

PITTWATER COMMUNITY ALLIANCE
PO Box 1180
NEWPORT NSW, 2106

SUMMARY RECORD OF MEETING BETWEEN PITTWATER COMMUNITY ALLIANCE (PCA)
AND NORTHERN BEACHES COUNCIL (NBC)

VUKO PLACE WARRIEWOOD 13TH OCTOBER 2022 @ 11AM

PCA sent a letter to NBC with a list of questions on the proposed changes to Conservation Zones in the Pittwater area.

Attending

Northern Beaches Council

Ray Brownlee
Louise Kerr
Andrew Pigott
Trish Chaney

Pittwater Community Alliance

Gavin Butler
Chris Hornsby
Richard West
Sue Young
Marcia Rackham
Peter Mayman
Kelvin Auld
Stephen Todd
Frank Bush
Dianne Ramsay

Apologies

Catherine Kerr

OPENING REMARKS

Gavin Butler - Thanked the council staff for the prompt reply to our letter and agreeing to the meeting.

Ray Brownlee – Explained that the document in circulation at present is a preliminary one and the full proposal will be available in the middle of next year. He noted that there was no intention to alter the characteristics of the area.

The final proposal has to go the State Government for approval. (This current exercise is not part of the formal exhibition)

If there is a change of the government at the next election there is a possibility that density increases will be mandated for the NBC area.

NBC has been trying to avoid the imposition of SEPP's in the council area. The exhibition period and comments will be accepted into next year.

THE FOLLOWING SECTION IS BASED ON THE PCA LETTER

Conservation Zone Review and Studies

Thank you for your letter dated 4 October 2022 in relation to the Conservation Zone Review. Please find the following responses to questions raised.

1. What [in summary] was the councils brief to the consultants for this project?

COUNCIL REPLY

For the Conservation Zones Review, a summary of the brief can be viewed on page 4 of the [report](#). In summary, the brief was to prepare draft C Zones Profiles which will:

- *identify the proposed C zone criteria (i.e., environmental, cultural, scenic quality, natural hazards etc.) for each C zone*
- *identify the mapping and data required for the proposed C zone criteria*
- *identify the proposed land uses for each C zone*
- *recommend alternative statutory measures in the circumstances where C zones are not considered appropriate*
- *discuss any foreseen impacts and potential issues such as the application of SEPPs, split zoning, and minimum lot size*

DISCUSSION

The following question was asked of the council staff: In accordance with State Policy, can you undertake complying development for a dwelling house, secondary dwelling, dual occupancy development in the R2 zone? What about C4? LK agreed to get back to us with an answer which has been received and is as follows;

Response - Under State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008, a dwelling house, secondary dwelling and dual occupancy can be undertaken as complying development (subject to compliance with all of the development standards in Codes SEPP) in the R2 Zone where that use is permitted with development consent in the zone*.

These uses cannot be undertaken as complying development in the C4 zone.

*Whilst the R2 zone in the current 2014 Pittwater permits dual occupancy development with development consent, Council does not propose to permit dual occupancy in areas moving from a C4 zone to an R2 zone under the Conservation Zones Review. This is consistent with proposals outlined in Council's approved Local Housing Strategy. If this is supported, it would mean that dual occupancy development could not be undertaken as complying development in areas moving from C4 to R2.

2. What is the Council's purpose/intent in introducing R2 zoning into parts of the Peninsula not previously covered by this zoning for example Palm Beach/Whale Beach?

COUNCIL REPLY

The State Government requires Council to have one Local Environmental Plan (LEP) for our Local Government Area (LGA). Therefore, we need to establish a consistent approach to the use of conservation zones (as well as all other zones) across the Northern Beaches.

Council and our consultants (Meridian Urban) have considered how various environmental attributes and hazards affect land and have developed a methodology to apply a consistent approach to the zoning of this land across the LGA. The preparation of the methodology had regard for the practice notes and guidance of the State Government and contemporary best practice in resilience and strategic planning. To this end, we have prepared a comprehensive evidence base that has included several technical studies and inputs such as a biodiversity planning review, biodiversity assessment of deferred lands, flood studies, bushfire prone land map, deferred lands strategic bushfire assessment, geotechnical review and planning controls, watercourse wetlands and riparian study and tree canopy data.

The proposed introduction of additional properties into the R2 Low Density Residential zone is an outcome of the evidence base and application of the draft methodology and subsequent mapping. Sites that have not met the criteria and thresholds to be zoned a Conservation Zone have been zoned R2.

