

**Pittwater Community Alliance**

**25 November 2022**

To: CEO, Northern Beaches Council Chambers, Dee Why

**Re: PCA and Groups Interim Submission to Northern Beaches Conservation Zones Review,**

Dear Mr Brownlee

Northern Beaches Council's executive summary of the draft Conservation Zones Review says: "As part of developing a single LEP for the Northern Beaches, there needs to be consideration of how the unique character and diverse coastal, bushland and cultural values should be protected from inappropriate future development. Land that has high conservation values can be protected and managed through conservation zones (or C zones). C zones are used to protect and manage land that is of important environmental value. C zones are also used to limit the intensification of developments that are known to be subject to hazards."

Pittwater Community Alliance (PCA), community groups and members have read and considered the Draft Conservation Zones Review in the above context. It was decided to hold a community planning forum to consider the review and make recommendations to Council on the main issues that are readily apparent. Community groups and members are expected to make separate submissions on the review and supporting studies.

Northern Beaches Council conducted an online Pittwater webinar. Council's summary of what the community said is reproduced below. The PCA and Groups endorse these views and make recommendations to Council in relation to the main concerns and issues raised.

"What Did The Community Say"

Source: Pittwater webinar (Northern Beaches Council) Council Website

## What did the community say?

- Consultation with the community is required
- Support for protecting the environment
- Wildlife corridors should be prioritised and protected
- Corridors, tree cover, waterways, bush fire important environmental values in Pittwater
- Maintain existing C4 zoning in Pittwater
- Protect existing C2 zoned land
- Apply transition areas and buffers to further protect high value biodiversity areas
- C zones are important for water quality
- C-zones are critical in the coastal communities
- Coastal areas are subject to coastal subsidence and flooding
- Development should not add to the coastal risk that is already there
- Areas with high bush fire risk should also be a C zone

**The Community Planning Forum resolved to adopt the following resolution that is submitted to Council for its consideration.**

*“We the residents of the Northern Beaches Council area, believe the bushland landscape of the former Pittwater Local Government area is its predominant feature. With the built form secondary, and that this must be maintained in the future local environmental plan and development control plan.*

*We therefore call on NBC, in the former Pittwater area, to:*

- 1. Rule out rezoning of C4 land to residential. Note Map 1 attached.*
- 2. Apply conservation zonings to properties where any significant environmental values or hazards are present.*
- 3. Create scenic foreshore protection areas from shorelines to ridges.*
- 4. Retain all heritage conservation areas and investigate those proposed- but not yet implemented- by the former Pittwater Council.”*

### **Background: Community Planning Forum**

On Sunday 16th October a community planning forum was held at the Mona Vale Memorial Hall to consider Council’s proposed conservation zone changes in the former Pittwater local government area. This was well attended and supported by the following Pittwater community groups:

- Bayview and Church Point Residents Association
- Canopy Keepers
- Church Point Friends
- Clareville and Bilgola Plateau Residents Association
- Mona Vale Residents Association
- Palm Beach Protection Group
- Pittwater Environmental Heritage Group
- Pittwater Community Alliance
- Pittwater Natural Heritage Association
- West Pittwater Community Association
- Palm Beach/ Whale Beach. Association
- Newport Residents Association
- Warriewood Residents Association

The PCA and community groups recommend strong and enforceable planning controls in the new LEP/DCP that will effectively conserve Pittwater’s environment in terms of its ecological, scientific, aesthetic, scenic, heritage and cultural values including aboriginal cultural sites, special places and landscapes, well into the future.

The community is particularly concerned that the rezoning of land zoned Conservation C4 to Residential, shown on **MAP 2**, may tip the balance towards inappropriate residential development in environmentally and visually sensitive areas. Such changes would impact adversely on canopy, biodiversity and the significant scenic beauty of Pittwater and environs. Canopied areas from foreshores to ridgelines need special protection, as do Pittwater's treed plateaus. Scenic beauty of the waterways, ocean beaches and landscapes was completely omitted from the conservation zones review yet it is the very essence of Pittwater's environmental heritage.

Reference is made to the Ku-ring-gai GeoRegion as a UNESCO Global GeoPark candidate. It is understood that this initiative, that includes the Pittwater area, has local government and government support. A separate submission will be made to Council on this important initiative in relation to the Conservation Zones Review and in support of PCA and community submissions. The GeoRegion starts with geology and soils then covers ecological, scientific, aesthetic and cultural landscapes including Aboriginal cultural sites, special places and landscapes.

