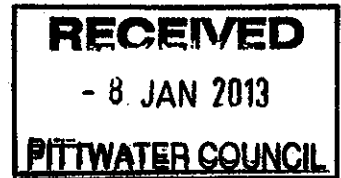




**Office of
Environment
& Heritage**



Your Reference: R0002/12
Our reference: Doc12/49158

Mr Lindsay Dyce
Manager Planning and Assessment
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attention: Robbie Platt

Dear Mr Dyce

I refer to your letter received by the Office of Environment and Heritage (OEH) on 22 November 2012 regarding the preliminary notification (non statutory) of a planning proposal for 120 Mona Vale Road, 10 Jubilee Avenue and 4 Boundary Street Warriewood, and seeking OEH's views prior to the Council making a decision on the whether to support the draft Planning Proposal.

OEH will be able to provide more detailed assessment once Council has determined its support for the Planning Proposal. However, OEH has the following general comments to make on biodiversity and Aboriginal Cultural Heritage.

Biodiversity

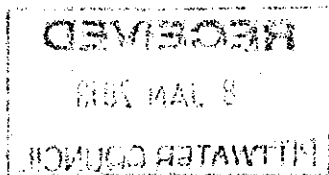
The *Masterplan 120 Mona Vale Road Warriewood* (GMU October 2012) has identified the high biodiversity values of the site. As part of the development of a Planning Proposal a biodiversity assessment should be undertaken to enable Council to identify, assess and appropriately conserve the ecological attributes of the site. The scope and detail required in the assessment will vary depending on the existing and potential attributes of the site.

In broad terms OEH considers that an assessment of biodiversity values should include, but not necessarily be restricted to, the following information:

- detailed description and mapping of all vegetation communities on the site;
- identification of any vegetation communities or plant species that are of local, regional or state conservation significance (including threatened species, populations, endangered ecological communities and their habitats or critical habitat, listed under the *Threatened Species Conservation Act 1995*). The criteria for establishing significance should be documented;
- description of known or expected fauna assemblages within the area;
- identification of fauna habitat likely to be of local, regional or state significance (including habitat of threatened species, populations, ecological communities or critical habitat listed under the TSC Act);
- identification of habitat corridors and linkages between areas of remnant native vegetation that may assist faunal movement (particularly during extreme events), and an assessment of the conservation significance of these; and
- prediction of the likely impact of any zonings or provisions proposed in the on the above attributes (quantification of the extent of impact where practical).

Areas identified of high biodiversity value and adjoining areas of moderate value should be managed to ensure that no development or activity including public access and recreation result in adverse impacts or loss in values. For these areas OEH recommends:

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- the application of an Environment Protection Zone (first preference), with permitted uses limited to those that are consistent with the protection of the conservation values present;
- the use of overlays to identify environmentally sensitive areas and the;
- inclusion of local provisions with development controls and heads of consideration; and/or
- the provision of more detailed controls in DCPs (for example for native vegetation protection and development controls and assessment requirements for environmental overlays).

Asset protection zones need to be accommodated for within the areas proposed to be zoned for development.

Aboriginal cultural heritage

The Metropolitan area is known to have a rich and diverse Aboriginal history. Areas of significance to Aboriginal people can generally be expected to occur across the region. This includes both traditional and contemporary associations of Aboriginal people with the environment as well as physical sites (i.e. that contain archaeological evidence).

Aboriginal heritage issues should be addressed up front and at the earliest possible stage of the planning process. OEH recommends the completion of two basic types of Aboriginal cultural heritage assessment to inform the preparation of the draft Planning Proposal:

- **an archaeological assessment** – this involves the identification and assessment of Aboriginal objects (often referred to as “sites”) and their management based on archaeological criteria; and
- **a cultural heritage assessment** – this involves consultation with Aboriginal stakeholders (groups and individuals) and can include historical and oral history assessment and broader values assessment (e.g. landscape and spiritual values).

The outcomes of the archaeological and consultation components of the Aboriginal heritage assessment should be compiled into a single mapping of high, moderate or low Aboriginal cultural value.

While there will still be a need to assess Aboriginal heritage impacts at the development application stage, and to include the Aboriginal stakeholders in that process, decisions at this level will be far more robust if they can be informed by a higher, strategic level of assessment.

OEH recommends that areas of Aboriginal cultural value be afforded similar protection through zoning to areas of biodiversity value. That is, for areas of identified Aboriginal cultural heritage value the following options should be considered:

- the application of an Environment Protection zone (first preference) with permitted uses limited to those that are consistent with the protection of the conservation values present within the zone;
- the use of overlays to identify areas of sensitivity (however, information should not be included that would identify the precise locations of known Aboriginal sites. This is necessary to avoid possible vandalism or damage);
- inclusion of development controls and heads of consideration; and
- the provision of more detailed controls in DCPs.

If you have any questions please contact me on 9995 6864.

Yours sincerely

S. Harrison 21/12/12

SUSAN HARRISON

Manager Planning

Regional Operations, Metropolitan

Office of Environment and Heritage