This methodology is not final, and we are seeking feedback on this methodology and approach (see the [Zoning Methodology for Low Density Residential Areas](#) and [Criteria Definitions](#)).

We appreciate this is a complex process, so we encourage the community to attend or watch any of our Webinars or contact us and speak with one of our Planners.

For those who don't want to delve into the detail, we also welcome feedback on the overall outcome. In this case, we understand you may object to the increased application of a residential zone. For these types of submissions, if appropriate, we can review the response to adjust the methodology to retain more C4 properties.

DISCUSSION

The issue of what criteria the Department of Planning had applied to the adoption of the C4 zones is that it has not considered biodiversity. This approach is out of date as fire and flood are now issues that should be considered in a conservation zone, and are these issues those that may alter what has been changed to R2.

The transfers of sites moved from C4 to R2, as a result of the application of the current criteria. The council reiterated it will consider changing the designation upon submission, and they invited the PCA to make such a submission.

3. To what extent has this study been influenced by the Local Housing Strategy of 2021?

COUNCIL REPLY

The Local Housing Strategy recommends investigations for growth in the following areas:

- *Housing Diversity Areas – within 400m of identified local centres including Avalon Beach, Newport, Warriewood, Belrose, Freshwater, Manly and Balgowlah*
- *Centre Investigation Areas – within 800m of Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen, and in Forestville and Beacon Hill subject to the future B-Line route.*

Beyond these identified areas, we are not seeking to investigate growth opportunities anywhere else in the LGA.

DISCUSSION

The Department of Planning has asked for an increase in housing numbers that would have been provided in Ingleside. With cancellation of Ingleside council has advised that this extra housing will now go to Brookvale.

The discussion on the last point in the council reply suggested that they were not seeking further increase; however, the movement of sites from C4 to R2 would potentially create an increase. There are a number of large sites that would facilitate such an increase.

4. From 2 above what will be the targeted increase?

COUNCIL REPLY

As outlined above, we are not targeting increases in density outside of the areas identified in the Local Housing Strategy.

DISCUSSION

Covered in 3 above.

5. Have those responsible for developing these new Zones visited the area and spent time studying the current housing in the area?

COUNCIL REPLY

Yes. Staff involved in the project have extensive experience in planning for the Pittwater area, including former staff from Pittwater Council.

DISCUSSION

Noted

- 6. How can this rezoning be justified without consideration of the desired character requirement in the Pittwater LEP that the environment should be “preserved and enhanced” by any development?**

COUNCIL REPLY

There have been numerous considerations in the development of the evidence base and methodology for the C-zones including the aims and objectives of the Pittwater LEP.

A Character Study is being prepared. The Conservation Zones Review is an early draft, and feedback will be considered for the draft LEP and DCP.

DISCUSSION

Council said that they would be coming back to community groups with draft character statements in November/December.

- 7. How can ratepayers be properly informed to comment on this review when their properties are changed to ‘R Zoning’, without knowing what Land Uses are proposed to be allowed on their land, and secondly when will the Land Use conditions be available for review?**

COUNCIL REPLY

Council has not specified the type of residential zone to be assigned to land because this position has not been finalised. However, for areas in the Pittwater LEP, a ‘Residential zone’ will most likely become a R2 Low Density Residential Zone to maintain the low-density residential nature of the neighbourhood. The final list of permitted uses will be considered in the draft LEP, and we will consider feedback we receive from the community on the types of land uses that may be appropriate for a low-density residential zone as part of the C zone exhibition.

We recognised the importance of resolving our Conservations Zones as a key to the makeup of the zoning framework for the Northern Beaches LEP. Therefore, we wanted to engage with the community on this important element of the LEP before progressing to other components. We are seeking feedback and are interested to hear people’s views. We have included a land use table in the web tool which shows the land uses proposed and under review, with the hope to obtain feedback on these issues.

Feedback will be incorporated into the draft LEP and DCP which is scheduled to be placed on public exhibition in 2023.

DISCUSSION

PCA pointed out the issue of what land uses are permitted in R2 is critical to an understanding of what the proposed changes mean to landholders. The council advised that they will come back to us if they add any additional land uses to those currently permitted in R2

8. What is likely to be included or excluded in a Residential zone?

COUNCIL REPLY

As outlined above, this has not been finalised however, residents can see our proposed zoning permissibility via our website (see attached Figure 1). We welcome feedback on the permissibility identified.

DISCUSSION

Council will welcome feedback on the permissibility criteria on any site.

