



REPORT

# Conservation Zones Review – Outcomes and Implications

PREPARED FOR  
NORTHERN BEACHES COUNCIL

May 2024



## ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the traditional owners of this land and elders past, present and future. We recognise Aboriginal people as the original custodians of the Northern Beaches.

As resilience practitioners we have a responsibility in listening to and elevating Indigenous voices through our practice, and meaningfully engaging in processes of reconciliation. We recognise Aboriginal and Torres Strait Islander Peoples as the first scientists and engineers.

*Meridian Urban's 'Reflect' Reconciliation Action Plan (RAP) details our commitments to advancing cultural change, active participation and inclusive and informed approaches, with a focus on increasing economic and social equity for Aboriginal and Torres Strait Islander peoples and supporting First Nations self-determination. A copy of our RAP can be viewed online at [meridianurban.com](https://www.meridianurban.com).*

## REVISION SCHEDULE

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3	28/04/2024	Draft report – updated with Council comments	KK		KK
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5	13/05/2024	Draft report – updated with Council comments and statistics	SE/RMS	KK	KK
6	13/05/2024	Final report	RMS	KK	KK

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## Executive Summary

This report presents the outcomes from the Conservation Zones Review (C Zones Review) and on this basis outlines a proposed revised methodology for conservation zonings (C zones) across the Northern Beaches Local Government Area (LGA). This will inform the preparation of a Planning Proposal for a new consolidated Local Environmental Plan (LEP) for the LGA.

This report provides an overview of the C Zones Review approach, community engagement outcomes, and advice from the Department of Planning Housing and Infrastructure (the Department).

### Providing the basis for a new consolidated Local Environmental Plan (LEP)

- The purpose of the C Zones Review was to provide an evidence-base and a consistent methodology for protection and conservation of land that has identified environmental values across the entire Local Government Area (LGA).
- The C Zones Review will help inform the preparation of a Planning Proposal for the development of a new LEP, which will consolidate the four existing LEPs that apply to the Northern Beaches (Manly LEP 2013; Pittwater LEP 2014; Warringah LEP 2011; and Warringah LEP 2000) into one.
- The Planning Proposal will be placed on statutory public exhibition following issue of a Gateway Determination from the Department, providing further opportunity for community comment on the revised methodology and zoning (anticipated to take place in early 2025, depending on timing of Gateway Determination).

### Progressing the community's vision

- The C Zones Review seeks to deliver on the community's vision and identified aspirations, as per the engagement for the Community Strategic Plan; Local Strategic Planning Statement – Towards 2040; Local Housing Strategy; LEP/DCP Discussion Paper; and the C Zones Review.
- Overall, the community share a strong desire to protect the Northern Beaches unique coastal environment, bushland, and waterways for generations to come and in balance with other community needs, such as housing, employment, transport, and public recreation. This is reflected in the community's vision statement, which forms the premise for Council's strategic land use framework - *Planning our Sustainable Future*:

**“Northern Beaches – a safe, diverse, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment.”**

(CSP 2040, page 19)

### Establishing a consistent evidence base

- The evidence-base for the C Zones Review consists of:
  - Technical studies (seven in total);
  - Online interactive mapping;
  - Community input and local experience, especially as part of the C Zones public exhibition (from 2 September 2022 to 2 December 2022);
  - Regional and local strategic directions;
  - Statutory requirements; and
  - Advice and direction from the Department.

### Ensuring meaningful input on the initially proposed methodology and zoning

- To ensure early and meaningful input into the C Zones Review, Council decided to undertake public engagement on the draft C zones methodology and proposed zoning before they were finalised.
- The C Zones Review engagement materials included an interactive map showing the proposed zoning at landscape and property scales, relevant environmental mapping, and detailed information on the proposed methodology and implications for land uses. The materials also included a series of technical studies, supporting project information, and guidance materials.
- Council received more than 900 individual community submissions during the three-month long exhibition period.
- Council then undertook a 'Pilot Project' with the Department at their request, and used this project to discuss the options in response to community submissions and resolve a way forward that would be accepted by the Department.
- Following the C Zones Review exhibition, the Department provided their final advice and direction to Council in late 2023. Amongst other things, that advice directed Council to:
  - Retain existing C zoning throughout the LGA; and
  - Remove natural hazard criteria (e.g. bushfire prone or flood prone land) and "Medium Environmental Value" criteria from the zoning methodology.

### Finalising the C zones approach for statutory/mandatory public exhibition

- Based on an analysis of the engagement outcomes, initial site visits, and advice from the Department, Council amended the C zones criteria and re-mapped the outcomes for further consideration.
- In accordance with community feedback, further technical assessments, and the Department's final advice, the main changes to the revised C zones methodology include:
  - Removal of the following criteria from the C zoning method:
    - Natural hazards, including flood, bush fire, coastal, estuarine and coastal cliffs;
    - 'Medium Environmental Value' criteria, including tree canopy, biodiversity corridors and geotechnical constraints;
  - Retention of existing C zoning throughout the LGA, including the C4 zone in the Manly and Pittwater LEPs and the C3 zone in the Warringah LEP 2011;
  - Rezoning Manly LEP C3 zoned properties to C4 and Warringah LEP 2011 C4 zoned properties to C3 to align with the proposed permissible uses;
  - Within urban areas, an amended criteria and reduced thresholds for riparian corridors, using the Riparian Corridor Inner Area 'inner', Riparian Corridor Category 1, and wetlands;
  - Further refinement of Biodiversity Criteria Maps (Threatened Species, Threatened Ecological Communities, Core Habitat and Deferred Lands Environmental Values);
  - An increase in the number of properties proposed to be zoned part conservation (proposed split zones), mainly in the non-urban areas but with some now recommended in urban areas;

- The inclusion of some 'isolated sites' as C zones where they were found to contain environmental values (one or two sites not surrounded by other C zones);
  - A review of the C2, RE1 and W1 zones to ensure these align with Council managed reserves where appropriate; and
  - Permitting 'bed and breakfast' accommodation and water recreation facilities within the C3 zone.
- The overall implication of the change in methodology is a reduction in the total number of properties that have been identified for rezoning compared to the exhibited version.

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# 1 Introduction

As part of developing a single Local Environmental Plan (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.

Land that has high conservation values can be protected and managed through conservation zones (C zones). C zones are used to protect and manage land where important environmental values have been identified.

Across Pittwater, Warringah, and Manly, there is variation in how the current C zones have been applied. As a result, there is a need to develop a single set of C zones to allow the transition to the new LEP.

## 1.1 Purpose of this report

**The purpose of this report is to document the evidence-based methodology for consistent C zoning across the Northern Beaches Local Government Area (LGA). This will inform the preparation of a Planning Proposal for a new consolidated LEP for the LGA.**

This report provides an overview of the Conservation Zones Review (C Zones Review) approach, community engagement outcomes, and advice from the Department of Planning, Housing and Infrastructure (the Department). Key themes of particular importance are discussed.

## 1.2 Background

### Purpose of the C Zones Review

**Council initiated the C Zones Review to understand the existing arrangements and develop a consistent approach for identifying land across the Northern Beaches with important environmental values that should be protected and managed by a C2 Environmental Conservation, C3 Environmental Management or C4 Environment Living zone.**

The C Zones Review purpose was to identify which land areas are included in, or excluded from, the C2, C3 and C4 zones. The intent of the four C zones is set out in the Standard Instrument—Principal Local Environmental Plan (Standard Instrument) and summarised in Figure 1-1 below:

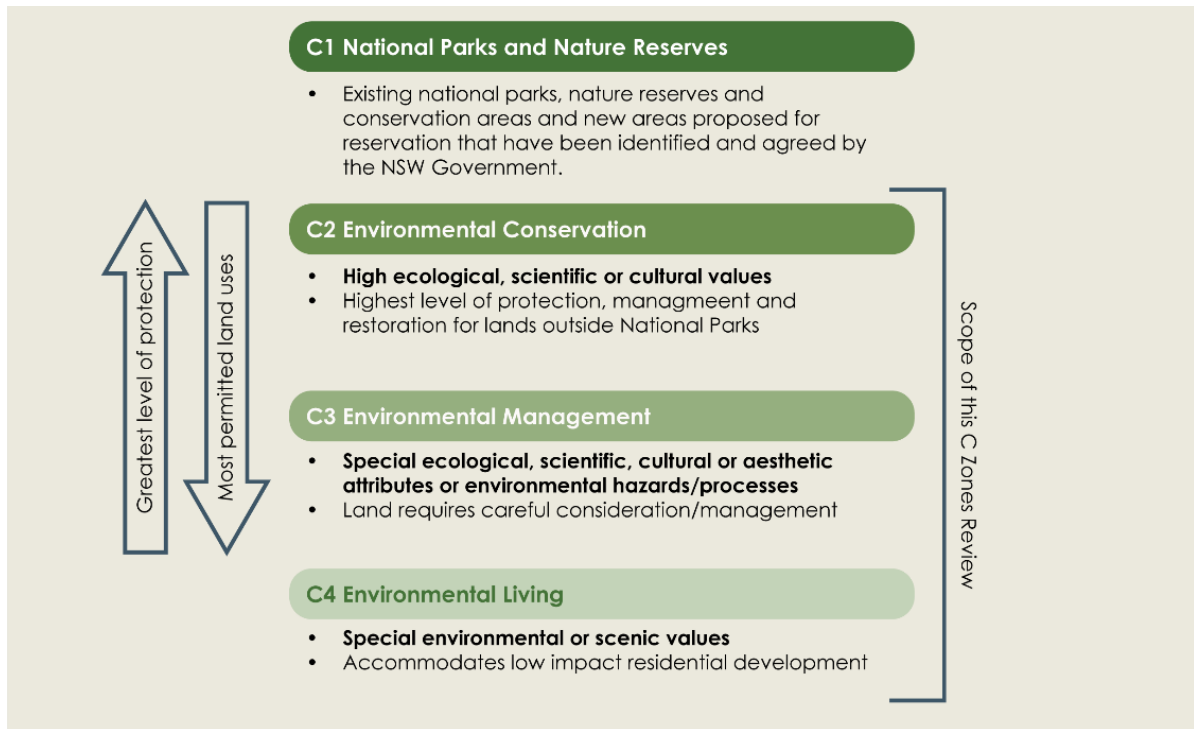


Figure 1-1: Summary of intent for C zones in the Standard Instrument

The C1 zone was not included as part of the C Zones Review as these areas are beyond Council’s control (i.e. existing national parks, nature reserves and conservation areas established under the *National Parks and Wildlife Act 1974* and areas identified as proposed for national park or nature reserves agreed by the NSW Government).

## Approach

**Council and Meridian Urban undertook a robust research-driven process with a strong focus on engagement to understand local issues and experiences and identify the important environmental values across the Northern Beaches that need to be protected and managed.**

In identifying what land areas are included in, or excluded from, a C zone, the review approach identified:

- Proposed C zone criteria (i.e. reserves, bushland, threatened ecological communities, habitat for threatened species, waterways, beaches and headlands, environmental hazards etc..) for each C zone, which would be used to help identify what land has important environmental values or processes that need to be protected or managed;
- Associated data required to spatially map the proposed C zone criteria over land;
- Proposed land uses that will be permitted (without consent or with consent), and prohibited, for each C zone;
- Alternative statutory measures in the circumstances where C zones are not considered appropriate; and
- Any foreseen impacts and potential issues such as the application of SEPPs, split zoning and minimum lot size.

