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08 March 2018

Planning Assessment Commission
By electronic lodgement

Dear Sir/Madam,

PLANNING PROPOSAL FOR RALSTON AVENUE BELROSE | METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL

This correspondence has been prepared on behalf of the proponents for the above Planning Proposal (refer to further details below).

It responds to the grounds for refusal cited by the Northern Beaches Council in their determination of the matter. It also addresses key planning and environmental issues raised by the Planning Assessment Commission during a briefing meeting at Belrose Bowling Club on 19 February 2018.

This letter is supported by the following attachments:

- Schedule 1 – Site Location Map
- Schedule 2 – Indicative Subdivision Plan
- Schedule 3 – Proposed Land Use Zoning
- Schedule 4 – Brief Chronology
- Schedule 5 - Proponents' response to Council Grounds for Refusal
- Schedule 6 - Survey Plans
- Schedule 7 - Bushfire Response to Key Issues

The Proponents are grateful for the opportunity to present this further short submission to the PAC and can assist with any further information should it be required.

Please contact me on (02) 8233 9937 or by email jwynne@urbis.com.au should you have any queries or wish to discuss this matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Wynne".

John Wynne
National Planning Director

EXECUTIVE SUMMARY

1. The Metropolitan Local Aboriginal Land Council (**MLALC**) is the registered proprietor of the site with identifier Lot 1 DP 1139826 (**Site**)¹.
2. MLALC, in conjunction with Matthews Civil Pty Limited and Payce Limited, are the proponents (**Proponents**) of a proposal to develop the Site which requires an amendment to the Warringah Local Environmental Plan 2011 (**WLEP 2011**) to enable the development (**Proposal**).
3. The Proposal includes an indicative subdivision plan for 156 residential lots, a public open space comprising 3,000m² and Asset Protection Zones (**APZs**) managed under community title.² The proposed zoning of the Site is to include a mix of R2 Low Density Residential (17.27ha), RE1 Public Recreation (0.3ha) and E3 Environmental Management (119.05 ha).³
4. The Site and Proposal have had a lengthy history.⁴ It was acquired by the MLALC pursuant to the operation of the *Aboriginal Land Rights Act 1983*. In 2005, it was the subject of a written offer for purchase made by the then Administrator of the Warringah Council (now Northern Beaches Council) (**Council**). Having rejected that offer, the Proponents prepared the Proposal.
5. Since its initial lodgement on 26 April 2013, the Proposal has been the subject of various assessments, meetings and processes including Gateway. Over the years, and most recently in 2017, the Proposal has been amended to accommodate recommendations arising from the consultation processes. Most recently, and despite initially indicating that it endorsed the Proposal, the Council passed a number of resolutions (**Resolutions**) rejecting it and its accompanying draft Voluntary Planning Agreement (**VPA**).
6. The appropriateness of the Proposal requires the consideration of strategic and technical issues (together, the **Considerations**). Whilst the Considerations at times overlap, they can be categorised as follows and when combined, speak to the overall general and site specific merits of the Proposal:
 - Strategic Planning Issues
 - Bushfire Protection
 - Ecology and Biodiversity
7. Given the Resolutions, it is apparent that the Council does not support the Proposal on the basis that it does not satisfy the objectives of each of the Considerations. For the reasons set out in this submission, that position is erroneous.⁵

¹ See Schedule 1 identifying the Site and the area the subject of the proposed development.

² See Schedule 2 depicting the indicative subdivision plan.

³ See Schedule 3 depicting the proposed zoning which accords with the recommendations of the JRPP.

⁴ See Schedule 4 outlining a brief chronology of the history of the Proposal.

⁵ For a more detailed analysis of the Proponent's responses to each of the Resolutions, see Schedule 5.

8. On 21 December 2017, Marcus Ray, the Deputy Secretary of Planning Services referred the Proposal to the Planning Assessment Commission (**PAC**) pursuant to section 54(2) of the *Environmental Planning and Assessment Act*. In doing so, independent advice has been sought from the PAC as to whether the Proposal should be made. Accordingly, the PAC is required to review the Considerations.
9. Having had the benefit of meeting with the PAC, it is clear that of the Considerations, the primary issue to be addressed is whether or not the Proposal adequately satisfies strategic and technical bushfire requirements prescribed by section 117 *Direction 4.4 Planning for Bushfire Protection (Direction 4.4)* and the *Planning for Bushfire Protection 2006 (PBP)*. In this regard, there are competing views between that of the Rural Fire Service (**RFS**), Blackash Consulting (**Blackash**) and the three bushfire experts engaged by the Proponent.
10. Given the circumstances, the Proponents address each of the Considerations in this submission with specific focus on the issues surrounding Direction 4.4 and PBP and the competing views regarding technical bushfire issues.
11. In summary, the position in respect of each of the Considerations is as follows:

Table 1 – Summary of considerations

Consideration	Conclusion	Recommendation
Strategic Planning Issues	The Proposal satisfies all strategic objectives and requirements. It has general and site specific merit and is consistent with directions, aims and priorities of state policies and Section 117 Directions.	The Proposal should be recommended
Bushfire Protection	The Proposal meets all PBP and Direction 4.4 requirements and objectives. The Proponents' experts and their associated methodologies and conclusions regarding the Proposal is supported by quality science with independent technical review. It should be preferred to the current position of RFS (which historically, in principle, did not oppose the Proposal) and Blackash, both of whom have provided little technical information or analysis to support their assertions. Both RFS and Blackash comments also have not undergone technical review by BPAD Level 3 bushfire consultants and if they were would be found deficient.	The Proposal should be recommended
Ecology and Biodiversity	The Proposal satisfies all biodiversity issues and the Proponents agree to undertake bio-certification measures in accordance with the relevant legislative transition provisions.	The Proposal should be recommended

STRATEGIC PLANNING ISSUES

12. The Proposal satisfies both site-specific and more general strategic Considerations. It is beneficial on social, economic, environmental and infrastructure levels and satisfies all State policy and Ministerial Direction requirements. Of significance is the Proposal's facilitation of the economic use of Aboriginal land acquired under the *Aboriginal Land Rights Act 1983*.
13. By way of background, the strategic merits have been considered at length by various stakeholders including Council and various planning panels. In this regard:
 - a. The strategic reasons for the Proposal were addressed in detail in the original and updated Proposal.⁶ The Proposal was subsequently amended to address various issues raised by stakeholders.
 - b. On 13 November 2013, the Warringah Development Assessment Panel (**WDAP**) determined that the Proposal had merit and endorsed the recommendation for approval thereby referring it to the Council for consideration. The reasons for that recommendation included:
 - *the subject site is in proximity to an established urban area and a range of services including local commercial centres and recreation facilities.*
 - *the site can be serviced by utility infrastructure.*
 - *the majority of the proposed residential area is located along the plateau with relatively flat topography limiting the need for bulk excavation.*
 - *the site is not constrained by flooding or landslip.*
 - *the proposed dwelling density is consistent with the existing development pattern of Belrose and nearby Frenchs Forest.*
 - c. On 28 January 2015, the Joint Regional Planning Panel and the Minister for Planning issued a Gateway determination in support of the position that the rezoning is consistent with strategic planning policies.
 - d. During the course of 2015 through to 2017 inclusive, the Proposal underwent various amendments in order to accommodate stakeholder feedback and further enhance its merit and compliance with the requirements of policies and ministerial directions.
 - e. In April 2017, the Proponents (whilst not required to do so) submitted the VPA providing for a commitment to further expenditure of approximately \$16.4 million (in addition to payment of section 94A levy contributions). That VPA provides further merit to the Proposal by allowing:
 - new local roads, upgrades to existing roads and intersection works at Forest Way
 - bus shelters and new footpaths

⁶ See Supplementary Planning Report and Updated Planning Proposal dated 28 April 2017 as well as Appendix H (Economic Impact Assessment), Appendix I (Housing Needs Study) and Appendix M (Social Impact Assessment) to the Original Planning Report.