9. Is increased density driving the proposed zoning changes of a large number of Conservation properties to R zones?

COUNCIL REPLY

No. It is not the intent to increase density because of this change.

DISCUSSION

Noted

10. Why is the definition of what can be developed in the R2 Zone being delayed?

COUNCIL REPLY

As outlined above, we are still working to finalise the permissible uses in our Residential zones (and other zones). We recognised the importance of resolving our Conservations Zones as a key to the makeup of the zoning framework for the Northern Beaches LEP. Therefore, we wanted to engage with the community on this important element of the LEP before progressing to other components. We are seeking feedback and are interested to hear people's views. We have included a land use table in the web tool which shows the land uses proposed and under review, with the hope to obtain feedback on these issues.

DISCUSSION

Noted

11. How is the proposed C4 different to the current PLEP C4?

COUNCIL REPLY

The new C4 zone will not be substantially different to the current C4 zone in the Pittwater area. Secondary dwellings (granny flats) would remain permissible. See Figure 2 below.

DISCUSSION

Covered in the attached councils table.

12. Why are properties that have been cleared not identified for a conservation zone?

COUNCIL REPLY

The guidelines provided by the NSW Department of Planning prevent us from applying a conservation zone to properties unless they have been identified as having either environmental values or hazard criteria. Illegal clearing of land is an issue for Council. Council will prosecute where we have evidence of illegal clearing.

DISCUSSION

Noted

- 13. The Council's own maps for the new zoning, and its effect on properties, show no hazards for many properties proposed to be rezoned to C3. So what's the purpose of the rezoning?**

COUNCIL REPLY

Our records indicate that C3 zoned properties are impacted by hazards. For the Technical Studies maps, you need to switch on the layers (blue button) in the map, and zoom in to view ([for guide click here](#)). Many of the layers overlap, hence they are not all turned on.

If you have an example of specific properties that aren't working then please let us know.

DISCUSSION

Noted

- 14. What will happen to uncleared privately-owned land under these proposals?**

COUNCIL REPLY

It depends on the site and where it is located. If you have a specific example we can advise exactly what the Review is recommending.

DISCUSSION

Noted

- 15. In the R zones, will the ridgelines be protected, and are they identified on the map?**

COUNCIL REPLY

For the conservation zones, a 50m buffer of ridgelines or escarpments was mapped which provides scenic landscape values. These can be viewed on the '[Geotech](#)' map, by switching on the layer 'Ridgelines and Escarpments'.

These areas were identified as a 'Medium Value Criteria'. As such, this criterion alone was not considered to trigger a conservation zone. We welcome feedback on this approach, for example, the size of the buffer, and whether this should be a 'High Environmental Value Criteria'.

Ridgelines not identified in Conservation Zones will be protected by other measures in our LEP and DCP which will be placed on public exhibition in 2023.

DISCUSSION

As noted above the ridge lines are to be protected. However, there was a move to have this increased to 100m, and this request should be contained in a submission to council.

OTHER MATTERS DISCUSSED

It was asked-

1. How can the C criteria (from a satellite mapping tool) which views tree cover, be used to determine a move to an R zone as a result of site clearing? The reply was to make a submission.
2. How can they have a fire hazard threshold for a site based on 50% of the area when a site that has 30% is considered fire free? PCA will make a submission that this percentage be considerably reduced. Has the council recognised that most of Pittwater is an area that is almost totally threatened by bushfires when the weather conditions are high hazard, eg 1994. Council made no comment.
3. There is a similar problem to 2 above in relation to the flood risk with sites being given a 50% threshold coverage.
4. Why is scenic and cultural quality not considered as conservation criteria? It was proposed that it should be given a weighting. Council noted that they were putting greater emphasis on flood and bushfire risks over scenic and cultural quality criteria for assessing the appropriate zone, as it believes that it would be harder for an incoming government to change the zoning proposal.

PCA asked that the weighting given in the criteria definitions to biodiversity corridor and urban tree canopy be lifted from 0.5 to 1, and similarly the ridgeline and escarpment criteria be lifted from 0.5 to 1.

Would council consider extending the foreshore scenic protection area to Pittwater, like they currently apply in areas of Manly and Mosman. PCA was invited by council to make a submission.

Chris Hornsby
Secretary PCA

Sent to all associations in PCA and MVRA

Note. Questions to council and their reply were electronically copied into this document.

