

Northern Beaches Envirolink Inc
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Dear Sir/Madam

We write to **oppose** the proposed planning proposal to rezone Patyegarang or “Lizard Rock”. This submission supplements and expands our previous submission

About Envirolink

Northern Beaches Envirolink Inc has a proud 20 year history of advocacy and delivery of environmental conservation projects on the Northern Beaches. Our Northern Beaches Bushland Guardians campaign to save Lizard Rock and other land identified for development in the Development Delivery Plan has nearly 3,000 members and our petition received over 12,000 signatures and was debated in NSW Parliament on 29 June 2023. Our campaign reflects a strong desire by the Northern Beaches community to conserve our remaining bushland.

Summary

This project should be **refused** due to the significant environmental issues associated with the proposal, which would see at least 50 hectares of clearing of native bushland and habitat for native species. The housing would be exposed to a real risk of bushfire, and would create a car-centric sprawling district where it is not realistic that residents will use active transport. The proposal would also create a negative precedent for lands in the deferred lands and Metropolitan Rural Area within the Belrose and Oxford Falls area, where similar bushland properties with a similar biodiversity and bushfire profile will seek similar spot rezonings relying on this proposal as justification for site specific merit.

The following sections discuss the specific key issues in more detail.

1. Biodiversity

This site forms part of a large, viable, habitat interconnecting with rich biodiversity across private land in the deferred lands / Belrose-Oxford Falls Metropolitan Rural Area with the Garigal National Park and Narrabeen Lagoon State Park. Clearing 50 hectares of land at this site would have broader implications for the habitat and range of species which move between these areas.

We consider that the Biodiversity Development Assessment Report (BDAR) is inadequate and this proposal should be refused due to its unacceptable environmental impacts, and inadequate information provided in the application.

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Incomplete Preliminary Biodiversity Development Assessment Report BDAR

The report is only preliminary and is missing essential information and cannot be used for planning or assessment.

The applicants Preliminary BDAR report admits that there has been insufficient surveys “..does not yet meet the requirements of BAM Table 3. An additional three plot surveys (one per zone) will be required..”p29

Required surveys have not been completed, subsequently preventing assessment of the biodiversity impact. As the title of the report states on preliminary surveys have been carried out. As a consequence additional threatened species and endangered ecological communities may be found that prevent the development from being approved or would require major changes to the proposal layout and footprint.

There is insufficient BAM survey plots, there is insufficient Threatened species surveys particularly for Threatened plants as can be seen in Figure 5.

For each of the 3 vegetation types used for the assessment only 2 plots on each were conducted when 3 are required ie 9 required and only 6 completed, this does not meet the requirement of the Biodiversity Conservation Act.

If 11 vegetation types are used as mapped by the NSW government then 15 plots are required and only 6 have been carried out.

The Preliminary BDAR is not a valid BDAR and does not contain sufficient information to be used for planning or decision making.

The fundamental biodiversity field surveys have not been completed and as a consequence the basic information is not available and therefore an assessment of the biodiversity impact cannot be made. The constraints of the site are not yet known and when they are known the layout and footprint are likely to need to be changed to meet requirements to avoid and minimise impact. Good planning requires the constraints of a site to be known and taken into consideration when designing proposals.

No type of planning decision can be made based on the preliminary incomplete information currently in the application, the proposal should be rejected.

The Complexity of the Vegetation Has Been Understated

The site contains 11 vegetation types not the 3 vegetation types described in the BDAR report. The official map provided by the NSW Department of Planning and Environment is the 2023 STVM map as shown in the maps at Annexure C to this submission.

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This consequences of not including these vegetation types is significant and will effect which Threatened species need to be considered in the assessment and targeted by the field survey. The simplification of the vegetation types on the site misleads the determining authority and the bias will also give the applicant a false indication of the likely offsetting costs.

A reduction in the number of vegetation types on the site will also reduce the amount of survey effort required, the conservation significance of the land and the cost of Biodiversity Offsetting required.

The missing communities include the Threatened Sydney Coastal Upland Swamp EEC and the rare Rock Plate Heath both of which are habitat for a large number of Threatened species.

Amalgamating plant vegetation types biases the biodiversity assessment, understates the importance of the site, reduces the cost of assessment and does not meet the requirements of the Biodiversity Assessment Method required by the Biodiversity Conservation Act 2017 the number and type of Ecosystem Credits are incorrect and should be rejected and the biodiversity assessment (BDAR) is not valid and the application cannot be approved.

Potential for Duffys Forest Endangered Ecological Community

Despite being initially mapped as Duffys Forest EEC by (Travers Bushfire & Ecology), the latest mapping indicates that this portion of site on the Eastern side of Morgan road is Sydney North exposed Sandstone Woodland and Coastal Sandstone Gully Forest. One of the key identifiers of the Sandstone Gully Forest community is the presence of Sydney Peppermint however for most of the site this species is only present as the elevation drops off the laterised sandstone and this species is replaced by Silvertop Ash. Where Silvertop Ash is present it has been mapped as Sydney North exposed Sandstone Woodland however Silvertop Ash is not a common feature of this community.

The soil type is listed on eSpade as Lambert and clearly has laterised Sandstone, Ironstone and large clay deposits all typically associated with Duffys Forest EEC. Further no Eucalyptus racemosea is present with many haemastoma present, typical of Duffys Forest EEC.

Crucially, recent communications with Smith and Smith reveal that contrary to the Biodiversity Development Assessment report, they did not visit this site as part of their original mapping of Duffys Forest EEC and pers. comm. reveal they agree that the sites sounds like a likely candidate for this community.

Both Waratahs and Woody Pear are present throughout the site, species typically associated with Ironstone and Duffys Forest EEC.

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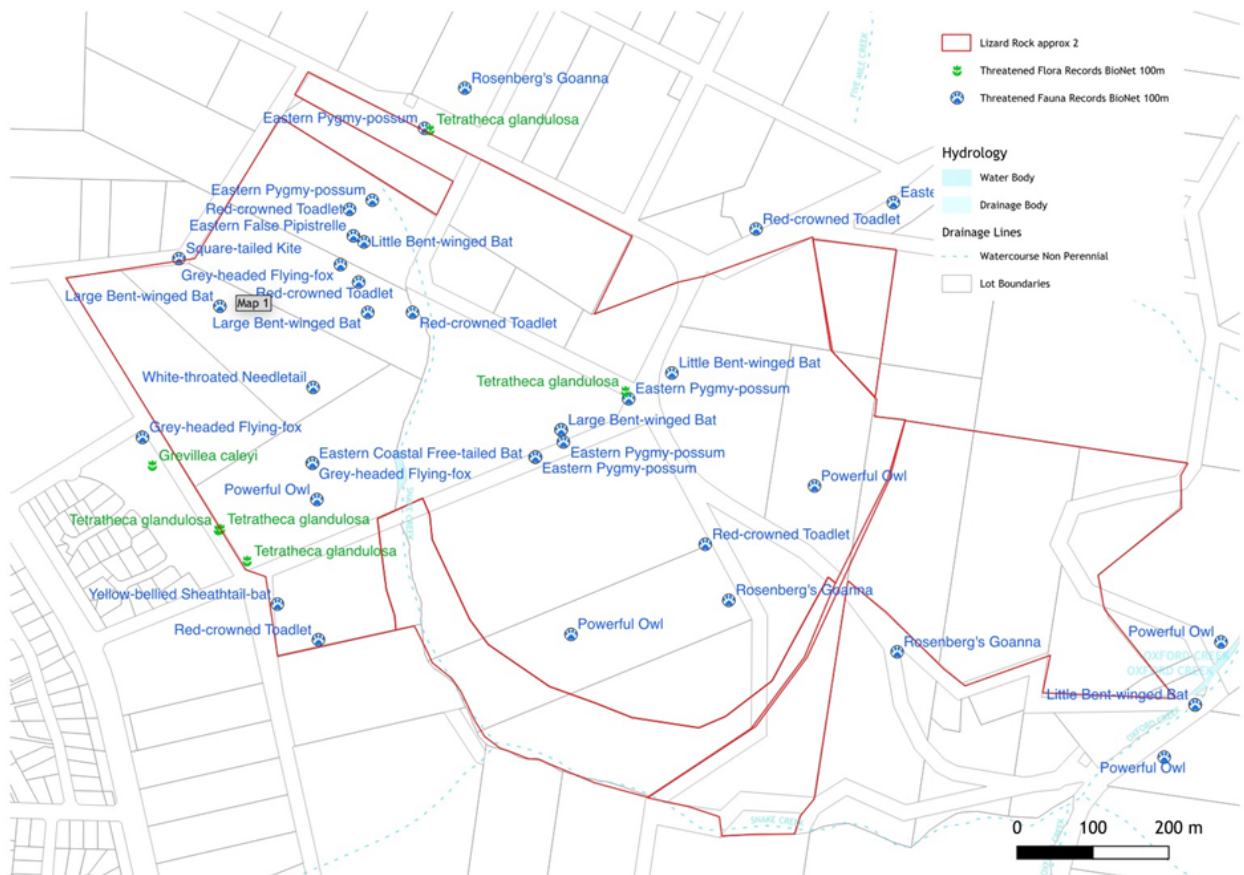
A Large Number of Threatened Species have Already Been Found by the Applicant

Figure 8 in the Preliminary BDAR shows the extensive finding of previous surveys by others (Hays Environmental) who were carrying out a regional survey for Council.

The site is already known to have a very high habitat value for Threatened species and there are 14 Threatened fauna species that have been recorded on the site and one Threatened plant.

There is clearly essential for a resident population of Pygmy Possums, Red-crowned Toadlets and Rosenberg's Goanna and Black Eyed Susan on the site and the site is also part of a home range of Glossy Black Cockatoos, Square-tailed Kite, Powerful Owl, White Throated Needletail, Grey-headed Flying-fox and 5 species of Threatened microbats.

This area is particularly important for Threatened species. There are 6187 records showing 69 Threatened species within 5km of the site. This is a very high density of Threatened species recorded and it indicates the importance of this locality and this site to the conservation of Threatened Species.



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The botanical survey effort that has been carried out by the applicant and previous surveys on the site is very poor, it is likely there are several more Threatened plant species on the site but without a full survey we will never know.

Data from the BioNet Atlas website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed on the Sensitive Species Data Policy may have their locations denatured (* rounded to 0.1°; ** rounded to 0.01°. Copyright the State of NSW through the Department of Planning, Industry and Environment. Search criteria : Report of all Valid Records of Threatened (listed on BC Act 2016) or Commonwealth listed Entities in selected area [North: -33.68 West: 151.18 East: 151.28 South: -33.78] returned a total of 6,187 records of 69 species.

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Kingdom	Class	Family	Species Code	Scientific Name	Exotic	Common Name	NSW status	Comm. status	Records
Animalia	Amphibia	Myobatrachidae	3116	<i>Pseudophryne australis</i>		Red-crowned Toadlet	V,P		534
Animalia	Amphibia	Limnodynastidae	3042	<i>Heleioporus australiacus</i>		Giant Burrowing Frog	V,P	V	45
Animalia	Amphibia	Hylidae	3166	<i>Litoria aurea</i>		Green and Golden Bell Frog	E1,P	V	2
Animalia	Reptilia	Cheloniidae	2004	<i>Caretta caretta</i>		Loggerhead Turtle	E1,P	E	5
Animalia	Reptilia	Varanidae	2287	<i>Varanus rosenbergi</i>		Rosenberg's Goanna	V,P		150
Animalia	Aves	Columbidae	0021	<i>Ptilinopus regina</i>		Rose-crowned Fruit-Dove	V,P		1
Animalia	Aves	Columbidae	0023	<i>Ptilinopus superbus</i>		Superb Fruit-Dove	V,P		4
Animalia	Aves	Apodidae	0334	<i>Hirundopus caudatus</i>		White-throated Needletail	P	V,C,J,K	18
Animalia	Aves	Ardeidae	0196	<i>Ixobrychus flavicollis</i>		Black Bittern	V,P		18
Animalia	Aves	Halieetidae	0226	<i>Haliaeetus leucogaster</i>		White-bellied Sea-Eagle	V,P		30
Animalia	Aves	Accipitridae	0225	<i>Hieraaetus morphnoides</i>		Little Eagle	V,P		4
Animalia	Aves	Accipitridae	0230	<i>Lopholittia isura</i>		Square-tailed Kite	V,P,3		10
Animalia	Aves	Accipitridae	8739	<i>Pandion cristatus</i>		Eastern Osprey	V,P,3		7
Animalia	Aves	Burhinidae	0174	<i>Burhinus grallarius</i>		Bush Stone-curlew	E1,P		1
Animalia	Aves	Burhinidae	0175	<i>Esacus magnirostris</i>		Beach Stone-curlew	E4A,P		1
Animalia	Aves	Cacatuidae	0268	<i>Callocephalon fimbriatum</i>		Gang-gang Cockatoo	V,P,3	E	3
Animalia	Aves	Cacatuidae	8862	<i>Calyptorhynchus lathami lathami</i>		South-eastern Glossy Black-Cockatoo	V,P,2	V	109
Animalia	Aves	Psittacidae	0260	<i>Glossopsitta pusilla</i>		Little Lorikeet	V,P		12
Animalia	Aves	Psittacidae	0309	<i>Lathamus discolor</i>		Swift Parrot	E1,P	CE	27
Animalia	Aves	Psittacidae	0302	<i>Neophema pulchella</i>		Turquoise Parrot	V,P,3		1
Animalia	Aves	Strigidae	0246	<i>Ninox connivens</i>		Barking Owl	V,P,3		11
Animalia	Aves	Strigidae	0248	<i>Ninox strenua</i>		Powerful Owl	V,P,3		353
Animalia	Aves	Tytonidae	0250	<i>Tyto novaehollandiae</i>		Masked Owl	V,P,3		4
Animalia	Aves	Tytonidae	9924	<i>Tyto tenebrosa</i>		Sooty Owl	V,P,3		2
Animalia	Aves	Meliphagidae	0603	<i>Anthochaera phrygia</i>		Regent Honeyeater	E4A,P,2	CE	3
Animalia	Aves	Neotitidae	0549	<i>Daphoenositta chrysoptera</i>		Varied Sittella	V,P		2
Animalia	Aves	Artamidae	8519	<i>Artamus cyanopterus cyanopterus</i>		Dusky Woodswallow	V,P		6
Animalia	Aves	Petroicidae	0380	<i>Petroica boodang</i>		Scarlet Robin	V,P		2
Animalia	Mammalia	Dasyuridae	1008	<i>Dasyurus maculatus</i>		Spotted-tailed Quoll	V,P	E	21
Animalia	Mammalia	Peramelidae	1710	<i>Isodon obesulus obesulus</i>		Southern Brown Bandicoot (eastern)	E1,P	E	116
Animalia	Mammalia	Phascolarctidae	1162	<i>Phascolarctos cinereus</i>		Koala	E1,P	E	20
Animalia	Mammalia	Burramyidae	1150	<i>Cercartetus nanus</i>		Eastern Pygmy-possum	V,P		576
Animalia	Mammalia	Petauridae	1137	<i>Petaurus norfolkensis</i>		Squirrel Glider	V,P		2
Animalia	Mammalia	Pteropodidae	1280	<i>Pteropus poliocephalus</i>		Grey-headed Flying-fox	V,P	V	242
Animalia	Mammalia	Emballonuridae	1321	<i>Saccolaimus flaviventris</i>		Yellow-bellied Sheath-tail-bat	V,P		7
Animalia	Mammalia	Molossidae	1329	<i>Micronomus norfolkensis</i>		Eastern Coastal Free-tailed Bat	V,P		16
Animalia	Mammalia	Vespertilionidae	1353	<i>Chalinolobus dwyeri</i>		Large-eared Pied Bat	V,P	V	13
Animalia	Mammalia	Vespertilionidae	1372	<i>Falsistrellus tasmaniensis</i>		Eastern False Pipistrelle	V,P		4
Animalia	Mammalia	Vespertilionidae	1357	<i>Myotis macropus</i>		Southern Myotis	V,P		51
Animalia	Mammalia	Vespertilionidae	1369	<i>Phoniscus papuensis</i>		Golden-tipped Bat	V,P		1
Animalia	Mammalia	Vespertilionidae	1361	<i>Scoteanax rueppellii</i>		Greater Broad-nosed Bat	V,P		9
Animalia	Mammalia	Miniopteridae	1346	<i>Miniopterus australis</i>		Little Bent-winged Bat	V,P		64
Animalia	Mammalia	Miniopteridae	3330	<i>Miniopterus orianae oceanensis</i>		Large Bent-winged Bat	V,P		157
Animalia	Mammalia	Muridae	1455	<i>Pseudomys novaehollandiae</i>		New Holland Mouse	P	V	9
Animalia	Gastropoda	Camaenidae	1130	<i>Pommerhelix duralensis</i>		Dural Land Snail	E1	E	1
Plantae	Flora	Campanulaceae	7963	<i>Isotoma fluviatilis subsp. fluviatilis</i>			3	X	1
Plantae	Flora	Hibbertiaceae	11422	<i>Hibbertia puberula</i>			E1		1
Plantae	Flora	Dilleniaceae	11250	<i>Hibbertia superans</i>			E1		1
Plantae	Flora	Elaeocarpaceae	6205	<i>Tetradlea glandulosa</i>			V		187
Plantae	Flora	Ericaceae	7752	<i>Epacris purpurascens var.</i>			V		18
Plantae	Flora	Fabaceae	3728	<i>Acacia bynoeana</i>		Bynoe's Wattle	E1	V	2
Plantae	Flora	Fabaceae	15210	<i>Acacia terminalis subsp. Eastern</i>		Sunshine wattle	E1	E	12
Plantae	Flora	Haloragaceae	3257	<i>Haloragadendron lucasii</i>			E1	E	3
Plantae	Flora	Lamiaceae	3418	<i>Prostanthera marifolia</i>		Seaforth Mintbush	E4A,3	CE	4
Plantae	Flora	Malvaceae	6140	<i>Lasiopetalum joyceae</i>			V	V	1
Plantae	Flora	Myrtaceae	4007	<i>Callistemon linearifolius</i>		Netted Bottle Brush	V,3		11
Plantae	Flora	Myrtaceae	4024	<i>Darwinia biflora</i>			V	V	1
Plantae	Flora	Myrtaceae	4067	<i>Eucalyptus camfieldii</i>		Camfield's Stringybark	V	V	78
Plantae	Flora	Myrtaceae	4134	<i>Eucalyptus nicholii</i>		Narrow-leaved Black Peppermint	V	V	3
Plantae	Flora	Myrtaceae	8907	<i>Eucalyptus scoparia</i>		Wallangarra White Gum	E1	V	1
Plantae	Flora	Myrtaceae	8314	<i>Leptospermum deanei</i>			V	V	35
Plantae	Flora	Myrtaceae	4248	<i>Melaleuca deanei</i>		Deane's Paperbark	V	V	5
Plantae	Flora	Myrtaceae	4293	<i>Syzygium paniculatum</i>		Magenta Lilly Pilly	E1	V	11
Plantae	Flora	Orchidaceae	4464	<i>Genoplesium baueri</i>		Bauer's Midge Orchid	E1,P,2	E	15
Plantae	Flora	Orchidaceae	9616	<i>Microlis angusii</i>		Angus's Onion Orchid	E1,P,2	E	150
Plantae	Flora	Proteaceae	5365	<i>Grevillea caleyi</i>		Caley's Grevillea	E4A,3	CE	2911
Plantae	Flora	Proteaceae	9680	<i>Macadamia integrifolia</i>		Macadamia Nut		V	1
Plantae	Flora	Proteaceae	5458	<i>Persoonia hirsuta</i>		Hairy Geebung	E1,P,3	E	27
Plantae	Flora	Thymelaeaceae	6965	<i>Pimela cuneiflora var. cuneiflora</i>			V	V	34