The following Figure 1-2 provides the process for undertaking the C Zones Review:

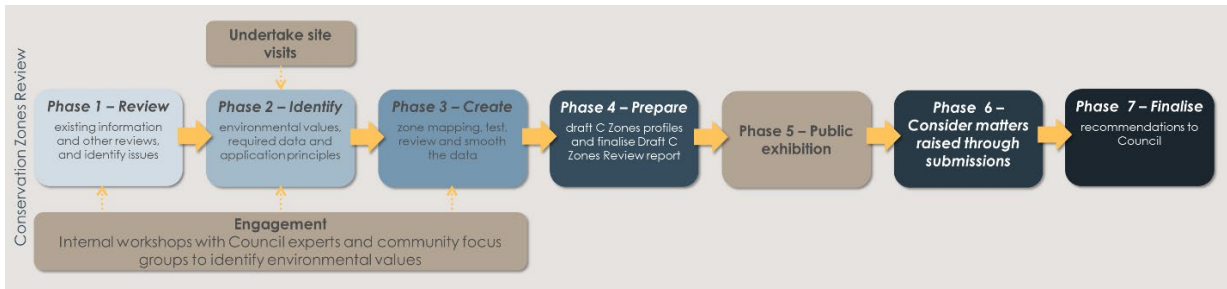


Figure 1-2: C Zones Review process

The following Figure 1-3 provides the information that informed the C Zones Review:

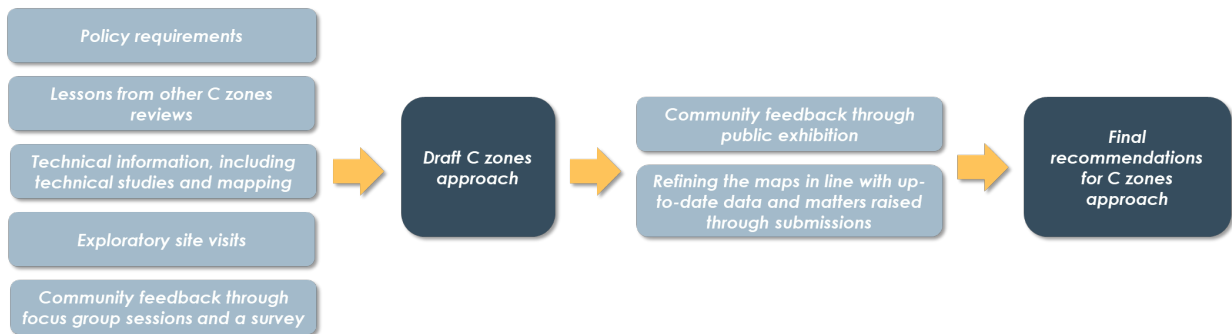


Figure 1-3: Information used to inform the C Zones Review

## 2 Public exhibition

Given the scope and complexity of this work, Council resolved to undertake public exhibition of the draft C Zones Review report and associated mapping and technical studies prior to the legislated LEP-making exhibition to enable the views of the community and all stakeholders to be considered early in the process.

### 2.1 Exhibited draft C Zone Profiles

Figure 2-1 below provides an overview of how C zones were defined and applied to land throughout the LGA. It is important to note that these definitions have since been modified based on the submissions analysis as well as final advice from the Department.



Figure 2-1: Draft definition and application of C zones for public exhibition (has since been modified)

While the C zones were the primary focus for the draft C zones approach, the objectives of the Rural, Residential and Recreational zones were also considered where appropriate, as these zones in many cases shared similar features and uses as C zones:

- **Rural** – Areas recommended to either retain their current 'rural zone' or be allocated a 'rural zone' were those found to contain either key infrastructure (i.e., utilities and schools), or rural/residential uses with heavily cleared, poor quality or heavily fragmented vegetation. Although some of these 'rural' areas could contain environmentally sensitive areas, it was considered these environmental sensitivities could be managed through a local provision and associated ('overlay') map.
- **Residential** – Areas recommended to either retain their current 'residential' zone, or be allocated a 'residential zone', were lands zoned either R2 Low Density Residential or R5 Large Lot residential which either did not have any high or medium value criteria or the criteria was below the thresholds. These low-density residential zones differed from the C4 zone in that they sometimes permitted dual occupancies and also allowed developments to be carried out as complying development under State Environmental Planning Policies.
- **Recreational** – Areas recommended to either retain their current 'recreation zone' or be allocated a 'recreation zone' included parks comprising predominantly mown reserves, hard infrastructure & playgrounds. Some errors occurred in the exhibited maps for these areas which were addressed for the final planning proposal.

Other zones, that have distinctive current or intended uses that are easily distinguishable from C zones, fall beyond the scope of the C Zones Review and were considered under the broader LEP Planning Proposal. These zones include business zones, industrial zones, waterway zones, and special purpose zones.

## 2.2 Exhibited draft C Zones approach

In developing a C zones approach for public exhibition, Council and Meridian Urban aimed to tailor an approach with a draft methodology and criteria that considered and reflected the unique natural environments and their processes in both urban and non-urban areas across the LGA.

Three different methodologies (or mapping processes) were applied depending on the various areas, with different thresholds and criteria used for each, in summary:

- Within **Urban Areas (defined as Low Density Residential Areas)**:
  - The identification of 'High Environmental Value' (HEV) criteria where only one criterion was required to trigger a C4 zone if it met the identified thresholds (e.g. 50%);
  - The identification of 'Medium Environmental Value' (MEV) criteria where two or more were required to trigger a C4 zone if it met the required 50% threshold; and
  - The use of Natural Hazard criteria, with required thresholds (e.g. >50%), to justify the application of a C3 Environmental Management Zone.
- Within **Rural or Non-Urban Areas**:
  - The use of HEV criteria to justify the application of a C3 Environmental Zone to the entire site (>70% threshold) or part of the site (C3 Split zone - 30-70% threshold); and
  - The use of hazard criteria to apply a C3 zone to all the site.

- For **Parks and Conservation Areas**, a C2 Environmental Conservation Zone for reserves managed as natural areas, existing C2 zones or lands subject to conservation mechanisms.

See Table 3-1 and Attachment A for a description of all relevant criteria and thresholds used for the draft methodology. Note, the above draft methodology was changed following the exhibition and final advice from the Department. See Sections 3 and 4 below.

## 2.3 Engagement objectives

The objectives of the engagement for the draft C Zones Review were to:

1	Identify or confirm community values and aspirations for the whole LGA.
2	Build community and stakeholder awareness of the C Zones Review and provide early opportunity for the initial proposed methodology and zonings.
3	Provide accessible information to enable broad community and stakeholders participation.
4	Provide balanced and objective information to assist in understanding the reasoning behind proposed methods and zonings.
5	Facilitate involvement of those property owners affected by, or interested in, the project and offer opportunities for raising specific concerns in confidential discussions.
6	Identify community and stakeholder concerns, opportunities, local knowledge and values.

## 2.4 Engagement approach

Community and stakeholder engagement was conducted between **Friday 2 September 2022 and Friday 2 December 2022**.

The consultation for the C Zones Review sought to:

- Understand community aspirations for land use (namely environmental protection and housing provision);
- Gain feedback on the draft methodology; and
- Capture local knowledge about environmental values and hazards across the Northern Beaches.

Council undertook a range of engagement activities that catered for diverse community needs and requirements. This included five community webinars and three community group presentations as well as an online feedback form for written submissions. To provide an avenue for raising site specific concerns in a confidential setting, community members were also offered an opportunity to discuss any specific issues with one of Council's strategic planners.

In addition to general promotion of the project through standard media channels, letters were also sent to over 17,000 properties that were either currently in a C zone, proposed to be within a C Zone, or proposed for removal from a C Zone. The mailout also included all properties in the Deferred Lands LEP area.

The engagement objectives and public exhibition promotion and materials are outlined below. See [Consultation Report \(2023\)](#) for further information about the engagement approach and outcomes.



## 2.5 Public exhibition materials

The engagement was informed by the following materials and resources which were placed on public exhibition via Council's Have Your Say project page:

- **C Zones Review Report** – a comprehensive report outlining the core definitions, assessment criteria, methodology, permitted land uses, mapping and community insights from previous engagement.
- **Seven supporting technical studies**, including bushfire and biodiversity assessments for Deferred Lands, biodiversity planning review for the LGA, two estuary planning studies for Cowan Creek and North and Middle Harbour respectively, watercourse, wetlands and riparian lands study, and a geotechnical review.
- **Interactive spatial mapping tool** – providing detailed and tailored place-based information on existing and proposed land use zoning, hazards, and environmental values across the LGA. The tool provided a landscape view of proposed zoning and mapping across the whole LGA, allowing users to drill down to gain information at individual property scale about proposed methodology and land use changes for any property in the LGA. To ensure transparency, the publicly available mapping tool provided all users with access to proposed zoning information for all properties across the LGA.

This material was supported by a mix of tools and explanatory project information which provided contextual and practical guidance on what is often complex and technical aspects of the NSW planning system and studies. Supporting materials included a project webpage, project updates and emails, overview video, Easy Read document summary, and project fact sheets and FAQs.

## 2.6 Submissions

During the public exhibition period, 935 submissions were received from approximately 863 unique submitters. Three (3) petitions were submitted with a total of 738 signatures. Most responses were received via the *Have Your Say* webform.

Government agencies and stakeholders such as community groups, interest groups and residents' associations were also kept informed of the project progress and invited to provide comment on the C Zones Review. Project updates were sent to approximately one thousand registered stakeholders at various stages of the project.

Council received 11 submissions and advice from Government agencies. This included one submission from Rural Fire Service (RFS) and one submission (meeting notes) from a meeting with then Planning Minister Rob Stokes. The remaining 9 submissions and advice were from different departments within the former Department of Planning and Environment (now DPHI). Some agencies (and namely Transport for NSW) notified Council of their intent to provide comment during the formal exhibition of the draft LEP and DCP.

Combined, the community and stakeholder submissions provide detailed insights and comments on the proposed methodology, land use changes, and the underpinning evidence-base and technical studies that informed the C Zones Review. The submissions also provided perspectives on overall aspirations for the Northern Beaches LGA, and particularly regarding environmental and scenic values, natural hazard management, urban planning, and housing and infrastructure provision.

Figure 2-5 below provides an overview of the key sentiments expressed by community members across the four LEP areas (Pittwater LEP 2014, Warringah LEP 2011, Warringah LEP 2000 (Deferred Lands) and Manly LEP 2013). See the [Consultation Report \(2023\)](#) for further information about the engagement process and feedback received.

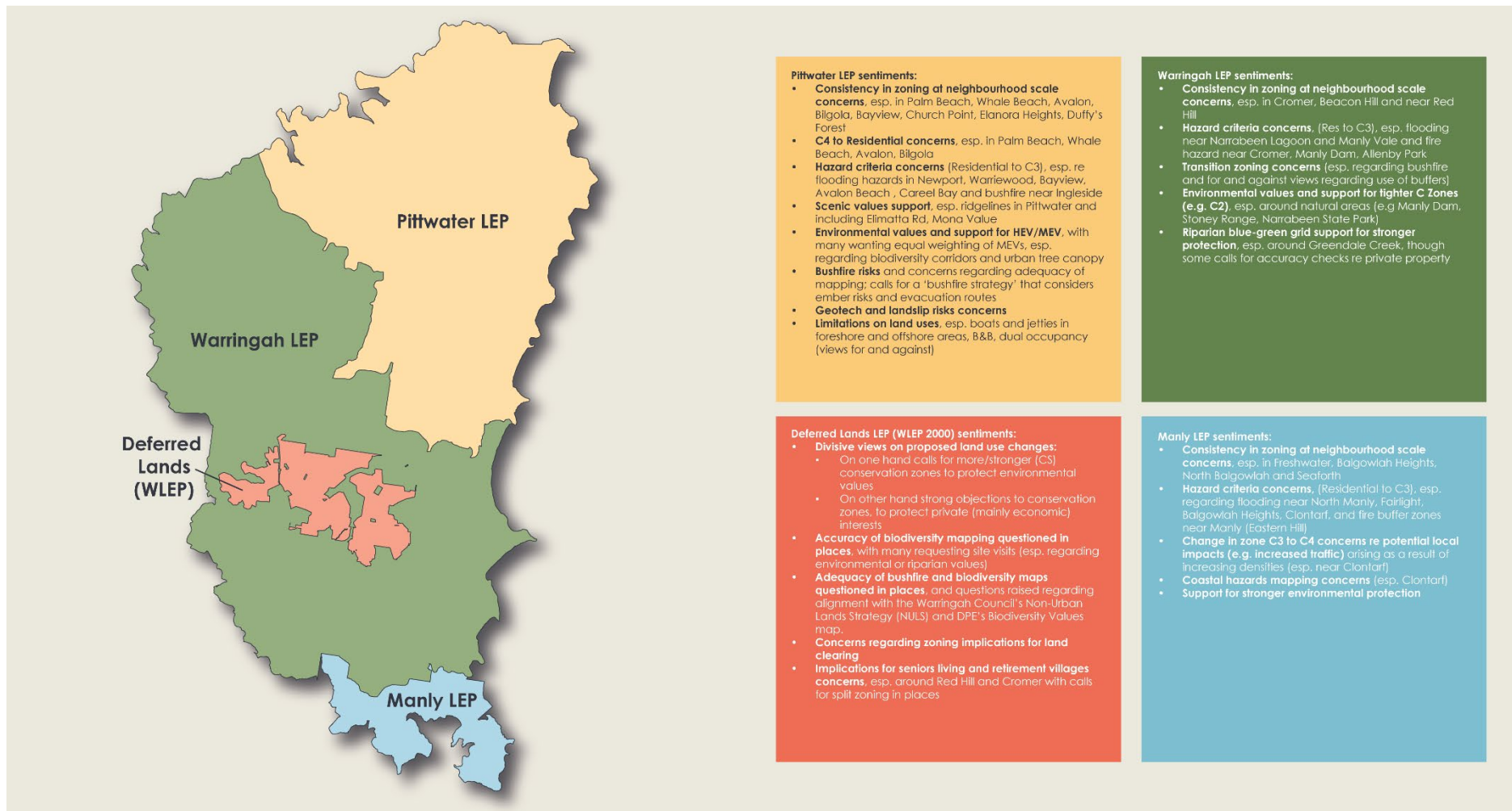


Figure 2-2: Sentiment to the proposed C zones by LEP area



## 3 Directions from the Department

### 3.1 Pilot project

The Department's submission from December 2022 recommended that Council undertake a Pilot study with the Department to use C zones in a way that strategically '*recognises recent events [floods and fires] and ongoing policy reforms*'.