The community reviewed the selection of Conservation values, criteria and weighting used by council. It is submitted that the methodology and mapping outcomes appear flawed, not sufficiently validated and need review.

### **Interim Recommendations to Council**

The following recommendations include suggestions for both revised and additional conservation value criteria and weighting and other related matters for Council's consideration. It is recommended that Council redo the maps accordingly.

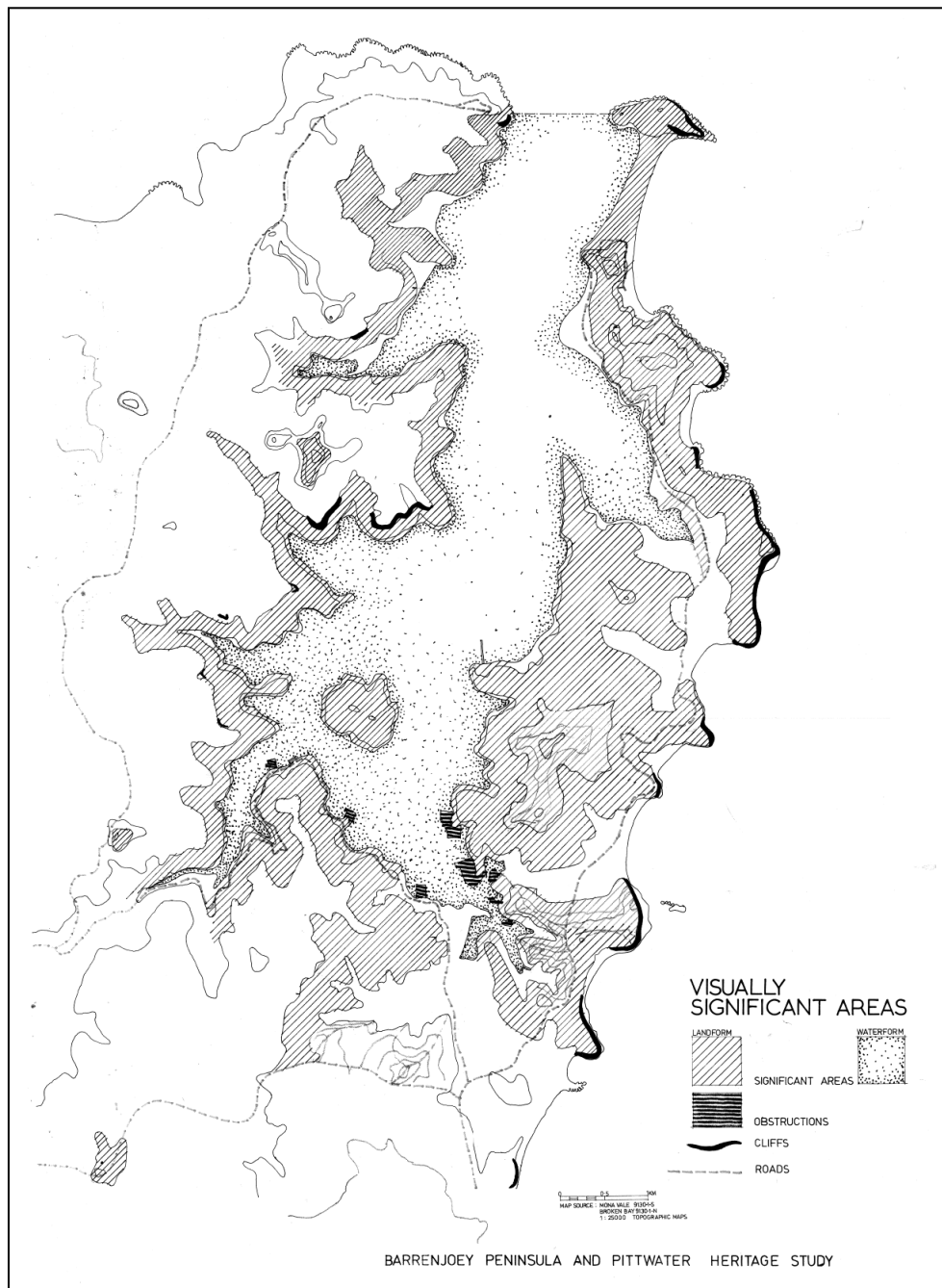
1. That conservation value criteria and weighting used in the conservation zones review be amended as follows and the maps redone:
  - a. Biodiversity corridor and urban tree canopy be separated into two conservation value criteria and given a high conservation Value. To apply to the whole site or property when 30% of the area of the site or property is affected by at least one attribute.
  - b. Ridgelines, escarpments, cliffs and adjoining buffer areas be given a high conservation criteria value.
  - c. Geotechnical Planning Class: C3 Hawkesbury Sandstone with slope >25 degrees or C5 Narrabeen Group with slope >15 degrees be given a high conservation value criteria.
  - d. Bush fire prone land and the 100m vegetation buffer areas are to be given a high conservation value criteria. To apply to the whole site or property when 30% of the area of the site or property is affected by either. That consideration is given to potential ember attack beyond the buffer. Reference is made to the detailed submission by PNHA.
2. That the following additional conservation value criteria and weighting also be used in the conservation zones review and the maps redone.

