation request.

The ecological assessment and biodiversity certification assessment process allows for the impact on this species to be minimised and or offset through the securing of suitable offset lands. Target survey during the peak flowering period has been undertaken within suitable habitat areas to the north of the development area within the proposed offset lands to help determine the extent of the local population. Survey has not been exhaustive in all areas as many areas are very difficult to access due to the thickness of the understorey and some rock outcropping. Extensive survey has been undertaken in the north of the offset area on the south side of Challenger Drive.

Most of the offset area has not been burnt for some time and whilst suitable habitat may be present, such survey would not be of any value unless burns had been completed within the last 18 months. Only small portions of the site and offset area have been burnt recently, around the north-eastern corner of the development and a bit beyond.

Biodiversity offsets will be targeted to include confirmed *Tetratheca glandulosa* habitat, initially these will be sought by identifying lands owned by MLALC that may be able to be used for offset purposes. As the flowering of *Tetratheca glandulosa* is variable from year to year, an additional seasonal search is recommended within the offset lands, preferably during spring. Additionaly, T. glandulosa credits may also be purchased from the Biobanking credit register. A number of credits are currently available.

According to Travers bushfire and ecology only one Grevillea caleyi plant will be directly impacted by the residential development. There are an additional seven juvenile plants within and adjoining the Wyatt Avenue road corridor which have the potential to be impacted by the future extension of this road. The Travers bushfire and ecology report notes that the road extension has been altered to avoid any direct impacts on these plants, but it is not clear whether indirect impacts have been adequately addressed. No targeted surveys were undertaken for Grevillea caleyi on the land surrounding the proposed development area. The Travers bushfire and ecology report states that there is suitable habitat for the species in the open forest communities on this land, but OEH considers that this needs to be confirmed through further targeted survey work. The adjoining Belrose substation lands support 38 Grevillea caleyi plants following a recent hazard reduction fire and it is likely that the

soil seed bank in other areas of suitable habitat for this species within planning proposal retains similar regenerative potential with appropriate management.

We concur that the recent hazard reduction burn may trigger new seedlings of *Grevillea caleyi* to emerge. The substation lands as well as burnt lands in the north-eastern corner of the development and just beyond were all checked at the same time. Only within the substation were they found to be resprouting as well as on the very edge of the Wyatt Road (road) reserve. Mature specimens were noted in the substation lands before the hazard reduction burn with the burnt remnants still standing afterwards with no leaves but some young juveniles within a few metres radius of the parent plant.

Target surveys for the species have been conducted across the development area and in offset lands at the higher contours just off the plateau edge, in line with the scientific committees' description of the species which says they are usually found at elevations above 170m. Surveys have been conducted since 2008 with target surveys for this species focussed on the low open forest, open forest and gully forest vegetation units.

Further survey work for *Grevillea* planned in 2015, targeting areas subject to a hazard reduction burn adjacent to the Energy Australia substation in 2013. This will establish the size of the full local population. Further detailed road design should be undertaken to retain this threatened species where possible. Offsetting the loss of this habitat is likely to be required under the biodiversity certification process and hence suitable habitat areas are likely to be identified for *Grevillea caleyi.*

The vegetation mapping undertaken for the site by Travers bushfire and ecology recognises seven vegetation structures which are then grouped into five communities on the basis of their floristics and occurrence in the landscape. There has been some attempt to compare these communities with those previously identified by Smith and Smith (2000) in their vegetation mapping for Warringah, but not all communities correspond. Eco Logical Australia have converted these communities into best fit biometric vegetation types for its preliminary Biocertification Assessment and mapped four biometric vegetation types as being present at the site.

As a result of their vegetation mapping, Travers bushfire and ecology identifies 1.94 ha of the Coastal Upland Swamp EEC as being present within the planning proposal of which 0.13ha (6.7%) will be directly impacted by development. Eco Logical Australia notes that the biometric vegetation type Needlebush-Banksia wet heath of sandstone plateaux corresponds to the Coastal Upland Swamp EEC and estimates that 5.07ha in total is present within the planning proposal of which 0.59ha (11.60/0) will be impacted by development. Neither Travers bushfire and ecology nor Eco Logical Australia map the Duffy's Forest Endangered Ecological Community as being present within the planning proposal, although Travers bushfire and ecology note that the open forest vegetation could include Duffy's Forest, but that further assessment of its quadrat data had ruled this out. However, in its response to the planning proposal, Council reports that studies have mapped an area of Duffy's Forest within the proposed development area directly west of the Belrose substation.

During the site surveys, it has been found that through ground-truthing, some of the vegetation communities present are inconsistent with those as defined in the 2000 report by Smith and Smith. Further quantitative analysis of plot data will be undertaken regarding the presence/absence of the EEC Duffy's Forest within the mapped areas for biodiversity certification purposes.