The Pilot Project formally commenced following a meeting with the Department Secretary on 27 March 2023, and consisted of:

- A series of meetings between Council and State Government Technical Staff including representatives from the Rural Fire Service, and various business units within the Department including their Resilience Planning and Environment and Heritage Divisions;
- Discussing the exhibited methodology and technical data and exploring changes in response to community and stakeholder feedback through sharing data; and
- Resolution of a Department supported methodology and data to designate C Zones for formal public exhibition of the draft LEP.

At the commencement of this project, Council presented several alternative method options that had been investigated in response to community submissions and agency feedback. These included:

- Exclusion of any hazards (flood, fire, coastal and estuarine hazards);
- Use of Foreshore Scenic Protection area as a 'Medium Environmental Value' criterion using mapping exhibited with Council's LEP/DCP Discussion Paper in 2021;
- Use of biodiversity corridors as 'High Environmental Value' criteria, where comprised of 'native vegetation'; and
- Variations on the above scenarios.

All relevant meetings were completed by July 2023.

### 3.2 Final advice from the Department

In late November 2023, Council received final advice on the draft C zones methodology from the Department about the project). While the Department acknowledged Council's approach to provide a consistent application of C zones across the LGA, it disagreed with several aspects of the approach (see Figure 3-1) and the use of several criteria (see Table 3-1 and Attachment A).

Importantly, the Department supported the retention of all existing C zones in current LEPs without the need for any supporting evidence base.

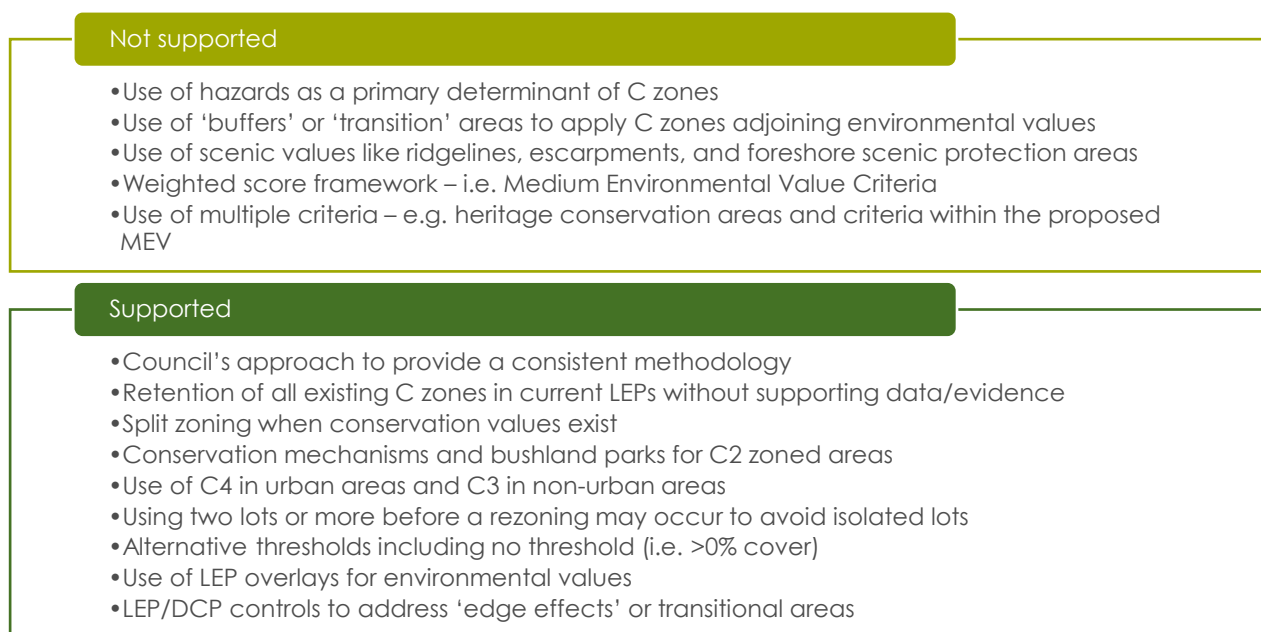
The Department's advice stated that C zones should only be applied where the protection of the environmental significance of the land is the primary consideration, therefore, the use of natural hazards and areas of scenic amenity (e.g. ridgelines and foreshore scenic protection) were not supported.

Where criteria were not supported, the Department advised their support to use environmental values as LEP overlays with associated assessment requirements (LEP and DCP clauses) for site-specific merit-based assessment to ensure future development undertakes the necessary environmental assessment.

Council was advised it should consider the Department's advice together with comments received from the Department's Environment and Heritage Group on each criterion.

No specific feedback was provided regarding the proposed thresholds, other than general support for lower thresholds where appropriate.

Council accepted the advice of the Department as final advice for the C zones methodology and made updates to the methodology in response, as described in Section 4 below.



**Figure 3-1: Summary of final Department Advice**

Table 3-1: Criteria not supported in final DPHI (Department of Planning Housing and Infrastructure) advice (depicted as red crossed out text)

Criteria	C2	C3 Non-urban	<del>C3 Urban</del>	C4
<b>Area considered</b>				
Low Density Residential Area			Yes	Yes
Rural Area		Yes		
Land within an RE1 or C2 zone	Yes			
<b>High environmental value criteria</b>				
Conservation Mechanism	1			
Existing C2 Environmental Conservation zones	1			
Natural Open Space	1			
Biodiversity Core Habitat		1		1
Threatened Ecological Communities (TECs)		1		1
Threatened Species Habitat - Selected		1		1
Deferred Lands Biodiversity – Threatened Ecological Communities (TECs)		1		
Deferred Lands Biodiversity - Very High Conservation Significance		1		
Deferred Lands Biodiversity - High Conservation Significance		1		
Wetlands		1		1
Riparian Corridor Category 1		1		1
Riparian Corridor Category 2		1		1
<del>Transitional Areas</del>				<del>1</del>
<del>Heritage Conservation Areas</del>				<del>1</del>
<b><del>Medium environmental value criteria</del></b>				
<del>Biodiversity Corridor and Urban Tree Canopy</del>				<del>0.5</del>
<del>Geotechnical Planning Class: C3 Hawkesbury Sandstone with Slope &gt; 25 degrees or C5 Narrabeen Group with Slope &gt; 15 degrees</del>				<del>0.5</del>
<del>Ridgeline or Escarpment</del>				<del>0.5</del>
<b><del>Hazard criteria</del></b>				
<del>Bush Fire Prone Land – Vegetation Category 1</del>		<del>1</del>	<del>1</del>	
<del>Deferred Lands Bush Fire Intensity</del>		<del>1</del>	<del>1</del>	
<del>Coast and Estuarine Hazards</del>		<del>1</del>	<del>1</del>	
<del>High and Medium Flood Risk</del>		<del>1</del>	<del>1</del>	
<del>Low Flood Islands</del>		<del>1</del>	<del>1</del>	
<del>Geotech Coastal Cliffs</del>		<del>1</del>	<del>1</del>	
<b>Minimum Score Required</b>	<b>1</b>	<b>1</b>	<del>1</del>	<b>1</b>

## 4 Revised methodology

This section discusses the proposed changes to the C zones criteria and methodology.

### 4.1 Proposed changes to methodology

The exhibited C zones methodology has been revised considering community feedback, technical requirements, and Departmental advice. Table 4-1 below provides an overview of the changes to the C zones criteria and methodology, with the following icons used to identify the origin of the changes:

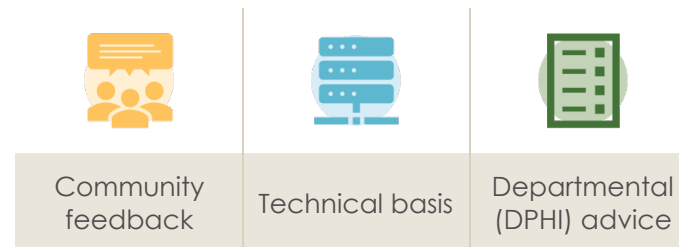
























Table 4-1: Summary of proposed changes to method

Key change	Exhibited method	Revised method	Justification
<b>Removal of Natural hazards criteria</b>	Applied a C3 zone to the entire site in urban and non-urban areas where hazard criteria met the required thresholds. The intent was to avoid intensification of development (e.g. secondary dwellings) and prohibit sensitive land uses (e.g. seniors housing, childcare) in high-risk areas and protect life and property. This approach was proposed in response to directions Council's LSPS, Towards 2040, and Regional and District Plan directions.	<p>Natural hazard criteria are not used to trigger C zones.</p> <p>Technical studies and mapping to inform site-based assessments via overlays in the LEP.</p>	<p> Direction from the Department to remove hazards as criteria for C zone.</p> <p>The Department advised that they are currently considering the policy implications from the <i>NSW Bushfire Inquiry 2020</i> and the <i>NSW Flood Inquiry 2022</i>.</p> <p>Until this work has been completed and a policy position on natural hazards identified, the Department advised Council to manage natural hazards using merit-based assessments (i.e. on a site-by-site basis) rather than via a strategic approach using LEP zones.</p>

Key change	Exhibited method	Revised method	Justification
<b>Retention of all existing conservation zones in current LEPs</b>	Used an evidence-based approach and applied a C4 zone to the entire site in urban areas when HEV and/or MEV criteria met the required thresholds in suburban residential areas. Proposed a generic 'residential zone' (i.e. an R2 zone) for existing C3/C4 properties without HEV or MEV criteria or where HEV/MEV criteria did not meet required thresholds. This would have resulted in the loss of existing C zones, particularly in Pittwater.	Retention of existing C zoning throughout the LGA, including the C4 zones in the Manly and Pittwater LEPs and the C3 zones in the Warringah LEP 2011. The C3 zoned properties in Manly LEP rezoned to C4 and the C4 zoned properties in Warringah LEP will be rezoned to C3, to align with the proposed permissible uses. No new 'residential' zones. No HEV and/or MEV criteria used to justify the retention of C zones.	 Strong concerns were raised by the community for the loss of C4 zones, particularly in the Pittwater area.  Direction from the Department to retain existing C zones throughout the LGA.
<b>Deferred lands - zoning of land outside of C3 zone</b>	Applied a generic 'Rural Zone' to all sites not identified for a C3 or C3 split portion, as the zoning framework for this area had not yet been resolved. The exhibited land use table for the 'Rural Zone' in deferred lands was based on the Warringah LEP RU4 zone.	Any lands not identified as a C3 or C3 Split portion allocated either an RU4, R5, R2 or SP2 zone based on a review of Council records, the previously withdrawn planning proposal, and C zone submissions (see separate report on the deferred lands).	 This work could not be resolved until the C zones method and maps had been finalised. See separate report on the deferred lands. 
<b>Deferred lands – conservation significance mapping amended</b>	Conservation significance of the land was used as a HEV criterion where high or very high conservation significance was identified. Land with high or very high conservation significance triggered a C3 zone or C3 Split zone when the criterion was above applicable thresholds.	Map accuracy was improved by excluding cleared land and refining TEC mapping. Conservation significance mapping was reviewed and amended to exclude buffers and more accurately map conservation values.	 The Department advice states it does not support the rezoning of land that is buffering areas of environmental significance, where these areas do not contain environmental conservation values.  Council also reviewed mapping based on community submissions.