- public access to Warringah Aboriginal Nature Reserve and Garigal national Park
 - upgrades to Waratah Park
 - the employment of an Ecological and Cultural Heritage officer
 - ongoing management of APZs
 - construction and dedication of public open space and recreation facilities (outdoor gym and nature run)
 - construction and dedication of stormwater management facilities
 - cash contribution to local community facility
 - funding for Aboriginal services (including housing, employment, training, health and youth).
- f. In a meeting on or about 2 May 2016, and in correspondence dated 31 October 2016, the Council advised that it expected a 50% uplift in respect of any public benefits conferred by the VPA and accordingly, advised that the VPA was not acceptable.
- g. In December 2017, the Council concluded that the Proposal did not have strategic merit because it was inconsistent with the goals of Council's Draft Community Strategic Plan (Shape 2028), draft Warringah Housing Strategy 2011 and the Oxford Falls Belrose North Strategic Review (**Review**). The Council also considered that the Proposal was inappropriate largely for bushfire and biodiversity reasons. Further, the Council determined that the Proposal was 'generally inconsistent' with the *Regional Plan – A Plan for Growing Sydney and the Greater Sydney Commission's draft Greater Sydney Region Plan (draft Region Plan – DRP) and Revised draft North District Plan (RDPP)*.⁷
14. The approach taken by Council in assessing the merits and strategic planning issues with respect to the Proposal has been erroneous. In this regard:
- a. Insofar as the Council has required the Proposal to comply with Review and other draft plans, the Proposal was lodged prior to the Review and therefore, is not captured by it. Nonetheless, whilst the Site does not fall within the four potential sites the subject of the Review, it is in any event, consistent with the overarching principles of the Review.
 - b. Insofar as the Council has concluded that the Proposal does not satisfy bushfire and ecological requirements, these matters are addressed separately below with reference to strategic and technical Considerations supported by expert evidence which highlight the merits and strategic veracity of the Proposal.
 - c. Insofar as the Council has looked to inconsistencies with current state policies, it has made general statements regarding inconsistencies but failed to articulate with any detailed explanation, how they arise.

⁷ Report to Ordinary Council Meeting Item No 10.4 – 19 December 2017, pg 14 to15.

15. In contrast to the Council’s approach, the Proponents have carefully considered all objectives of the relevant state policies and section 117 Directions, engaged in extensive reporting regarding those objectives and requirements and correctly concluded that the Proposal complies with them. These issues, and the documents in support of those conclusions, are detailed as follows:

Table 2 – Satisfaction of State Environmental Planning Policies and S117 Ministerial Directions

Objectives	Satisfied	How	Reference
SEPP 19 – Bushland in Urban Areas			
The overriding objective of the Policy is to ‘ <i>protect and preserve bushland within the urban area</i> ’ because of its ‘ <i>value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.</i> ’	Yes	<ul style="list-style-type: none"> • Over 119 hectares of natural bushland is to be retained • Access to bushland for recreational, educational and scientific resources • Retention of Duffy’s Forest adjacent to Eastern boundary • Ecology and biodiversity maintained (see further details below) • Bushfire risk managed (see further details below) 	<p>Supplementary Planning Report and Updated Planning Proposal prepared by Urbis dated 27 April 2017</p> <p>Bushfire Protection Assessment and Fuel Management Plan prepared by Travers Bushfire and Ecology dated April 2017</p> <p>Ralston Avenue Belrose Planning Proposal: Review prepared by Eco Logical and dated 16 August 2017</p>
SEPP (Infrastructure) 2007			
The aim of the Policy is to facilitate the effective delivery of infrastructure across the State	Yes	<ul style="list-style-type: none"> • Updated transport and traffic assessment prepared to provide updated assessment including adequacy of seagull intersection treatment • The Proponents will comply with all conditions imposed by Ausgrid • The Proponents will comply with all conditions imposed by Transgrid 	<p>Supplementary Planning Report and Updated Planning Proposal prepared by Urbis dated 27 April 2017</p> <p>Noise Impact Assessment of TransGrid Substation prepared by TTM dated 24 October 2017</p> <p>Revised Transport, Traffic and Accessibility Report prepared by Transport and Traffic Planning Associates and dated September 2017</p> <p>Appendix D Infrastructure Services</p>

Objectives	Satisfied	How	Reference
			and Water Management Strategy – April 2013
Section 117 Direction - 2.1 Environmental Protection Zones			
The objective of the direction is to protect and conserve environmentally sensitive areas	Yes	<ul style="list-style-type: none"> • Over 87% of site will be rezoned and protected as natural bushland and minimum lot sizes of 600 metres squared • Potential ecological impacts are satisfactorily mitigated/managed through biodiversity offsets, stormwater management and community title measures 	Supplementary Planning Report and Updated Planning Proposal prepared by Urbis dated 27 April 2017
Section 117 - 6.3 Site Specific Provisions			
The objective of the direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	<ul style="list-style-type: none"> • Existing state and local planning controls regulate development on bushfire prone land and appropriating siting and design of future subdivision layout and dwellings designs 	<p>Supplementary Planning Report and Updated Planning Proposal prepared by Urbis dated 27 April 2017</p> <p>Bushfire Protection Assessment and Fuel Management Plan prepared by Travers Bushfire and Ecology dated April 2017</p>
Section 117 - 7.1 Implementation of A Plan for Growing Sydney			
The objective of the direction is to give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i>	Yes	<ul style="list-style-type: none"> • Delivery of housing supply within an existing urban area • Protection of bushland and scenic values • Improved access to open space • Bushfire protection and 	<p>Supplementary Planning Report and Updated Planning Proposal prepared by Urbis dated 27 April 2017</p> <p>Bushfire Protection Assessment and Fuel Management Plan prepared by Travers Bushfire and Ecology dated April 2017</p> <p>Ralston Avenue Belrose Planning</p>

Objectives	Satisfied	How	Reference
		resilience to natural hazards • Support for Aboriginal community without interference with Aboriginal archaeological sites	Proposal: Review prepared by Eco Logical and dated 16 August 2017 Aboriginal Archaeological & Cultural Heritage Assessment report dated 1 November 2017

16. Given the above, the Proposal should be recommended by the PAC.

BUSHFIRE PROTECTION

17. The Proposal is consistent with all requirements in relation to strategic and technical Considerations concerning bushfire planning. Whilst the Site is located in bushfire prone land for the purposes of section 146 Environmental Planning and Assessment Act 1979 (EPA), that classification does not prohibit development. Rather, it adds an additional layer of requirements under Direction 4.4 and PBP, which if satisfied (as they are), permit a recommendation in favour of the Proposal.
18. By way of background, the issues regarding the bushfire protection have evolved throughout the process of the Proposal. To assist, we note the following:
- a. Pre Gateway, the RFS position with respect to the Proposal was favourable. Adopting the correct approach to the legislative requirements, the RFS noted that there was no strategic opposition to the Proposal provided technical aspects of PBP could be addressed. On 16 January 2013, the RFS prepared a report stating ***“there is no objection to the proposed rezoning provided the future residential subdivision complies with the requirements of PBP.”***⁸ Similarly, on 19 February 2013, the RFS wrote to the Council indicating that it had ***“no objection in principle to the proposed rezoning of the site to allow for residential development. The site is exposed to a substantial bush fire threat and any subdivision must comply with the requirements of PBP.”***⁹
 - b. Following the Gateway process, the Proponents and RFS engaged in communications regarding technical matters, including slope and vegetation data, indicating at least implicitly that there was no issue regarding the strategic merits of the Proposal. On 20 February 2015, the RFS again confirmed that it was ***“not opposed to the development of the site in principle” provided that PBP matters were addressed.***¹⁰ A site inspection in August 2015 with RFS officers and additional assessment reports subsequently addressed these matters.