The Biocertification field assessment methodology has been used extensively across the impacted site and proposed offset areas, significantly exceeding the minimum number of biometric plots required.

The extent of Coastal Upland Swamp EEC will be verified as part of the biodiversity certification assessment to be conducted in the next stage of works. Further quadrats

will be undertaken in the *Needlebush-Banksia Wet Heath of Sandstone Plateaux.* If the quadrats do or do not meet the expected proportion of species that are identified to this vegetation type versus the final determinations for the EEC, then we will advise in our updated ecological report. It is possible that the chosen biometric vegetation unit may not be the most appropriate description of the vegetation present.

Coastal Upland Swamp is still a relatively newly listed EEC and mapping of the on-site vegetation communities was completed before it was listed as an EEC. It appears that there are some areas of this EEC potentially mapped in the offset areas which will also require investigating.

Travers bushfire & ecology has undertaken quadrat assessment within the areas mapped as Duffy's Forest by Council however the data we collected does not show a strong correlation to the EEC. Another quadrat or 2 is worthwhile in this area to further verify the anomaly.

OEH considers that the discrepancies between the various vegetation maps and studies need to be resolved. The best way to achieve this would be through the application of the Bio-certification methodology which would require the type and condition of the vegetation across the site to be consistently assessed via biometric plots

Biometric plots have been extensively undertaken across the site to date which significantly exceeds the requirements under the methodology. Further plots may be required in specific locations to fully clarify the extent of specific vegetation types such as Coastal Upland Swamp. As most areas contain no weeds or such a low proportion of, it would be considered that almost all vegetation in development area and offset site could be considered moderate-good condition. Some vegetation along Ralston Avenue is heavily impacted by weeds and lands adjoining existing development just to the south of Ralston Avenue. This has been caused by the overland drain from Sydney East Substation.

All of the environmental assessment reports for this planning proposal rely on offsetting the biodiversity impacts arising from the residential development on to the surrounding lands. However, these lands are now proposed to be zoned E3 Environmental Management, rather than E2 Environmental Conservation as discussed below. An E3 zoning cannot provide the level of active management and security required to adequately offset the biodiversity losses that will result either directly or indirectly from development of this sensitive site (see discussion below). Without secure offsets, the impacts of development are likely to be significant for those threatened species and endangered ecological communities with habitat on the land proposed to be rezoned.

The conservation outcomes do not solely rely on zoning to protect the proposed lands. Registration of the biodiversity offset sites as a BioBank site for E3 lands provides a significantly higher level of protection afforded by the proposed zoning which limits all activities to conservation and associated conservation management activities.

OEH strongly recommends that the current planning proposal be reconsidered and that Council proceed instead with Biocertification of the land. Biocertification systematically assesses the biodiversity values present across the site upfront to inform the development footprint so that impacts are avoided and/or minimised. It provides secure offsets for any residual impacts through the use of Biobanking agreements. Most importantly, it streamlines the assessment process at the development application stage reducing costs for both developers and Council as the consent authority.

It is the intention of the proponent, with Warringah Council as the Planning Authority, to proceed with a formal biocertification assessment and application. Significant biometric floristic assessment has already been completed to enable the biodiversity certification to proceed. The advantages of biodiversity certification are accepted.

RESPONSE TO ZONING OUTCOMES

The planning proposal report states that more than 85% of the 135 hectare site will remain undeveloped as natural bushland and the environmental zoning will provide for the "conservation and management of the significant ecological features of the site". The E2 Environmental Conservation zone initially proposed for this land would have been the best zone to achieve this aim as under the Warringah Local Environmental Plan (LEP) 2011 it has clear conservation objectives and permits, with consent, environmental protection works and roads only.

Noted

In advice to the JRPP, OPE recommended an Environmental Management E3 zoning for the majority of the site reasoning that the studies that supported the planning proposal did not provide enough evidence to substantiate the E2 zone and the permitted uses of an E2 zone were too restrictive and might trigger the need for nominating a relevant acquiring authority.

Council officers and the Warringah Development Assessment Panel recommended that the undeveloped portion of the site be included within Zone E2 Environmental Conservation. However, the Joint Regional Planning Panel resolved unanimously that the proposal to rezone the site was subject to the undeveloped land being identified as Zone E3 Environmental Management.

The principal reason for the proposed change in zoning was to avoid the need for the Minister to designate a relevant acquiring authority for the undeveloped land. Further, it was considered that the proposed biocertification arrangements would apply an additional layer of protection, achieving the desired environmental conservation outcome for the undeveloped land.

The conservation outcomes do not solely rely on Zoning to protect the proposed lands. Registration of the biodiversity offset sites as a BioBank site for E3 lands provides a significantly higher level of protection afforded by the proposed zoning which limits all activities to conservation and associated conservation management activities.