Key change	Exhibited method	Revised method	Justification
<b>Biodiversity Core Habitat and TEC mapping reviewed</b>	Prepared based on the Native Vegetation of the Sydney Metropolitan Area V.3.1 layer (OEH 2016). While development of these maps was informed by desktop and site investigations, errors associated with currency of the base map resulted in cleared areas being included, or patches of intact and contiguous bushland being omitted in some areas. In addition, some vegetation had been inaccurately identified as a TEC.	<p>Further refinements/updates were undertaken via desktop assessment and, where required, site survey. The review focussed on areas where new C zones may be triggered by biodiversity criteria. Removal of cleared areas such as buildings, roads and other infrastructure was prioritised for these sites.</p> <p>Areas which did not meet the definition of core habitat (i.e. areas of contiguous intact bushland &gt;3.5ha) were deleted.</p> <p>Vegetation which did not meet benchmarks for the relevant TEC was removed from the TEC layer.</p>	 Feedback from the community through submissions advising of values on site were validated through a desktop assessment. 
<b>Biodiversity Corridors and Tree Canopy removed</b>	A C4 zone was triggered on suburban residential sites where more than 50% of the site contained either biodiversity corridor or tree canopy. As biodiversity corridors on private land often coincided with high tree canopy, these two criteria were combined to prevent double counting. This was then allocated as a MEV criterion, meaning the presence of this criterion alone did not trigger a C zone.	Council explored the potential to consider part of the biodiversity corridors as HEV criteria (native vegetation portion) and presented these results to the Department as part of the Pilot Project. This was not supported by the Department, and biodiversity corridors (and tree canopy) have been excluded from the revised methodology.	 Although the community expressed support for the use of biodiversity corridors and suggested this be HEV rather than MEV, the Department was concerned that biodiversity corridors and/or tree canopy in urban areas could naturally diminish over time, regardless of land zoning and development intensity, resulting in 'legacy issues'. The Department also did not support any MEV criteria. 
<b>Removal of Medium Environmental Value criteria</b>	A C4 zone was triggered on suburban residential sites if two or more of the below criteria were present on more than 50% of the site:	All MEV criteria removed as a set of criteria for triggering a C zone.	 The Department advised it does not support the use of any medium environmental value (MEV) for triggering a C zone.

Key change	Exhibited method	Revised method	Justification
	<ul style="list-style-type: none"> <li>- Biodiversity Corridor and/or Urban Tree Canopy;</li> <li>- Geotechnical Planning Class: C3 Hawkesbury Sandstone with Slope &gt; 25 degrees or C5 Narrabeen Group with Slope &gt; 15 degrees;</li> <li>- Ridgelines (Escarpment and Major).</li> </ul>		
<b>Waterways Criteria and thresholds changed in urban areas</b>	A 50% threshold was applied for waterways criteria in for C4 zones in urban areas. Waterways criteria included Riparian Category 1, Riparian Category 2 and Wetlands.	In Urban Areas, a 0% threshold is applied to Riparian Corridors Inner Area 'inner', Riparian Corridor Category 1 areas and wetlands. The Riparian Category 2 category is not used as criterion in urban areas. The results of this approach have been reviewed to verify whether a C4 zone was suitable based on the mapped criteria. For large sites, a C4 split zone was proposed.	 The Department advised that lower thresholds could be considered. 
<b>'Isolated' sites review</b>	To avoid a 'patchwork effect' within the zoning map, a site or group of 2 sites in the urban area which met criteria for a C zone but were isolated from other C zones were not proposed to be rezoned for conservation in the draft methodology.	A review of isolated sites was undertaken to verify the presence of environmental criteria. Those with environmental values were retained (often when adjoining reserves and and/or creek lines) and some were removed (e.g. sites with biodiversity values close to the threshold).	 The community expressed strong sentiments for ensuring consistency of zoning at a neighbourhood scale, especially in the PLEP 2014 area.  Also, the Department supported the focus on using two lots or more before a rezoning may occur to avoid isolated lots.  However, it is recommended some isolated sites be rezoned for conservation to ensure environmental values are protected and to align with Department advice that supports a C zoning where environmental values are identified.

Key change	Exhibited method	Revised method	Justification
<b>Surrounded sites review</b>	To avoid a 'patchwork effect' within the zoning map, a site or group of 2 sites with no criteria or criteria below the thresholds which were surrounded by proposed C zones were proposed to be zoned for conservation in the draft methodology.	Surrounded sites will not be zoned for conservation within the revised method.	 Although community feedback supported a more consistent approach to zoning, the Department advised that C zones could only be allocated where environmental values were identified on site. 
<b>Reallocation of land zoned C2 Environmental Management, RE1 Public Recreation and W1 Natural Waterways</b>	The exhibited maps contained errors regarding the allocation of C2 and RE1 zones.	The C2/RE1 and W1 zones have been reviewed internally and updates made.	 Council undertook an assessment of publicly owned bushland, land managed by Council, and land zoned C2, RE1 and W1 to ensure the zoning of these lands accurately reflected the primary use. 
<b>Land Use permissibility in C3 zone</b>	Bed and breakfast accommodation was proposed to be prohibited in the C3 zone and water recreation structures were proposed to be prohibited in the zone but permitted via an Additional Permitted Use.	These land uses are now proposed to be permitted with consent.	 Community feedback was taken into consideration.



## 4.2 Areas considered for conservation zoning

Table 4-2 outlines the areas considered for different C zones, e.g. where a proposed C zone may apply if the specific property within these lands were to meet the revised criteria and thresholds (see below). As described above, existing C zones have been retained as advised by the Department, with minor changes to align with proposed permissible uses.

As per the draft C zones approach, different methodologies were applied to identify new C zones in Low Density Residential Areas, Rural Areas and Parks or Conservation Areas. Areas that were excluded from the C Zones Review included medium density residential zones (R1, R3), employment zones (Zones E1, E2, E3, E4, MU1, W4 and SP4) and special purpose zones (SP1, SP2, SP3). Consistent with the C Zones approach, none of these areas are considered for C zoning in the revised method, apart from a few exceptions (e.g. land parcels or road reserves zoned C2 or RE1 to reflect Council managed reserves).

**Table 4-2: Areas considered for C zones under the revised method**

Land considered for C zones	Data Description
<p><b>Existing C3/C4 zoned lands</b></p>	<p>The following C zones are retained as C zones:</p> <ul style="list-style-type: none"> <li>• Pittwater LEP 2014 land zoned: C3 Environmental Management and C4 Environmental Living;</li> <li>• Warringah LEP 2011 land zoned C3 (Belrose and Terrey Hills);</li> <li>• Manly LEP 2013 land zoned C4.</li> </ul> <p>The following areas will be rezoned to align with the proposed permissible uses:</p> <ul style="list-style-type: none"> <li>• Warringah LEP 2011 land zoned C4 (Cottage Point) to be C3;</li> <li>• Manly LEP land zoned C3 to be C4.</li> </ul>
<p><b>Urban low density residential areas considered for C4 zones</b></p>	<p>The following existing residential zones will be zoned C4 where they meet the required criteria and thresholds:</p> <ul style="list-style-type: none"> <li>• Pittwater LEP 2014 land zoned: R2 Low Density Residential; R5 Large Lot Residential (where within the suburbs of Bayview or Church Point);</li> <li>• Warringah LEP 2011 land zoned R2;</li> <li>• Manly LEP land zoned: R2.</li> </ul>
<p><b>Non-urban / rural area bushland sites considered for C3 zones</b></p>	<p>The following existing rural and residential zones will be zoned either C3 or C3 Split where they meet the required criteria and thresholds:</p> <ul style="list-style-type: none"> <li>• WLEP 2000 Deferred Lands where only low-density development is permitted;</li> <li>• WLEP 2011 RU4 Primary Production Small Lots;</li> <li>• PLEP 2014 RU2 Rural Landscape lots and R5 lots (where within the suburbs of Elanora Heights or Ingleside).</li> </ul> <p>Where in non-urban / rural areas only sites identified as 'Bushland Sites' are considered for C3 zones. Bushland Sites were identified based on an analysis by Council of high resolution aerial imagery and Council records and reviewed</p>

Land considered for C zones	Data Description
	<p>together with maps generated from technical studies. Sites not considered as 'bushland sites' (excluded bushland sites) include land that may contain:</p> <ul style="list-style-type: none"> <li>• Key infrastructure (i.e. utilities and schools);</li> <li>• Rural/ residential uses with heavily cleared poor quality or heavily fragmented vegetation.</li> </ul> <p>Although excluded bushland sites contain environmentally sensitive areas, it was considered that these environmental sensitivities could be managed through a local provision and associated ('overlay') map.</p> <p>Sites not identified for C3 or C3 Split zones retained their existing zoning, except for the deferred lands where they were allocated an alternative zone (including RU4, R2, R5 and SP2 – see Deferred Lands Report).</p>
<b>Park or conservation area considered for C2 zones</b>	<p>A C2 zone was considered in the following areas where it met the required criteria and thresholds:</p> <ul style="list-style-type: none"> <li>• Land zoned either RE1 Public Recreation or C2 Environmental Conservation;</li> <li>• Land managed by Council as a reserve including road reserves, access handles to reserves and land devolved to Council;</li> <li>• Some waterbodies identified for protection and some areas zoned W1 Natural Waterways.</li> </ul>

### 4.3 Revised criteria and thresholds

The below table outlines the revised criteria supported by the Department and the areas where these are applied. One new criterion is included in the revised methodology, including the 'Riparian Corridor Inner Area' category, described in the 'Criteria Descriptions' section below.

**Table 4-3: Revised C Zones criteria (as per Department advice)**

Criteria	C2	C3 Non-urban	C4 Urban
<b>Area considered</b>			
Existing Conservation zones	Yes	Yes	Yes
Low Density Residential Area			Yes
Rural Area where identified as a 'Bushland Site'		Yes	
Park or Conservation Area	Yes		
<b>High environmental value criteria</b>			
<b>Park or Conservation Criteria for C2 Zones:</b>			
Conservation Mechanism	Yes		
Natural Area	Yes		
Protected Waterbodies	Yes		

Criteria	C2	C3 Non-urban	C4 Urban
<b>Biodiversity Criteria for C3/ C4 Zones:</b>			
Biodiversity Core Habitat		Yes	Yes
Threatened Ecological Communities		Yes	Yes
Threatened Species Habitat - Selected		Yes	Yes
Deferred Lands Biodiversity – Threatened Ecological Communities (TECs)		Yes	
Deferred Lands Biodiversity - Very High Conservation Significance		Yes	
Deferred Lands Biodiversity - High Conservation Significance		Yes	
<b>Waterways Criteria for C3/ C4 Zones:</b>			
Wetlands		Yes	Yes
*Riparian Corridor Inner Area			Yes
Riparian Corridor Category 1		Yes	Yes
Riparian Corridor Category 2		Yes	

\* New criteria applied

To trigger a C3 Environmental Management zone or a C4 Environmental Living zone, a property is required to meet the minimum thresholds set out in Table 4-4.

**Table 4-4: Thresholds for C3/C4 Zones**

Urban Areas	Non-Urban Areas
<ul style="list-style-type: none"> <li>• Waterways threshold               <ul style="list-style-type: none"> <li>○ Where a property is affected to any degree (i.e. &gt; 0% coverage) by any of the following criteria a C4 or C4 split (where considered appropriate by Council) is triggered:                   <ul style="list-style-type: none"> <li>▪ Riparian Corridor Inner Area</li> <li>▪ Riparian Corridor Category 1</li> <li>▪ Wetlands.</li> </ul> </li> </ul> </li> </ul> <p>Note: Council officers have undertaken a desktop review of all properties triggered due to the waterways threshold. In some circumstances, Council determined that the nature of the waterway did not warrant a C4 zone being triggered and therefore the existing zone designation has remained.</p> <p>OR</p> <ul style="list-style-type: none"> <li>• Biodiversity threshold               <ul style="list-style-type: none"> <li>○ Where 50% of the site or greater is affected by one or more of the below criteria, then a C4 zone is triggered:                   <ul style="list-style-type: none"> <li>▪ Threatened Ecological Communities;</li> <li>▪ Threatened Species;</li> <li>▪ Core Habitat.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Biodiversity threshold               <ul style="list-style-type: none"> <li>○ The relevant threshold is determined by the size of the property and the relative site coverage (%) affected by one or more of the following criteria:                   <ul style="list-style-type: none"> <li>▪ Wetlands</li> <li>▪ Riparian Corridor Category 1</li> <li>▪ Riparian Corridor Category 2</li> <li>▪ Core Habitat</li> <li>▪ Threatened Ecological Communities</li> <li>▪ Threatened Species</li> <li>▪ Deferred Lands Conservation Significance</li> </ul> </li> <li>○ Where the area of the lot is less than 5,000m<sup>2</sup>, and 50% or greater of the site is affected by one or more of the above criteria, a C3 zone is triggered.</li> <li>○ Where the area of the lot is greater than or equal to 5,000m<sup>2</sup>, and 70% or greater of the site is affected by one or more of the above criteria, a C3 zone is triggered.</li> </ul> </li> </ul>

Urban Areas	Non-Urban Areas
<p>Existing split zones note: Where a property contains an existing split zone (i.e. more than 1 zone applies to the site) the property is divided based on the location of the split zones and the above criteria and thresholds apply to the split portion of the site as if it were a whole lot.</p>	<ul style="list-style-type: none"> <li>Where the area of the lot is greater than or equal to 5,000m<sup>2</sup>, and the site area affected by one or more of the above criteria is at least 30% but less than 70%, a C3 split zone is triggered.</li> </ul> <p>Proposed split zones note: Where a C3 Split zone is triggered, Council have reviewed the property to determine if a split zone is most appropriate for that site, and if so, the most appropriate location for the split zone to occur. In addition, a C3 Split zone may have been recommended for select sites close to the above thresholds, taking into consideration high biodiversity values of the site in the context of the surrounding area.</p> <p>Existing split zone note: Where a property contains an existing split zone (i.e. more than 1 zone applies to the site) the property is divided based on the location of the split zones and the above criteria apply to the site as if it were a whole lot. As existing split zoned properties are not to be further split, the 50% threshold applies to the split portion irrespective of lot size</p>

#### 4.4 Application of revised methodology

The below Figures 4-1 to 4-5 provide an overview of the mapping process and methodology used to identify C zones for the four different areas considered for conservation (4.2).