⁸ Local Environment Plan/Rezoning Assessment Report – Pre Lodgement dated 16 January 2013.

⁹ Letter from NSW Rural Fire Service to Warringah Council dated 19 February 2013.

¹⁰ Letter from NSW Rural Fire Service to Warringah Council dated 20 February 2015.

- c. In April 2016, the Council engaged Lew Short of Blackash to prepare a strategic assessment of the Proposal insofar as it addressed bushfire considerations (**Blackash Report**). In this regard:
- i. The Council made suggested changes to the Blackash Report (whilst in draft) and accordingly, in the Proponents' view, its integrity should be questioned.¹¹
 - ii. The Blackash Report was ultimately issued to Council on 28 April 2016 and for the first time, raised strategic issues with respect to the Proposal. This report however was not made available to the Proponent until September 2016. The approach taken by the Blackash Report in respect of the purported 'strategic' reasons to reject the Proposal is misconceived as outlined below:

Table 3 – Errors with strategic considerations of the Blackash report

Issue	Blackash opinion	Blackash methodology	Correct methodology (as adopted by the proponent)
Interaction of the EPA, Direction 4.4 and PBP	The Site is inappropriate for development	None provided The report criticises the Proposal on the basis that there has been focus on technical issues but 'rudimentary' focus on the appropriateness of the Site for development. ¹²	In circumstances where there is bushfire prone land, the appropriateness of the development is informed by the ability of the Proposal to satisfy the technical requirements of Direction 4.4 and PBP. As outlined in Table 6, this issue has been satisfied. In addition, an independent bushfire review of the strategic merits was undertaken by Rod Rose, of Eco Logical Australia (whose expertise was accepted for this role by RFS). His findings demonstrated that the site could not only meet PBP but would provide a much safer urban interface and protect two critical pieces of infrastructure (TransGrid substation and Telstra tower).

¹¹ Email from Brendan Smith – Draft Ralston bushfire report review comments sent 30 March 2016.

¹² Blackash Report dated 28 April 2016, pg 4.

- d. Further, the approach taken and according, conclusions drawn by Blackash in respect of various technical aspects was erroneous in a number of ways, including the following:

Table 4 – Errors with technical considerations of Blackash report

Issue	Blackash opinion	Blackash methodology	Correct methodology (as adopted by the proponent)
Site Access	There is no safe access without direct contact with unmanaged bushlands	Unclear and unstated – appears to be provided as a personal view	<p>Multiple access routes – including two main access routes - provided in accordance with PBP.</p> <p>PBP also requires perimeter roads to form part of the APZ.¹³ As outlined in Table 5, this issue has been satisfied.</p> <p>Further, all MLALC land adjoining access routes will be managed in accordance with PBP.(see Fuel Management Plan).</p> <p>In addition, there are statutory requirements for the management of the Transgrid land adjoining access roads. The small patches of roadside vegetation on Transgrid land are not considered by the Proponent’s bushfire experts (Travers and Eco Logical) to be an unacceptable risk.</p> <p>The transmission easements will be managed.</p>
APZs	APZs are compliant when provided in full however, there are areas resulting in non-compliant	The APZs have been measured from the outside edge of the road.	In accordance with PBP requirements, the APZ width includes the road and is calculated based on the surrounding vegetation classification and slope.

¹³ PBP, pg 20.

Issue	Blackash opinion	Blackash methodology	Correct methodology (as adopted by the proponent)
	pinch points		<p>The description by Blackash of 'pinch point' are technically misleading and inaccurate. APZ requirements and pinch points are very different concepts. The Proponent's bushfire experts (Travers and Eco Logical) have advised that there are no access pinch points associated with the proposal.</p> <p>As outlined in Table 5, this issue has been satisfied.</p>
High voltage power lines	The Proposal does not satisfactorily address arcing on the ground	Consideration of power line locations without recognition of amended planning proposal plans marking those areas as an APZ	<p>Any area under a power line should be an APZ and additionally, should be subject to ongoing maintenance to ensure the vegetation is not high. All these areas are to be highly managed in the proposal.</p> <p>This issue has been satisfied.</p>

- e. Despite the Blackash Report focus on the purported strategic prohibitions on the Proposal, the RFS (having seen the report) continued to focus on technical issues. In doing so, it is apparent that there is an acceptance by the RFS (which, rather than Blackash, is the relevant consulting body) that the Proponent's methodology in the construction of the EPA, Direction 4.4 and the PBP is correct. That is, the inappropriateness of a site is not informed in a vacuum. It must have regard to whether or not the requirements of Direction 4.4 and the PBP can be satisfied.
- f. Accordingly, on 4 August 2016, a memorandum was prepared by RFS which referred to the Blackash report and among other things, noted that RFS opinion was that the Site was not so exposed that some development could not be achieved in compliance with PBP. In September 2016, the RFS wrote to the Council advising that it considered that the Proposal should not proceed in its current form due to inconsistencies with Direction 4.4 and PBP. Various further communications ensued including meetings with the RFS, which from time to time, led to revisions of the Proposal including the parameters of the APZs.
- g. By 2017, the bushfire protection issues remained unresolved.

- h. On 20 January 2017, a review of the bushfire protection strategies in respect of the Proposal was conducted by David Peterson of Peterson Bushfire, a very experienced BPAD Level 3 bushfire consultant. In doing so, Peterson Bushfire concluded that the then current strategies satisfied Direction 4.4 and exceeded the requirements of PBP.
- i. On 27 February 2017, a further report was prepared by Blackash. In this regard:
 - i. The report was not provided to the Proponents by the Council until 10 July 2017.
 - ii. The report again, largely adopted erroneous methodologies particularly with respect to the interaction and proper construction of the EPA, Direction 4.4 and the PBP.
 - iii. The report included comments on the updated APZs, which were again erroneous and are correctly addressed at table 5 below.
- j. In April 2017, the Proponents submitted an updated Proposal, which included an updated Bushfire Protection Assessment and Fuel Management Plan. It concluded that strategic and technical issues regarding bushfire were adequately addressed.
- k. In August 2017, Rod Rose of Eco Logical Australia, one of Australia's most experienced and respected bushfire consultants was engaged with specific agreement from RFS to independently review the bushfire protection contingencies in the Proposal. His conclusions not only confirmed the Proposal's compliance with Direction 4.4 and PBP but further noted that a strategic benefit to the Proposal was that it reduced risk of loss of life in circumstances of bushfire in the existing urban development:

the highest risk to life and property in the locality is not associated with new development but with older housing stock and the existing urban interface. It is rare that the bushfire risk to a problem older interface can be improved to the extent that this proposal offers. This review shows that under an FFDA 100 and in unmanaged vegetation, a bushfire attack from as far away as Mona Vale Road would place at extreme about 270 lives who would need to refuge in 104 'non-compliant' dwellings at the current urban interface. Also, the failure of the Transgrid substation and the Telstra communication tower in a bushfire attack would significantly extend the loss of life. A reduction of these risks is unlikely achievable by any other means than a planning proposal similar to that reviewed.