Threatened Species Excluded from Assessment

The applicants BDAR admits the inadequate survey “ *The author notes that targeted threatened species survey effort and timing does not meet BAM requirements for all candidate flora species. Table 10 reflects the intent for sufficient surveys to be conducted prior to lodgement of a development application and final calculation of offset liability, together with the expected outcome of the surveys based on current knowledge. Where there is substantial uncertainty, species have been assumed present.*” this justification is not acceptable.

“*The Little Bent-wing Bat was recorded during the field surveys. It was recorded on one night (10th November 2020) with the first pass at 00:54 hours. It is considered that this recording was during the foraging period for the animal, rather than leaving a roost site at dusk. Whilst the subject land offers roosting opportunities for bats, it is believed that this species is not using the subject land for roosting or breeding.*” this justification is also not acceptable and this species clearly occurs on the site and should not be excluded.

There may also be impacts on the *Myotis macropus* fishing bat, which are listed as a threatened species in NSW. The fishing bat is present on Narrabeen lagoon and any development in the catchment area is likely to impact water quality.

There has not been the required survey and is no satisfactory justification to exclude the following Threatened species from the assessment, these species must be appropriately surveyed for or offset:

- *Caladenia tessellata*, Thick Lip Spider Orchid
- *Callistemon linearifolius*, Netted Bottle Brush
- *Callocephalon fimbriatum*, Gang-gang Cockatoo Recorded in the Bionet Atlas adjacent to the site to the west
- *Calyptorhynchus lathami*, Glossy Black-Cockatoo
- *Chalinolobus dwyeri*, Large-eared Pied Bat
- *Eucalyptus camfieldii*, Camfield's Stringybark Known to occur nearby to the north
- *Genoplesium baueri*, Bauer's Midge Orchid
- *Grammitis stenophylla*, Narrow-leaf Finger Fern Known to occur nearby to the south less than 100 from the site
- *Heleioporus australiacus*, Giant Burrowing Frog Known to occur nearby to the north
- *Hibbertia puberula*
- *Hibbertia spanantha*, Julian's Hibbertia
- *Isodon obesulus obesulus*, Southern Brown Bandicoot (eastern) Known to occur nearby in Garigal NP
- *Melaleuca deanei*, Deane's Paperbark Known to occur nearby at St Ives Show Ground
- *Miniopterus australis*, Little Bent-winged Bat
- *Miniopterus orianae oceanensis*, Large Bent-winged Bat
- *Ninox strenua*, Powerful Owl
- *Persoonia hirsute*, Hairy Geebung Known to occur nearby and cryptic
- *Tyto novaehollandiae*, Masked Owl
- *Tyto tenebricosa*, Sooty Owl Known to occur nearby

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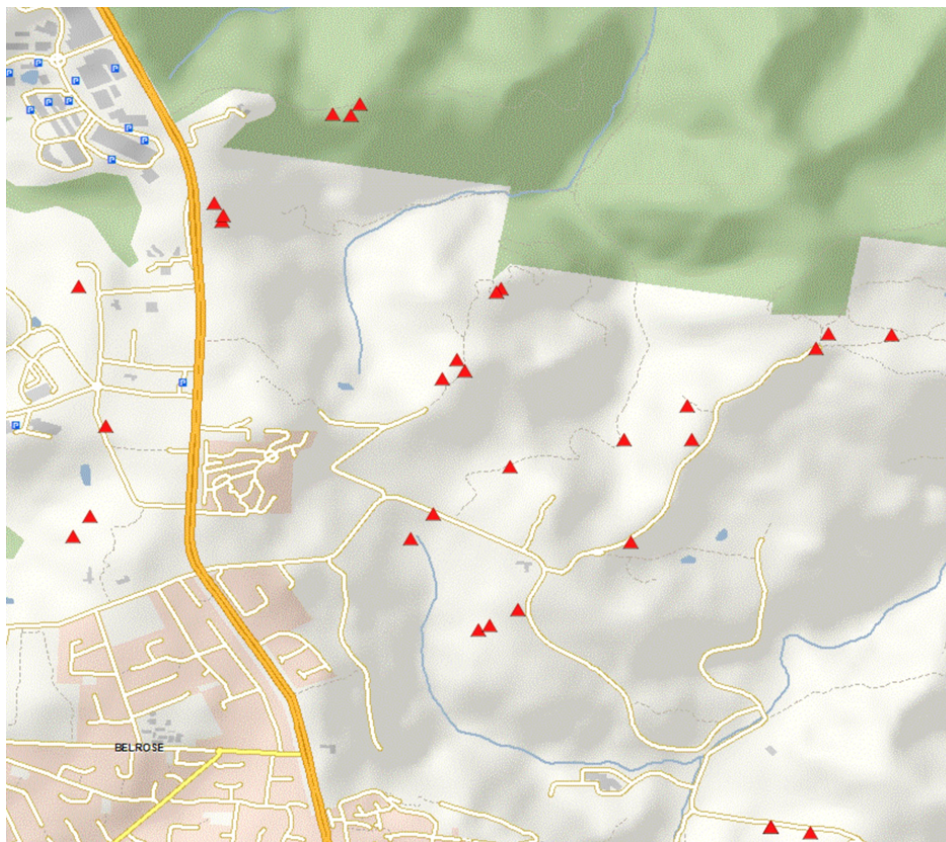
Threatened Species Polygons

There has not been an adequate systematic survey of the site as required by the Biodiversity Conservation Act so how can species polygons be drawn?

Underestimates of the Threatened Species Polygons will reduce the number and cost of Offset Credits required. The Threatened species polygons are not based on facts and cannot be accepted and consequently the number and type of Species Credits are an underestimate and should be rejected.

Eastern Pygmy Possum

We provide the following case study of one of the Threatened species that occurs on this site, the Eastern Pygmy-possum.



Eastern Pygmy-possum Locations within the site or adjacent shown by a red triangle

Eastern Pygmy-possums are tiny (15 to 43 grams) active climbers, with almost bare, prehensile (capable of curling and gripping) tails, and big, forward-pointing ears. They are light-brown

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above and white below. Adults have a head and body length between 70 - 110 mm and a tail length between 75 - 105 mm.

This species feeds largely on nectar and pollen collected from banksias, eucalypts and bottlebrushes; an important pollinator of heathland plants such as banksias; soft fruits are eaten when flowers are unavailable. It also feeds on insects throughout the year; this feed source may be more important in habitats where flowers are less abundant such as wet forests. The species shelters in tree hollows, rotten stumps, holes in the ground, abandoned bird-nests, Ringtail Possum (*Pseudocheirus peregrinus*) dreys or thickets of vegetation, (e.g. grass-tree skirts); nest-building appears to be restricted to breeding females; tree hollows are favoured but spherical nests have been found under the bark of eucalypts and in shredded bark in tree forks. They appear to be mainly solitary, each individual using several nests, with males having non-exclusive home-ranges of about 0.68 hectares and females about 0.35 hectares. Young can be born whenever food sources are available, however most births occur between late spring and early autumn. They are agile climbers, but can be caught on the ground in traps, pitfalls or postholes; generally nocturnal. They frequently spend time in torpor especially in winter, with body curled, ears folded and internal temperature close to the surroundings.

Threats

- Loss and fragmentation habitat through land-clearing for agriculture, forestry and urban development. This proposal would contribute to this loss and fragmentation of habitat.
- Changed fire regimes that affect the abundance of flowering proteaceous and myrtaceous shrubs, particularly banksias. This proposal includes significant clearing of APZs and other management, which will impact local plant species.
- Declining shrub diversity in forests and woodlands due to overgrazing by stock and rabbits. The proposal will involve clearing of shrub diversity, even if some established trees are retained on individual lots or APZs/parks.
- Predation from cats, dogs, and foxes. This proposal will involve greater access to their habitat by introduced predators such as pets of future residents.
- Loss of nest sites due to removal of firewood.
- Mortality on roads through habitat and movement areas. This proposal will greatly increase local traffic movement on Morgan Road and a new internal road network where wildlife may be roadkill.
- Insufficient understanding of distribution and/or abundance. This proposal will contribute to this problem.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list the Eastern Pygmy-possum *Cercartetus nanus* (Desmarest, 1818) as a VULNERABLE SPECIES on Schedule 2 of that Act. Listing of vulnerable species is provided for by Part 2 of the Act. Although the Eastern Pygmy-possum is broadly distributed, recent studies have shown that within this range the species appears to be patchily distributed

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and its overall abundance is low. This proposal would contribute to a local loss of breeding population.

Despite a large number of intensive trapping programs undertaken in the eastern forests and woodlands of New South Wales in recent years, only a small number of captures (154) have resulted from a total trapping effort of 315,000 Elliott trap-nights and 57,000 pitfall trap-nights (Bowen and Goldingay 2000). Other detection techniques such as spotlighting, predator scat analysis, hair tubes and trapping in trees have produced similar low rates of detection. Capture rates are highest for installed nest-boxes and traps set in flowering banksias. This may reflect a habitat preference or a more successful trapping method. The cryptic nature of Australian wildlife means it is possible to underestimate their presence without a dedicated effort.

The factors threatening the survival of the Eastern Pygmy-possum include isolated sub-populations with little opportunity for dispersal which increases the risk of local extinction, clearing that results in habitat loss and fragmentation, inappropriate fire regimes that remove nectar-producing understorey plants, the loss of nest sites due to past intensive forestry and firewood collection, and predation by foxes and cats. This proposal will exacerbate these risks locally.

The Scientific Committee is of the opinion that the Eastern Pygmy-possum *Cercartetus nanus* is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate, and is therefore eligible for listing as a vulnerable species.

We implore the Department that this proposal will put a species already under significant pressure at risk of greater decline, particularly in our local area.

Karst, caves et al.

Whilst the impacts of this loss of habitat feature is acknowledged it severely undersells the importance of these geological features for many non-threatened fauna species including a myriad of vertebrates and as crucial roosting and nesting sites for countless invertebrate species which are the faunal backbone of life. Although not listed these features have led to the evolution of fauna species that are endemic to the Sydney Basin. Lithorefugia refers to the water capturing ability through history of certain rock types in allowing Rainforest to persist in a drying climate. The presence of species like Black Wattle, Coachwood etc are evidence of this function of the site. This led to the speciation of the iconic Broad-tailed Gecko (*Phyllurus platurus*) which is present at Lizard Rock and no doubt a functioning totem of urban wildlife throughout the Sydney Basin where this species is restricted. The next nearest sister species in the *Phyllurus* genus is found over 1000km north in South-east Queensland. It is only the complex that have allowed this species to persist. Further, the Rockwarbler is NSW's only Endemic bird and worthy of listing given it's limited distribution also only found in the Sydney

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Basin. The Rockwarblers nearest relatives are found in Papua New Guinean rainforests and this species relies upon Sandstone overhangs for raising their young.