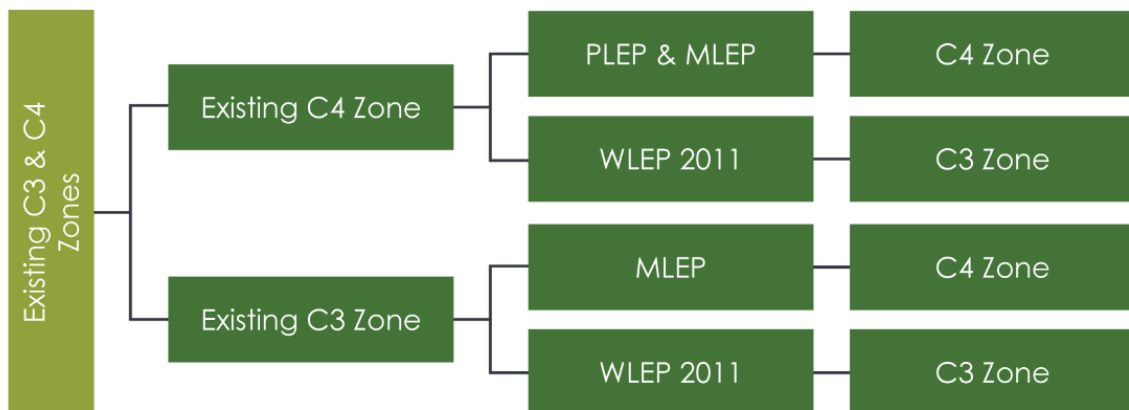
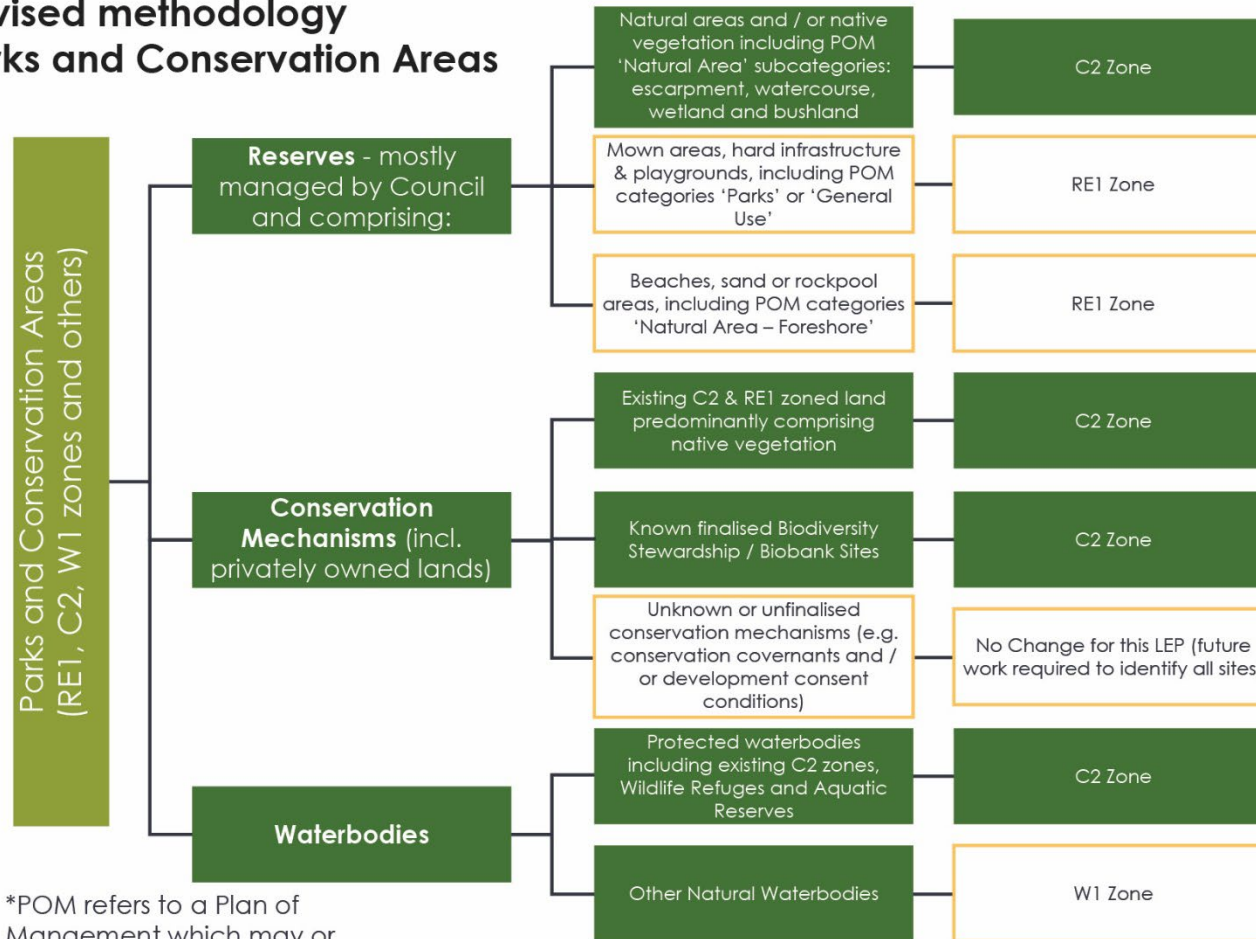


Figure 4-1: Methodology for existing C3/ C4 Zones

### Revised methodology Parks and Conservation Areas



\*POM refers to a Plan of Management which may or may not be in draft form.

Figure 4-2: Methodology for Parks and Conservation Areas

## Revised methodology Urban Low Density Residential Areas

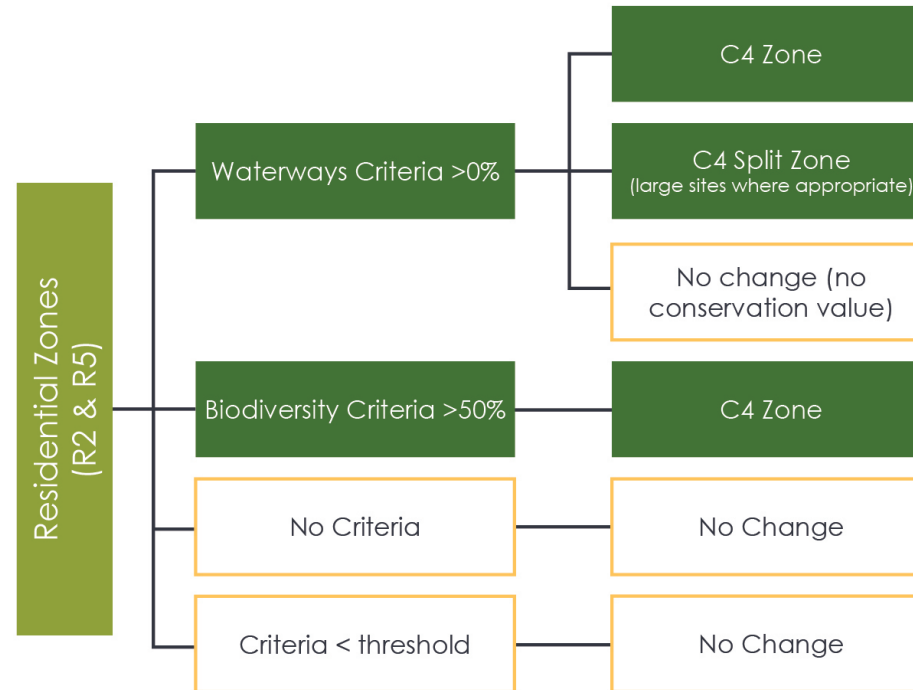
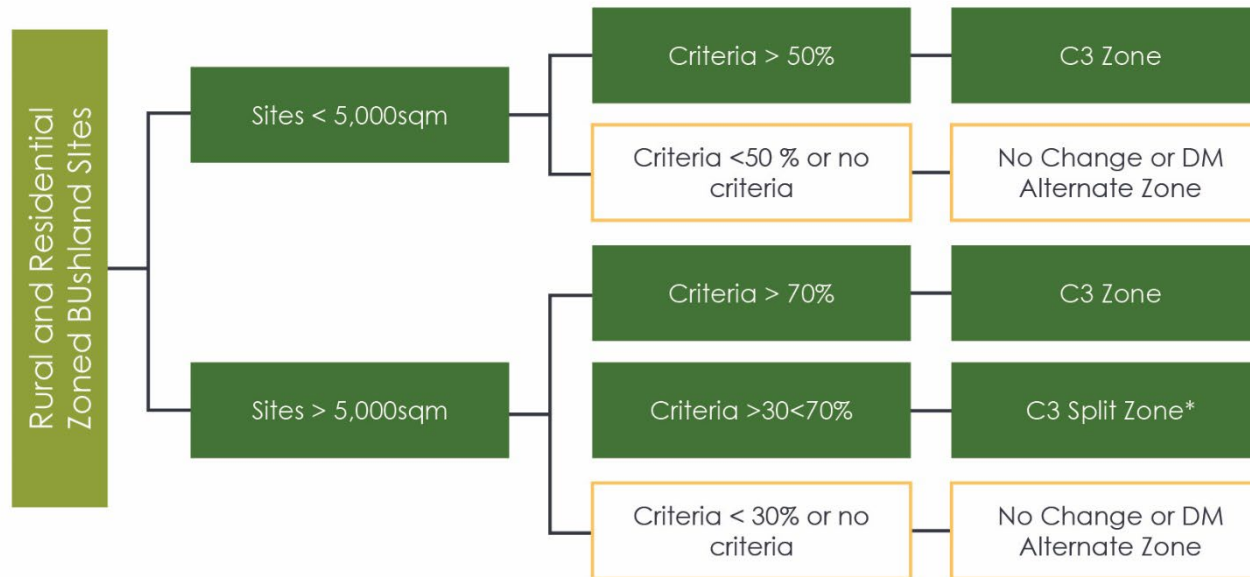


Figure 4-3: Methodology for Urban - Low Density Residential Areas

## Revised methodology Rural and residential zoned bushland sites



\* Also recommended for select sites close to the required thresholds, taking into consideration high biodiversity values of the site in the context of the surrounding area

Figure 4-4: Methodology for Rural - Non-Urban Areas

## 4.5 Criteria descriptions and sources

The following tables describe the data and sources that are used to determine C zones.

**Table 4-5: Park or Conservation Criteria for C2 Zones (no change from C Zones public exhibition)**

Criteria	Data Description	Source
<b>Conservation Mechanism</b>	<p>Conservation mechanisms were taken to include:</p> <ul style="list-style-type: none"> <li>Privately owned land currently zoned either C2 or RE1.</li> <li>Biodiversity stewardship agreements (BSAs; formerly known as biobank sites).</li> <li>Conservation covenants or development consent requirements for vegetation protection.</li> </ul> <p>The following lands were excluded from this definition within this Planning Proposal:</p> <ul style="list-style-type: none"> <li>Sites where private landowners had requested a C2 zone during the C zones exhibition due to the potential for Council to have to compulsorily acquire these lands.</li> <li>Other privately owned lands subject to conservation mechanisms (e.g. conservation covenants or development consent requirements for vegetation protection) as they were either not finalised or Council's records were incomplete.</li> </ul>	<p>Council records. A C2 zone was only allocated to the known finalised Biodiversity Stewardship / Biobank Sites. A further review is required to identify further lands subject to conservation mechanisms.</p>
<b>Natural Area</b>	<p>Council managed reserves predominantly comprising natural areas and / or native vegetation including 'Natural Area' POM and draft POM subcategories: escarpment, watercourse, wetland and bushland. This included some road reserves, access handles to reserves and areas with infrastructure including toilet blocks and parking.</p> <p>Council managed reserves recommended for an RE1 zone were excluded from this definition, including reserves predominantly comprised of:</p> <ul style="list-style-type: none"> <li>Mown areas, hard infrastructure &amp; playgrounds, including Plan of Management (POM and draft POM) categories 'Parks' or 'General Use'.</li> <li>Beaches, sand or rockpool areas, including POM and draft POM categories 'Natural Area – Foreshore'.</li> </ul> <p>The above RE1 zoned areas included some road reserves, access handles to reserves and smaller areas of bushland and/or native vegetation.</p>	<p>Council assessment of publicly owned bushland, land managed by Council, and land zoned C2, RE1 and W1 to determine primary use.</p>
<b>Protected Waterbodies</b>	<p>The following waterbodies were proposed for a C2 zone:</p> <ul style="list-style-type: none"> <li>Waterbodies already zoned C2, including Pittwater foreshores with seagrasses.</li> <li>Additional protected waterbodies including the Dee Why Lagoon Wildlife Refuge (formerly RE1), Manly Warringah War Memorial State Park (Manly</li> </ul>	



Criteria	Data Description	Source
	<p>Dam - formerly RE1) and Cabbage Tree Bay Aquatic Reserve (formerly W1).</p> <p>The following waterbodies were excluded from a C2 zone and instead recommended a W1 zone:</p> <ul style="list-style-type: none"> <li>Waterbodies already zoned W1 including Pittwater Waterway and Narrabeen Lagoon.</li> <li>Curl Curl and Manly Lagoons (formerly RE1).</li> </ul>	

A description of the criteria and data used for C3 and C4 zones is described below.