The planning report by Urbis states "The management of the E3 zone will remain the responsibility of MLALC, and the E3 zone will be accessible to the public through a series of existing bush tracks". The planning proposal report states it is MLALC's preference that the potential management of this land be by the National Parks and Wildlife Services (NPWS) as an Aboriginal National Park area. It appears that discussions with State Government have stalled on this proposal and it is not known what the current position is in regard to land tenure and management.

The conservation lands are currently recommended by the proponents to be retained and managed by MLALC which allows MLALC to receive income and gainful employment from the establishment of a potential biobank site

Should the land be retained in private ownership and be zoned E3, OEH considers the only outcome that would guarantee that the land is retained, conserved and appropriately managed for its biodiversity values would be for the land to be biobanked and maintained in accordance with a biobanking agreement.

Agreed

RESPONSE TO ADJOINING PARK ISSUES

The Urbis report states that the site provides immediate access to the Garigal National Park (NP) which offers a range of active and passive recreation opportunities. It notes informal recreation is carried out within the site, notably mountain bike riding and horse riding, along with informal access to walking tracks.

The Heath Track is a walking track that provides access from Ralston Avenue into the NP to the north of the site and it appears that part of the track is located on the MLALC land. Horse riding is allowed on this trail and the proposal appears to retain this access route via the proposed road network. However, the Master Plan (Figure 04 - Landscape Concept) indicates a number of proposed additional new walking trails leading into the NP

Additional walking trails within conservation lands are not supported by the proponent and are not critical to the subdivision design, Additional trails may effectively be integrated into the firetrail network and encourage all residents to utilise any managed areas such as asset protection zones. This matter will be addressed as part of detailed design of the subdivision.

NPWS does not encourage informal access trails into the NP. Linkages with existing walking trails may be advantageous provided they formed part of an overall network that would mesh with an access strategy developed with NPWS as a key stakeholder. Creation of a new system of ad hoc walking trails is not considered desirable due to the cost, environmental damage by removal of vegetative cover and habitat and new opportunities for weed invasion by foot traffic, possible infection by Phytopthera cinnamomi and provision of access for feral predators such as the fox.

Only access trails that form part of existing trail networks will be retained. Any proposed walking trails will be integrated into the development design and take advantage of any dual use access routes such as fire trails. This matter will be addressed as part of detailed design of the subdivision.

Bike riding is permitted on authorised management trails within the park but not on walking tracks. Mountain bike tracks are currently being trialled at Bantry Bay and the outcomes of this initiative will inform other proposals within the reserve system. Any such program requires extensive stakeholder consultation, allocation of adequate resources external to the recurrent budget for environmental assessment, construction, on-going maintenance, development of feedback systems to alert users of the track condition following storm events (i.e. open or closed), and development and implementation of an appropriate monitoring program to detect unsatisfactory environmental damage and possible decommissioning.

Noted. This matter will be addressed as part of detailed design of the subdivision

Bike riding is also taking place along tracks that have been used or created by riders without authorisation. As described in the Garigal NP Plan of Management sections of the tracks in the Bantry Bay area are routed through sensitive vegetation communities (such as areas of Coastal Upland Swamp) and across sites of Aboriginal cultural heritage that have strong contemporary connection for Aboriginal communities. Despite management efforts to close tracks and dissuade riders from using these track sections through education and enforcement, impacts are ongoing. OEH would be concerned to ensure that new unauthorised mountain bike tracks were not created either within bushland to be protected on the site or into the NP as a result of the planning proposal and future residential development as proposed.

This matter will be addressed as part of detailed design of the subdivision and management of the proposed offset areas.

The planning proposal should be revised to consider adjoining park impacts and the relevant Plan of Management.

Noted. This matter will be addressed as part of detailed design of the subdivision and management of the proposed offset areas.

Description of works and timing of submissions to address biodiversity matters

To address the above issues the following ecological survey will be undertaken and an updated ecological assessment report prepared:-

Additional Threatened Species Survey - Eastern Pygmy Possum, Southern Brown Bandicoot, Duffys Forest, Coastal Upland Swamps and *Grevillea caleyi*

This task will address the fauna survey requirements in order to classify the assessments to date and address the issues raised in the comments raised by OEH.

Eastern Pygmy Possum (EPP) - OEH has requested further surveys as advised by expert Dr Ross Goldingay. These surveys are required to determine the adequacy of vegetation within the impact and offset area in providing equivalent breeding habitat (tree hollows). Dr Goldingay noted that the survey should attempt to quantify the abundance of these specific tree hollows in the different vegetation communities in the development zone and offset lands.

Longitudinal quadrats 10m wide and 200m long will be undertaken running along areas of the mapped Low Open Forest and Open Forest communities within the subject site (totaling three (3) quadrats) and these same communities as well as the Sandstone Gully Forest community in the offset area (totaling thirteen (13) quadrats). These quadrats will each be equivalent to two (2) biometric quadrats to account for habitat density. All hollows considered suitable for EPP will be recorded and if possible checked for any signs of presence. The progression of each quadrat will also consider presence of Banksia species, particularly *B. ericifolia* which may drive breeding activity.