In regards to the threatened Fauna; given the infrequency that Rosenberg's Goanna are recorded outside of the Northern Sydney region it is crucial that genetically viable populations of Rosenberg's Monitor are protected to the highest degree. Personal observations indicate to Jayden Walsh that Garigal National Park (East) has the highest density of *V. rosenbergi* in the world. This could all come under threat directly from the proposed development at Lizard Rock but also through increased visitation and disturbance from Dogs, Cats and changed fire regimes that will inevitable come from this development.

The fact that no important roost caves were found during the survey effort means little given how hard it is known to be to find roosts for Microchiropteran fauna in NSW especially the Sydney Basin. Further, given our lack of knowledge on such matters all sandstone overhangs should be preserved as we are unclear as to what is and isn't a used site.

Whilst no Spot-tailed Quolls were found in the limited survey effort the Narrabeen Lagoon Catchment forms the highest density of records in Sydney. Trapping of a quoll from Elanora Heights demonstrated our poor understanding of this species and just how far they can travel, with the released individual turning up the next day at Granville. As such, our poor understanding of this species demonstrates the need to protect roosting habitat and potential corridors of movement.

Habitat Connectivity

Unacceptable to say the extent and significance of red-crowned toadlet connectivity is unknown. Given the species randomness in dispersing on wet nights it is highly unlikely that this species would follow corridors that it can't see or comprehend the bounds of. As such it is highly likely that it would enter the development zone where it encounters a myriad of threats inevitable resulting in death.

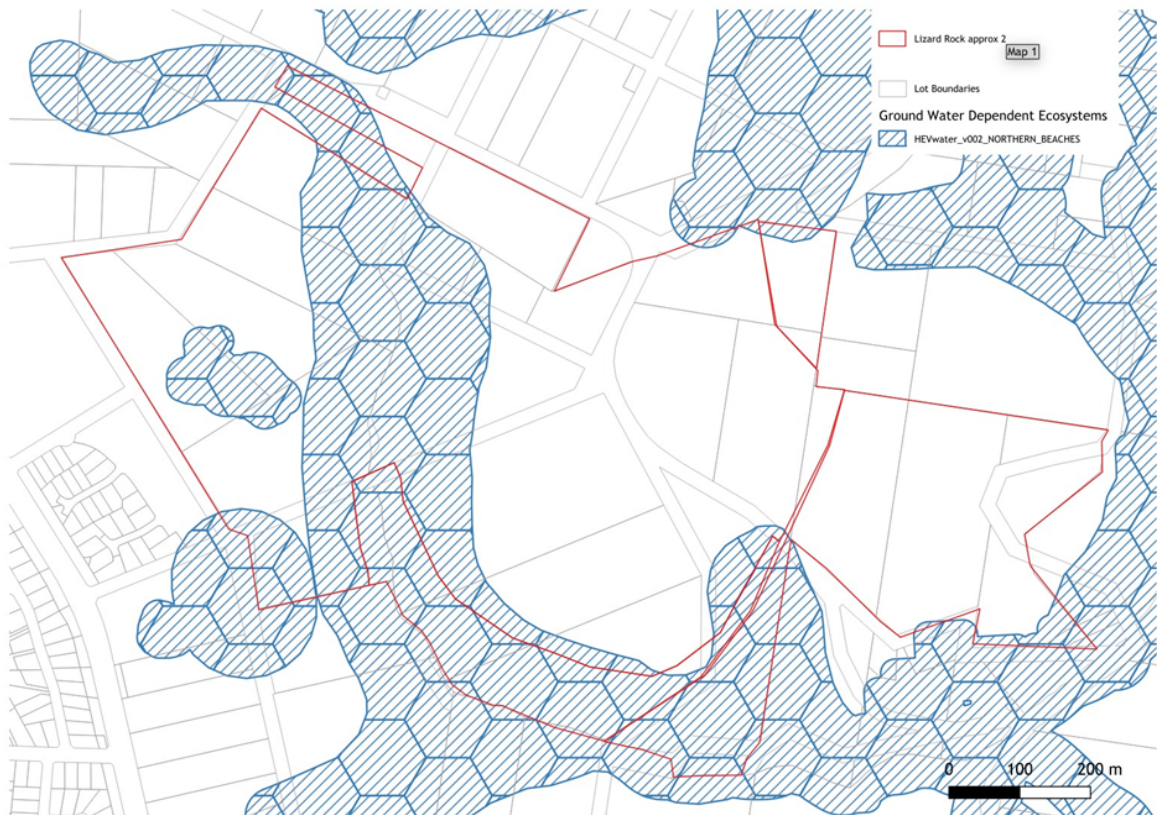
Koala – as seen in 2020 when a Koala was found within the Narabang Business Park it is clear that Koalas move through the landscape following factors unknown to us such as topography and nutrient profiles of feed trees therefore wildlife corridors are futile. This Koala in Belrose was likely the same individuals seen several months later on at Wakehurst Parkway and as such it is not a stretch of the imagination that one would use for feeding or pass through the Lizard Rock on occasion. Given the likely disease free status and incredibly low numbers of the remaining population of Koalas in Northern Beaches LGA any stands of Grey Gum or Scribbly gum must be retained and appropriate fire regimes employed.

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Waterbodies, Water Quality and Hydrological Processes

The site is mapped as being important for Ground Water Dependent Ecosystems this is particularly important for the Upland Swamp and the down slope riparian and lagoon ecosystems. This has not been addressed.



There is no doubt that erosion and sedimentation will be severe. As seen in Wirreanda and Fern Creeks following Mona Vale Rd Construction large amounts of sediment washing down into McCarrs Creek Catchment and Narrabeen Lagoon Catchment despite 'strict regulations' results in further flooding issues for the Residents of NLC, increased weeds from soil disturbance and loss of seed bank. Middle Creek is proposed to be dredged which would be an environmental disaster given the natural state of Permian sand beds that cause this to be a rainforest and wetland as opposed to estuarine creeks between cliffs like seen in KCNP. These natural processes will be jeopardised by this development and force governments hand when looking at managing the flood risk of Wakehurst Parkway (flooding in middle creek is a naturally occurring process).

2.Planning issues

This site has a number of features which make it unsuited for the proposed housing estate from a planning perspective. As such, there is a distinct lack of site specific merit to justify rezoning the land to R2. The reasons for this position are as follows:

- **Overall lack of site specific merit.** We dispute the conclusion in the Planning Proposal that there is site specific merit. We consider that the acknowledged ecological, heritage, and bushfire constraints on the site more clearly demonstrate that this site is not suited for a greenfields residential subdivision.
- **Inappropriate proposed zone.** We overall consider it inexplicable that the proponent seeks R2 zoning in the area which its own planning proposal acknowledges is significantly constrained by heritage, biodiversity, topography, and bushfire risk (for example, acknowledged at p23 of the Urban Design Report). The Northern Beaches Council is undertaking an ongoing review of zoning across the Northern Beaches, and this site has been identified as appropriate for C3 zoning, objectively reflecting its environmental value and bushfire risk profile. We call for the entire Lizard Rock site being C-zoned, ideally C1 or C2 with provision for acquisition, but failing that, C3. A key weakness of the proposed R2 zoning is that future landowners could rely on the Code SEPP to undertake further development and construct secondary dwellings via CDC, such as granny flats. This would undermine or render practically unenforceable many of the proposed sustainability measures relied upon to justify the project. A C zoning would at least ensure that the impacts of future development would be assessed by Council.
- **Highest and best use of the land.** Given the environmental, hazard and archaeological constraints of the site, we consider the highest and best use of the land is as a National Park. We note that the proposal at various points refers to the site as unused land. In our view, the site is not underutilised - it is currently performing vital ecosystem services, habitat for native species, and providing a carbon sink through its vegetation and soil. It is also highly valued by bushwalkers, nature lovers and the local community in its present state. At various points, the proposal also seeks to outline its commitment to sustainability, however in our view, the most sustainable thing would be to leave the native bushland in situ as is.
- **Number of proposed lots is excessive.** We dispute that this area is suitable for a housing estate of 450 dwellings, given the ecological and hazard constraints. It is not apparent that the proponent has considered any means of reducing risk and environmental impact that would include a reduced dwelling yield. We consider that 450 is excessive particularly when, as the proposed zoning is R2, future owners can potentially build secondary dwellings via CDC, without assessment of impacts such as



traffic or bushfire risk. This could result in closer to 600 dwellings. The planning proposal acknowledges the potential for these secondary dwellings, as it describes these as forming part of the potential housing 'diversity' created by the proposal.

- **Proposed use of restrictions on title is a relatively weak form of protection.** We consider this as a weak form of protection for the environment and of dwelling numbers, as it would rely on the beneficiary of such a covenant to have the resources to detect non-compliances and to take enforceable action. We assume that it is proposed that Council would be beneficiary of the covenant, but this pushes a future regulatory responsibility on Council which could simply be avoided by applying a C zoning. Private certifiers may not be aware of the restriction of title when certifying development, as they may not check for restrictions on title as this is not strictly a statutory requirement. If the development is certified, this would require Council to have resources to take compliance action within the 3 month window for enforcement action. Finally, we assume such a restriction on title could in any event be overcome by Clause 1.9A of the Warringah LEP, which would potentially mean that consent could be granted for additional dwellings despite the restriction on title.
- **Proposed lot size pattern is not characteristic of the local area and will reduce opportunities for retention of existing vegetation.** We note that the proposed subdivision plan includes a variety of 200sqm, 450sqm and 600 sqm lots. We consider that the proposed 200sqm lots are not characteristic of the Belrose area or sympathetic to the sparsely populated bushland setting to the North, South, and East. On our review of residential subdivisions in the surrounding blocks of Belrose / Frenchs Forest, a 400 - 700sqm lot size is the dominant character and we could not identify any 200sqm lots. We consider that these 200sqm lots will further reduce opportunities for retention of bushland as those lots will by necessity be entirely cleared to allow sufficient room for a dwelling house. The draft DCP underscores this concern, as there are no indicative plans provided as to how these 200sqm properties will be sited on the lots and co-designed around existing significant trees.
- **Urban design lacks consistency with local character.** The proposal's Concept Plan design principles (p24 of the Urban Design Report) assert that the development reflects the "Northern Beaches vernacular". In our view as local residents, the local vernacular of the Metropolitan Rural Area / deferred lands is of rural and bushland setting, not as a housing estate with lots as small as 200sqm.
- **Inappropriate reliance on Development Delivery Plan for justification.** We overall consider there is a circularity of logic to the strategic merit identified in the proposal. The proposal refers a number of times to the Development Delivery Plan as providing justification for this proposal. However, the Development Delivery Plan largely presupposes that the proposed development is capable of justification through later

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detailed work would be required to ground truth the viability of the ideas contained in that document.

- **Adverse precedent in the deferred lands / Metropolitan Rural Area.** We consider there is a significant adverse precedent which would be created if this proposal were to be approved. Within the Metropolitan Rural Area and deferred lands within the Belrose - Oxford Falls area there are a number of properties which have similar biodiversity and bushfire risk profiles. As with the Lizard Rock site, Council has identified these properties should have C3/4 or Rural zoning in its ongoing review of a consolidated Northern Beaches Local Environment Plan. We consider that approval of the Lizard Rock site could potentially create an adverse precedent that the owners of other similar sites in the area can seek a spot rezoning for R2 low density residential. The implications of this would be significant in terms of loss of biodiversity on private land through land clearing to create developable sites and APZs, and the Metropolitan Rural Area and Deferred Lands will become an expansion of suburbia.
- **Outdated approach to subdivision plans.** This site is a return to the urban sprawl greenfields subdivision patterns, where the city continues to expand, creating car centric precincts, where it is not feasible or realistic to fully service the expansion with public transport or expect people to walk rather than drive. This is a flaw inherent to the site, due to its steep topography.

At **Annexure A** is a more granular response to a number of specific comments within the Planning Proposal report prepared by Gyde.

At **Annexure B** is a more granular response to a number of specific clauses within the proposed draft DCP.

3. Bushfire

The Northern Beaches Council as part of its ongoing review of zoning within the Northern Beaches Local Government Area has undertaken a review of the bushfire risk within the deferred lands area within Belrose and Oxford Falls. As part of its consideration of the planning proposal for Lizard Rock, the Council further obtained an independent report from Blackash Bushfire Consulting. These reports identify that the bushfire risk in the area of the Lizard Rock includes areas considered to be Very High – Extreme bushfire risk, based on the criteria in the RFS Group Leader Manual. The Blackash report also noted a number of significant concerns regarding the safety and viability of the proposed evacuation access points.

The planning proposal at page 6 claims that there will be enhanced bushfire protection outcomes. However, we consider that there is minimal public benefit proposed, rather, the

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measures proposed serve only to render this proposal 'feasible' and attempt to out engineer the fundamental incompatibility of this site with development.

Lack of strategic merit at using land use planning to avoid bushfire risks

One of the key findings of the 2020 NSW Inquiry into the 2019 Bushfires (**NSW Inquiry**) was the need for consideration of risk as part of strategic land use planning processes. Planning decisions must use the best available evidence to ensure that new development is not exposed to unacceptable risk from bushfire. We have to learn the lessons from the 2019 Bushfire season, and no longer build new homes in areas where we know that people may be put in danger.

This proposal fundamentally does not incorporate the learnings of the NSW Inquiry in section 4.4.4,¹ where it was discussed the shortcomings of our land use planning system to reduce bushfire risk. At paragraph 4.4.4.4 it is stated that an ideal planning system would, amongst other things, "*adopt avoidance as the first priority, and mitigation of the risk to an acceptable or tolerable level as the second*". On this principle, this proposal ought to be avoided as a first priority. Paragraph 4.4.4.5 discusses the need for a future NSW Bushfire policy which, amongst other things, will be "*a strategic planning model which provides mitigation and adaptation measures, including opportunity for people to relocate out of extreme risk bushfire communities, i.e. swaps and buy back schemes for developments that are incompatible with a tolerable bushfire risk level*". We consider a swap or buy back scheme would be preferable in the circumstances where MLALC has been given land as compensation which is unsuitable for development due to bushfire risk.

Unpredictability of Fires

The Royal Commission into National Natural Disaster Arrangements [1] researched the current trend of heatwaves amongst other changes and noted increased frequency of heatwaves and record high temperatures, longer fire seasons and more extreme fire days. All factors which contribute to the extremity and unpredictability of our recent, and expected future fires. The clearing of this land for development will put more people in danger. One of the fire management objectives is to protect assets. The Planning Proposal states in its Strategic Bushfire Assessment, that the Project will improve the protection of local residents and dwellings when in fact, due to lack of access to evacuation routes and narrow roads, all residents both current and future would be at increased risk. Due to this increasing trend of fire ferocity and unpredictability, historical patterns cannot be used for future planning.

The location of this proposed development has steep slopes, in some areas over 18 degrees, and also has unstable rocky outcrops, some of which have been rated as either High or Medium 'unacceptable' Slip Risk (acknowledged in the SMCE report). The determination of the stability

¹ <https://www.nsw.gov.au/sites/default/files/noindex/2023-06/Final-Report-of-the-NSW-Bushfire-Inquiry.pdf>

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of the land was only done with 'limited geological mapping undertaken' and only accessing public roads, so there are likely to be other unidentified areas which would present similar problems. The potential for catastrophic fires due to our drying environment and the varied topography of the proposed development site would mean it is more prudent to provide the solutions to these issues at the planning stage and not just at DA approval. Solutions need to be evident at this stage of planning.

In the Slope Assessment report, Sites 1, 2, 3, 4, 6 and 7 are examples where fire protection would need to have a different strategy than other areas. The rocky outcrops would put fire fighters at more risk, due to the inability to stay a safe distance from a fire front or escape when steep slopes are limiting their access.

