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4th September 2021

The Chief Executive Officer,
Northern Beaches Council,
PO Box 1336,
Dee Why, NSW 2099

Dear Sir,

Submission Re Northern Beaches Council LEP & DCP

In developing a worthwhile, working document, there are a number of factors which must be considered – some of which might not be explicitly obvious.

- It must a) be applicable to our area, b) be capable of being applied and c) be adopted with a will to apply what it contains, rigorously.
- It cannot be framed in isolation merely as a built environment format document. Its overall philosophy, as well as its specific inclusions must integrate with all the LGA's other strategic implements, such as its tourism Destination Management Plan, its economic development objectives and its natural heritage goals.

As the NBC document states, (under **Priority 29**: A thriving, sustainable tourism economy): ***"The Northern Beaches is a valuable tourism asset for Greater Sydney, and more broadly NSW and Australia. The local tourism and hospitality sector contributes twice as many jobs and twice the revenue to the Northern Beaches economy compared to the NSW average."***

Consequently, anything which aims to drive the planning & construction evolution of the Northern Beaches LGA must not incorporate factors which work against its tourism status and vision. To do so would not merely be counterproductive to the future of our LGA but to the future of the whole State of NSW.

In updating the draft Destination Management Plan (DMP) in May this year, NBC in its guidance notes to the Strategic Reference Group stated: ***"The updated DMP includes upfront a strategic aim to reinforce that the Plan is not intended to increase visitor numbers, but rather to achieve a balance in developing a sustainable visitor economy with managing the impact of visitation."***

It continues: *“This identifies Council as a key driver in addressing issues and actions under the focus area of destination management with **responsibility to protect our region’s natural environment and community way of life.**”* It concludes this opening guidance with: *“Sitting underneath this strategic aim are **three goals**, to:*

- *focus on **yield over volume***
- *become the brand promise; **Altogether extraordinary***
- *making the region **key to Sydney’s place in the world**”*

All this is embodied in the DMP’s core statement: *“**The Northern Beaches is an extraordinary destination offering world-class beaches and bushland experiences with vibrant villages that reflect our contemporary coastal lifestyle.**”*

The Impacts and Inferences?

This sets the pattern for dictates and constraints which need to be built into the development of the new LEP, DCP and Local Character Statements.

For instance, *“yield over volume”, “a sustainable visitor economy”* and *“managing the impact of visitation”* point to the need for planning to attract upper market visitor accommodation, while actively discouraging downmarket additions to this sector.

Furthermore, *“responsibility to protect our region’s natural environment and community way of life”, “world-class beaches and bushland experiences”* and *“vibrant villages that reflect our contemporary coastal lifestyle”* mean: not pushing a B-Line or other rapid-transit facility through the middle of Newport village destroying its village lifestyle and quality tourism appeal. They mean: establishing the pedestrianised community hub of Newport’s Robertson Road “eat-street” to extend and evolve the quality of life, not just for the residents but to provide the promised experience for the higher yielding visitors of the future.

A planned, quality environment has so very many wider implications than the built structures which become a contributing – or detracting – essential influence on its success.

Comments on the discussion paper by priority:

- Support a closed zone approach.

Priority 1 Healthy and valued coast and waterways

All foreshore residential properties in Pittwater Ward should be zoned E3 or E4.

- Support an expansion of the W1 zoning areas, E2 zoning of environmentally sensitive areas and the prohibition of mooring pens in the W1 zone.
- Object to the proposed expansion of the W2 zone to permit marina expansion. Past experience has resulted in encroachment into the Pittwater waterway of marina expansions via Land and Environment decisions.
- Support the inclusion of a defined foreshore setback line in the LEP across the entire LGA.

Rightly the number one priority for Northern Beaches Council (NBC) over the next 20 years should be valuing, retaining and improving the natural beauty of our waterways. Many would say that Pittwater is the jewel in the crown of waterways on the Northern Beaches. The largest waterway that is managed by NBC and in many ways still protected from over development.

Thus we support the NBC in ensuring this natural and stunning area remains the number one tourist location on the Northern Beaches.