- I. By 17 October 2017, the RFS issued a final letter to the Council outlining what it perceived to be the final issues relating to the Proposal. They, including the Proponent's position in response, are outlined in the below:

Table 5 – Responses to RFS Concerns

RFS Position	Proponent Position	Methodology Adopted by Proponent	Reference
APZs and Pinch Points			
In general, compliance APZs are provided (where they are provided in full) however, there are pinch points that are non-compliant and make the site vulnerable	<p>The APZs are compliant. The Proponent's bushfire experts (Travers and Eco Logical) have advised there are no pinch points.</p> <p>The Fuel Management Plan addresses concerns related to vegetation near egress routes.</p>	<p>The methodology, in accordance with PBP has been adopted so that the size of the APZ is determined by the vegetation community surrounding it. In this regard:</p> <p>1. Vegetation communities were identified by various site inspections and mapped using a <i>Trimble GPS</i> unit. The vegetation communities appear at Figure 1.6 of the Bushfire Assessment Report dated April 2017.</p> <p>2. <i>Lidar</i> contour data has been used to identify the degrees of APZs. A registered surveyor has been engaged to prepare the slope gradients at 24 locations around the perimeter of the site.</p> <p>Any slopes in the APZ sites that exceed 18 degrees occur on sandstone rock escarpments which, given that they do not have any vegetation, do not offend any PBP requirements regarding APZs.</p>	<p>See Surveyor report (Schedule 6)</p> <p>Bushfire Response to Slope Issues (Schedule 7)</p>
Bushfire Attack Levels (BAL)			
For future dwellings to be constructed on the site, the BAL	The effective slopes do not exceed 20 degrees. Small steeper areas exist but these are rock cliffs which	An independent survey report provided data that demonstrates that none of the effective slopes	See Surveyor report

RFS Position	Proponent Position	Methodology Adopted by Proponent	Reference
<p>rating provided for under the Australian Standard AS 3959 Construction of buildings in bushfire-prone area is valid where the effective slope does not exceed 20 degrees. The slopes on the Site often exceed this.</p>	<p>do not contribute to the fire attack and arguably mitigate it.</p>	<p>exceed 20 degrees. All built to BAL standards.</p>	<p>(Schedule 6) Bushfire Response to Slope Issues (Schedule 7)</p>
Mitigation works to reduce bushfire risk			
<p>Place increased demand on resources</p>	<p>This can be addressed in section 94 contributions.</p>	<p>A full suite of bushfire measures including APZs and a fuel management plan can be implemented but if further works are required, section 94 contributions can be triggered. In the absence of this funded mitigation program generated by this Planning Proposal, the existing interface of older dwellings will remain highly vulnerable.</p>	<p>Travers Bushfire & Ecology response dated 9 December 2016 Updated Fuel Management Plan (April 2017)</p>
Construction of new fire trails			
<p>Extensive engineering works would impact the environment</p>	<p>A full perimeter fire trail is proposed within the Proposal. The site topography has been fully assessed and extensive engineering works are not required as the trail would be created within the APZ zone and a fully compliant fire trail can be installed which</p>	<p>Fire trails are proposed within the APZ area and generally follow the perimeter contour lines, connecting into the perimeter road in a number of locations. The fire trail will also connect to the existing Fire trail network, all within the APZ area with minimal civil works and at with</p>	<p>Travers Bushfire & Ecology response dated 9 December 2016</p>



RFS Position	Proponent Position	Methodology Adopted by Proponent	Reference
	<p>generally follows the perimeter contours. The Fire Trail installation cost and maintenance are all fully funded by the development and the future Community title arrangement.</p> <p>The de-vegetation works within the APZ will be undertaken mostly by a positrax bobcat which mulches vegetation as it goes and leaves that insitu so that erosion does not occur and importantly so that soil heating does not increase. This method is designed to eliminate any need for bulk earth works in the APZ and or changes to the sandstone landscape.</p> <p>The fire trail works in part, utilise the extensive trail systems already used on site by the RFS. The intention is to add links where necessary so that there is a better system of isolated tracks achieving improved linkage back to the new perimeter roads being planned. Should the RFS not require those new links then they can be abandoned.</p>	<p>no additional impacts on the Site Ecology as the APZ area has been fully accounted for within the Ecological assessments and the Bio certification assessment Report especially where we accounted for every ecological resource in the APZ and advised on how we would maintain that resource.</p>	

19. In summary, and as can be seen from the above, due to extensive stakeholder and expert communications as well as amendments to the Proposal, the issues regarding bushfire protection have progressed and addressed. The Proponent’s satisfaction of the relevant policies and regimes can be summarised below as follows:

Table 6 – Satisfaction of S117 Direction 4.4 and PBP

Objectives	Satisfied	How	Reference
<i>Direction 4.4 Planning for Bushfire Protection</i>			
<p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas</p>	Yes	<p>The Site is not incompatible. The Blackash Report’s reasoning for suggesting incompatibility is unsound and given the RFS’ continued engagement in technical issues, is not a position adopted by RFS.</p> <p>The R2 Low Density Residential zone limits the type and scale of development that can be accommodated on the site. All future development will be required to address bushfire protection measures as outlined within both State and local planning controls, including PBP.</p> <p>The Proposal protects life and property of the existing urban interface.</p> <p>Taking into account the above, sound management has been implemented by controls proposed by the Proponents to comply with PBP and ASA3958 including the fuel management plan, community association and works contemplated by the VPA.</p>	<p>Ecological Australia Planning Proposal Review dated 16 August 2017</p> <p>Peterson Bushfire report dated 22 March 2017</p> <p>Travers Bushfire protection assessment April 2017</p> <p>Fuel Management Plan April 2017</p> <p>Bushfire Response to Key Issues (Schedule 7)</p>

Objectives	Satisfied	How	Reference
Direction 4.4(4)			
<p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made</p>	Yes	<p>The RFS has been consulted and amendments have been made to the bushfire protection assessment and fuel management plans</p>	<p>Travers Bushfire protection assessment April 2017</p> <p>Fuel Management Plan April 2017</p>
Direction 4.4(5)			
<p>A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i></p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p>	Yes	<p>The Proposal has exceeded the PBP requirements</p> <p>It introduces controls including compliant APZs, access roads and hazard management via a fuel management plan</p>	<p>Ecological Australia Planning Proposal Review dated 16 August 2017</p> <p>Peterson Bushfire report dated 22 March 2017</p> <p>Travers Bushfire protection assessment April 2017</p> <p>Fuel Management Plan April 2017</p> <p>Table 4</p> <p>Bushfire Response to Key Issues</p>

Objectives	Satisfied	How	Reference (Schedule 7)
Direction 4.4(6)			
<p>A planning proposal must, where development is proposed, comply with the following provisions as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road;</p> <p>(b) for infill development (that is development within a subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard in consultation with the NS Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trial networks,</p>	<p>Yes</p>	<p>The APZs are compliant</p> <p>There are two two-way access roads and three evacuation pathways</p> <p>Reticulated water supply used with fire hydrant spacing, sizing and pressure complying with AS2419.1-2005</p> <p>The development has a perimeter road which is further bounded by APZs resulting in no direct interface with hazard</p> <p>Controls on the placement of combustible material can be a condition of consent at the DA stage</p>	<p>Table 4</p> <p>Travers Bushfire protection assessment April 2017</p>

Objectives	Satisfied	How	Reference
(d) contain provisions for adequate water supply for firefighting purposes,			
(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,			
(f) introduces controls on the placement of combustible materials in the Inner Protection Area.			