Bush fire solutions at DA Approval only

The Planning Proposal has left fire matters to be addressed at the Development Assessment DA stage. These matters need to be agreed to now and the proposal to be **rejected** if this is not possible.

It seems the submission is written to assume all will go to DA approval stage and not in a manner to use the part of the process to determine if it should go to the DA approval stage, which is how it has been explained by the Planning panel. Each stage is assessed on its own merits and needs to stack up on its own. To delay solutions to DA approval leaves the proposal incomplete and it cannot be rejected based on the merits of each step, but rather relies on further information and input indicating this is really a continuum, and not a process where each part of the process is assessed completely independently.

Infrastructure Damage from Bushfires

Certain Infrastructure is proposed to be funded by the Developer/proponent. There is no inclusion to contribute, in perpetuity, to the maintenance of these structures in the event they are destroyed by bushfire.

This means the burden will be on the local Council and residents to re-build, eg damaged children's playground, new public open spaces and Cultural Centre.

Developer/Proponent are receiving the upfront benefits without any ongoing responsibility. The long-term situation is that the local Council or future residents will have the final burden to repair these areas. The proposal should contribute a future fund to cover this scenario and not burden the local community at a later stage. The proposal puts forward the immediate benefits to the community without consideration for the long term.

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Building Design in perpetuity

There is no assurance that the building codes required for flame protection, radiant heat to buildings and protection from embers will be maintained in perpetuity. There is currently no proactive duty to upgrade legacy buildings as fire protection standards change.

Asset Protection Zones (APZ)

The proponent relies heavily on use of Asset Protection Zones (APZs) to manage the risk of bushfire present on the site. However, we consider this presents an unacceptable biodiversity outcome, given that the clearing required (while remaining public open space) will lose significant environmental values and ability to provide habitat to species which require shrubs and groundcover to survive. The proposal includes APZs of up to 100m which is a significant amount of additional clearing beyond the footprint required for dwellings.

Maintenance of APZs

The proposal refers to the maintenance of Inner Protection Area (IPA) and the Outer Protection Area (OPA). 'Firstly, to be assessed by the developer and undertaken by Community Title'.

Until a "Community Title" has been formulated, identifying who holds full responsibility for the IPA and OPA areas and how they will be managed has not been provided here but assumed will be adequate. The proposal has not provided enough detail to ensure the safety of the assets in the area, environment, buildings and infrastructure, to cement their protection in perpetuity.

The proposal indicates that "Community Title" can provide the maintenance of asset protection zones. This structure is generally used for areas where residents derive benefit from the assets eg use of shared areas, including swimming pools, gardens and recreational areas and are managed like a Corporate body. According to the Rural Fire Service Standards for Asset Protection, fuel load is required to be managed. This entails raking, tree removal, pruning and burning, being mown or slashed. (NSW Crown land asset protection zones Fact Sheet).

The area involved with this proposed development, hence, would require the Community Title document to stipulate the standards to be maintained in perpetuity and a Certificate from the RFS for approval.

Fuel Management Plan (FMP) within Asset Protections Zones (APZ) according to the proposals Travers bushfire Ecology document – Bushfire Protection document is to be 'managed in perpetuity in accord with the relevant development consent and GTA's provided by the NSW Rural Fire Service'(GTA's General Terms of Approval)

Until this matter is resolved this proposal should not be considered.

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This current proposal does not provide enough detailed information to indicate the RFS are satisfied with what has been put to them but indicates it is still to be determined and finalised. Until these loose ends have been finalised, it cannot be assumed the bushfire management has been approved or is adequate to protect all. These details need to be resolved before the rezoning for this proposal allows for land subdivision.

Intensive density

R2 Zoning is very intensive and with the minimum 200sqm blocks, access to fight the fire is more difficult and therefore the fire hazard is increased.

Bushfire Emergency Access roads

Morgan Road is the main access route for fire danger which the proposed development indicates is the main access route for the safety of residents in the event of a fire. There was no mention to indicate the road will be maintained by the development. This is an assumption of the developers and certainty as to who is responsible for the ongoing maintenance of this road needs to be resolved before any decisions are finalised. Bushfire management is a crucial element for consideration yet this main point has not been adequately dealt with. Unless the development is contributing to the added costs for increased maintenance, it is not appropriate to accept the proposal.

The slip lane owned by council is another vital component for fire safety exit, and traffic. This is owned partially by council and mention of contribution for design and construction was made. Until there is a final commitment as to what this offer is and the contribution to on-going maintenance in perpetuity, this proposal should be rejected. The development should not provide additional costs to the local council and also does not have a confirmation from council that 'council revenue' (as is referred to) raised is adequate to cover these additional maintenance costs. This is an assumption with no final agreement.

The safety of residents in a fire, which will at some time happen, cannot be compromised in any way and as it is now at the planning stage the decisions need to be finalised, and until such time should be **rejected**.

4. Transport

This proposal will create a car centric precinct which sprawls away from town centres, and is out of touch with modern planning principles about creating compact cities where people can catch public transport or use active transport rather than being reliant on a car. As the crow flies, there are schools and transport connections to the Site. However, the steeply sloping terrain and large

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size of the site means that a significant number would not realistically walk or cycle to key locations and are therefore likely to drive.

The areas where the new 200sqm lots are proposed (and, therefore, where the majority of the new population will reside) are those that are furthest away from the existing bus network. The site, particularly in the North and East, due to its topography, is not conveniently walkable to existing public transport links and there is no proposal or funding towards expansion of services. As such, it is unrealistic to expect that 20% of residents will primarily use public transport to local employment hubs. The expected population of this precinct is such that it is unlikely to be economically feasible for a new bus line to service this area. We consider the traffic assumptions about transport mode shift to public transport and active transport are highly unrealistic.

Traffic impacts are modelled for 500 dwellings, but given the potential that a large proportion of the sites would be able to have granny flats, it is possible that the real number of dwellings will be closer to 700 dwellings. These impacts are not modelled.

The modelling predicts that the main route used by the new residents to exit the site will be a left turn onto Forest Way (50%) as opposed to turning right onto Forest Way (20%) or using the Wakehurst Parkway junction (30%). This modelling assumes that a significant number of people are travelling to the City or the Chatswood area which contradicts the statement on page 9 "the majority of work related trips to the area surrounding the site originate from the Northern Beaches area".

There is a concern that the number of vehicles turning right at the junction with the Wakehurst Parkway, and the inevitable delays that will occur at peak hours, has not been addressed in the assessment. Although the assessment indicates otherwise, there are already significant delays at this junction at peak hours. A rise in vehicle numbers can only escalate the issue and increase the risk of accidents.

We are also concerned as to the feasibility of having internal roads all privately owned by the proposed Community Title scheme. We consider there is likely to be a challenge of apathy and insufficient levies raised to fund maintenance of the internal roads.

The topography of Morgan Road means access into and out of the site via the proposed access roads is potentially dangerous. Current residents find it difficult to exit their properties due to the lack of visibility caused by the contours and angles. Increased traffic and new access roads will only exacerbate this problem.

The assessment does not address the upgrades that would be required to Morgan Road. Currently it is a rural style road without storm drains or footpaths. The increased population in the area would necessitate improvements to make it safe for pedestrians, cyclists, horse riders

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and vehicles. Some consideration would be needed to investigate how Morgan Road can be safely crossed by pedestrians, etc given the proposed increase in population and traffic in the area.

Importantly, no consideration has been given to the significant traffic implications when Oxford Falls Road and/or Wakehurst Parkway is flooded and consequently closed. This has been a regular occurrence in recent years, and with increasing extreme weather events, will only worsen.

5. Stormwater and waterways

There is insufficient basis for the conclusion (planning proposal p6) that there will be a positive impact on local waterways management to benefit the Site and surrounding community, including Narrabeen Lagoon.

There is particular potential for the smaller 200sqm lots to create issues with stormwater runoff and water quality. This is because they are likely to include a significant proportion of hardstand surfaces for the building and driveway, with relatively limited permeable surfaces or soft landscaping to detain water. As such, surface runoff is more likely to be a problem from these lots. It is not clear that there is a feasible water detention system.

For example, the chosen variables and parameters for the modelling of stormwater do not have any clear rationale. For example, the assumption of 60% recharge (we interpret this as asserting 60% of rainfall becoming groundwater recharge) is unlikely for Hawkesbury sandstone. Clay layers and iron layers in the sandstone tends to reduce the amount of recharge. A much lower recharge rate means that the suggested local infiltration of stormwater is not likely to be very effective. The water that is infiltrated is likely to flow laterally on top of the clay and iron-stone layers and become seepage further down gradient. Additional drainage work would be required to manage flows across private and common land.

Even if it is assumed that the scheme may provide some temporary water retention leading to some peak flow reduction, there is no clear basis to conclude there would be any positive effect on water quality. Conversely, it is likely to lead to increase nutrient loads from fertilisers, petrol and other common wastes/chemicals on internal roads and private land.

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6. Geology

The site has a geological dyke running across the northern part site and that there are associated Kaolin deposits that have been historically mined and the fine bright white paint is likely to be an important Aboriginal site. The location of the rare geological dyke can be seen on the geology maps of Sydney (See attached map), the location matches with the mining records of a Kaolin extraction business. We understand from an elderly local resident that small scale machinery was used.

Volcanic dykes are cracks in the sandstone where magma has extruded then been weathered over time to form silky smooth sand free bright white Kaolin that is valued by the Aboriginal people of the area for ceremonial body paint and cave/overhang painting such as hand stencils. This type of pigment is far superior to the normal clay derived from shale which is not likely to have been used as it contains a high proportion of sand and falls off skin and caves and is less bright.

This geological feature/historic site/Aboriginal site is protected by NPW Act 1970 and impact has not been avoided or minimised and the impact of the proposal has not been assessed as required by the EP&A Act 1979, and the BC Act 2017.

The proposal will remove this significant geological feature, the remnants of the historic site and the likely to be culturally important Aboriginal site. The location and extent of the proposal does not avoid this feature.

The location and extent of this kaolin deposit is evident on the aerial photos 1951, 1965, on the mining lease maps and can also be seen by the mining relics (pipes, winch, sheet metal signs, etc.) remaining on the site.

The adjacent Aboriginal rock engraving site may be associated with the deposit. Remnants of the kaolin deposit can still be seen in at least one location on the site. It is likely that known locations of this ceremonial paint that are exposed on the surface would have been rare and may have been a valuable cultural resource for local Aboriginal people and the kaolin may have been traded between Aboriginal groups.

There are known to be Threatened plant species and ecological communities associated with the soils derived from dykes and the Plan of Management and the planning considerations documents for the adjacent National Parks specifically describe and protect dykes as unusual geological features and that they provide important habitat for unique vegetation. The association of specific vegetation with dykes has been documented by Jonathan Sanders in Vegetation patterns associated with volcanic dykes at West Head and Govett Ridge in Ku-Ring-Gai Chase National Park.

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The presence of such sites is one of the reasons the area has been proposed to be made a UNESCO Geopark

<https://www.pittwateronlinenews.com/The-Ku-Ring-Gai-GeoRegion-Proposal.php>.

The European Historic importance, the Aboriginal Cultural and archaeological importance (NPW Act 1970 2A Objectives and Part 6) and the geological features (NPW Act 1970 2A Objectives) and associated habitat (Biodiversity Conservation Act 2017, BAM Chapter 6, 7.2.1, 8.3) values have not been taken into account in the planning the layout of the proposal or the locating of the proposal.

The layout of the proposal the location of the proposal needs to avoid and minimise impact to these values and any residual impact needs to be offset and justified in the BDAR and the Site Investigation Report or the Statement of Environmental Effects.

The proposal does not avoid or minimise impact to the significant geological feature, the Historic site or the Aboriginal object or Place and should be refused.



7. Heritage

While we consider it positive that the existing known heritage at the Lizard Rock site will be retained and there are plans to better educate the community on Aboriginal heritage at the site. However, we are concerned that the broader proposal for intensification of land use in proximity to Aboriginal heritage sites may lead to greater risk of damage to those items and other items which may be discovered during the construction process.

We raise the following points:

- **Unexpected finds.** In the Report Summary: Page 6: *'There is the possibility that other engravings occur within the vicinity of the known engraving sites that are obscured by vegetation cover. Any vegetation clearance of the sandstone exposures containing the rock engravings or which may be considered in the future for the specific purposes of locating engravings in other parts of the site should be undertaken with care.'* The groundworks required to create traversable roads and developable lots, given the steep slope of the area, means there will be significant excavation required. We consider there is strong potential for unexpected heritage finds. The planning proposal is vague how such finds will be dealt with. It is silent to how local Aboriginal community members who live in the Northern Beaches will be consulted, in particular local residents who are Garigal / Guringai descendants. In our view, any proposed lots with an unexpected heritage find should ideally have artefacts left in situ and remain permanently undeveloped.
- **Heritage Conservation Area.** We also consider it unacceptable that this proposal does not propose to make the entire area a Heritage Conservation Area, given the outstanding environmental heritage and Aboriginal heritage throughout the precinct. A local heritage listing would provide stronger protection against unsuitable future development via clause 5.10 of the LEP and various carve outs from the Code SEPP which allow development without merits assessment by Council.
- **Insufficient inclusion of local Aboriginal stakeholders in designing methodology.** We consider that the heritage investigations to date are inadequate as there has been insufficient meaningful consultation with local Aboriginal stakeholders. There have not been any opportunities for local Aboriginal people to investigate the site for heritage finds. Some local residents with Aboriginal heritage have been advised by MLALC they are not permitted to enter the Lizard Rock site as it is private land.

8. Slope issues

We consider there are two core slope issues:

- **Engineering issues are not fully explored.** We note various comments made in the Slope Risk Assessment which are alarming and do not provide any feeling of safety or security in the building stage of this proposed development. A Slope Risk Analysis identified 9 sites where **the risk was classed as Moderate to High** with apparent Failure Mechanisms of Block Falls or Topples, Boulder Rolls or Translational or Wedge Failures of 1m, 2m or 3m from Precipices or Overhangs up to or greater than 5m in

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height. **To make these areas safe would involve the wholesale destruction of the environment.** Significantly in their own words, they only assessed Slope Risk areas accessible from the roadside which clearly indicates a flawed process and documentation. Especially upon disturbance, these slopes with their rock mass and mature tree growth directly exposed to weathering processes of wind, rain and atmospheric exposure would be prone to become unstable. We strongly believe there is far too much risk of failure, for this project to be viable.

- **Unacceptable levels of cut and fill required.** Our review of the topology of the area is that significant levels of cut and fill would be required to create workable development lots and roads. The Urban Design Report at page 10 acknowledges the challenges in safely accessing the site due to its steeply sloping terrain. Such cut and fill would radically transform the topography and character of the area as a sloping, deeply vegetated area, into a highly transformed and disturbed, terraced, precinct with significant retaining walls. This is mutually exclusive with retention of existing tree canopy in any meaningful way, as changes in levels would require removal of vegetation. These changes in levels and retaining walls would vastly change the topology and hydrology of the area. This will also diminish visual amenity if significant retaining walls and rock walls are required along streetscapes.

9. Privatisation

The proposal relies on privatisation of two pieces of public land. Firstly, crown land 'paper roads' within the boundaries of the site. Secondly, land owned by Northern Beaches Council to create a slip road to Forest Way. We note that Northern Beaches Council oppose the project and are therefore unlikely to cooperate with this proposal, which would necessitate that the RMS would have to expend public money to compulsorily acquire that land from Council. We strenuously object to privatisation of public land in order to facilitate private profits.