- a. Aboriginal cultural sites, special places and landscapes be added and given high conservation value criteria.
  - b. Apply scenic and visual quality of the landscape as high conservation value criteria on the basis that protection of aesthetic value of the environment is a zone objective of Conservation Zones in the Standard LEP Instrument. Refer to **MAP 1** Visually Significant Areas of Pittwater and Environs prepared by Craig Burton, landscape architect.
3. Rule out rezoning of land currently zoned C4 to Residential on the grounds that such a rezoning would trigger the application of the NSW Housing SEPP and NSW Low Rise Housing Diversity Code resulting in unplanned medium density housing typologies that, it is argued, would be inconsistent with Council's Local Housing Strategy and "Landscape Priorities" in Towards 2040. It would adversely impact environmental and aesthetic values of land previously zoned and protected as Environmental E4 (Environmental Living) and now changed administratively to Conservation C4 (Environmental Living).
4. Add new C4 zone objectives along the lines of the C4 Zone in Mosman LEP (as amended). Please refer to **Attachment 1** for more detail.
5. Create a "Foreshore Scenic Protection Area" (from shorelines to ridges) and associated planning controls covering Pittwater and Environs, coastal foreshore and Narrabeen Lagoon by applying Manly LEP's Foreshore Scenic Protection Area and special requirements as appropriately amended. Please refer to **Attachment 2** for more detail.
6. Retain all heritage conservation areas and investigate those proposed, but not yet implemented, by the former Pittwater Council. Note that the PCA has lodged a separate detailed submission on this matter.
7. How else will Council protect the environment? It is noted Council will include additional LEP and DCP measures to protect the environment. The list includes updated LEP provisions for "Heritage Conservation Areas" and "Foreshore Scenic Protection". Please refer to **Attachment 3** for more detail.

The PCA and community groups would like to thank Council for the opportunity to provide detailed and technical submissions in response to the draft Conservation Zones Review for Council's consideration. Please note that individual groups and members will also be lodging submissions on a range of matters.

**Gavin Butler**, President, Pittwater Community Alliance

*Pittwater Community Alliance (PCA) is a group of 12 major resident & community associations in Pittwater. We assist in representing their interests to protect and preserve the unique environment of Pittwater. PCA is independent and has no political allegiance or bias. PO Box 1180 Newport NSW 2106*