20. Given the above, the Proposal should be recommended by the PAC.

ECOLOGY AND BIODIVERSITY

21. The Development Proposal is consistent with all technical requirements regarding ecology and biodiversity. It is supported by expert and peer review reports.
22. By way of background, the issues regarding biodiversity have included conservation issues regarding the Proposal's impact on endangered ecological communities (Duffys Forest and Coastal Upload Swamp), *Grevillea caleyi*, *tetratheca glandulosa*, Rosenberg's goanna (*varanus rosenbergi*), eastern pygmy possum (*cercartetus nanus*), red-crowned toadlet (*pseudophryne australis*), giant burrowing frog (*helleoporus australiacus*), the southern brown bandicoot (*isoodon obesulus*), spotted tail quoll (*dasyurus maculatus*), new Holland mouse (*pseudomys novaehollandiae*) and rare or threatened Australian plants such as *eucalyptus luehmanniana* and *angophora crassifolia*.
23. Reports have been prepared addressing comprehensive assessments of the potential ecological impacts of the Proposal.¹⁴ Comments were made regarding these reports and the NSW Office of Environment and Heritage (OEH) feedback in Urbis' response to submissions.¹⁵
24. It is apparent that all ecological issues are satisfied and OEH holds the position that a biodiversity certification approach for the Proposal is necessary to address the biodiversity issues in a strategic and systemic way.
25. The Proponents agree that a biodiversity certification approach is the preferred mechanism for addressing biodiversity issues associated with the Proposal. The Proposal should be considered under the savings and transition arrangements as significant assessment has been completed in accordance with the Biodiversity Certification Assessment Methodology (BCAM). Inquiries can be

¹⁴ Ecological Assessment of Travers Bushfire & Ecology dated April 2017 and Biodiversity Assessment Report and Biodiversity Certification Strategy and Expert Report prepared by Ecological Australia.

¹⁵ Letter from Urbis to Northern Beaches Council dated 25 October 2017.



made with the Department of Planning as to whether it is willing to be the proponent for the biodiversity certification application.