We are pleased and support the plan to maintain Pittwater as W1 Natural Waterways, noting that the majority of current Marinas on Pittwater are zoned W2. In Newport there are already six marinas and the total number of berths at these six Newport marinas would equate to over 65% of all berths on Pittwater. These six Newport marinas (all located on quite residential) are:

1. Royal Motor Yacht Club (260 Marina Berths) – Prince Alfred Parade
2. Royal Prince Alfred Yacht Club (342 Marina Berths) - just off Prince Alfred Parade
3. Princes Street Marina – (70 Marina Berths) Princes Street
4. Rowell Maria (32 Marina Berths) – Queens Parade
5. Newport Anchorage Marina (65 Marina Berths) – Queens Parade
6. Sirsi Marina (40 Marina Berths) – Crescent Road

Total – 809 Berths. NB: this does not include swing moorings owned / associated with these Marinas.



Interestingly, NBC are forecasting an additional 2500 boats on Pittwater over the life (20 years) of the Pittwater Waterways Strategy. However senior NBC representatives attending a Pittwater User Group meeting in February 2020 stated the council didn't know how many moorings were in Pittwater or the number of vessels. So how can a forecast be made without knowing the current facts.

Thus the first job to be undertaken is a comprehensive audit of Pittwater:
Number of moorings in Pittwater (public and private swing moorings, marina berths, private jetties).
Actual number of vessels on Pittwater.

We are therefore concerned that the discussion document does not clearly state the following. The Pittwater Waterway Strategy was presented to Council on 28 May 2019 and subsequently resolved:

That Council:

- A. Adopt the Pittwater Waterway Strategy 2038 and endorse its implementation to sustainably manage the Pittwater Waterway over the next 20 years.
- B. Amend pages 35, 36 and 44 to state '**marina expansion would only be considered subject to appropriate regard being given to all impacts including, but not limited to, environmental, social, economic, transport, traffic, visual and waterway navigation**'.

Of greatest concern is that NBC propose up to 1300 additional marina berths that would be more than double the total number of berths currently on Pittwater at all marinas. To put that 1300 new berths in context, RMYC recent marina expansion that extended westward into Pittwater and stole 13,300m² of Pittwater for a mere 37 additional berths. Using these figures 1300 new marina berths would equate to almost 475,000m² of Pittwater being lost to marinas. Roughly equivalent of 65 football pitches! In essence southern Pittwater would be completely covered in marinas and wall to wall boats - we'll be able to walk across Pittwater from Newport to Bayview! **The environmental impact and the destruction of the beauty of Pittwater would be catastrophic.**

Thus **amendment B** must be clearly stated and followed. It should form the backbone of action 1.8 'Towards 2040' for any proposed expansion of any W2 zoning.

Environmental impact of Marinas and Slipways

Introduce an annual environmental levy (\$/linear meter of boat size) to pay for the ongoing environmental sustainability of Pittwater and surrounds. Many boat users are not Northern Beaches residents / rate pays and thus pay nothing for the upkeep of Pittwater, this environmental levy would ensure user pays.

The LEP should be further strengthened to ensure Marinas are required:

1. Replace current slipways and upgrade their maintenance facilities to eliminate areas where toxic chemicals from antifoul procedure can be washed or blown into Pittwater.
2. Rectify pollution that they have generated due to past operations of their slipways and maintenance facilities.
3. Ensure pump-out facilities are install and used at all facilities to eliminate sewerage being pumped into Pittwater or surrounds.
4. Develop and implement strategies to minimise glare and visual pollution from the mass of white boats. Maybe a certain percentage say 30% must be other colours than bright white.
5. Mandate diesel injector flushing system fitted and electronically integrated with the ignition system of the startup engines.
6. To provide adequate parking – parking on residential streets should be minimized.

Safety of Marinas

The six marinas listed above are within 50m or less to residential properties, thus a boat fire similar to that seen at Princes Street Marina a few years back or the recent fire at Elvina Bay Pittwater (where a boat that is routinely berthed at RMYC) could have a devastating impact on life and property if emergency and safety procedures are not world class at each of these marinas.