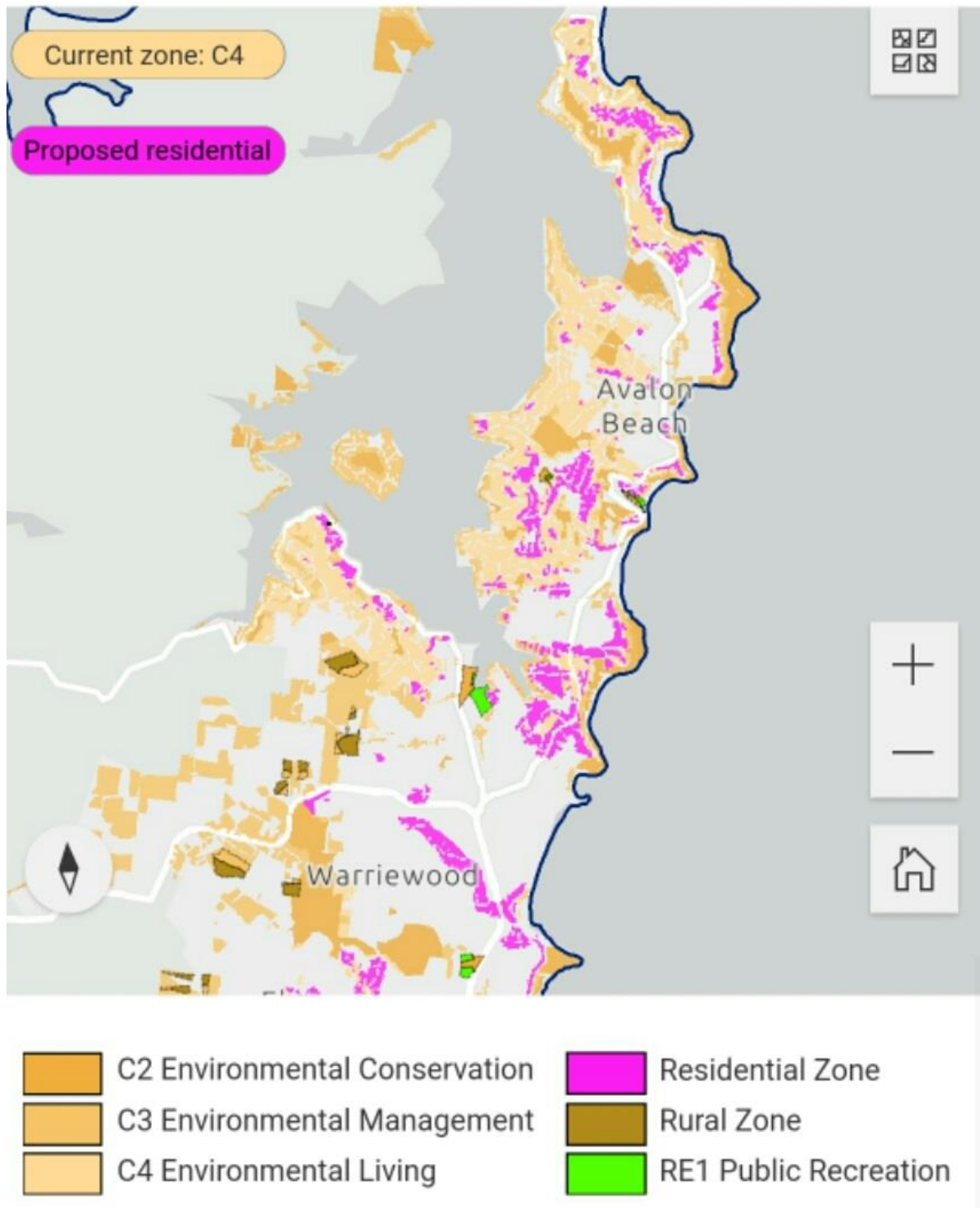


**MAP 1** Visually Significant Areas of Pittwater and Environs (revised 2022)

**Source:** Craig Burton, Architect and Landscape Architect, September 2022

**Reference:** Barrenjoey Peninsula and Pittwater Heritage Study.  
(Barrenjoey Peninsula & Pittwater Area)

Authors: [Craig Burton](#), [McDonald McPhee Pty Ltd](#), [Warringah Shire \(N.S.W.\)](#).  
1991, Publisher: Warringah Council, [Dee Why, N.S.W.], 1991



**MAP 2** Proposed Rezoning of land Conservation C4 to Residential Zoning

**Attachment 1.** Add new C4 zone objectives along the lines of the C4 Zone in Mosman LEP 2012 (as amended).

Mosman Local Environmental Plan 2012 (Amendment No 11) [NSW]  
Schedule 1 Amendment of Mosman Local Environmental Plan 2012

## **Schedule 1      Amendment of Mosman Local Environmental Plan 2012**

**[1]    Clause 2.1 Land use zones**

Insert “C4 Environmental Living” in appropriate order under the heading **Conservation Zones**.

**[2]    Land Use Table**

Insert after Zone C2 Environmental Conservation—

### **Zone C4 Environmental Living**

**1      Objectives of zone**

- 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.
- To retain the single dwelling character of the environmentally sensitive residential areas of Mosman.
- To maintain the general dominance of landscape over built form, particularly on harbour foreshores.
- To ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access and landscaping and to retain natural topographical features.
- To ensure that development is of a height and scale that achieves the desired future character of the area.
- To encourage residential development that maintains or enhances local amenity and, in particular, public and private views.
- To minimise the adverse effects of bulk and scale of buildings.

**2      Permitted without consent**

Home occupations

**3      Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

**4      Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**[3]    Clause 4.1 Minimum subdivision lot size**

Omit “residential zones” from clause 4.1(1)(a).

Insert instead “Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living”.