Target survey EPP tubes will be placed at every 50m along the ten (10) quadrats in the offset lands that are located within the Low Open Forest and Open Forest communities to target presence of EPP. These tubes are to be left for a minimum of six (6) weeks. All low hollows will be inspected for presence of EPP or bedding material, indicating previous signs of use.

Southern Brown Bandicoot (SBB) - OEH has requested further targeted surveys for SBB based on survey limitation to national Guidelines. DOE has prepared national draft referral guidelines for the Southern Brown Bandicoot (2011) which requires one (1) camera per 2 hectares over two (2) weeks. For an impact area of 23ha over the subject site, this equates to a minimum of fourteen (14) cameras. We propose to use a total of twenty two (22) cameras within the subject site area as well as the biodiversity offset area. OEH is requesting baited infrared cameras over a longer time period (up to 1 month) which should be undertaken in autumn.

Target threatened species survey is seasonal dependent and as such survey for Bandicoot must be commenced immediately to be within key activity periods (refer timeline highlighted in red). Survey for Eastern Pygmy Possum is not required to be undertaken at specific time and can be completed within the time frame as indicated below.

Target survey for the EEC's and *Grevillea caleyi* is not seasonal dependent.

Target survey for *Tetratheca juncea* survey cannot be completed until September to October 2015 due to seasonal flowering restrictions. Based on the surveys completed to date Travers bushfire & ecology does not consider additional survey for *Tetratheca* juncea is required but can be undertaken as part of any survey for the identification of biodiversity offsets.

Item	Task Name	Timeline													
		Month 1				Month 2				Month 3				Month 4	
1	Confirmation of EPP denning tubes design by expert Dr Goldingay														
2	Supply of EPP denning tubes														
3	EPP Habitat assessment & survey:														
4	Review by EPP expert Dr Ross Goldingay														
5	SBB Additional target survey														
	Myotis breeding habitat within riparian corridors (mapped of HBTs)														
6	Updated mapping and preparation of background images for survey														
7	Grevillea, Duffys Forest & CUS survey														
8	Update ecological assessment report														

Biodiversity Certification Assessment Report & Biocertification Strategy

A biodiversity certification assessment report BCAR will be prepared and submitted in support of the planning proposal to allow biodiversity certification to be granted for the entire planning proposal. As the process of preparing, reviewing and approving the BCAR is an iterative process between Warringah Council and OEH over an estimated 3-6 months, it is prepared and exhibited parallel with the planning proposal exhibition and review process.

The BCAR will outline the flora and fauna assessments undertaken consistent with the Biocertification Assessment Methodology, will outline the measures taken to avoided, minimise and mitigate impacts, including to red flag areas, obtain in principle support from OEH regarding any residual impacts to red flag areas, calculate the number of credits required for impacts and the number of credits created by proposed conservation measures (e.g registration of proposed Biobank area) and outline the parties responsible for the biocertification and timeframes for meeting the conservation commitments.

The Biocertification calculations and consultation with OEH will commence as soon as a final footprint is available and the additional flora and fauna investigations are complete. Notwithstanding this, the quantum of offsets required and investigation into additional offset areas has already commenced. Where offset requirements cannot be met by conservation measures within the Biocertification assessment area, the Biocertification Strategy will make commitments to securing additional offsets outside of the assessment area either by the registration of additional Biobank sites and/or purchase and retirement of biodiversity credits from already registered Biobank sites

A draft BCAR and Strategy will be submitted to OEH by Warringah Council to obtain OEHs approval to publicly exhibit the proposal in accordance with the TSC Act prior to seeking the Ministers approval of the application.

The following are the key tasks that Council will need to undertake (and thus resource) as the applicant for Biocertification

1. Resolve to be applicant for Biocertification process
2. Attend initial meeting with OEH to commence formal Biocertification Process
3. Receive and review Biocertification reports prepared by Eco Logical Australia and resolve to submit to OEH for review prior to Public Exhibition
4. Manage exhibition process (28 day newspaper and Council building)
5. Review Response to Submission report prepared by ELA and final Biocertification report being submitting to OEH/Minister
6. Once biocertification is conferred, ensure that all development is undertaken in accordance with the conditions of certification and prepare any necessary reports to OEH regarding compliance with Biocertification.

RESPONSE TO ABORIGINAL CULTURAL HERITAGE

OEH has considered the information relative to the Aboriginal cultural heritage values for the proposed residential rezoning of land at Ralston Avenue and provides the following advice to Council.