Figure 1 – Land use table comparison of Ta C4 Environmental Living Zone versus a Residential Zone in Pittwater

Permissibility	Existing Zone PLEP C4	Proposed Zone NBC Residential
Agriculture (GT)		
oyster aquaculture	permitted (m)	permitted (m)
pond - based aquaculture	permitted (m)	permitted (m)
tank - based aquaculture	permitted (m)	permitted (m)
Residential accommodation (GT)		
dual occupancies	prohibited	reviewing *
dual occupancies (attached)	prohibited	reviewing *
dual occupancies (detached)	prohibited	reviewing *
dwelling houses	permitted (m)	permitted (m)
group homes	permitted	permitted
group homes (permanent)	permitted	permitted
group homes (transitional)	permitted	permitted
secondary dwellings	permitted	permitted
Residential accommodation (OGT)		
home business	permitted w/o	permitted w/o
home occupations	permitted w/o (m)	permitted w/o (m)
Tourist and visitor accommodation (GT)		
bed & breakfast accommodation	permitted	reviewing *
Commercial premises (OGT)		
veterinary hospitals	prohibited	reviewing *
Industry (GT)		
home industry	permitted	permitted w/o *
Sewerage system (GT)		
water recycling facilities	prohibited	permitted *
Water supply system (GT)		
water reticulation systems	prohibited	permitted *
Infrastructure (GT)		
electricity generating works	prohibited	permitted *
roads	permitted	permitted
Educational establishment (GT)		
educational establishments [eg TAFE establishment etc]	prohibited	permitted *
schools	prohibited	permitted *
Health services facility (GT)		
health services facilities	prohibited	permitted *
hospitals	prohibited	permitted *
medical centres	prohibited	permitted *
health consulting rooms	permitted	permitted
Community infrastructure (GT)		
centre-based child care facilities	permitted	reviewing *
home - based child care	permitted	permitted w/o *
school-based child care	prohibited	reviewing *
community facilities	permitted	permitted
emergency services facilities	prohibited	permitted *
places of public worship	permitted	reviewing *
respite day care centres	permitted	reviewing *
Signage (GT)		
building identification sign	permitted	permitted
business identification sign	permitted	permitted
Recreation (GT)		
boat sheds	permitted	prohibited *
jetties	permitted	prohibited *
recreation areas	prohibited	permitted *
water recreation structures	permitted	prohibited *
Miscellaneous (GT)		
environmental protection works	permitted	permitted
exhibition homes	prohibited	reviewing *
flood mitigation works	prohibited	permitted *

Note: boat launching ramps, boat sheds, jetties and water recreation structures will be permitted on foreshores where currently permitted via an 'Additional Permitted Use' in the new LEP

Figure 2 – Land use comparison table of a C4 zone in Pittwater versus the proposed C4

Permissibility	Existing Zone PLEP C4	Proposed Zone NBC C4
Agriculture (GT)		
oyster aquaculture	permitted (m)	permitted (m)
pond - based aquaculture	permitted (m)	permitted (m)
tank - based aquaculture	permitted (m)	permitted (m)
Residential accommodation (GT)		
dwelling houses	permitted (m)	permitted (m)
group homes	permitted	permitted
group homes (permanent)	permitted	permitted
group homes (transitional)	permitted	permitted
secondary dwellings	permitted	permitted
Residential accommodation (OGT)		
home business	permitted w/o	permitted w/o
home occupations	permitted w/o (m)	permitted w/o (m)
Tourist and visitor accommodation (GT)		
bed & breakfast accommodation	permitted	permitted
Industry (GT)		
home industry	permitted	permitted w/o *
Water supply system (GT)		
water reticulation systems	prohibited	permitted *
Infrastructure (GT)		
roads	permitted	permitted
Health services facility (GT)		
health consulting rooms	permitted	permitted
Community infrastructure (GT)		
centre-based child care facilities	permitted	permitted
home - based child care	permitted	permitted w/o *
school-based child care	prohibited	permitted *
community facilities	permitted	permitted
emergency services facilities	prohibited	permitted *
places of public worship	permitted	permitted
respite day care centres	permitted	permitted
Signage (GT)		
building identification sign	permitted	permitted
business identification sign	permitted	permitted
Recreation (GT)		
boat sheds	permitted	prohibited *
environmental facilities	prohibited	permitted *
jetties	permitted	prohibited *
recreation areas	prohibited	permitted *
water recreation structures	permitted	prohibited *
Miscellaneous (GT)		
environmental protection works	permitted	permitted
flood mitigation works	prohibited	permitted *

Note: boat launching ramps, boat sheds, jetties and water recreation structures will be permitted on foreshores where currently permitted via an 'Additional Permitted Use' in the new LEP