10. Job creation

While we note there are jobs created through the construction stage and in generating business for local businesses, however we consider this is a short term gain, relative to the long term benefit of keeping this land as biodiversity to ensure there is sufficient habitat for native local species, and in order to achieve 30x30 targets.



11. Public Benefit

We broadly dispute the list of items which the proponent has indicated that it will deliver constitute a public benefit. For the most part, they simply comprise things which make the development viable, such as supporting site infrastructure.

For example, the slip road is not a public benefit, insofar as it is not a project which Council or RMS has ever identified as required. It is a project entirely driven by the need for the developer to manage the bush fire and traffic issues created by its proposal.

The Proposed 19.8ha of bushland proposed for conservation still represents a net loss of existing bushland providing ecosystem services, and are located on the most constrained parts of the site where development would not be feasible in any event. It is also unclear how ongoing maintenance of the proposed new C2 areas will be funded (ie whether this would be solely reliant on the vagaries of the levies collected by any future Community Title scheme, or whether there would be a fund set aside from the development in perpetuity).

12. Housing affordability

This proposal suggests that it contributes to greater housing affordability in two ways. We respond as follows:

- a) *Claim 1: That the proposal includes a proportion of dedicated housing which is affordable*

The proposal remains vague about the full details of how affordable housing contributed through the proposal will be managed, and by whom. We do not consider it is appropriate that MLALC be nominated as the manager of any affordable housing dwellings, as this creates an inherent conflict of interest. It would be more appropriate for a community housing provider at arms length to deliver the affordable housing properties.

Requiring only a minimum of 15 years of affordable housing is also not sufficient to address long term structural disadvantage, particularly relative to the permanent and irreversible loss of bushland which is proposed. Consistent with the NBC policy that affordable housing is vested with Council, this housing should be secured in perpetuity as affordable housing.

Given this is a greenfields site, a contribution of 15% (comparable to Frenchs Forest town centre) should be a minimum requirement. Lower thresholds applied elsewhere in the Northern Beaches reflect the challenges where the developer is developing infill sites and must include site acquisition costs in feasibility analysis.

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b) Claim 2: That the proposal contributes to housing supply and diversity in the Northern Beaches Area

We note that Northern Beaches Council has already demonstrated how it can reach housing targets without this proposal. The Northern Beaches Council is in the process of long term, whole of LGA, strategic planning work to write a new LEP. Addressing housing needs should be done in a wholistic, whole of LGA manner, rather than a piecemeal approach at the direction of individual landowners. It is noted that Frenchs Forest Town Centre was recently rezoned for high and medium density, and Brookvale Structure Plan is currently in draft form but proposes an additional 1700 apartments. As such, Council is already in process of ensuring that there is local housing supply, however this supply reflects modern town planning principles of creating dense, walkable precincts, with both Frenchs Forest and Brookvale on significant transport hubs where residents can walk to shopping precincts and employment precincts.

We dispute that this proposal delivers housing diversity or meaningful supply. We assume the properties will primarily be sold on the open market and therefore be sold in the range of \$2.5-\$3.5m, which would be the expected sale price for a brand new 450 - 600 sqm block. Even the smaller 200 sqm blocks townhomes are likely to achieve \$2m sale prices, as a brand new 3 bedroom apartment in Dee Why starts at \$1.8m. There is nothing affordable about this form of supply created. As standalone dwelling housings reflect the majority of existing housing stock in the Belrose/Oxford Falls area, the proposal also does not create diversity of housing type that actually reflects where there is housing need locally (ie social and affordable housing, over 55s housing, housing in walking distance of key infrastructure).

13. Consultation with local Aboriginal Community

In the report summary of The Aboriginal Archaeological Assessment on page 5 and on 8 "The Planning Proposal intends to ensure development outcomes align with traditional First Nations Caring for Country practices. *'Unlike modern Australian perceptions, land is not just a commodity to be owned and used, but rather a place of belonging, as well as a way of connecting to one's Culture, Spirit, People and Identity.*

Aboriginal Peoples have the fundamental right, as enshrined in the UN Declaration, to control, manage and Care for Country. This includes the right to be involved in decisions relating to the access, use and development of Country and to ensure appropriate care and protection is maintained for future generations.'

Broadly speaking, the Planning Proposal and Urban Design Report refer to consultation with Aboriginal community members, including mentioning Uncle Madden a Gadigal man. For example pages 26 and 27 of the Urban Design Report discuss "Valuing and respecting Aboriginal cultural knowledge.... Ensuring that Aboriginal people have access to their homelands so they can continue their responsibility to care for Country and protect sensitive

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sites.”; “Through ongoing conversations with Custodians”. Page 5 of the Planning Proposal discusses “consultation with Aboriginal elders and the stakeholders who understand the cultural heritage of the site”.

Under Part 11A of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth) where archaeological material has been found within the footprint of the proposed activity (development), Traditional Owners have the right to management of potential future findings.

Based on feedback from local Aboriginal residents, including local Garigal / Guringai people who are descendants of the original clans of the Northern Beaches, we are concerned there has not been genuine and meaningful engagement with local Aboriginal stakeholders who are not members of MLALC. MLALC has around 5 members living on the Northern Beaches, whereas there are approximately 1,700 Aboriginal people living on the Northern Beaches. Direct descendants of the Garigal clan have not been genuinely or meaningfully involved in preparing this application. As noted above, there is no guarantee that they would be consulted in the event of an unexpected find.

We consider that local Aboriginal residents, particularly those who are direct descendants of local clans, are key stakeholders. We consider that before any further decision is made, one-on-one consultation, which is led by an independent stakeholder and not MLALC, needs to take place with local Aboriginal residents that live in the Northern Beaches. We are happy to put you in contact with our local Aboriginal contacts, should this assist.

14. Alternatives

Part of the justification for this project is firstly, the economic benefits for MLALC members, and secondly, the opportunity to create new walking tracks, open space, conservation areas, and locations for cultural interpretation (for example Urban Design Report p30-33, planning proposal p6). In our view, both goals could be achieved through alternative means, which do not require 50 hectares of clearing and could achieve far superior strategic planning outcomes. Two alternatives include:

- The State Government formally enter into a lease and management agreement with MLALC to manage the land as an Aboriginal owned National Park. This would provide opportunities for the community to engage with nature and Aboriginal culture, and for MLALC to receive income from the land. We note that previous leadership at MLALC has explored this concept in the past.
- The State Government and Northern Beaches Council work together to identify suitable site/s in public ownership for a land swap. The site/s would ideally be locations with

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limited environmental value, and in proximity to existing active transport and public transport networks.

We provide the following examples of sites in public ownership which are underutilised or soon to be decommissioned which could form part of a land swap. MLALC could submit a planning proposal and seek a rezoning to R3/R4 (subject to strategic assessments). The sites are better suited to development due to proximity to key transit corridors, retail, and services:

- The Council car park at Oaks Avenue Dee Why, and deliver a public car park as a public benefit. Investigation could be undertaken to consider potential for mixed use multi-storey development.
- The Council car park adjacent to the Council chambers in Dee Why, and deliver a public car park as a public benefit. Investigation could be undertaken to consider potential for mixed use multi-storey development.
- The Council car park at Chard Road Brookvale, and deliver a public car park as a public benefit. Investigation could be undertaken to consider potential for mixed use multi-storey development.
- The soon to be decommissioned Ambulance Station on Pittwater Road Narrabeen. Investigation could be undertaken to consider potential for residential multi-storey development.

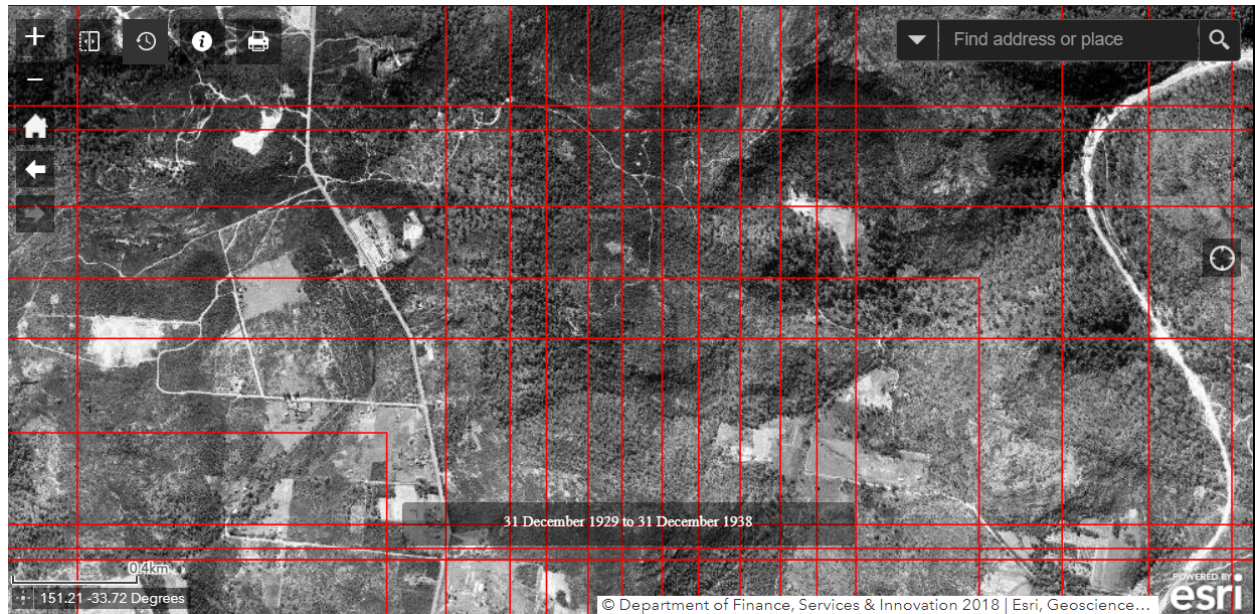
Ultimately, we implore the Department to adopt a “triple bottom line” approach to assessing this application. Whilst it would provide some potential economic benefits to MLALC, there is a significant detriment to the environment to have 50 hectares of habitat for threatened species cleared, and there is inadequate broader community benefit given the bushfire, traffic, and urban sprawl issues we have raised.

15. Historic Land Use

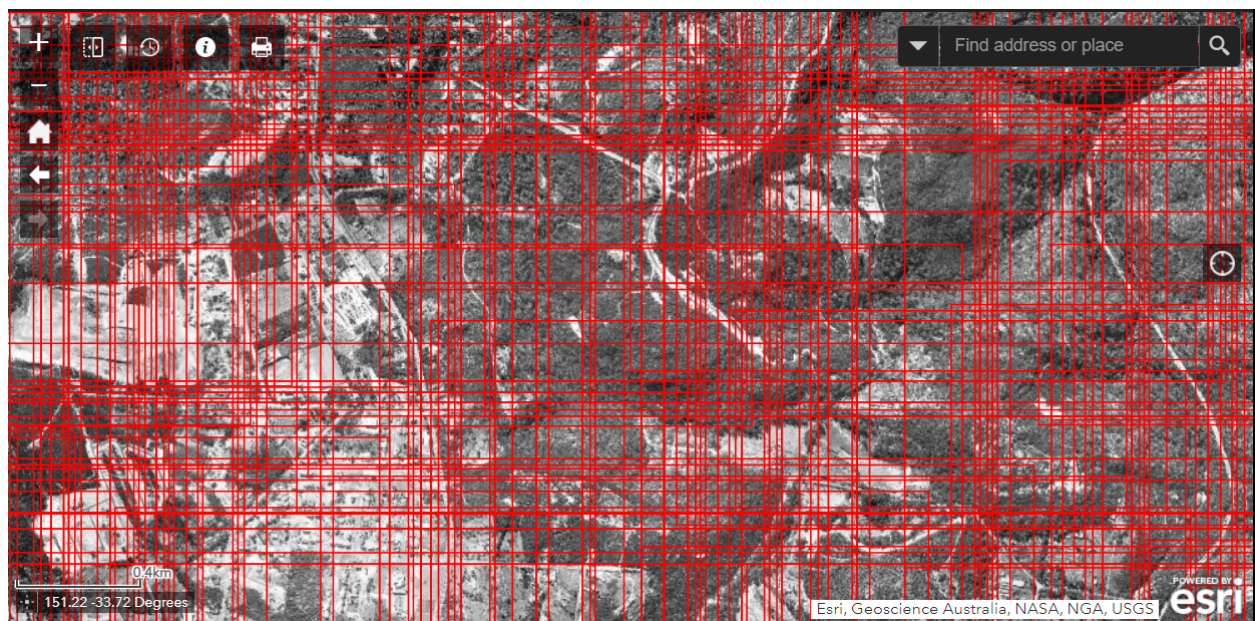
We also wish to factually correct comments in the proposal to the effect that the site is a former quarry and with the implication being that it is a disturbed site with limited environmental value. As discussed in the Geology section, we have identified that some small scale extraction of kaolin clay took place, however it is evident from aerial maps from 1943 and from 1970 onwards that there has never been large scale industrialisation at the site, and the vast majority of the site has always been bushland.

We have identified in the 1970 mapping that the nearby **Warringah Radio Control Society** site, which has also been claimed by MLALC, was a large former quarry, however this is not within the boundaries of the Lizard Rock Site.