**Table 4-6: Biodiversity Criteria for C3/C4 Zones**

Criteria	Data Description	Source
<b>Biodiversity Core Habitat</b>	Areas of contiguous native vegetation, generally at least 3.5 hectares in area. Biodiversity Core Habitats are most representative of the original structure of natural areas and provide important habitat for threatened species.	Biodiversity Planning Review. This study was exhibited as part of the C Zones Review in 2022 and has since been subject to map amendments to improve accuracy
<b>Threatened Ecological Communities (TECs)</b>	Thirteen TECs listed under the NSW Biodiversity Conservation Act 2016 (BC Act) have been identified within the Northern Beaches LGA. Of these, seven TECs are also listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).	
<b>Threatened Species – Selected</b>	Habitat for highly threatened species which may not be represented within core habitat and were therefore considered to be more vulnerable to development-related impacts. After determining which polygons were 'fit for purpose', the following values were selected: <ul style="list-style-type: none"> <li>Grevillea caleyi – critically endangered;</li> <li>Prostanthera marifolia – critically endangered;</li> <li>Little Penguin – area of outstanding biodiversity value;</li> <li>Grey-headed flying-fox – three known camps.</li> </ul>	
<b>Deferred Lands TECs</b>	Five TECs listed under the NSW BC Act and/or EPBC Act have been identified within the deferred lands.	Deferred Lands Biodiversity Assessment. This study was exhibited as part of the C Zones Review in 2022 and has since been subject to map amendments to improve accuracy
<b>Deferred Lands Biodiversity – Very High Conservation Significance</b>	This includes intact bushland areas (excluding cleared buffer areas) adjoining protected bushland (National Parks estate), threatened species habitat (e.g. recent records of threatened flora and fauna), TECs and intact vegetated riparian habitat (excluding cleared / disturbed buffer areas) within large areas of bushland along larger creeks.	
<b>Deferred Lands Biodiversity – High Conservation Significance</b>	Threatened species habitat (e.g. recent records of threatened flora and fauna located within large areas of intact habitat), native vegetation (native Plant Community Types or PCTs), habitat connectivity (large areas of habitat connected to other large patches), riparian habitats along creeks.	

Table 4-7: Waterways Criteria for C3/C4 Zones

Criteria	Data Description	Source
<b>Wetlands</b>	Wetlands comprise natural and artificial wetlands, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands. This includes the estuarine wetlands of Careel Bay and Pittwater, freshwater wetlands at Warriewood and coastal floodplain wetlands lining the four coastal lagoons at Narrabeen, Dee Why, Curl Curl and Manly. Many wetland habitats are now recognised as endangered in NSW, emphasising the need for ongoing conservation.	Watercourse, Wetland and Riparian Lands Study. This study was exhibited as part of the C Zones Review in 2022.
<b>Riparian Corridors</b>	The riparian corridor is the nominated terrestrial environment adjoining the watercourse to be managed to support waterway functions, values and long-term use and to address risks associated with waterways. The width of the riparian corridor may vary based on the watercourse order as classified under the Strahler System of ordering watercourses.	Minor map updates have been made since, and sites that triggered C zones using the 0% threshold were reviewed to determine conservation value.
<b>Riparian Corridor Inner Area</b>	The riparian corridor can be divided into a 50% inner area and a 50% outer area. The Riparian Corridor Inner Area is the inner 50% portion of the riparian corridor width adjacent the creek centreline (no matter whether Category 1 or 2 corridor). The width of the riparian corridor inner area may vary based on the watercourse order as classified under the Strahler System of ordering watercourses.	Riparian Corridor widths and the Inner and Outer Areas are based on 'Guidelines for controlled activities on waterfront land', Natural Resource
<b>Riparian Corridor Category 1</b>	Riparian corridor that potentially supports relatively intact native vegetation and habits within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways.	Access Regulator, NSW
<b>Riparian Corridor Category 2</b>	Riparian corridor that potentially supports disturbed lands within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways.	Department of Industry 2018.

## 5 Proposed C Zone profiles and land uses

The proposed objectives and land uses for the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones are set out in the Planning Proposal for the Northern Beaches LEP:

- Appendix B – Comparison of LEP Land Use Tables and Proposed Approach for Deferred Lands;
- Appendix C – to view the proposed zoning map covering the Deferred Lands; and
- Appendix F – LEP written instrument to view objectives of each zone identified below.

## 6 Conclusion

The C Zones Review provides a data-driven, evidence-based and consultative approach to conversation zoning on the Northern Beaches which is aligned with the *Local Strategic Planning Statement – Towards 2040* and responds to the community's vision and aspirations for their area.

The review forms part of a larger suite of work Council is undertaking to prepare the new Northern Beaches LEP, which will consolidate 4 existing LEPs into one set planning rules for the Northern Beaches. Collectively, this suite of planning documents is known as the *Planning Our Sustainable Future* program.

The review was informed by seven technical studies undertaken by Council with the specific purpose of informing the C Zones Review. These studies investigated biodiversity, natural hazards, estuarine areas and watercourse, wetland, and riparian zones. In addition, the Review considered previous plans and strategies, namely the Local Housing Strategy and the Environmental Study, as well as outcomes from previous engagement.

The public engagement for the review helped Council better understand community sentiments and capture local knowledge specific to the Review. Acknowledging the complex and technical nature of the review material, Council and Meridian Urban delivered online community webinars and workshops for community groups in each LEP area. The exhibited zone changes were accessible in an online interactive map tool, and an Easy Read version of the Conversation Zones Review report was provided online.

Over 900 submissions were received from members of the public and community groups. Another 700+ petition submissions were received from different local groups and campaigns. During the statutory exhibition of the draft LEP and DCP (expected to occur in 2025), the community will again have an opportunity to provide comments and feedback.

The resultant proposed revised methodology, which has been updated based on feedback from the community and government agencies, seeks to protect land of high conversation value for generations to come while delivering on community needs for housing, infrastructure, employment, and public places.

The outcomes of the Conservation Zones Review will ensure a consistent approach to the management and protection of land with environmental values across the Northern Beaches.



# ATTACHMENTS



## Attachment A – Criteria definitions

## Criteria definitions – Conservation Zones Review

### Summary of Criteria

The numbers in the table are a score based on weighting of environmental value criteria and hazard criteria across the C2 Environmental Conservation, C3 Environmental Management (non-urban and urban) and C4 Environmental Living zones.

High Environmental Value criteria and Hazard criteria have a weighting of 1 each. Medium Environmental Value criteria have a weighting of 0.5 each. The minimum score required to assign land to either the C2, C3 or C4 zones is 1.

Criteria	C2	C3 Non-urban	C3 Urban	C4
<b>Area considered</b>				
Low Density Residential Area			Yes	Yes
Rural Area	Yes	Yes		
Land within an RE1 or C2 zone	Yes			
<b>High environmental value criteria</b>				
Conservation Mechanism	1			
Existing C2 Environmental Conservation zones	1			
Natural Open Space	1			
Biodiversity Core Habitat		1		1
Threatened Ecological Communities		1		1
Threatened Species Habitat - Selected		1		1
Deferred Lands Biodiversity – Threatened Ecological Communities (TECs)		1		
Deferred Lands Biodiversity - Very High Value		1		
Deferred Lands Biodiversity - High Value		1		
Wetlands		1		1
Riparian Corridor Category 1		1		1
Riparian Corridor Category 2		1		1
Transitional Areas				1
Heritage Conservation Areas				1
<b>Medium environmental value criteria</b>				
Biodiversity Corridor and Urban Tree Canopy				0.5
Geotechnical Planning Class: C3 Hawkesbury Sandstone with Slope > 25 degrees or C5 Narrabeen Group with Slope > 15 degrees				0.5
Ridgeline or Escarpment				0.5
<b>Hazard criteria</b>				
Bush Fire Prone Land – Vegetation Category 1		1	1	
Deferred Lands Bush Fire Intensity		1	1	
Coast and Estuarine Hazards		1	1	
High and Medium Flood Risk		1	1	
Low Flood Islands		1	1	
Geotech Coastal Cliffs		1	1	
<b>Minimum Score Required</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

## Land Considered – summary of data

Land Considered	Data Description
Low Density Residential Area	This includes urban land identified on Council's land zoning maps for the Pittwater LEP 2014, Warringah LEP 2011 and Manly LEP 2013 on lands zoned: R2 Low Density Residential; R5 Large Lot Residential; C3 Environmental Management, C4 Environmental Living and RU2 Rural Landscape lots that do not fall within the non-urban area (e.g., Warriewood). It also includes the R2 Low Density Residential zone in Terrey Hills, which is a non-urban area, as the characteristics of this area are like those found in the former Warringah LEP 2011 R2 zones.
Rural Area	<p>Non-urban Areas include the Deferred Lands, under the Warringah LEP 2000, where only low-density development is permitted. It also includes areas zoned for rural or conservation purposes, including areas of Belrose, Terrey Hills, Duffys Forest, Ingleside, Cottage Point and offshore communities including Scotland Island, Elvina Bay, Great Mackerel Beach, Coasters Retreat and Morning Bay. Council's non-urban lands comprise the Metropolitan Rural Area (MRA), future MRA investigation area and Ingleside, which is no longer designated as a growth area due to the decision of the Department of Planning in 2022 not to proceed with the draft Ingleside Place Strategy.</p> <p>LEPs and Zones considered were:</p> <ul style="list-style-type: none"> <li>• WLEP 2000 Deferred Lands</li> <li>• PLEP 2014 RU2, C3, C4 and R5 zones</li> <li>• WLEP 2011 RU4, C3, C4 and R5 zones</li> </ul>
Park or Conservation Area	Land zoned either RE1 Public Recreation or C2 Environmental Conservation.



## Hazard Criteria – summary of data

Criteria – Hazards	Data Description
Bush Fire Prone Land – Vegetation Category 1	Land identified on the Northern Beaches Bush Fire Prone Land Map as having the highest risk for bush fire. This excludes the 100m vegetation buffer. This map is prepared in accordance with the Guide for Bush Fire Prone Land Mapping and certified by the Commissioner of the NSW RFS under Section 10.3(2) of the <i>Environmental Planning and Assessment Act 1979</i> . Source: Northern Beaches Bush Fire Prone Land Map 2020.
Deferred Lands Bush Fire Intensity	Areas where high and very high fireline intensities (over 30,000kW/m <sup>2</sup> ) are likely in a fire event. Source: Deferred Lands Strategic Bush Fire Assessment.
Coastal and Estuarine Hazards	A new proposed estuarine inundation map for inclusion in the Northern Beaches LEP/DCP. Sources: Cowan Creek Estuary Planning Level Study (coastal inundation) and North and Middle Harbour Estuary Planning Level Study (coastal inundation). It also includes land identified as coastal hazards (inundation, erosion, and bluff) in existing adopted planning controls and reports.
High Flood Risk Area	High Risk areas are defined as areas where there is high hazard flooding in a 1% Annual Exceedance Probability (AEP) flood scenario (equivalent to the 1 in 100-year flood). In these areas during the peak of a 1% AEP flood, the depth and velocity of floodwaters result in potentially significant issues to safety, evacuation, and structures. Source: Adopted Flood Studies.
Medium Flood Risk Area	Medium flood risk is also known as the Flood Planning Area. It is defined as flood prone land which is affected by the 1% Annual Exceedance Probability (AEP) flood (equivalent to the 1 in 100-year flood) with a freeboard safety factor or buffer) added. Source: Adopted Flood Studies.
Newport Low Flood Island and Manly Low Flood Island	A low flood island is an area where access routes are inundated by flood waters before the “island” is then submerged by the flood. They are dangerous because residents are often not aware that evacuation routes are flooding until it is too late. Low flood islands have only been used for C3 mapping if they were mapped in a Flood Study adopted by Council for a 1% Annual Exceedance Probability (AEP) flood scenario (equivalent to the 1 in 100-year flood). Sources: Newport Flood Study 2019 and Manly Lagoon Floodplain Risk Management Study & Plan 2018.
Geotechnical Coastal Cliffs	For land along the coastline which have slopes greater than 45 degrees, this buffer extends 20 metres inland from the crest of the steep slope or cliff, and downslope to the mean water level. Headlands are mostly near vertical cliff faces (coastal bluffs) formed within rocks of the Narrabeen Group. Studies have indicated that the overall erosion of the cliff faces is relatively slow (in human terms rather than geological time) but there is the potential at any stage for large sections of the cliff faces to collapse due to erosion and undercutting. Source: Geotechnical Review - Geotechnical Planning Controls.