OEH notes that the document Aboriginal Archaeological Due Diligence Assessment prepared by Dominic Steele Consulting Archaeology (December 2012) provided to consider the Aboriginal Cultural heritage values and impacts of the proposed subdivision is a due diligence assessment. OEH does not review due diligence assessments as these documents are solely intended as a legal defence from 'harming' Aboriginal objects under the National Parks and Wildlife Act 1974. This form of report is not considered adequate to assess the Aboriginal cultural and archaeological potential of a piece of land, nor can it provide an appropriate assessment of the archaeological potential or the impact that approval of the proposed rezoning activities may have on the Aboriginal cultural heritage (ACH) values of this land.

Consequently the due diligence assessment has not included any Aboriginal community consultation to determine whether there are any ACH values to the Aboriginal community. This is particularly relevant given that the subject land is immediately adjacent to land owned by the Metropolitan Local Aboriginal Land Council (MLALC).

OEH further notes that a number of Aboriginal cultural heritage sites are identified in land adjacent to the study area.

OEH recommends that Council require an Aboriginal cultural heritage assessment be prepared in order to appropriately assess the Aboriginal cultural heritage values of the subject. This assessment should be prepared in accordance with OEH Guideline Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (2010) in addition to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010). This would ensure that the proposed subdivision clearly considers the implications of future residential development consequent to the subdivision proposal and how this may affect any Aboriginal cultural heritage values present within this land.

Agreed.

The investigation and assessment of Aboriginal cultural heritage is to be undertaken to assess the harm of a proposed activity on Aboriginal objects and declared Aboriginal places and to clearly identify those impacts that are avoidable and those that are not. Harm to significant Aboriginal objects and declared Aboriginal places should always be avoided wherever possible. Where harm to Aboriginal objects and declared Aboriginal places cannot be avoided, proposals that reduce the extent and severity of harm to significant Aboriginal objects and declared Aboriginal places should be developed.

An Aboriginal cultural heritage assessment is proposed to be undertaken over the next 2-4 months and subject to consultation with Aboriginal communities. It is anticipated that the preparation of this assessment will coincide with the undertaking of additional ecological survey and preparation of the fuel management plan and the public exhibition of the Planning Proposal. Should you require further information, please do not hesitate to contact the undersigned on 4340 5331 or info@traversecology.com.au.

Yours faithfully

John Travers
BA Sc / Ass Dip / Grad Dip / BPAD-Level 3-15195 (FPA)
Managing Director – ***Travers bushfire & ecology***

WARRINGAH COUNCIL

INTENTION TO SUBMIT A VOLUNTARY PLANNING AGREEMENT OFFER FORM

Contact us	
The General Manager, 725 Pittwater Road, Dee Why NSW 2099	
Email	council@warringah.nsw.gov.au
Fax	9942 2606
If you need more help or information call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why.	

Office Use Only												
Locality / Zone												
P	E	X	2	0								
Receipt Number												

March 2014

For applicable fees and charges, please refer to Council's website: warringah.nsw.gov.au or contact our Customer Service Centre.

Privacy & Personal Information Protection Notice

The personal information requested in this form is required under the Environmental Planning and Assessment Act 1979. It will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application and it will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online. You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect, has changed or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

PART 1 - Applicant(s) Details

Applicant(s) Name	Metropolitan Local Aboriginal Land Council
Owner(s) Name	Metropolitan Local Aboriginal Land Council.
Is the owner/applicant for this planning proposal / development application a current employee or elected representative of Warringah Council?	
Warringah Council Employee ☒	Elected Representative ☒

Location of property: We need this to correctly identify the land. The details are shown on your rates notice/s, property title/s etc.					
Unit No.		House No.		Street	Ralston ave
Suburb	Belrose				
Legal Property Description (This info must be supplied)					
Lot No.	1	Sect.	—	DP/SP.	1139826

Estimated Fee (This section must be completed and the relevant requirements supplied at lodgement)	
For a current list of Fees and Schedules, please visit: **warringah.nsw.gov.au, choose 'Your Council' then 'Rates Fees and Charges' then 'Fees and Charges** 2014/2015'	
Estimated fee payable: $	TBA

Part 2 – Details of proposed VPA

Please provide a brief overview of any development contribution to be made under a VPA and the intended public benefit(s) (refer to Section 19 of the VPA Policy)

The Development contributions include the following.