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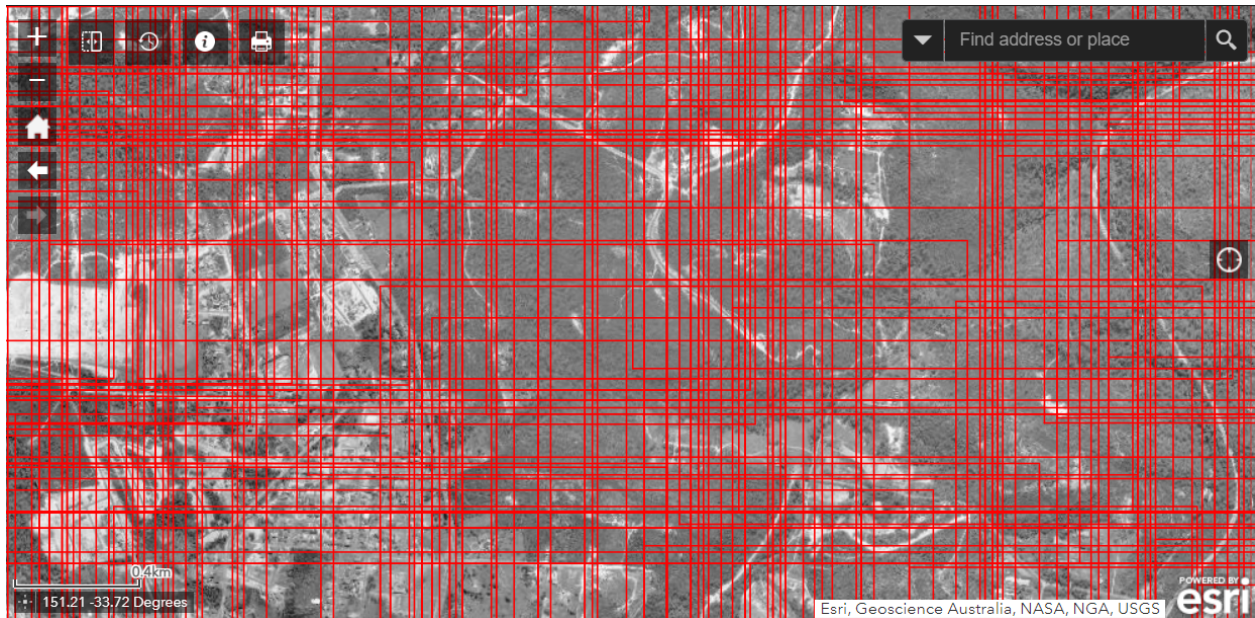


Historic imagery 1943

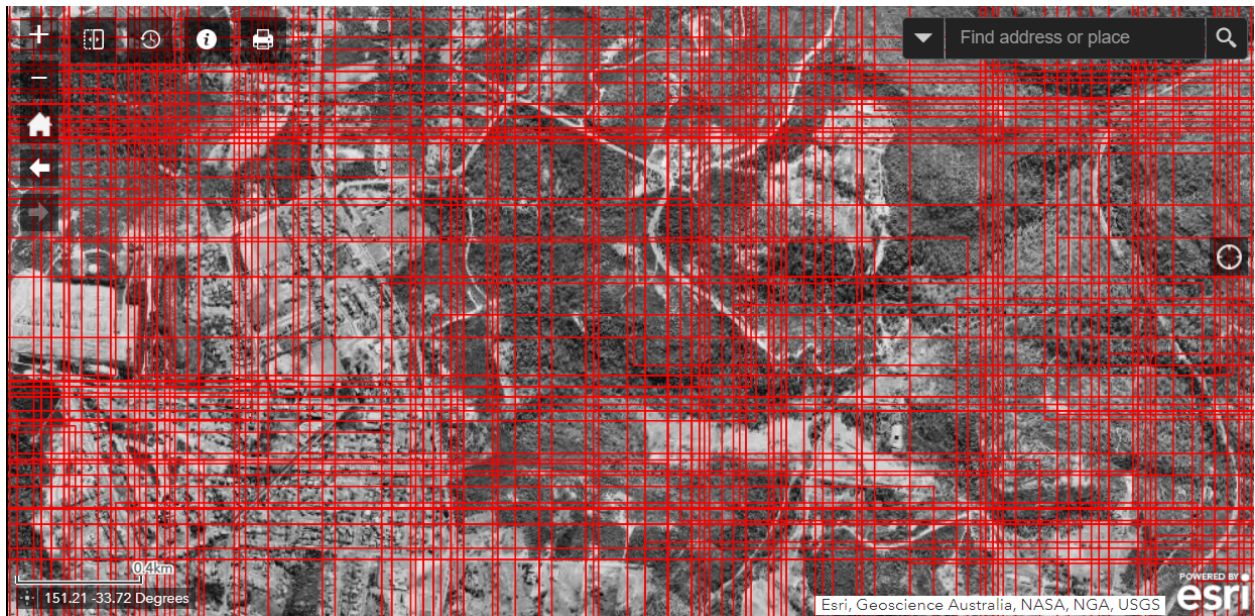


Historic imagery 1970

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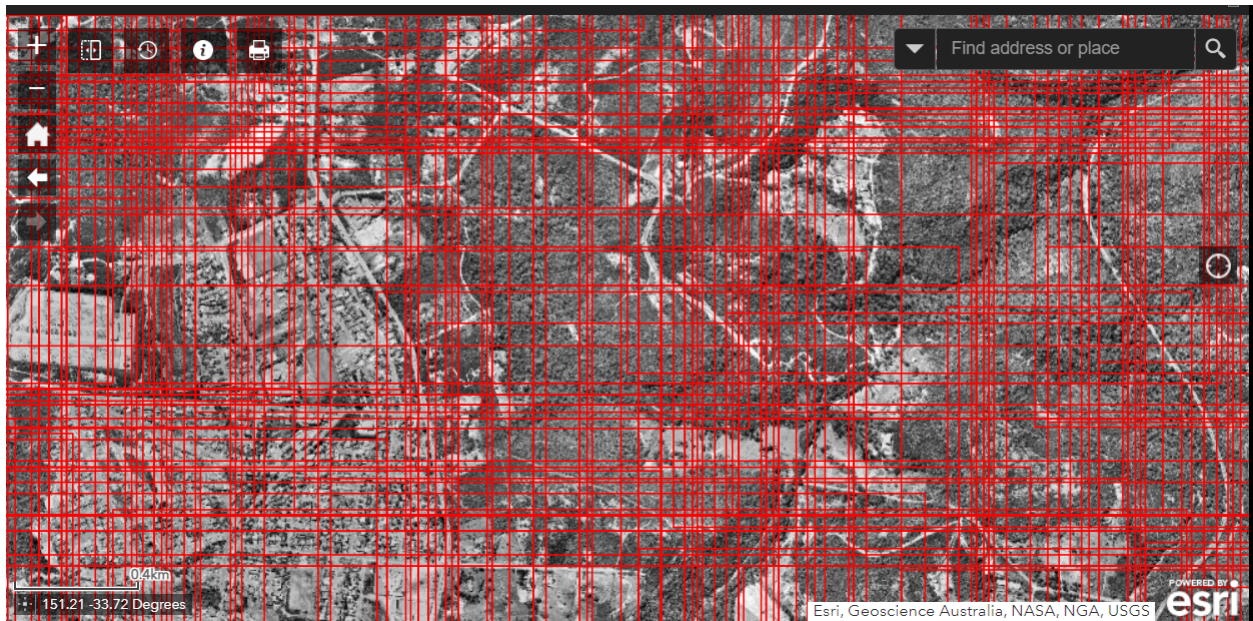


Historic Imagery 1971



Historic Imaging 1975

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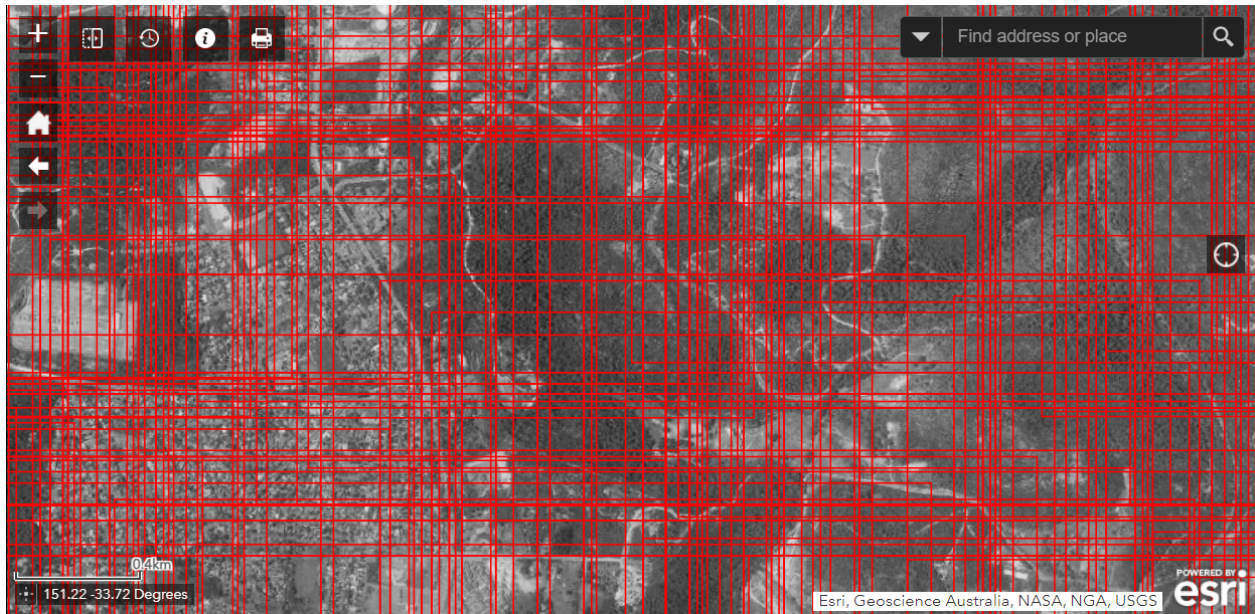


Historic imaging 1978

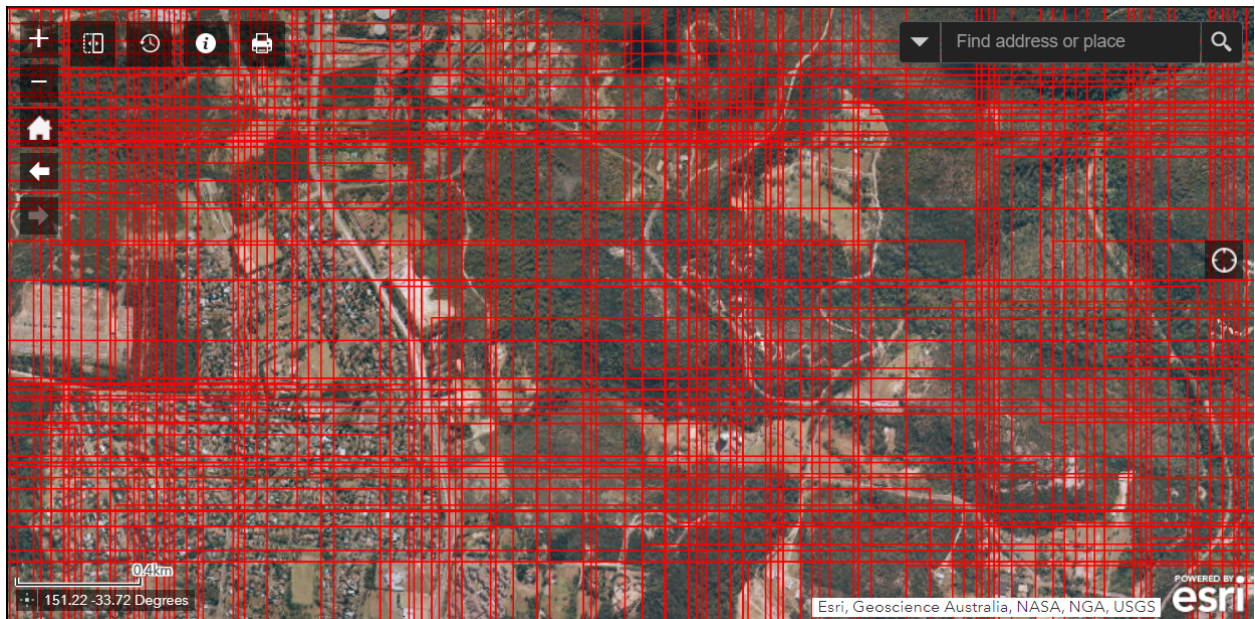


Historic imaging 1982

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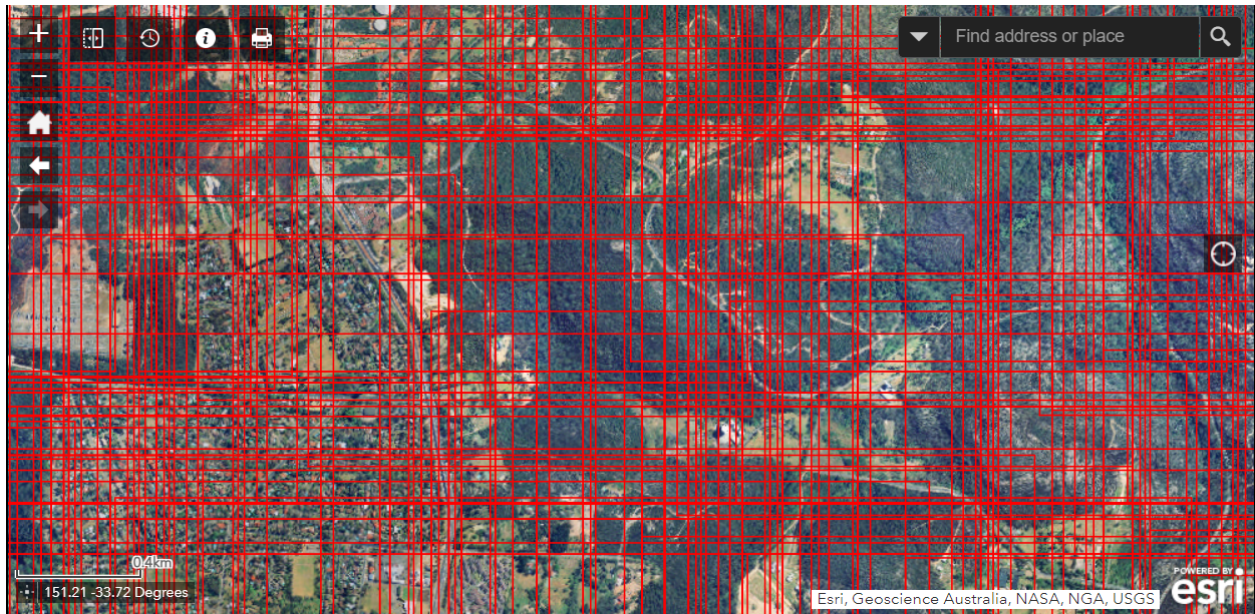