## High Environmental Value Criteria – summary of data

Criteria – High environmental value	Data Description
Biodiversity Core Habitat	Areas of contiguous native vegetation, generally at least 3.5 hectares in area. Biodiversity Core Habitats are most representative of the original structure of natural areas and provide important habitat for threatened species. May include small areas of cleared or developed land. Source: Biodiversity Planning Review.
Threatened Ecological Communities (TECs)	<p>Thirteen TECs listed under the <i>NSW Biodiversity Conservation Act 2016</i> (BC Act) were identified within the Northern Beaches LGA. Of these, seven TECs were also listed under the Commonwealth Environment Protection and <i>Biodiversity Conservation Act 1999</i> (EPBC Act). Source: Biodiversity Planning Review.</p> <p>Within the Deferred Lands, five different TECs listed under the NSW BC Act and/or EPBC Act are identified as occurring in the deferred lands. Source: Deferred Lands Biodiversity Assessment.</p>
Threatened Species - Selected	Twenty-five threatened species listed under the BC Act and/or EPBC Act were mapped within the LGA, including: twenty-one threatened flora species listed under the BC Act, thirteen of which are also listed under the EPBC Act; and four threatened fauna species listed under the BC Act, one of which is also listed under the EPBC Act. Selected features of the threatened species mapping were considered in the conservation zones criteria. Source: Biodiversity Planning Review.
Deferred Lands Biodiversity - Very High Value	This includes areas adjoining protected bushland (National Parks estate), threatened species habitat (e.g., recent records of threatened flora and fauna), TECs and riparian habitat along larger creeks. Source: Deferred Lands Biodiversity Assessment.
Deferred Lands Biodiversity - High Value	Threatened species habitat (e.g., recent records of threatened flora and fauna), native vegetation (native Plant Community Types (PCTs)), habitat connectivity (large areas of habitat connecting to other large patches), riparian habitats along creeks. Source: Deferred Lands Biodiversity Assessment.
Conservation Mechanism	This could include lands with bio-certification agreements, stewardship agreements, conservation covenants or court approval requirements. Current mapping includes Council records of known Biobank Sites and Biodiversity Stewardship sites. Source: Council records.
Existing C2 Environmental Conservation zones	Land currently zoned for environmental protection where strict controls on development apply. Source: Manly LEP, Warringah LEP 2011 and Pittwater LEP.
Wetlands	Wetlands comprise natural and artificial wetlands, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands. This includes the estuarine wetlands of Careel Bay and Pittwater, freshwater wetlands at Warriewood and coastal floodplain wetlands lining the four coastal lagoons at Narrabeen, Dee Why, Curl Curl and Manly. Many wetland habitats are now recognised as endangered in NSW, emphasising the need for ongoing conservation. Source: Watercourse, Wetland and Riparian Lands Study.

Criteria – High environmental value	Data Description
Riparian Corridor Category 1	Riparian corridor that potentially supports relatively intact native vegetation and habits within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways. Source: Watercourse, Wetland and Riparian Lands Study.
Riparian Corridor Category 2	Riparian corridor that potentially supports disturbed lands within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways. Source: Watercourse, Wetland and Riparian Lands Study.
Transition Areas	Analysis using Nearmap to identify properties that adjoin waterways, reserves with high environmental value, national parks, beaches, and headlands. This generally includes properties separated by a reserve or any unmade roads, but not properties separated by a road or car park. Source: Nearmap analysis.
Natural Area	Natural areas and State Parks identified in Council's Open Space and Recreation Strategy. This map was further refined to identify portions of parks and reserves managed for conservation and natural areas within adopted plans of management and a review of those lands currently zoned RE1 Public Recreation and associated uses. Source: Open Space Audit.
Heritage Conservation Areas	<p>The following heritage conservation areas were found to have high environmental value:</p> <ul style="list-style-type: none"> <li>• Warringah LEP Conservation Areas: <ul style="list-style-type: none"> <li>• Cottage Point: Waterfront Cottages (item C4)</li> <li>• South Curl Coastal Cliffs (item C14)</li> </ul> </li> <li>• Pittwater LEP Conservation Areas: <ul style="list-style-type: none"> <li>• Palm Beach: Florida Road (Item C3)</li> <li>• Palm Beach: Ocean Road (Item C4)</li> <li>• Palm Beach: Sunrise Hill (Item C6)</li> <li>• Avalon Beach: Ruskin Rowe (Item C5)</li> </ul> </li> </ul>

## Medium Environmental Value Criteria – summary of data

Criteria – Medium environmental value	Data Description
Biodiversity Corridor and/or Urban Tree Canopy	Biodiversity corridors identified to facilitate flora and fauna movement across the landscape, providing an important connection to areas of Biodiversity Core Habitat. Source: Biodiversity Planning Review. These areas were considered together with areas of high urban tree canopy. The urban tree canopy data was based on an analysis of Council's 2019 Aerial LIDAR (Light Detection and Ranging) data using the 'urban tapestry' method as outlined in the Greener Neighbourhood's Guide. Areas where tree canopy were greater than 50% within a 100m buffer of a 100m grid were considered when intersected with the Biodiversity Corridor. Source: 2019 Aerial LIDAR data.
Geotechnical Planning Class C3 Hawkesbury Sandstone with Slope > 25 degrees	Land that requires a detailed geotechnical report with most development applications. Slopes developed on Hawkesbury Sandstone are usually relatively stable, the key hazards are the potential for collapse of cliff lines, boulders falling from cliffs caused by weathering of softer layers, root jacking by trees, water pressure along open joints or undermining of large boulders. Source: Geotechnical Review - Geotechnical Planning Controls.
Geotechnical Planning Class C5 Narrabeen Group with Slope > 15 degrees	Land that requires a detailed geotechnical report for most development applications. The rocks of the Narrabeen Group are known to be relatively less stable and weather more rapidly than the Hawkesbury Sandstone. Landslides are relatively common on slopes underlain by the Narrabeen Group rocks, particularly in areas where there have been excavations into the natural slopes or concentrations of stormwater. Source: Geotechnical Review - Geotechnical Planning Controls.
Ridgelines or Escarpment	A 50m buffer was mapped of ridgelines or escarpments which provide scenic landscape values, they are generally vegetated given they have had limited development opportunities over time and thus contribute to the urban ecology. Source: 2019 Aerial LIDAR data.

## Thresholds and exceptions – summary of data

Thresholds and exceptions	Descriptions	Rural Area	Low Density Residential Area
Undeveloped Bushland	Undeveloped bushland sites were identified from an analysis of Nearmap and Council records and reviewed together with maps generated from technical studies.	Site investigated for % cover of High Environmental Value (HEV) Criteria	NA
Excluded Bushland	Sites not identified as 'undeveloped bushland' included sites with key infrastructure (e.g., utilities and schools), heavily cleared sites, sites with poor quality vegetation or sites where vegetation was heavily fragmented.	Site excluded from consideration of % cover of High Environmental Value (HEV) Criteria	NA
Isolated Site	Site or group of 2 sites that meet criteria for a conservation zone but are isolated from other conservation zones.		Site excluded from consideration of conservation zone
Surrounded Site	Site or group of 2 sites below the thresholds for conservation zones but are surrounded by proposed conservation zones.		Site included as a C4 conservation zone
Hazard Criteria Thresholds	<ul style="list-style-type: none"> <li>Bush Fire Prone Land – Vegetation Category 1 affects more than 50% of the site</li> <li>Deferred Lands Bush Fire affects more than 50% of site</li> <li>Coastal and Estuarine Hazards affect the site</li> <li>High Flood Risk Area affects more than 50% of site</li> <li>Both the Medium and High Flood Risk Area affect the entire site</li> <li>Geotechnical Coastal Cliffs buffer affects the site</li> <li>Coastal and Estuarine Hazards affect the site</li> </ul>	Apply to C3 zones	Apply to C3 zones
HEV Criteria Thresholds	<ul style="list-style-type: none"> <li>Site identified as a Transition Area</li> <li>Site identified as a Heritage Conservation Area</li> </ul>	NA	Apply to C4 zones: >50% required
HEV Criteria Thresholds	% Cover of combined map with any of the following: <ul style="list-style-type: none"> <li>Threatened Ecological Communities</li> <li>Riparian Corridor Category 1</li> <li>Riparian Corridor Category 2</li> <li>Biodiversity Core Habitat</li> <li>Wetland Area</li> <li>Threatened Species selected</li> <li>Deferred Lands Biodiversity - Very High or High Value</li> </ul>	Apply to C3 zones: Sites <5,000m <sup>2</sup> , > 50% required  Sites > 5000m <sup>2</sup> Between 30-70% - C3 Split zone applied  >70% - C3 zone applied	Apply to C4 zones: >50% required
MEV Criteria Thresholds	% Cover of combined map with any of the following:	NA	Apply to C4 zones: >50% required

Thresholds and exceptions	Descriptions	Rural Area	Low Density Residential Area
	<ul style="list-style-type: none"> <li>• Biodiversity Corridor and/or Urban Tree Canopy</li> <li>• Geotechnical Planning Class: C3 Hawkesbury Sandstone with Slope &gt; 25 degrees or C5 Narrabeen Group with Slope &gt; 15 degrees</li> <li>• Ridgeline or Escarpment</li> </ul>		

## Attachment B – DPHI advice



Mr Scott Phillips  
Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1630

Attention: Ms Louise Kerr, Director Planning and Place

Dear Mr Phillips

## **CONSERVATION ZONES PILOT PROJECT AND HOUSING DIVERSITY AREAS**

I appreciate Council's efforts to resolve the preparation of the Northern Beaches Local Environment Plan (LEP) and would like to acknowledge the collaboration between Council and the Department in working towards this outcome.

In order to resolve two of the key issues for the LEP, the following advice is provided in relation to complete the conservation zones pilot project and, provide clear direction on Council's proposed Housing Diversity Areas. Feedback addressing other matters for will be provided separately.

### **Conservation Zones Pilot Project**

I acknowledge Council's approach to apply a consistent application of conservation zones (C zones) across the Northern Beaches Local Government Area (LGA). I note a series of meetings that took place between the Department and Council earlier this year as part of the pilot project and at those meetings feedback was provided to council in relation to a number of aspects of the pilot. The Department's final position in relation to these issues is outlined below.

### ***Hazard criteria as a primary determinant of conservation zones***

Current Department practice is to apply conservation zoning to land that predominantly contains higher order environmental values and natural qualities.

Council's proposed approach to conservation zoning relies on the LEP Practice Note PN 09-002 Environmental Protection Zones (the practice note) which provides guidance on how the C zones should be applied in the preparation of LEPs. The Practice Note establishes that C zones should only be applied where the protection of the environmental significance of the land is the primary consideration.

The Practice Note has not been adequately addressed by Council in developing the approach to C zones in the Northern Beaches. Council has used the hazard criteria as the primary determinant of C zones, with the aim to prohibit development in these areas, rather than demonstrate that the environmental significance of the land is the primary consideration.

It is understood that many of the environmental values proposed to inform C zones in the Northern Beaches are also proposed to form an LEP overlay and have associated assessment requirements (LEP and DCP clauses). The use of overlays and LEP provisions

is supported as this provides for site-specific merit-based assessment and will ensure future development on any land containing these values undertakes the necessary environmental assessment in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

### ***Scenic value as a primary determinant of conservation zones***

Council proposes to expand the application of its Foreshore Scenic Protection Area (FSPA), beyond its current use under Manly LEP 2013, and apply this as a medium value criterion to inform a conservation zone.