1. Approval and construction of a seagull treatment at Ralston Avenue; to improve traffic movement to and from the proposed development area.
2. Implementation of a desired road layout to deliver internal road in accordance with council requirement and to comply with the bush fire management requirements. Including delivery of foot path to joint into existing foot path areas.
3. The location, indicative footprint, ownership and maintenance of water management facilities (OSD and Water quality) to manage and improve the stormwater leaving site area into existing water drainage corridors.
4. The embellishment of the proposed public park, management and maintenance arrangements for the park. To provide park land for community use in accordance with Warringah Council's Recreation Strategy 2009. Promoting recreation non-competitive activities for fun, enjoyment, fitness or health.
5. The need to finalise other documents e.g. Biodiversity Certification, APZ Fuel Management Plan. (Prior to works commencing on site)

Please provide a brief overview of any positive planning outcomes for the people of Warringah (refer to Section 18 of the VPA Policy)

1. The provision of 17.79ha of land for construction residential home to meet the needs for additional house for Warringah's planned population growth in accordance with Warringah's Community Static Plan and the NSW planning for the future, located in an area where existing utilities and infrastructure can be utilized. .
2. The provision of public recreation areas within the development areas. Open spaces can meet the needs of the residents and visitors into the future.
3. The formalisation of recreation uses within surrounding offset lands: i.e. Walking tracks
4. The preservation of 86.5% of the site or 117.51 ha of land for conservation management through Biodiversity Certification.

Please provide a brief overview of the time or times the development contribution(s) is to be made and the manner in which it is to be made

Item	Delivery Timing	Manner to be made
1. Approval and construction of a seagull treatment at Ralston Avenue	Following determination of a subdivision Development Application and construction prior to the completion of subdivision works	All works delivered and funded by Development
2. Implementation of a desired road layout	Design to be provided prior to determination of subdivision Development Application. Delivery as part of subdivision works.	All works delivered and funded by Development
3. The location, indicative footprint, ownership and maintenance of water management facilities (OSD and Water quality)	Prior to works commencing on site	All works delivered and funded by Development
4. The embellishment of the proposed park and 24 month management and maintenance arrangements in place for the park.	Prior to occupation of the development lots	All works delivered and funded by Development
5. The need to finalise other documents e.g. Biodiversity Certification, APZ Fuel Management Plan.	Prior to works commencing on site	All works delivered and funded by Development

Are there any recurring costs associated with the proposed VPA? (Refer to Section 20 of the VPA Policy). If so, please detail the nature and extent of these costs and who will be responsible for them.

In reference to the following items;-

Item 3 – Stormwater Management will have an ongoing yearly management and works requirement. It is proposed that this is area is managed by Landowner or an appropriate operator.

Item 5 – Bio Certification ongoing management of offset land by land owner.

Item 5 - APZ Fuel Management will have an ongoing yearly management and works requirement. It is proposed that this is managed by the land owner or an appropriate operator.

How does the proposed VPA contribute to meeting Council's strategic objectives, as outlined in Council's Community Strategic Plan, strategies, master plans etc? (Refer to Sections 6 and 8 of the VPA Policy).

Refer to the attached Plan

These documents are generally available on Council's website. Please contact Council if you require further guidance in identifying relevant strategic planning considerations in responding to this question.

Refer to planning proposal.

Part 3 – Conceptual planning proposal / development application details

Planning proposal concept (if relevant)

Please provide conceptual:

- Site plan
- Floor plan
- Elevations
- Parking overview
- Extent of landscaping

Please provide a general statement describing the proposal.

The Planning proposal sought to rezone the site from Locality C8 – Belrose North to Part R2 low density residential, Part RE1 Public Recreation and Part E3 Environmental Conservation. Only 13.15% of the site would be permitted to be developed under the proposed R2 Residential and RE1 Public recreation zones, the balance of the site (86.5% or 117.5 hectares) would not be developed.
The proposal is allow for a development area to provide for approximately 171 Housing lots with a minimum size of 600m2.

- *Refer to proposed lot plan.*

Please provide a general statement identifying the relevant section of the planning instrument

to be amended.

- *LEP and Zoning Maps.*

Development application concept (if relevant)

Please provide conceptual:

- Site plan
- Floor plan
- Elevations
- Parking overview
- Extent of landscaping

Please provide a general statement detailing any variation of development standards. Importantly, what is the extent of the proposed additional development capability sought (beyond Warringah Local Environmental Plan 2011 or Warringah Local Environmental Plan 2000)?

For example, if additional building height is sought, what does this translate to in terms of additional floor area?