Historic imaging 1989

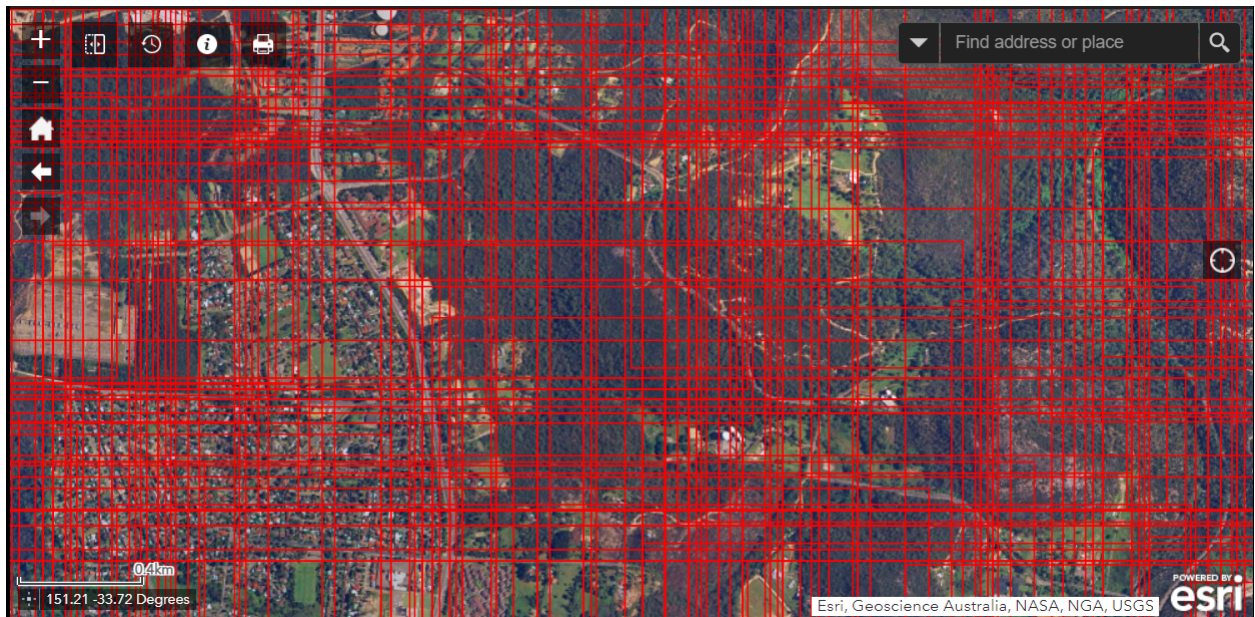


Historic imaging 1991

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Historic imaging 1994

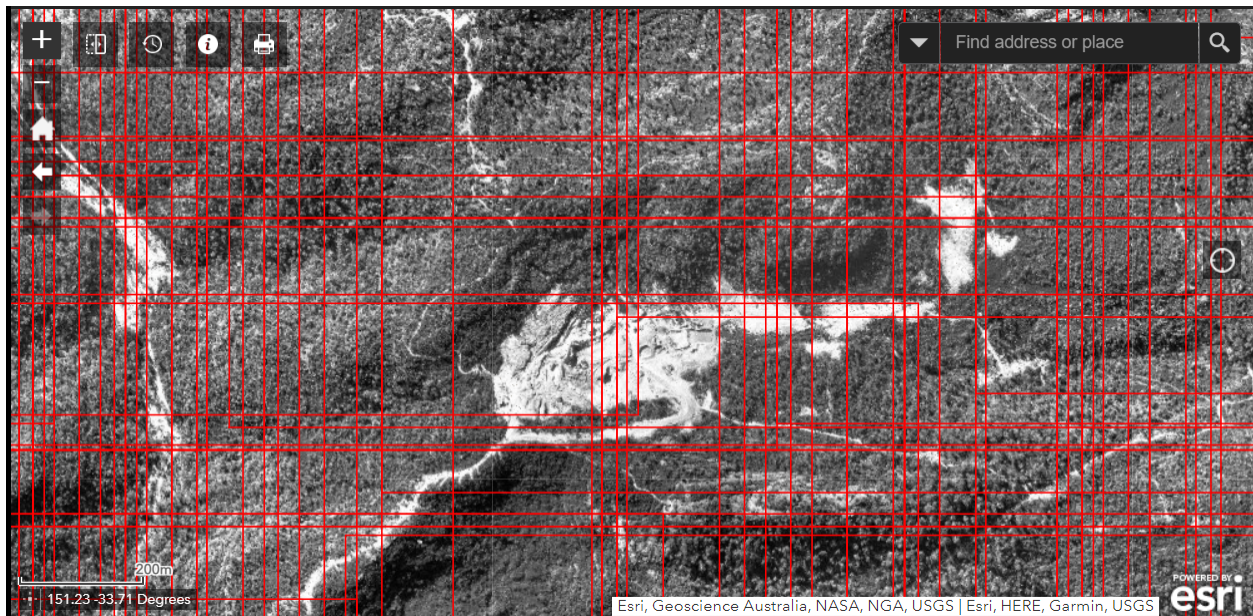


Historic imaging 1996

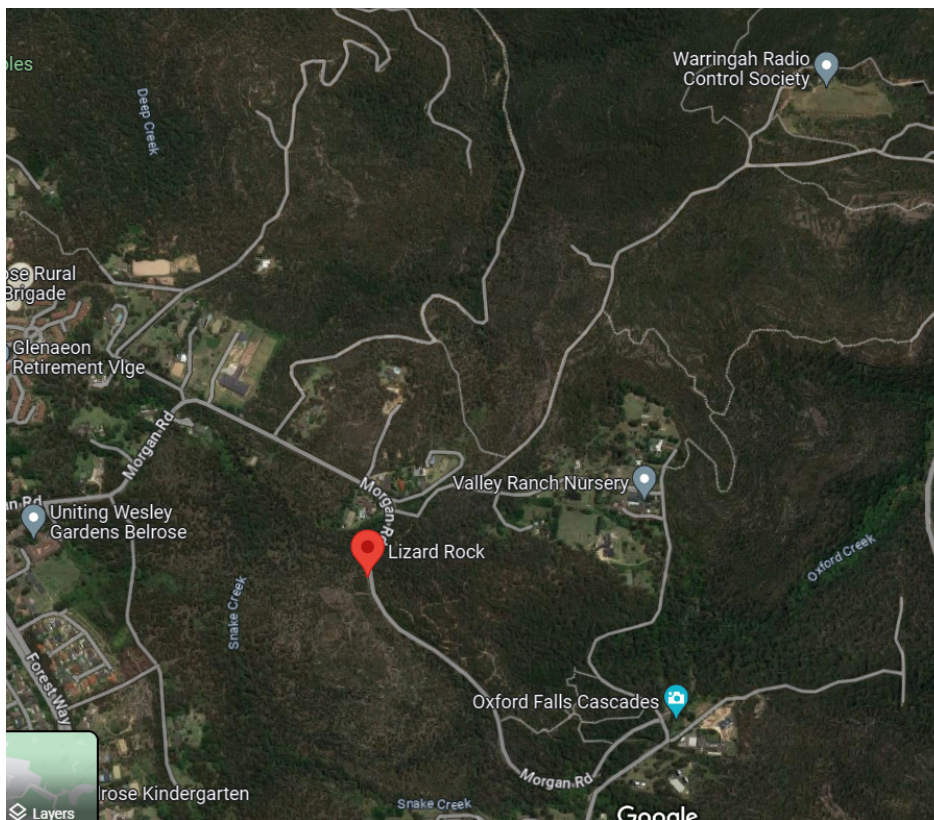
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The 1970 mapping for the Warringah Radio Control Society site:



Relationship between Lizard Rock site and Warringah Radio Control Society site:



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16. Independence of the overall process

We are concerned about the dual role being played by the Department of Planning as both assisting the applicant with preparing the Development Delivery Plan, and now assessing an application submitted pursuant to the DDP.

From our review of the decisions from the Planning Panels and Gateway Determination, it appears that the Planning Panels and Department have been reliant on materials prepared by the proponent, with the only competing information being community/stakeholder submissions. We are concerned the process to date has lacked independent assessment or advice being given to decision makers. The final decision making process must involve genuine community involvement and input from independent experts able to fully assess and advice on the technical information provided.

It is potential a conflict of interest, for example, that a representative of the NSW Aboriginal Land Council sat on the planning panel. NSWALC is the peak body for land councils across NSW and therefore has a vested interest in the outcome of this planning proposal, given that it is a 'test case' for the Aboriginal Lands SEPP (now Planning Systems SEPP).

Given the level of community interest, we consider there is a public interest in holding a public hearing regarding this planning proposal, to transparently examine all of the issues.

Conclusion

We welcome any opportunity to meet with the Department to discuss this proposal and make further representations on behalf of the community.

Kind regards

Northern Beaches Envirolink Inc
Northern Beaches Bushland Guardians campaign

Annexure A - Response to specific comments in planning proposal report prepared by Gyde

This annexure provides specific responses to some of the claims and statements made in the Planning Proposal document prepared by Gyde.

Ref	Comment	Response
Table 1	a) "This more accurately reflects the vision for land uses across the site and the current status of the Northern Beaches Conservation Zone review"	We dispute this. The C zone review proposes this site would primarily be C3 zoning. It is untrue to suggest the proposed R2 zoning reflects that review.
Table 1	B) "The dwelling cap will be managed by both Council as the consent authority for any future development applications and as part of the community-title scheme for the ongoing management of the development. ... As part of the assessment of any future subdivision and/or development application, the Council will need to consider the proposed LEP local provision applying the dwelling cap as part of any subdivision application or individual development application. As a result of the determination of any subdivision application it is envisaged that Council would apply a condition of consent stating that no future development application or complying development certificate	We consider this inadequate. A restriction on title is not a meaningful way to restrict future development in perpetuity, given that the Standard Instrument LEP includes a "covenant buster" clause which allows for restrictions on title to be overridden by future consents. It is possible for future development consents to be granted which are inconsistent with this requirement, particularly via planning appeal to the Land and Environment Court. Further, while the restriction on title may purport to restrict future CDCs, if a certifier were to nonetheless certify development in R2 zoned land, Council would only have a period of 3 months to challenge the CDC before it becomes permanent. It is unreasonable to impose on Council such a role to enforce covenants for 450 houses, and there is no allowance for Council to be given funds to enable it to enforce this covenant / validity of CDCs in the future. Likewise, enforcement of these restrictions via community title is inadequate, given that it is then dependent on the resources and will of a future community title scheme where the perverse incentive will exist amongst landholders to turn a blind eye to further development and land clearing, as this would enhance the development potential of their own lots. Additional protection could be provided through a whole of precinct listing as a Heritage Conservation Area, which recognises the



	<p>can be approved or permitted where the total number of dwellings on the site exceeds 450, in perpetuity. This would ensure the appropriate control of the number of dwellings on the site in perpetuity, noting that a complying development certificate cannot be inconsistent with an overarching condition of consent. Appropriate restrictions will be placed on individual titles”.</p>	<p>environmental heritage of the area, and requires all future development to take into consideration that environmental heritage. The weak zoning and restrictions proposed reflect a prioritisation in the proposal for short term economic gain over long term environmental conservation of existing environmental values.</p>
Page 14	<p>“MLALC’s boundaries cover a large part of the Sydney basin across (see Figure 1) local government areas (LGA). MLALC has significant land holdings in the Northern Beaches LGA totalling approximately 621m2”</p>	<p>This figure is incorrect. We understand the figure is in the order of 900 hectares.</p>
Page 15	<p>“In September 2022, the Northern Beaches released a review of how conservation zones are applied across the Northern Beaches LGA. The review is informed by a number of technical studies, however it is noted in relation to the site, these have been undertaken at a high level. The review proposes a C3 Environmental Management zone to the majority of the Site, except for one small parcel on the far east of the site, proposed as C2 Environmental</p>	<p>We consider C3 zoning is the most appropriate zoning for this site, considering this site in its context in the deferred lands, where rezoning this site for R2 will create an adverse precedent within the whole of the MRA. This site being approved for R2 would inevitably trigger a cascade of planning proposals by other owners in the MRA for R2 zoning, and the cascade of associated land clearing necessitated to facilitate new dwelling houses, roads and APZs. This proposal considers the Lizard Rock site in isolation, without any regard for the board MRA and implications for its zoning. We generally consider it highly problematic that the only means envisaged by the Planning Systems SEPP is that Aboriginal Land Councils must economically exploit bushland sites in order to deliver a financial benefit to their members. We would favour a model which pays Land Councils to manage land and the ecosystem services which it provides.</p>



	Conservation. The C zone review does not propose any corresponding lot size controls for the various conservation zones"	
Page 16	"The MLALC's Morgan Road site has followed all requirements in the land dealings process and was granted approval by the NSWALC on 3rd November 2004. In 2017-18 NSWALC recommended the MLALC re-submit the proposal to its members due to the time elapsed since the original 2004 member approval. In 2018 the MLALC updated the original Project Development Agreement by way of a Deed of Variation, to incorporate suggestions by NSWALC. In addition, MLALC members have been provided details of the Feasibility study and supporting information"	It is unclear whether the current members of MLALC have voted on the updated proposal following the 2018 PDA, as this paragraph only suggests that the information has been provided to members again, and not what the current level of support for the proposal is within MLALC membership. Furthermore, we note that only 5 MLALC members live on the Northern Beaches, whereas census data indicates there are 1700 people with Aboriginal heritage living on the Northern Beaches. We consider those 1700 people to be an important, and underconsulted, stakeholder group.
Page 19	"The known Aboriginal heritage items within the Site, including rock engravings are regularly and repeatedly destroyed by vandals and a significant portion of the Site is suffering from land degradation"	We agree that Aboriginal heritage and environmental values at the site could be better protected, however we consider there are superior means of achieving this, such as properly funding MLALC to manage the site as a National Park. We also call into question the backward logic of saying that the best way to protect the environment and Aboriginal heritage is to put it under significantly more development pressure than the status quo. To the extent this proposal would better fund signage, fencing, etc, then this is a problem to be solved by proper and just funding, rather than environmental destruction.
Page 20	(Table)	We consider that this table of the site context does



		not adequately address that the Deferred lands cover a significant area of land, including land not owned by MLALC. The precedent created by this rezoning is relevant to those sites in particular, as approving this development will trigger a cascade of similar rezoning applications by other private land owners in the deferred lands.
Page 32	<p>"Economic self determination</p> <ul style="list-style-type: none"> • New housing supply and diversity • Biodiversity conservation • Informing the review of the Metropolitan Rural Area (MRA)." 	<p>We agree that economic self determination is important, however consider that this proposal is not the only means of providing an ongoing income to MLALC. Alternatives such as a land swap or leasing the land as an Aboriginal owned and managed National Park would equally provide economic benefits, while not resulting in significant environmental destruction.</p> <p>We dispute that this proposal provides housing diversity. It provides dwelling houses in an area where this housing type predominates, and is unlikely to be affordable for lower or middle income earners given the house price median is \$2.5m</p> <p>While a small parcel of the land would be conserved, the majority of the site will be disturbed for housing, APZs and internal roads, and therefore represents an overall loss of biodiversity.</p> <p>We consider that there will be an adverse precedent created in the MRA that the entire area can be spot rezoned to R2, and result in further loss of native vegetation and habitat for native species.</p>
Page 32	LSPS Planning Priority 2	This proposal results in a net loss of local bushland and therefore is unable to meet this priority.
Page 3	LSPS Planning Priority 4 ... 'Avoid urban intensification and subdivision in the MRA and future MRA investigation area'	This proposal constitutes urban intensification and would increase subdivision beyond the existing cadastral subdivisions. To the extent that some flexibility to existing controls is warranted, this should be contextualised in terms of the status quo (ie this land would be only capable of a maximum of 3 dwellings under existing controls; however occupies in the order of 20 cadastral lots; and Council's current draft C zones review suggests C3 is an appropriate zoning). 450 R2 zoned dwelling houses goes far beyond flexibility. We also reiterate



		that such extreme departure from the existing planning controls and draft LEP for this site will create a precedent in the rest of the deferred lands and MRA that spot rezoning for R2 can be achieved.
Page 33	LSPS Planning Priority 8	We do not consider this site has demonstrated that it is sufficiently resilient to the threat of climate change without unacceptable environmental impacts. This includes proposed 100m wide APZs which results in loss of native vegetation and habitat for native animals, and the likely necessity for substantial cut and fill of the sloping sites to make them developable, changing the natural topography of the area. The area is mapped as being bushfire risk by Northern Beaches Council, and these APZs proposed are an environmentally destructive measure proposed to justify that housing can be built in an unsafe location. This proposal inadequately considers the climate consequences of development of this nature, where vegetation which is performing important ecosystem services such as being a carbon sink is being cleared.
Page 35	LSPS Planning priority 13	This section gives the impression that there is support from Northern Beaches Council for this proposal. However, the Council has resolved to oppose this project and it is not supported by Council.
Page 35-36	LSPS Planning Priority 17	<p>We dispute that this will deliver housing choice or affordability, as the properties sold on the market will be priced in the order \$2 - \$3.5+m given the median pricing for local dwellings. They will primarily be dwelling houses which predominate local housing supply.</p> <p>The commentary that this proposal creates opportunities for secondary dwellings is at odds with the claims elsewhere that there will strictly be 450 dwellings, with traffic only associated with 450 homes, and clearing only to necessitate those dwellings. Secondary dwellings such as granny flats inevitably necessitate a larger cleared footprint, and will also result in greater traffic movements.</p> <p>We dispute that this is housing supply in the right</p>



		location. This is a bushfire prone area with a steep topography that makes it likely that people will drive to local services as it is unrealistic they will walk or cycle. In the Northern Beaches, where like most suburbs in Sydney traffic is a perennial issue, housing supply must be in areas where it is feasible and realistic that people can walk or rely on public transport rather than driving.
Page 36	LSPS Planning priority 18	We note that this planning proposal would be strengthened by making the entire precinct a heritage conservation area to protect its environmental heritage and archaeological heritage
Page 37	<p>Objective 7: Communities are healthy, resilient and socially connected</p> <p>Objective 11: Housing is more diverse and affordable</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced.</p> <p>Objective 14: A Metropolis of Three Cities - integrated land use and transport create walkable and 30 minutes cities.</p> <p>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>Objective 28: Scenic and cultural landscapes are protected –</p>	<p>We do not consider that building housing in a bushfire prone area promotes resilience.</p> <p>As noted above, the median market price for housing in Belrose is in the order of \$2.5m+ and dwelling houses predominate housing supply. Further, Northern Beaches Council has already demonstrated it will be able to meet housing targets through its existing growth areas and proposed Brookvale Structure Plan.</p> <p>This proposal results in a net loss of environmental heritage. Making the entire precinct a heritage conservation area to protect its environmental and archaeological history into the future would be more sympathetic, however overall this proposal lacks justification.</p> <p>The steep topography of the area means it is unrealistic that residents will walk, cycle or catch public transport, and are likely to be significantly car reliant.</p> <p>This proposal would result in a substantial net loss of bushland. While the proponent may offset this loss, it would still result in a net loss of local bushland and important buffer to National Park.</p> <p>This proposal will contribute to loss of existing views</p>



	Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	of undisturbed native bushland and convert the area into a more disturbed and developed area. This proposal would downgrade environmental values, as existing good quality native bushland will be cleared.
Page 40	"The indicative concept design is consistent with the existing pattern of surrounding land use zones and/or land uses and potential future redevelopment of adjoining sites."	We dispute this. Firstly, we consider that the correct approach to zoning is that proposed by Northern Beaches Council that this land should be zoned C3 if applying a consistent methodology to the entire Northern Beaches area. Secondly, the proposed pattern of subdivision does reflect nearby properties, where in the MRA significant large lot properties predominate, and in the residential area of Belrose 400 – 700 sqm lots predominate. 200sqm R2 lots are not characteristic of the existing area. We consider this creates an improper precedent in the rest of the MRA and deferred lands that they are likewise suitable for R2 zoning and 200sqm lots to be included in the subdivision plan.
Page 43	Excerpt omitted	We dispute the analysis regarding application of C zones and heritage protection. We consider an appropriate, evidence based, zoning of this land is C3 consistent with the draft C Zones review by Northern Beaches Council. Heritage protection would be further enhanced for both archaeological and environmental heritage by making the entire precinct a heritage conservation area.
Page 57 – 58	Excerpt omitted	The proposal does not clearly demonstrate how public and private views will change from different vantage points across the Northern Beaches, which currently enjoy views of undisturbed bushland. The photographs show only the adjacent sites, but not sites further afield where the bushland is seen at a distance as part of the broader bushland of the MRA.
Page 64	"Due to the topography and vegetation cover over the Site some areas presented restricted access."	This acknowledges that the topography is challenging to traverse on foot, counter to claims elsewhere that this precinct is walkable to local services. To make this area readily traversable would require significant cut and fill which would radically change the levels and character of the precinct, and pose issues for retaining existing

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		vegetation on proposed lots given the likely need to significantly alter and smooth existing levels.
Page 67-69	Caring for Country	We consider that the principle of Caring for Country would be better legally protected at this site by establishing it as a C3 zoning and Heritage Conservation Area, to better protect its environmental values and better control inappropriate development in such an environmentally and historically rich location.



Annexure B - Response to a number of specific clauses within the proposed draft DCP

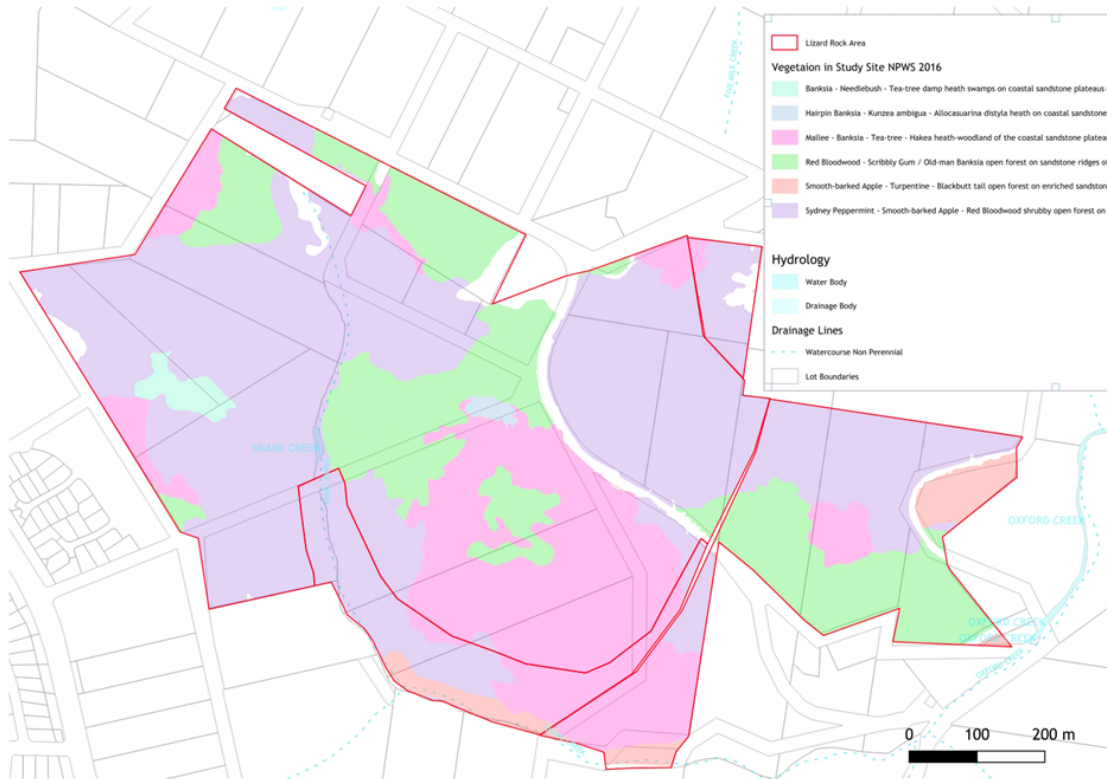
This annexure provides specific responses to some of the clauses of the draft Development Control Plan.

- Overall – it is unclear whether requirements of DCP are technically and economically feasible. DCP controls form a relatively weak and easily overridden form of control, particularly in the R2 zone where development can be undertaken by CDC without Council oversight.
- Page 6 - To limit the future development of the site to a 450 dwelling cap – This is largely unenforceable in the R2 zone. A C3 zone and HCA would better ensure this cap.
- 6.1 – We consider that there should be broader engagement with local Aboriginal people, as the Northern Beaches has 1700 Aboriginal residents who care deeply about our local environment.
- 6.0 in general – Making the entire area a heritage conservation area would establish stronger long term protection. It is also likely that there will be Aboriginal heritage finds during works as the area is cleared and rocky crops are identified which are currently vegetated. There is no suggestion as to whether this would exclude a particular area from development in order to protect the artefact in situ.
- 7.2, 8.5 – unclear where funds for ongoing management of C2 areas and public open space will come from. If reliant on community title levies, this is a weak form of protection given that this will depend on the committee of the day and owners of 450 lots to agree to ongoing funding for this.
- 8.4 – significant changes to levels and cut & fill would be required to feasibly make the steep topology of the site traversable by bike or walking. It's more likely these stated goals will be unable to be meaningfully achieved. If such connections are created, there is no discussion in the DCP or Planning Proposal about the visual amenity impacts of the number of retaining walls/rock cut outs likely to be required to accommodate necessary level changes across the site and to establish roadways.
- Typical 450m2 site plan – large house with minimal side set backs, allows little scope to retain backyard existing native vegetation.
- Side sections show that the full footprints can only be achieved with significant split levels full of stairs – this is unsuited to many resident types.
- While improved landscape outcomes for 600sqm blocks in terms of retaining rocky outcrops and vegetation – it's very clear how constrained the sites will be and the cost/engineering challenges.
- There are no typical 200sqm lots illustrated.

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Annexure C - Biodiversity maps



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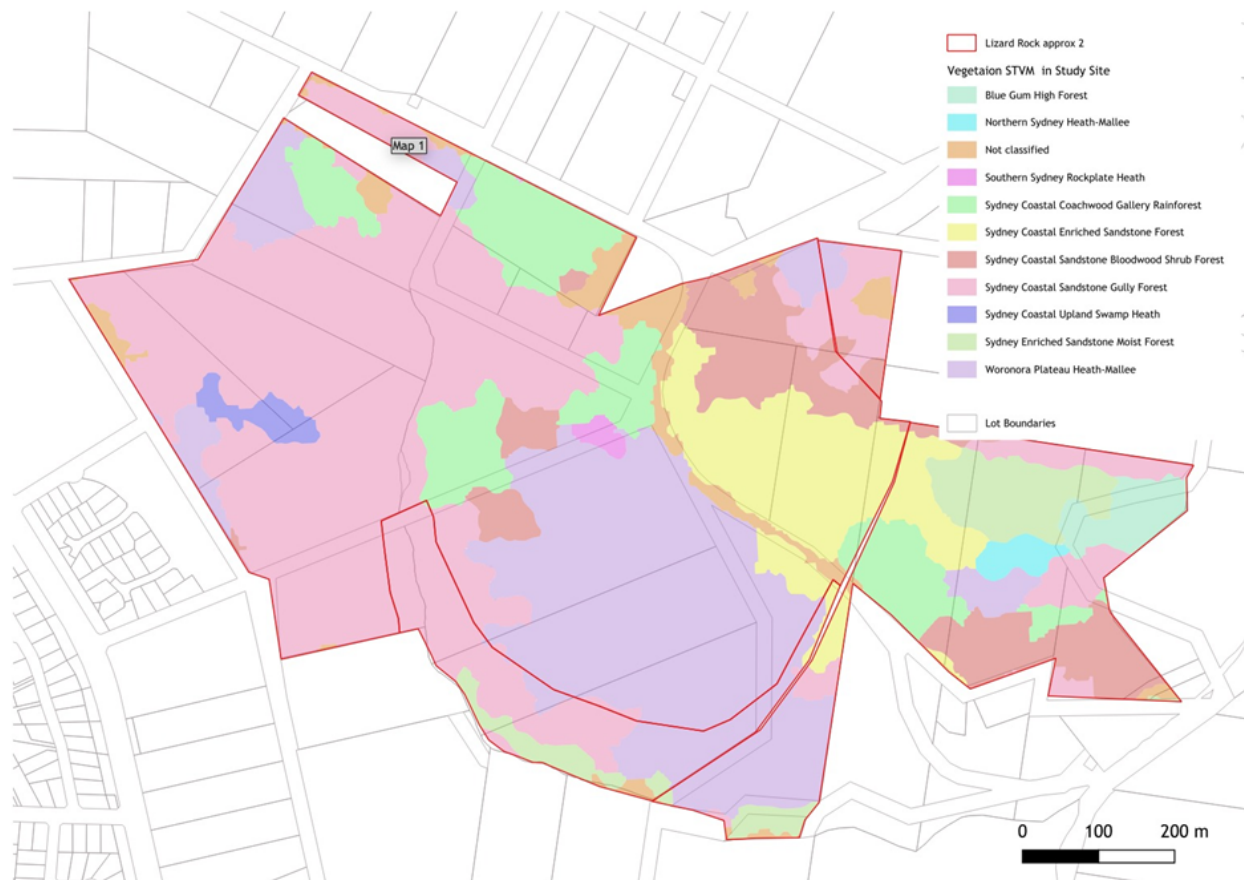
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PCTName	PCT code	DomSpp	Niche	VegStruct	Area
Smooth-barked Apple - Turpentine - Blackbutt tall open forest on enriched sandstone slopes and gullies of the Sydney region	1841	A.costata/E.piperita+/E.unbra/C.gummifera	Intermediate/sheltered plateau slopes	Forest	10694
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.piperita+/E.unbra/C.gummifera	Sheltered plateau slopes	Forest	48050
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	52596
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	6524
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	4861
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	7963
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	21939
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	4089
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.sieberi/E.piperita	Sandy infill drainage lines	Forest	562
Banksia - Needlebush - Tea tree damp heath swamps on coastal sandstone plateaus of the Sydney basin	1803	B.ericifolia/Hakea spp/sedges	Impeded soils on plateau gully heads and depressions	Heath/Sedge/land	6789
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	10091
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	9815
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	38950
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	13541
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	1785
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	929
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	2472
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	44703
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	21835
Haipin - Banksia - Kunzea ambigua - Allocasuarina distyla heath on coastal sandstone plateaux, Sydney Basin Bioregion	881	Exposed rockplates with low heath	Rockplates	Open Heath	2169
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	E.luehmianus/C.gummifera/E.haemastoma	Exposed rocky plateaux	Mallee/Low Woodland	57713
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.sieberi/E.piperita/C.gummifera+/E.resinifera/E.unbra	Upper sheltered slopes	Forest/Low Forest	83999
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.sieberi/E.piperita/C.gummifera+/E.resinifera/E.unbra	Upper sheltered slopes	Forest/Low Forest	9589
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.sieberi/E.piperita/C.gummifera+/E.resinifera/E.unbra	Upper sheltered slopes	Forest/Low Forest	22390
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.sieberi/E.piperita/C.gummifera+/E.resinifera/E.unbra	Upper sheltered slopes	Forest/Low Forest	7244
Smooth-barked Apple - Turpentine - Blackbutt tall open forest on enriched sandstone slopes and gullies of the Sydney region	1841	A.costata/E.piperita+/E.unbra/C.gummifera	Intermediate/sheltered plateau slopes	Forest	578
Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	1250	A.costata/E.piperita+/E.unbra/C.gummifera	Sheltered plateau slopes	Forest	407
Smooth-barked Apple - Turpentine - Blackbutt tall open forest on enriched sandstone slopes and gullies of the Sydney region	1841	A.costata/E.piperita+/E.unbra/C.gummifera	Intermediate/sheltered plateau slopes	Forest	9274
Mallee - Banksia - Tea tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin	1824	A.disyla/B.ericifolia/Leptospermum spp/A.hispida	Exposed rocky plateaux	Heath/Tall Scrub	7059
Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	1783	E.haemastoma/B.serrata	Exposed rocky plateaux	Low Open Woodland	605

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PCTID	PCTName	labels	Area
0	Not classified	PCT : 0	25443
3595	Sydney Coastal Sandstone Gully Forest	PCT : 3595	275179
3924	Sydney Coastal Upland Swamp Heath	PCT : 3924	6282
3176	Sydney Enriched Sandstone Moist Forest	PCT : 3176	31088
3592	Sydney Coastal Enriched Sandstone Forest	PCT : 3592	65174
3593	Sydney Coastal Sandstone Bloodwood Shrub Forest	PCT : 3593	63154
3038	Sydney Coastal Coachwood Gallery Rainforest	PCT : 3038	70457
3814	Woronora Plateau Heath-Mallee	PCT : 3814	177299
3810	Southern Sydney Rockplate Heath	PCT : 3810	2345
3136	Blue Gum High Forest	PCT : 3136	11126
3807	Northern Sydney Heath-Mallee	PCT : 3807	4641