26. Given the above, the Proposal should be recommended by the PAC.

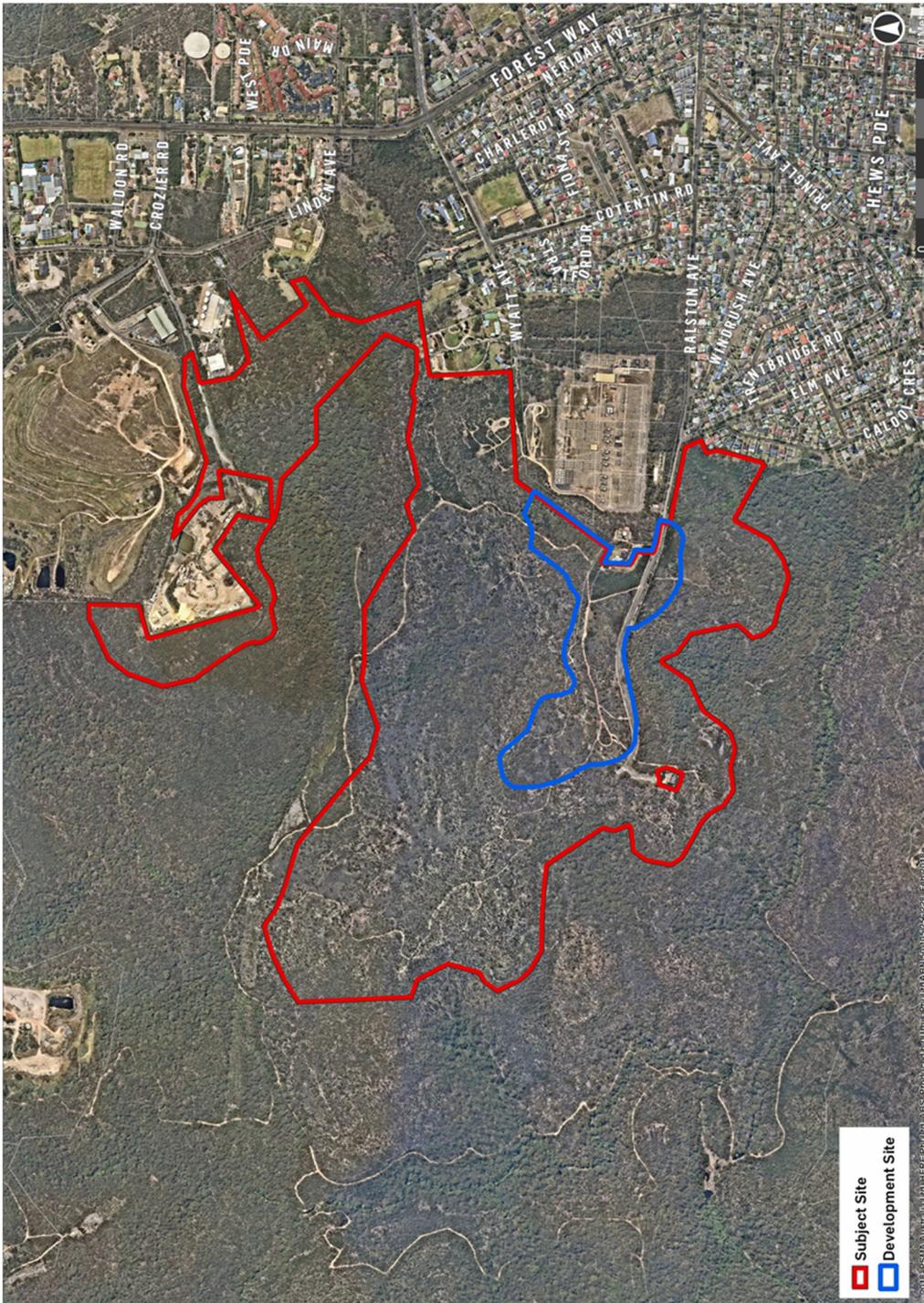
CONCLUSIONS

27. Given the above, it is the Proponents' position that:

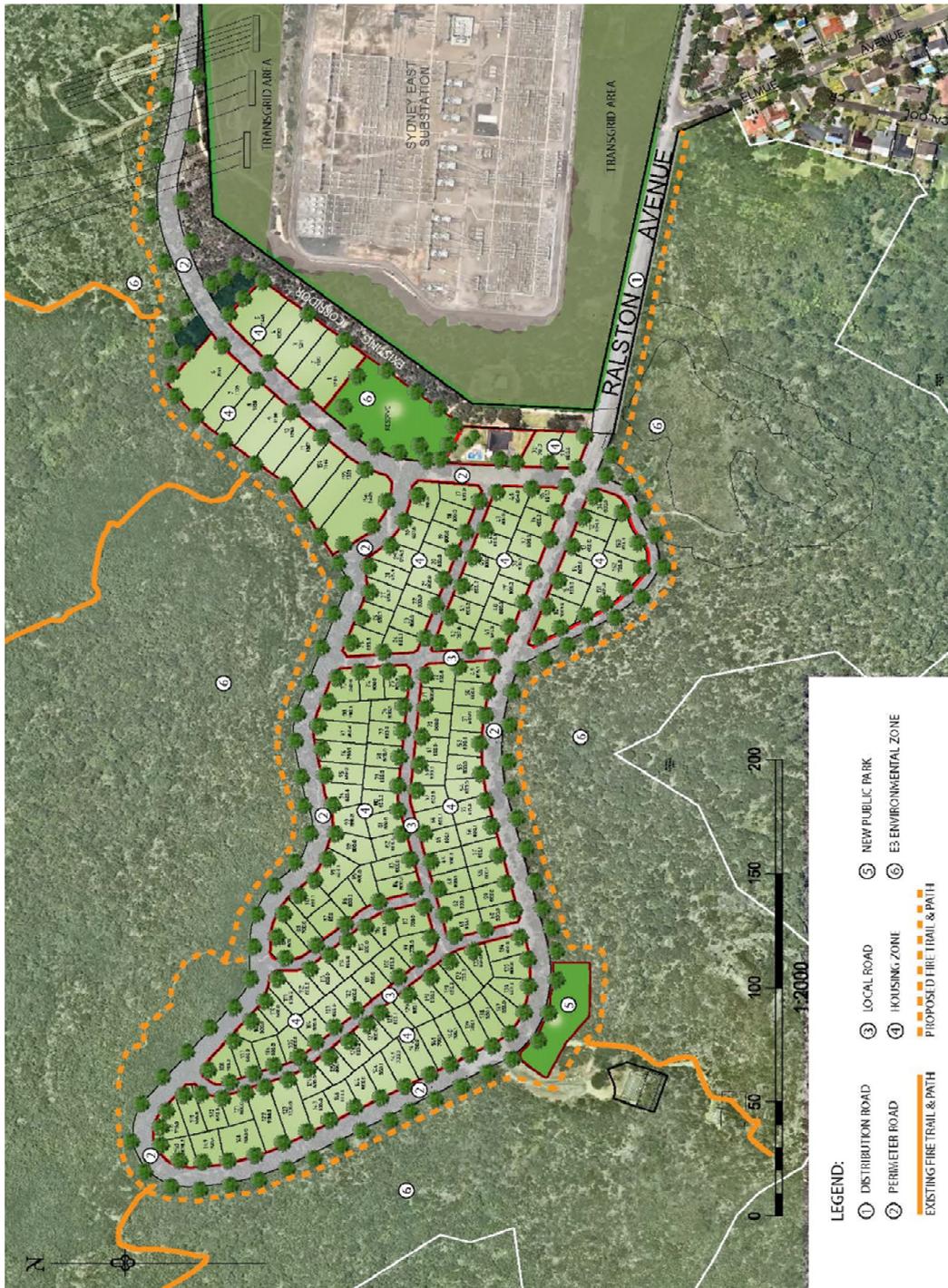
- a. In respect of all strategic planning issues, the Proposal satisfies all strategic objectives and requirements. It has general and site specific merit and is consistent with the directions, aims and priorities of state policies and section 117 directions.
- b. In respect of bushfire protection, the Proposal along with its extensive fuel management plan, appropriately addresses all PBP and Direction 4.4 requirements and objectives including the RFS' most recent concerns of 17 October 2017. The Proponents' experts and their associated methodologies and conclusions are to be preferred to the position of RFS and Blackash.
- c. In respect of ecology and biodiversity, the Proposal satisfies all biodiversity issues and the Proponents agree to undertake bio-certification measures.

28. For the reasons above, the Proponents consider that the Proposal should be recommended.

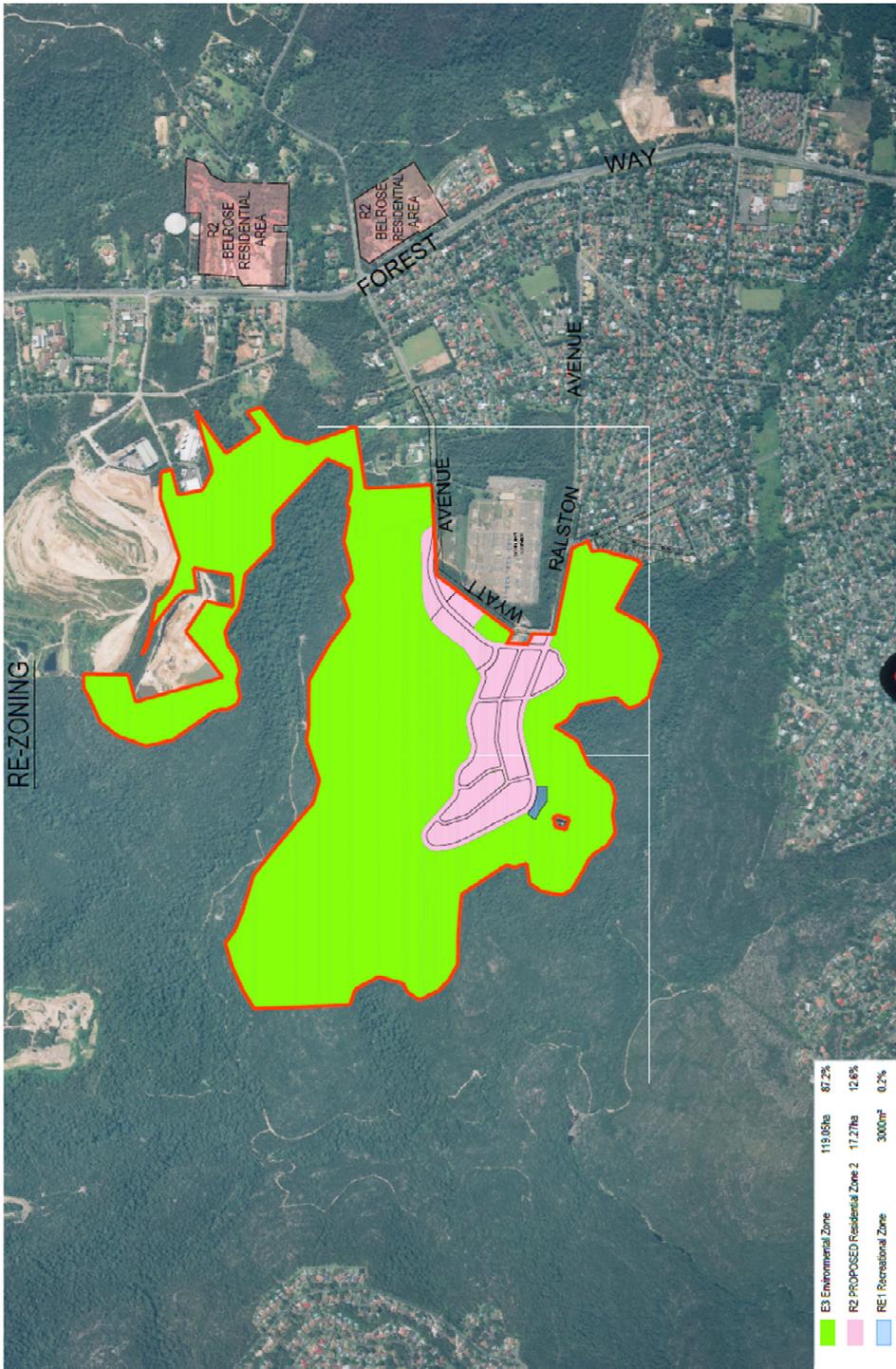
Schedule 1 – Site Location Map



Schedule 2 – Indicative Subdivision Plan



Schedule 3 – Proposed Land Use Zoning



Schedule 4 – Brief Chronology

Date	Event
Around 2005	MLALC becomes registered proprietor of Site
2005	Council makes offer to purchase Site
April 2013	Original Proposal submitted
June 2013	Public authority consultations raised no objections to proceeding subject to appropriate studies and hazard mitigation commitments
August 2013	Proposal was updated by replacing the proposed E3 Environmental Management zoning with E2 Environmental Conservation, amending the zone boundaries, changing the minimum lot size to 600 metres squares, amalgamating the open space, amending the road layout and foreshadowing a VPA
November 2013	Council planning officers recommend Original Proposal proceed to Gateway process
November 2013	WDAP supports the Original Proposal
December 2013	Elected Council resolved not to support Original Proposal
28 January 2014	Proponents requested that the Department of Planning and Environment reconsider the proposal
23 July 2014	JRPP resolves unanimously that proposal should proceed to Gateway
28 January 2015	Gateway Determination issued which: <ul style="list-style-type: none"> • required consultation with the RFS, Office of Environment and Heritage (OEH) and Transport for NSW • provided the applicant with a right to respond to the comments made by the public authorities • required several amendments to be made to the Planning Proposal prior to exhibition
June 2015	Pre-exhibition consultation with nominated State government authorities and agencies
December 2015	Proposal was updated with changes including a reduction in the number of lots from 171 to 159 and the protection of Duffy's Forest.