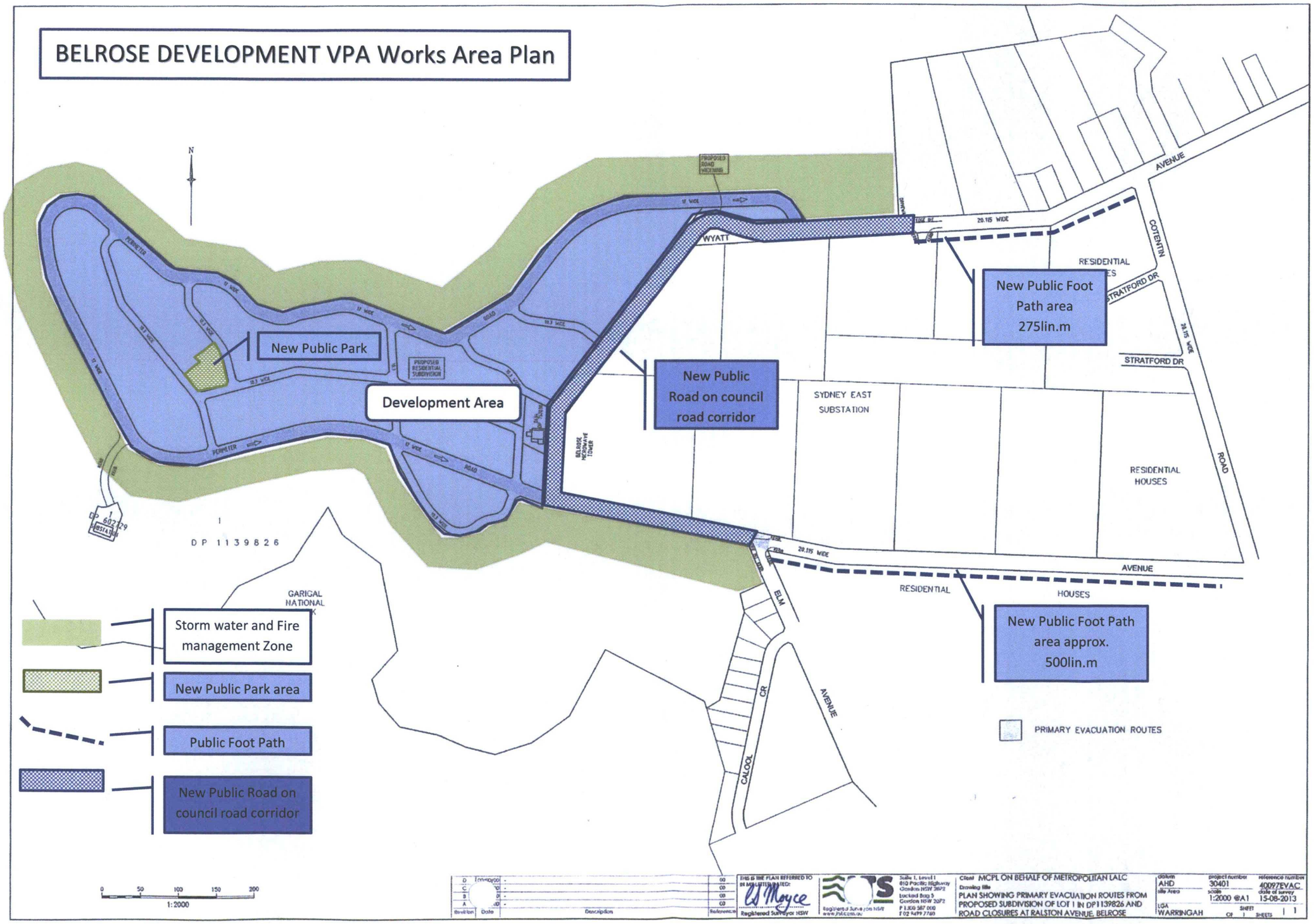
Note that the proposed Sub division is to be compliant with all Council requirements. i.e. compliant road networks, services and lots sizes of minimum 600m2.

