



Newport Residents Association Inc.

PO Box 1180

Newport Beach NSW 2106

President - Gavin Butler (gebutler@aapt.net.au) 0409 395 102

Vice-President - Kyle Hill 0412 221 962

Hon. Secretary - (wendydunnet@gmail.com) 0418 161 074

Hon. Treasurer - Glenn Moore 0418 609 207

www.newport.org.au

1st December 2022

Mr Ray Brownlee,
Chief Executive Officer,
Northern Beaches Council,
PO Box 1336,
Dee Why, NSW 2099

Dear Mr Brownlee,

Conservation Zone Review Submission

There are a number of issues with the Review that need addressing prior to completion including:

The Criteria and Methodology

The methodology for the Review has neglected to consider satisfactorily the Objectives of the C3 and C4 Conservation zones as mandated by the Department of Planning and Environment (DPE). Special ecological, cultural, scientific or aesthetic values have either not been included or poorly weighted in the criteria.

Under NSW legislation the Standard Instrument (Local Environmental Plans) Order 2006 the mandated Objectives of the C3 Environmental Management Zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*

- *To provide for a limited range of development that does not have an adverse effect on those values.*

The mandated Objectives of the C4 Environmental Living Zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

- *To ensure that residential development does not have an adverse effect on those values.*

All the mandated Conservation zones Objectives must be included and adequately addressed in the Review.

The inclusion of a **Scenic Protection Area** in the Review would also support these Objectives.

There were only three sets of criteria used for the Review: Land application, Environmental and Hazard. (Report to council page 11).

1. Scenic Value must be included as a criteria with a weighting of 1.

The inclusion of Scenic Value would address the aesthetic values in the conservation zones Objectives and should be supported by Scenic Protection Area mapping. The Environment Protection Zones DPE Practice Note PN09-002 used as a guide for councils establishing conservation zones also includes *Special environmental or scenic values* in C4 zones and *special ecological, scientific or aesthetic values or environmental hazards/processes* in the C3 zones (Council report page 5).

2. Biodiversity Corridor and Urban Tree Canopy should be separated into two criteria with each given a High Environmental Value with a weighting of 1.

Without this change the Review does not align with the NBC Local Strategic Planning Statement – Towards 2040,

Council's aim is to use conservation zones (formerly known as environmental zones) within our LEP to protect bushland and biodiversity (Action 2.2)(Report page 4)

Native vegetation on a property of an area 30% or more should be considered High Environmental value.

3. Ridgeline or Escarpment should be given a High Environmental Value with a weighting of 1.

The 50 metre buffer from ridgelines or escarpments for scenic values is insufficient. A Scenic Protection Area from coastline to ridgelines and escarpments is needed to address scenic values.

At the very least the 50m buffer mapped for ridgelines or escarpments should be increased to 100 metres in line with the existing Pittwater LEP 2014 100 metre buffer.

4. Geotechnical Planning Class: C5 Narrabeen Group with slope >15 degrees must be included in Hazard criteria.

Properties in the Pittwater and Narrabeen wards have been adversely affected by slope instability, landslides and rock falls from the escarpment and ridge. The risk associated with this slope instability will increase over time as extreme rainfall events increase due to the effects of climate change This Geotechnical Planning Class must be included in the Hazard Criteria given the same weighting of 1 as Geotechnical Coastal Cliffs Hazard to reduce the risk to property and persons.

5. Bush Fire Prone Land – Vegetation Category 1

The Review does not align with the NBC Local Strategic Planning Statement – Towards 2040 Action 8.2 to limit intensification of development in areas exposed to hazards.

The risk in regard to evacuation, particularly in relation to the Pittwater area has not been addressed neither has the risk of ember attack.

At the very least an extended buffer needs to be applied including a minimum 100m vegetation buffer. Also the 50% property area affected by bush fire risk should be reduced to zero as it does not take into account the position of infrastructure including dwellings.

The Northern Beaches Bush Fire Prone Land Map alone is not sufficient to assess bush fire risk. A Strategic Bush Fire Study should be undertaken prior to the Review completion.

Scenic Protection Area

A Scenic Protection Area for the whole LGA should be included in the Review to inform the proposed conservation zones and to satisfy the DPE mandated inclusion of aesthetic values and DPE Practice note Scenic Values. The mapping would be included in the future LEP and could be based on the existing Manly Foreshore Scenic Protection Area and Mosman Council's recently adopted Scenic Protection Area LEP Mapping.

Zones

The proposed changes to residential zoning are not defined as the changes are under review. The actual residential zones to be applied to properties are also undefined. The permitted uses for residential zones have not been determined. These three unknowns make it extremely difficult to make informed comment on the proposed zone changes.

The existing conservation zones must be maintained.

Of note in regard to Complying Development Codes is the following

The proposed C4 Environmental Living zone Dwelling houses and secondary dwellings will be permitted, along with a range of community uses, however a development application will be required to be lodged with Council to ensure development is designed and located to protect important environmental values.

"Complying" Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 would no longer be permitted. (Report to council page 21)

Complying Developments under Residential Zones

Conservation zones give local government and residents more control and say over developments proposed for the communities than do Residential zonings. Conversely, Residential zoning means that Development Applications are not required for complying developments, so that:

- The preservation of environmental values is heavily compromised
- Communities will not be made aware of the details

Mapping

Apart from the deficiencies in the methodology, the number of anomalies identified in the mapping does not give the community confidence in the proposed zone changes, Further ground truthing needs to be conducted.

The number of properties proposed for rezoning in a continuous area should be increased from 3 and no properties should be isolated.

Pittwater Community Based Heritage Study Review

Heritage area must be taken into account with appropriate weighting and we refer to the Pittwater Community Based heritage Study Review dated March 2015.

Consultation

Many in the community are unaware of the Review as only those properties changing were notified. Even though the Review is non-statutory the whole LGA should be notified and the submission time extended as the proposed changes will impact the whole NBC community.

Conclusion

As the Review will inform the draft LEP and DCP the finalised Review should be reported back to council prior to the draft LEP and DCP going to council so the community can respond to the outcome of the Review separately.

The strongest mechanism to protect the environment is via zoning that defines permissible land uses. Note Local Character Statements have been excluded from LEPs at present so they are not a strong way to protect the environment.

Under the Standard Instrument - Principal Local Environmental Plan 2006 (Standard Instrument), Land Use Zones are the only mechanism by which we can limit unsuitable developments and further intensification of development in low density residential areas subject to natural hazards. (Report to council page 15)

Therefore it is essential that prior to the finalisation of the Review:

- -the methodology and criteria be amended;
- -a Scenic Protection Area is included;
- -a Strategic Bush Fire Study is undertaken
- -the Residential zones proposed be defined and land uses determined

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Butler', is written over a light green rectangular background.

Gavin Butler
President