Date	Event
Early 2016	Council commissioned Blackash
June 2016	Proposal was updated
28 April 2017	VPA and updated Proposal submitted
May to June 2017	Public exhibition of Proposal
25 October 2017	Proponents submitted a response to public submissions and public authority comments as well as supplying additional information

Schedule 5 – Proponents’ response to Council Grounds for Refusal

Council Grounds for Refusal	Proponent Comments	Reference Document
<p><i>a. It has no strategic merit due to inconsistencies with directions, aim and priorities to protect the environment and increase resilience to natural hazards in A Plan for Growing Sydney and the Greater Sydney Commission’s Revised draft North District Plan and Draft Greater Sydney Region Plan. (October 2017)</i></p>	<p>The original Planning Proposal was lodged in 2013 prior to the creation and release each of these documents.</p> <p>The Supplementary Planning Proposal was lodged in April 2017 and included an updated assessment in accordance with all relevant strategic planning policies at that time, including <i>A Plan for Growing Sydney</i>.</p> <p>The Greater Sydney Commission’s draft <i>Greater Sydney Region Plan</i> and updated draft <i>North District Plan</i> were publicly released in November 2017. Each of these documents has been reviewed in detail and it is concluded that the final updated Planning Proposal addresses each of the relevant matters including:</p> <ul style="list-style-type: none"> • Increasing housing supply within the existing urban area • Improving Aboriginal educational outcomes by providing additional resources and support • Protecting and enhancing bushland, biodiversity and scenic landscapes • Improving connections to public open space • Adapting to impacts of urban and natural hazards and increase resilience 	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p>
<p><i>b. It has no specific merit due to impacts on biodiversity and threaten species, the adjoining National Park, bushfire risk, the proximity of the Sydney East Substation and financial arrangements for infrastructure provision.</i></p>	<p>Biodiversity and threatened species impacts have been fully assessed with extensive reporting and site surveys (2008 to 2016) and studies culminating in the provision of a Bio-certification Assessment Report (BAR) which addresses all potential impacts.</p> <p>The proposed future residential development would formalise management of bushland and access to provide a significant improvement to the existing site</p>	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p> <p>Appendix D - Ecological</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
	<p>management.</p> <p>Bushfire risk has been fully assessed and the development complies with the provision of the Planning for Bushfire Protection provisions</p> <p>The proximity of the proposed future dwellings has been fully assessed and complies with relevant authority design guidelines, including separation distances.</p> <p>Satisfactory financial arrangements are proposed for the delivery of all infrastructure required by the development as well as significant public benefits for the adjoining and broader local community.</p>	<p>Assessment</p> <p>Biodiversity Assessment Report (BAR) and Biodiversity Certification Strategy</p>
<p><i>c. It is inconsistent with the specific aims of the State Environmental Planning Policies (SEPP) No. 19 – Bushland in Urban Areas and Council is not satisfied that the proposal will result in significant environment, economic or social benefits that outweigh the value of the bushland.</i></p>	<p>The Planning Proposal and supporting technical information has provided a comprehensive assessment of the proposal in accordance with the aims and requirements of SEPP 19. The Planning Proposal will result in significant environmental, economic and social benefits including:</p> <ul style="list-style-type: none"> • Retention and protection of >118 hectares of natural bushland • Funding for Aboriginal services • Local public benefits including access, recreation and education 	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p> <p>Appendix D - Ecological Assessment</p> <p>Biodiversity Assessment Report (BAR) and Biodiversity Certification Strategy</p>
<p><i>d. It is inconsistent with SEPP (Infrastructure) 2007 as it has not addressed likely impacts on an electrical transmission network and associated concerns of an electricity transmission network and</i></p>	<p>Ausgrid granted consent subject to conditions which can be fully complied with as outlined in detail within the Response to Submission prepared by Urbis.</p> <p>Transgrid objected to the Planning Proposal based on risk to infrastructure and public safety. However, the proponent has confirmed that all Transgrid requirements</p>	<p>Response to Submissions – 25 October 2017 - and various attachments</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
<p><i>associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation.</i></p>	<p>can be complied with to avoid unacceptable impacts by:</p> <ul style="list-style-type: none"> • Survey confirmation of clearance distances • Improvements to existing access arrangements • Minimum 30 metre setbacks from dwelling lots to easements • Ongoing maintenance of APZ and water management facilities • Safer urban interface and bushfire shielding benefits 	
<p><i>e. It is inconsistent with s117 Ministerial Direction: 2.1 Environment Protection Zones, as it would change current planning standards which protect the environment by restricting residential development to 1 dwelling per 20 Hectares.</i></p>	<p>The Ministerial Directions were addressed within the original and updated Planning Proposal reports. Over 87% of site will be rezoned and protected as natural bushland. The proposed minimum lot sizes of 600m² are consistent with Gateway determination and the surrounding established residential area</p>	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p>
<p><i>f. It is inconsistent with s117 Ministerial Directions: 6.3 Site Specific Provisions, as site specific provisions maybe required to prohibit certain uses from the proposed R2 Low Density Residential Zone and E3 Environmental Management Zones.</i></p>	<p>The existing State and local planning controls are considered adequate to effectively regulate development on bushfire prone land, including the subject site.</p>	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p>
<p><i>g. It is inconsistent with s117 Ministerial Direction; 7.1 Implementation of A Plan for Growing Sydney, by undermining the achievement</i></p>	<p>Detailed consideration has been given to <i>A Plan for Growing Sydney</i> (and the draft Region and District Plans) including:</p> <ul style="list-style-type: none"> • Delivery of housing 	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
<p><i>of its planning principles; directions; and priorities. Especially those that encourage a risk-based approach to strategic planning through halting development in high risk areas.</i></p>	<ul style="list-style-type: none"> • Protection of bushland and scenic values • Improved access to open space • Bushfire protection and resilience to natural hazards 	
<p><i>h. The Rural Fire Services do not support the proposal and find it inconsistent with 117 Directions 4.4 Planning for Bushfire protection, as it would place inappropriate development in a hazardous area and would not achieve the primary objectives to protect life, property and the environment and encourage the sound management of bush fire prone areas.</i></p>	<p>RFS reviewed the Planning Proposal in 2013 and issued a letter noting specific items to be assessed and addressed. We believe the Strategic assessment and Suitability of the site for Development had been addressed at that time.</p> <p>Following comments received from Council, it appeared the RFS reversed their strategic assessment and would not provide a technical assessment to support their position. Following the RFS meeting the follow actions were undertaken:</p> <ul style="list-style-type: none"> • The Proponent (with RFS agreement) engaged Eco Logical Australia to undertake an independent bushfire expert review of the proposal, including further consultation and analysis. • Review found evacuations routes and timeframes were acceptable and proposal would result in benefits to the broader community due to improvements to bushfire management on the subject land and the creation of a much more bushfire resilient urban/bushland interface. • Review concluded the proposal is suitable for approval subject to following refinements;- <ul style="list-style-type: none"> a. The understorey and ground level fuels within the Trans Grid property be maintained at an APZ standard e.g. in a management agreement 	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p> <p>Appendix B – Bushfire Protection Assessment</p> <p>Appendix C – Fuel Management Plan</p> <p>Appendix E – Indicative Subdivision Plan</p> <p>Appendix G – Draft VPA and Explanatory Note</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
	<p>between community title and Trans Grid.</p> <p>b. Application of a garden landscape covenant based upon national best practice design.</p> <p>c. Provision of a Neighbourhood Safer Place and/or larger APZ for lots most at risk of a head fire under an FFDI>50.</p> <ul style="list-style-type: none"> • Each of the above measures can be implemented to achieve compliance with the s117 Ministerial Direction and Planning for Bushfire Protection 2006. <p>In relation to the Specific design issues we note the following comments -</p> <p>1. Slope gradients - The registered surveyor has demonstrated the effective slopes associated with the APZ's are less than 18 degrees and are therefore compliant with PBP</p> <p>2. Vegetation classification - The 2017 vegetation community mapping provided by TBE and verified by EcoLogical / OEH in 2015 has not been queried by the Northern Beaches Council.</p> <p>3. Sound hazard management – Management of the APZ by the Community Association will provide a properly funded and methodically managed landscape. A comprehensive and responsible fuel (hazards) management plan has been prepared by TBE to demonstrate the detailed management method for the APZ areas.</p> <p>4. Appropriate land use - The proposed low density residential zoning is an appropriate land use for this landscape as it complies with the S117 Directions, PBP 2006 and the draft PBP through the significant bushfire design elements which have been proposed to be</p>	