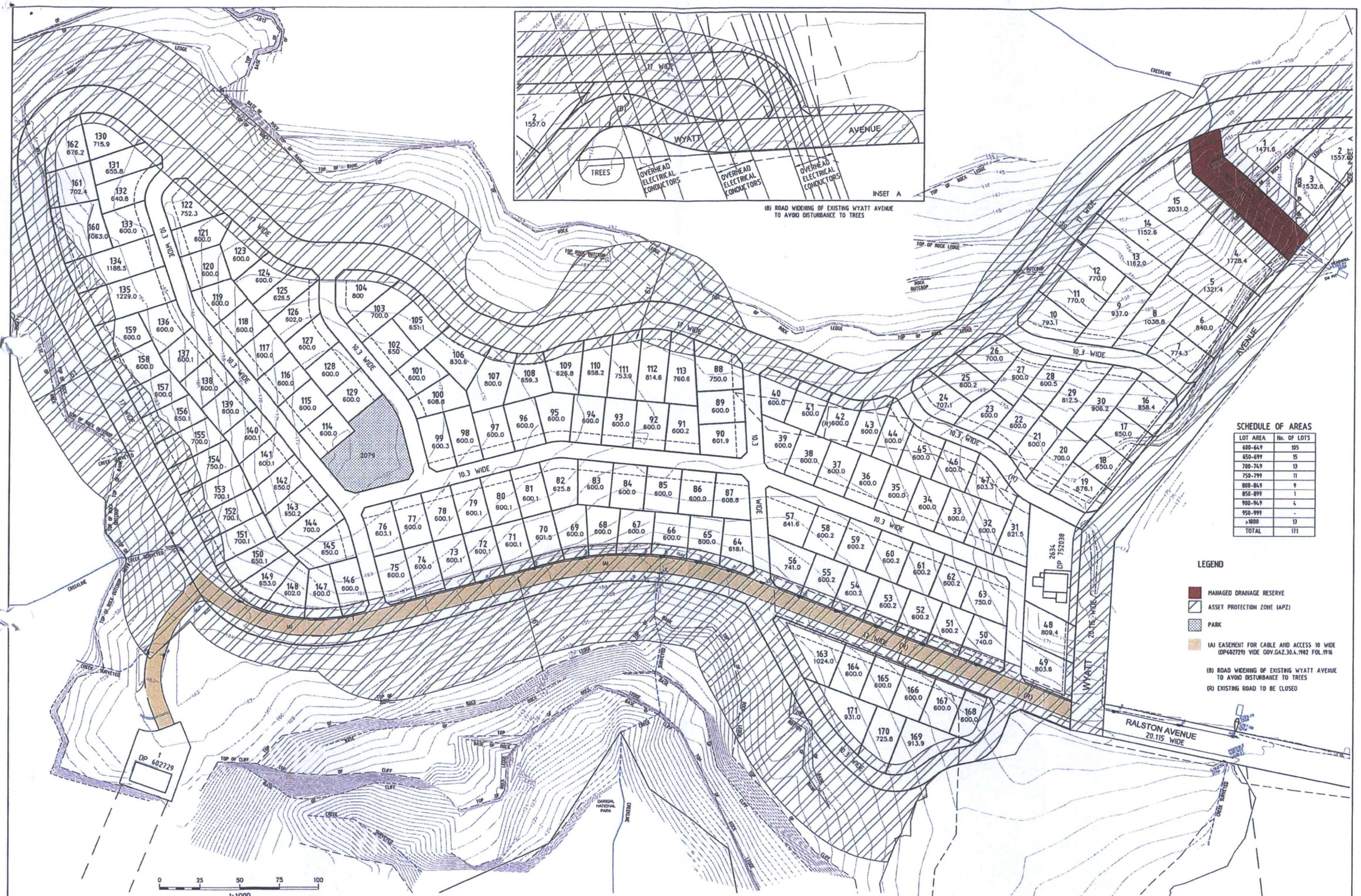
Part 4 - Application of s94 and s94A of the Act to the development

Please identify the section 94 Contributions payable in respect of the proposal, calculated in accordance with the Warringah section 94A Development Contributions Plan (refer to Section 22 of the VPA Policy).

Type of development	Levy	Amount
All development applications and applications for Complying Development Certificates whose total costs amount to less than $100,001.	Nil	Nil
All development applications and applications for Complying Development Certificates with a total cost from $100,001 $200,000 (excluding exempt development, s96 applications to modify development consent and development applications proposed by Council).	0.5 percent	TBA
All development applications and applications for Complying Development Certificates with a total cost exceeding $200,000 (excluding exempt development, s96 applications to modify development consent and development applications proposed by Council).	1.0 percent	TBA

BELROSE DEVELOPMENT VPA Works Area Plan





SCHEDULE OF AREAS

LOT AREA	No. OF LOTS
600-649	105
650-699	15
700-749	13
750-799	11
800-849	9
850-899	1
900-949	4
950-999	-
>1000	13
TOTAL	171

LEGEND

- MANAGED DRAINAGE RESERVE
- ASSET PROTECTION ZONE (APZ)
- PARK
- (A) EASEMENT FOR CABLE AND ACCESS 10 WIDE (DP402729) VIDE GOV.GAZ.30.4.1982 FOL.1916
- (B) ROAD WIDENING OF EXISTING WYATT AVENUE TO AVOID DISTURBANCE TO TREES
- (R) EXISTING ROAD TO BE CLOSED

THIS IS THE PLAN REFERRED TO IN MY LETTER DATED:

Registered Surveyor NSW

LTS LOCKLEY
Registered Surveyors NSW
www.lts.com.au

Suite 1, Level 1
810 Pacific Highway
Gordon NSW 2072
Locked Bag 5
Gordon NSW 2072
P 1300 587 000
F 02 9499 7760

Client MCPL ON BEHALF OF METROPOLITAN LALC

Drawing title
PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN DP1139826 AND ROAD CLOSURES AT RALSTON AVENUE, BELROSE

datum	project number	reference number
AHD	30401	40097PS
site Area	scale	date of survey
	1:1000 @A1	6-08-2013
LGA WARRINGAH	SHEET 1 OF 1 SHEETS	

Revision	Date	Description	Reference
D	00/00/00	-	00
C	00/00/00	-	00
B	00/00/00	-	00
A	15-8-2013	NORTH EAST CORNER OF SITE REVISED	-