Therefore in light of this situation, with each of these marinas very close to residential properties, we would request that the LEP has detailed requirements on the following:

1. Safety measures that are in place at each marina.
 - a. How is this certified at each marina?
 - b. Duration of certified at each marina?
2. What is the Emergency action plan at each marina?
 - a. How often is this reviewed and by whom at each marina?
 - b. When was the last emergency practice taken place at each marina?
 - c. Has a simulation of a boat fire emergency ever been undertaken and when at each marina?
3. Reducing and mitigating the Environmental impacts of boat fires and fuel & chemical spills.
 - a. What plans are in place to minimise the environmental impact of boat fires and major fuel spills at each marina?
 - b. How is this certified at each marina?
 - c. Duration of certified at each marina?
4. Emergency services preparedness
 - a. NSW Fire Brigade
 - b. NSW Ambulance
 - c. Other emergency services
 - d. Is this preparedness – 24/7 or more limited?
 - e. How quickly is it likely that emergency service would be on site and fighting a fire?

Fuel Tankers and risk of accidents in Newport residential areas: With ever increases number and size of boats brings with it an ever-increasing use of diesel and petrol. Presently and on an increasing regular basis articulated petrol tankers are being driven down narrow and windy Newport residential streets to deliver this fuel to these marinas. We believe Norther Beach Council should at minimum mandate a maximum vehicle size but ideally look at strengthening the LEP to ensure that marinas offering fuel are restricted to those that can be accessed directly from major roads for instance Barrenjoey Road or Pittwater Road.

Priority 2 Protected and enhanced bushland and biodiversity

It is difficult to comment when the Review of Environmental Zones has not been completed.

E2 Environmental Conservation-

- Support retaining *all land currently zoned E2* areas and the application of *this zone to other lands with established environmental values that meet identified criteria*.
- Support the proposed permissibility's.

E3 Environmental Management

- Strongly support prohibiting secondary dwellings.

E4 Environmental Living

The extreme differences in built form across the former 3 council areas is highlighted in the map on page 29 of the document with Pittwater having an extensive area in the E4 zone. The E4 zone must be retained for all current areas in Pittwater as E4 zoning has assisted in maintaining environmental values. Dual occupancies should remain prohibited and secondary dwellings remain permitted in the E4 zone as in the Pittwater LEP. Centre-based child care, and respite day care should not be permitted in the future E4 zone.

Priority 3 Protected scenic and cultural landscapes

The Foreshore Scenic Protection Area for the entire LGA should be included in the LEP.

Priority 5 Greener Urban Environments

It is deeply concerning that the tree cover in Pittwater is in decline, in part due to developments which are permitted to occupy a higher proportion of the lot than has been the case and in the process, remove trees.

- Support the inclusion of tree canopy and urban heat maps in the LEP

Priority 9 Infrastructure delivered with employment and housing growth

Infrastructure SEPP

- Support the option to *prohibit all types of infrastructure, thus only enabling these uses to be developed either under the SEPP or where the infrastructure is ancillary to other development (similar to Pittwater LEP) (page 91).*
- Support *permitting certain emergency facilities, environmental protection works and flood mitigation works in all zones with consent*
- Support restricting health services locations

Education SEPP

- Prohibit educational establishments within all land use tables and thus rely entirely on the SEPP.

SP zones and associated infrastructure

- Support permitting compatible additional uses
- Remove child care centres from SP2 as under Education SEPP
- Existing schools should be zoned *according to the zone of adjoining land use,*

Priority 12 An inclusive, healthy, safe and socially connected community

- Support control for *social impact assessment, Crime prevention through environmental design, universal access, adaptable housing and accessible car parking.*

Priority 15 Housing supply, choice and affordability in the right locations

The local centres of Avalon Beach and Newport should not be low-rise housing diversity areas as these centres are on a relatively narrow peninsula with the 400 metre radius capturing areas within the E4 zone.