## **Attachment 2.**

### **Foreshore Scenic Protection Area and Requirements applied to Pittwater and Environs**

"Foreshore Scenic protection areas" are areas mapped in an LEP within which special consideration must be given to the protection of scenic values in the assessment of any development application submitted to Council. Council has advised that it is currently considering whether to extend the mapping of foreshore scenic protection areas to other parts of the Council area as part of the new Northern Beaches. The PCA and Groups support maintaining a Foreshore Scenic Protection Area (or areas) and associated requirements in the new LEP/DCP along the lines of Manly but appropriately amended to apply to Pittwater and environs, the peninsula's coastal foreshore and Narrabeen Lagoon.

Currently, the Manly LEP 2013 is the only Northern Beaches LEP that contains a Foreshore Scenic Protection Clause (Clause 6.10) as shown below:

“ (1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

(2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—

(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,

(b) measures to protect and improve scenic qualities of the coastline,

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.”

### **Manly Development Control Plan (DCP)**

**“Additional requirements are specified in Manly DCP**

#### **5.4.1 Foreshore Scenic Protection Area**

LEP clause 6.9 designates land in the Foreshore Scenic Protection Area as shown on the LEP Foreshore Scenic Protection Area Map to protect visual aesthetic amenity and views both to and from Sydney Harbour, the Pacific Ocean and the Manly foreshore. Development in the Foreshore Scenic Protection Area must not detrimentally effect the visual or aesthetic amenity of land in the foreshore scenic area nor must the development similarly effect the views of that land, including



ridgelines, tree lines and other natural features viewed from the Harbour or Ocean from any road, park or land in the LEP for any open space purpose or any other public place. Any adverse impacts considered in this paragraph will be mitigated. In accordance with these LEP objectives Council seeks to conserve and preserve tree canopies and street trees, wildlife corridors and habitat and minimise cumulative impacts on escarpment, rock shelves and other natural landscape features.

#### **5.4.1.1 Additional matters for consideration**

LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area.

- a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:
  - i) minimise the contrast between the built environment and the natural environment;
  - ii) maintain the visual dominance of the natural environment;
  - iii) maximise the retention of existing vegetation including [tree](#) canopies, street trees, wildlife corridors and habitat;
  - iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;
  - v) locate rooflines below the tree canopy;
  - vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and
  - vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.
- b) Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly.  
See also paragraph 4.1.4.5 of this DCP and LEP clause 6.10 in relation to Foreshore Building Lines and limited development in the Foreshore Area”

### Attachment 3. How else will Council protect the environment?



#### REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 12.1 - 23 AUGUST 2022

The application of the criteria outlined in Table 8 will result in some properties currently zoned C4 under the Pittwater LEP 2014 being rezoned to R2 Low Density Residential. There will be an increase in properties zoned C4 in the Warringah LEP 2011 and Manly LEP 2014 areas whilst some properties subject to hazards will also change from a residential zone to C3 e.g., properties along Collaroy Beach and in some other coastal and flood prone areas.

It is important to note that any change in zoning will not prevent the continued use, alterations to, or rebuilding of an approved building on land where the new zone prohibits that use.

#### How else will Council protect the environment?

It is important to note that conservation zones are not the only means by which we will protect the environment. Council's LEP/DCP Discussion Paper outlined several measures Council is proposing in the new LEP and DCP in addition to land use zoning.

The measures usually require special consideration of specific matters when assessing development applications, often based on mapping in the LEP. Many are based on technical studies undertaken by Council and include:

- Improved and updated provisions for:
  - Biodiversity
  - Geotechnical requirements
  - Coastal and estuarine hazards
  - Heritage conservation areas
  - Stormwater management
  - Waterways, wetlands, and riparian lands
  - Environmentally sensitive areas
  - Foreshore scenic protection
- Provisions not currently included in any of our Standard Instrument LEPs:
  - Tree Canopy, including deep soil requirements and tree replenishment rates
  - Landscape Controls to be introduced in the LEP
  - Flood Space Ratios Controls which will aim to reduce building bulk and currently only apply to Manly LEP will be introduced in the LEP
  - Excavation Controls will be introduced in the LEP
  - Local Character Statements

For Environmentally Sensitive Areas, Council will explore nominating select areas with high biodiversity value preventing 'complying development' to occur on site, with most proposed developments requiring development consent (i.e. lodgement of a DA to Council for assessment) to ensure impacts can be assessed. This means designation of a conservation zone is not the only means by which 'complying development' will be prevented.