Council Grounds for Refusal	Proponent Comments	Reference Document
	<p>implemented.</p> <p>5. Evacuation capability – the PP has two primary roads corridors connecting the subdivision to 3 separate paths of evacuation, 1 Wyatt Ave, 2. Elm Street and 3. This is readily available via two routes both of which will be well managed.</p>	
<p><i>i. The proposal fails to address issues associated with access to the site and evacuation from the site in the event of a bushfire, including the risk associated with arcing to ground from 330kva power lines and disruption of planned evacuation routes.</i></p>	<p>The proposal includes two main exit routes with multiple additional road exits off Ralston Avenue. All evacuation routes have been planned to have APZs to enable safe evacuation should it be required and as outlined in detail within the supporting technical reports</p>	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p> <p>Appendix B – Bushfire Protection Assessment</p> <p>Appendix C – Fuel Management Plan</p> <p>Appendix E – Indicative Subdivision Plan</p> <p>Appendix G – Draft VPA and Explanatory Note</p> <p>Response to Submissions – 25 October 2017 - and various attachments</p>
<p><i>j. It is inconsistent with local provision, policies and plans which aim to protect the environment, including the</i></p>	<p>The provisions of <i>Warringah Local Environmental Plan 2000</i> are not relevant to the proposal. The rezoning seeks to include the site within the ‘new’ 2011 LEP. Each of the other local policy matters has been addressed</p>	<p>Supplementary Planning Report and Updated Planning Proposal</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
<p><i>Warringah Local Environmental Plan 2000 (WLEP 2000); Warringah Council Policy ENVPL 005 Bush land and Warringah Council Policy Water Management Policy and the Draft Community Strategic Plan SHAPE 2028.</i></p>	<p>within the siting and design of the indicative subdivision, including the ecological, bushfire protection and stormwater management measures</p>	<p>– 27 April 2017</p>
<p><i>k. The Site has not been identified as having future development potential in either Stage 1 or 2 of the Oxford Falls Belrose North Strategic Review (Strategic Review).</i></p>	<p>The <i>Oxford Falls Belrose North Strategic Review</i> comprises a high-level review of 1,341 hectares of land within the broader precinct. The strategic review has continued to be assessed concurrently with the detailed investigations for Ralston Avenue. The site cannot remain a ‘Deferred Matter’ under LEP 2011. As such, it has not been excluded from the Strategic Review and would be incorporated within the broader precinct rezoning if the site-specific rezoning should not proceed to gazettal</p>	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p>
<p><i>l. The Office of Environment Heritage and National Parks and Wildlife Services do not support the proposal due to impacts on biodiversity and threatened species and adjoining Nation Park.</i></p>	<p>The NSW Office of Environment (OEH) was consulted prior to public exhibition. Their submission raised issues regarding the preliminary reports and requested additional impact assessment. Travers Bushfire & Ecology subsequently completed significant additional survey work to address the issues raised by the OEH, including additional target surveys and habitat assessment</p> <p>The final referral response from OEH strongly recommended a Biodiversity Certification Assessment Report (BAR) be advanced to provide a systematic approach to the biodiversity values of the site. The proponent has consistently supported a BAR process to address the potential impacts. Eco Logical Australia prepared a Biodiversity Assessment Report, Biodiversity Certification Strategy and Expert Report to support the</p>	<p>Supplementary Planning Report and Updated Planning Proposal – 27 April 2017</p> <p>Appendix D - Ecological Assessment</p> <p>Biodiversity Assessment Report (BAR) and Biodiversity Certification Strategy</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
	<p>application. However, the environmental legislation which applied at the time required Council to be the applicant for the BAR. Council would not agree to be the applicant until the Planning Proposal had been publicly exhibited and the elected Council had resolved to support the proposed rezoning</p> <p>Council elected not to support the Planning Proposal and accordingly, the BAR has not been progressed. However, the environmental legislation has since been amended and the potential ecological and biodiversity impacts can be addressed by way of an alternative process</p>	
<p><i>m. It is unlikely to comply with Ausgrid's conditions of consent relating to bushfire evacuation.</i></p>	<p>The proponent has confirmed that each of Ausgrid's conditions of consent can be complied with at the subdivision DA stage</p>	<p>Response to Submissions – 25 October 2017 - and various attachments</p>
<p><i>n. It would result in unacceptable risks to life, property and the environment which would outweigh any potential benefits of the proposed development.</i></p>	<p>The proponent (with RFS agreement) engaged Eco Logical Australia to undertake an independent bushfire expert review of the proposal, including further consultation and analysis.</p> <p>This review found evacuations routes and timeframes were acceptable and proposal would result in benefits to broader community due to improvements to bushfire management on subject land. The report concluded the proposal is suitable for approval subject to following refinements:</p> <p><i>a. The understorey and ground level fuels within the TransGrid property be maintained at an APZ standard e.g. in a management agreement between community title and TransGrid</i></p> <p><i>b. Application of a garden landscape covenant based</i></p>	<p>Response to Submissions – 25 October 2017 - and various attachments</p>

Council Grounds for Refusal	Proponent Comments	Reference Document
	<p><i>upon national best practice design</i></p> <p><i>c. Provision of a Neighbourhood Safer Place and/or larger APZs for lots most at risk of a head fire under an FFDI >50.</i></p> <p>The proponent has confirmed that each of these measures can be implemented to achieve compliance with the s117 Ministerial Direction and Planning for Bushfire Protection 2006</p>	
<p><i>o. The majority of public submissions do not support the proposal.</i></p>	<p>The proponent has provided a comprehensive response to each of the public submissions made in response to the exhibition of the Planning Proposal</p> <p>Overall, it is considered that the proposed rezoning and future residential subdivision would result in significant social and economic benefits for Aboriginal people in accordance with the objectives of relevant legislation. The potential impacts of the proposal on the immediate locality have been assessed in detail and the public benefits would off-set any increased demand for services, as well as providing infrastructure upgrades to benefit existing and likely future residents</p> <p>Each of the environmental impacts has been comprehensively assessed and it is considered that the proposed mitigation, minimisation and management measures are satisfactory and appropriate to facilitate the proposal</p>	<p>Response to Submissions – 25 October 2017 - and various attachments</p>



Schedule 6 – Survey Plans



Schedule 7 – Bushfire Response to Key Issues