- Do not support the implementation of HDAs in Avalon and Newport local centres
- Support prohibiting seniors housing and boarding houses in the R2 zone.
- Concern regarding strata subdivision as to what would be considered a suitable minimum lot size
- Permit dual occupancies in the R2 zone as in the Pittwater LEP. There was extensive community consultation on this permissibility when the Pittwater LEP was being made.

As much of the LGA contains environmentally sensitive areas the introduction floor space ratio controls in addition to landscaping controls would help minimise potential environmental impacts due to development pressure.

Priority 16 Access to quality social housing and affordable housing

- Support boarding houses not being permissible in R2 zone or in R2 zones in HDAs

The secondary dwelling controls in the Pittwater LEP have served the community well by providing affordable housing with problems occurring only due to the complying development process. Secondary dwellings should be permitted in the R2, R3, R5, E4 zones as per the Pittwater LEP with no increase in floor area to minimise impacts on neighbours, provide better amenity, siting and affordability all secondary dwellings should be subject to council development applications not CDC's.

- Support permitting group homes in B1, B2 and B4 zones
- Support hostels in R3, B1, B2 and B4 zones
- Support prohibition of seniors housing in E4, RU2, and R2 zones

Priority 17 Centres and Neighbourhoods Designed to reflect Local Character and Lifestyle and Demographic Changes and Priority 17 Centres and Neighbourhoods Designed to reflect Local Character and Lifestyle and Demographic Changes

To maintain and enhance the diversity across the LGA local character statements and maps must be included in the LEP not the DCP.

Local character should always be taken into account for all developments and particularly when creating development controls.

The distinct characteristics of our towns, villages and communities are inherently linked to their history therefore it is appropriate **heritage** is addressed in all local character statements to help retain and enhance future identity.

- Support increased amenity controls in the DCP and expansion of design excellence provisions
- Provide a framework in which the DCP is not repeatedly overridden and instead development applications prefer to adhere to and exceed minimum code requirements.

Priority 20 Sustainable local transport networks

- Support car sharing spaces, electric vehicle charging availability, green travel plans, bicycle parking
- Do not support reduced parking requirements or maximum requirements

Priorities 22 to 27 Town centres and associated development

- Support rezoning of existing local shops in residential areas to B1 zone.

Height of buildings

- Maintain existing building heights

Provisions for retailing and commercial floor space

- Support provisions to limit the gross floor area in all B2 zoned areas as in the current Manly LEP
- Support implementation of a minimum 25% commercial / retail gross floor area

- Do not support incentives for providing additional floor space

Priority 28 Safeguarded employment lands

Industrial zones

- Support the first option to combine the permitted uses in Warringah LEP IN2 and the Pittwater LEP IN2 into a single IN2 zone that applies to all current IN2 zones
- Do not support increasing the building height limit from 11 to 16 metres in IN1 and In2 zones

Priority 29: A thriving, sustainable tourism economy

We support the Planning aspects of the NBC Destination Management Plan, as embodied in its core statement: *The Northern Beaches is an extraordinary destination offering world-class beaches and bushland experiences with vibrant villages that reflect our contemporary coastal lifestyle.*

The small zone of Newport is so incredibly diverse in topography and natural heritage, that it defies incorporation into a broad-brush tourism planning specification:

- Maintaining the village appeal of our 2 villages (one based on Barrenjoey & Robertson Roads; one based on Kalinya Street) is essential;
- Protecting the tree canopy in the escarpments (east to the coast and west to Pittwater) is essential not just for the intrinsic natural environment but to the views from the villages and from the water;
- Perpetuating the easy pedestrian interchange between the retail sectors of the villages and the natural appeals of the beach is also essential. *"A thriving, sustainable tourism economy"* is totally dependent on resisting all intrusions which can detract from the motivations visitors have to come here.

In closing it is a major concern that the LEP is not being made based on Ward Local Strategic Planning Statements as proposed by Rob Stokes. The inclusion of Local Character Statements in the LEP is therefore essential.

Yours sincerely,



Gavin Butler
President