While guidance within the practice note includes the consideration of scenic values, the environmental significance of the land remains the primary consideration. The Department does not agree that aesthetic values alone hold ecological significance, nor does a FSPA establish that environmental capabilities are the primary concern. Residential land with foreshore views does not necessarily require protection through a FSPA.

The Department provides general support for Council to retain its existing conservation zones as they apply to the Pittwater area. However, the expansion of the FSPA beyond its current use under Manly LEP 2013 is not supported.

### ***Environmental criteria used to justify conservation zones***

Conservation zoned land is required to align with conservation objectives, including preventing development that could destroy areas of high ecological, scientific and cultural value. The Department is supportive of conservation zoning in areas where these values exist, however, some of Council's proposed environmental criteria do not justify conservation zoning.

A detailed analysis of Council's framework, including its environmental criteria, thresholds and weighting is attached to this letter (**Attachment 1**).

### ***Council is required to amend its methodology***

Relevant policy reforms are anticipated in response to both the NSW Flood Inquiry 2022 and the NSW Bushfire Inquiry 2020. Until policy reform is progressed, current practice requires demonstration that the environmental significance of the land is the primary consideration when applying C zones.

Council is required to consider the advice provided regarding the rezoning of land to a conservation zone. This will include removing hazards and aesthetic values from Council's methodology, removing unsupported environmental criteria and providing a comprehensive response to the comments from EHG (**Attachment 2**).

Council is also advised to provide an up-to-date evidence base and ensure that all technical reports and associated mapping products are specifically prepared to inform the proposed C zones. The verification requirements established in the Northern Councils E Zone Review - Final Recommendations should be applied to any studies undertaken by Council. This includes requirements for site inspections, rapid vegetation survey and map refinement.

### ***Housing diversity areas provide an opportunity to unlock more homes in appropriate locations***

Housing Diversity Areas (HDAs) were included in Council's Local Housing Strategy (LHS) in 2021. The Department supports the approach of targeting centres to achieve housing diversity and acknowledges that Council's approach will deliver approximately 198 additional dwellings in local centres.

Existing strategic housing plans did not anticipate the scale of the national housing crisis we now face, as outlined the Minister's recent correspondence to all NSW Councils, emphasising the collective effort required to deliver 377,000 homes across the state by 2029. Council's

HDA's provide an opportunity to unlock housing in well serviced locations across the Northern Beaches LGA.

The approach in Council's LHS risks locking in low density growth patterns over the longer term. Dual occupancy and boarding houses are a low-density form of housing and the Northern Beaches LEP should unify permissibility of these land uses in the R2 zone across the LGA.

Council should also consider other forms of low-rise diverse housing, such as terraces and multi-dwelling housing in well located R2 zones. In areas located close to larger and better serviced centres, Council needs to consider amending its housing strategy to permit housing types that can deliver more dwellings like small residential flat buildings and apply appropriate zones. Strategic land use and zoning changes would negate the reliance on additional permitted uses within centres for the implementation of Council's LHS.

The Department remains committed to working with Council to finalise the Northern Beaches LEP, including the amendments to the C zones methodology and improving housing diversity outcomes for the LGA.

If you have further questions on this process please contact Mr Brendan Metcalfe, Director, North District on 98601442.

Yours sincerely,



20 November 2023

**Leah Schramm**

**Acting Executive Director, Metro Central and North  
Department of Planning and Environment**

Enclosed

1. Environment and Heritage Group comments on Environmental Criteria
2. Environmental Criteria discussion table

## Environmental Criteria and Council’s Framework for Conservation Zones

The Department supports conservation zoning in areas where the primary objective is the conservation and/or management of environmental values, and where there has been ground truth investigation of the land to be rezoned.

If the environmental attributes have not been verified, then an LEP overlay may be more appropriate, and the existing zone or equivalent should be retained. Council should consider this advice together with comments received from Environment and Heritage Group (EHG) on each criterion.

### Environmental Values

As shown in Table 1 below, the Department supports the use of some environmental criteria proposed by Northern Beaches Council to apply conservation zones (these are supported in the table below). Some criteria are not supported for this purpose.

For example, attributes such as Biodiversity Corridors and Tree Canopy in urban areas may diminish on a site naturally over time, regardless of land zoning. The creation of legacy issues where sites are zoned for conservation values now that may not be present in the future are to be avoided.

There is also concern about the inclusion of buffer areas, tree canopy and wildlife corridors in C Zones. These environmental values are dynamic in nature and should be further considered in the context of the proposed rezoning. For example, attributes such as biodiversity corridors and tree canopy in urban areas will change on a site naturally over time, regardless of development intensity.

The table below contains each of Council's environmental criteria, a recommended path forward and the Department's justification.

Table 1 – Environmental Criteria for Conservation Zone decisions.

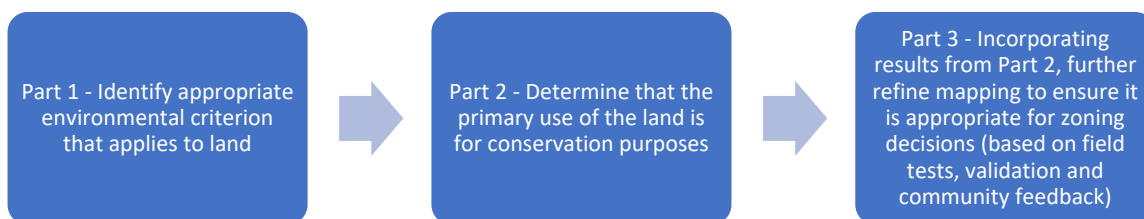
NBC – Environmental Criteria Recommendations		
Criterion	Recommendation	Consolidated DPE Comments
Conservation Mechanism (inc. lands with bio-certification agreements, stewardship agreements, conservation covenants or court approval requirements. High Environmental Value (HEV)	Supported for C2	This is a valid consideration to inform conservation zoning decisions.  Further queries from the Department’s Environment and Heritage Group (EHG) are attached to this letter.
Bushland Parks and Reserves and/or Natural Open Space (HEV)	Supported for RE1 or C2	This is a valid consideration to inform conservation zoning decisions.  Council should ensure that any rezoning does not impact the recreational activities of RE1 land, and that ancillary development can still be carried out (for example: toilet structures on existing RE1 land)
Riparian Corridors Cat 1 and Cat 2 (HEV)	Supported for both C3 Non-urban and C4.	This is a valid consideration to inform conservation zoning decisions, however application of zoning to buffer areas is not supported. Land with no

		<p>conservation value is unable to be rezoned to a conservation zone.</p> <p>Further queries from the Department's Environment and Heritage Group (EHG) are attached to this letter.</p>
Wetland Area (HEV)	Supported for both C3 Non-urban and C4.	<p>This is a valid consideration to inform conservation zoning decisions.</p> <p>Land with no conservation value on site is unable to be rezoned to a conservation zone.</p> <p>Council is required to confirm that a buffer has not been used to inform zoning decisions.</p>
Biodiversity Core Habitat (HEV)	Supported for both C3 Non-urban and C4.	<p>In principle support, however there are concerns that the mapping provided has been prepared to inform overlays and that some land is cleared or developed. This may mean the validation and data used is not currently refined to the point where it is appropriate to make zoning decisions, and land without conservation value may be included. The Department will not support conservation zones for land where there is no conservation value.</p> <p>Further concerns from the Department's Environment and Heritage Group (EHG) are attached to this letter.</p>
Deferred lands Biodiversity (High and Very High) (HEV)	Partial Support for C3 non-urban land.	<p>In principle support is given, however there are concerns that areas adjoining national parks and threatened species do not contain conservation values.</p> <p>The Department does not support the rezoning of land that is buffering areas of environmental significance, as these areas do not contain environmental conservation values. The intent to manage the buffer to significant land can still be achieved without rezoning.</p> <p>Further concerns from the Department's Environment and Heritage Group (EHG) are attached to this letter.</p>
Threatened Ecological Communities (HEV)	Partial Support for C3 non-urban and C4.	<p>In principle support is given, however clarification around the use of buffers is required.</p> <p>It is also evident that this may be better utilised in a planning overlay as protection of these communities is likely to be provided for under the NSW Biodiversity Conservation Act and the Environment Protection and Biodiversity Conservation Act 1999.</p> <p>Council is required to justify why these should be included in the LEP to inform rezoning. i.e. What are the acts mentioned above not doing that a rezoning can do better.</p>
Existing C2 Environmental Conservation Zones (HEV)	Support	<p>The Department supports the retention and translation of existing C2 zones throughout the LGA.</p>

Threatened Species – Selected (HEV)	Partial Support for C3 non-urban and C4.	<p>In principle support is given, however there are concerns over the selective nature of this criterion.</p> <p>Not clear why other species were not selected and would need further evidence as to how this would be translated to a standard approach. This would be better suited as a planning overlay.</p>
Heritage Conservation Areas (HEV)	Unsupported	<p>The existence of a heritage conservation area should not inform conservation zoning decisions.</p> <p>There are also multiple mechanisms within the standard instrument that consider the impact development may have on heritage significance.</p>
Transition Areas (HEV)	Unsupported	<p>It is highly unlikely that land adjoining waterways, reserves etc contains conservation values on site that support conservation zones.</p> <p>Council has not justified the appropriateness of this criterion to inform land zoning decisions, specifically how they enhance or protect adjoining areas. To rezone land to conservation without the land having conservation value is not supported. The intent of Council to buffer land can still be achieved without rezoning.</p> <p>There may be merit in proceeding with this criterion as an LEP overlay, however at this stage no appropriate justification has been provided.</p>
Biodiversity Corridor and Urban Tree Canopy (MEV)	Unsupported	<p>There is no evidence to suggest that this land primarily contains conservation value beyond what would be mapped as threatened ecological communities or covered under other environmental values.</p> <p>Ensuring connectivity is important, however is not a valid reason to support a rezoning decision. The Department would support this as an overlay to consider development impacts on the retention of trees and connectivity to significant vegetation.</p> <p><u>Tree Canopy</u> It is unlikely that land within this criterion would contain conservation values at a level to suitably inform conservation zoning decisions.</p> <p>A planning overlay would more suitably capture the intent of Council without rezoning land.</p>
Geotech Planning (Class C3 Hawkesbury and C5 Narrabeen) (MEV)	Unsupported	<p>Using this criterion/hazard to inform zoning decisions is not appropriate.</p> <p>There are existing provisions that adequately capture the considerations required for developing on land susceptible to geotechnical hazards.</p>

Ridgeline or Escarpments (MEV)	Unsupported	Scenic landscape hazards are not an appropriate mechanism to inform zoning decisions. It is also evident that this land is highly vegetated and undeveloped regardless of the existing zoning.  Rezoning to a conservation zone will not alter the way this land is currently being preserved, and an LEP overlay is more appropriate.
Foreshore Scenic Protection Areas (MEV)	Unsupported	This criterion is not appropriate to inform conservation zoning decisions. The expansion of the foreshore scenic protection area clause beyond the immediate foreshore is not supported.  As noted in the E-Zones review, the Department is not looking to use an LEP map for areas of scenic protection or aesthetic values in the way FSPA is proposed.

To determine the appropriateness of a proposed conservation zone (particularly for C2 or C3 zones in either urban or non-urban areas), the following steps should be taken. If the land does not satisfy any of these steps, an alternative zone should be applied and an LEP overlay may be appropriate. A C4 zone should also rely on the advice above and the Department's interpretation of *Practice Note PN 09-002. Environmental Protection Zones*.



### Existing Conservation Zones

The Department supports the retention of existing conservation zones throughout the existing LEP's, highlighting the Pittwater area and its extensive utilisation of the C4 – Environmental Living zone.

The fact that existing C4 land may not fulfil the thresholds of Council's framework does not preclude a detailed assessment of the appropriateness of a residential zone for the Pittwater area, and C4 should be retained.

### Weighting score and thresholds

Given the detailed advice provided to Council, the Department does not support a weighting score framework to inform land zoning decisions and all medium environmental criteria is not supported. Council is required to provide evidence that conservation value exists to the extent that a conservation zone is appropriate. It is noted that C4 – Environmental Living also has objectives relating to special ecological values needing to be present on site.

In terms of thresholds, the Department supports a bespoke approach to land zoning across its LGA when it comes to split zoning of land for conservation purposes where conservation values exist. The Department also supports Council's focus on using two lots or more before a rezoning may occur to avoid isolated lots.

## Comments on Northern Beaches Council proposed Environmental Value Criteria – C-Zone Review

### Background

Northern Beaches Council is undertaking work to deliver a consolidated LEP across the LGA. Part of this work includes the development of new environmental values and criteria that will be used to inform Conservation Zoning. EHG has previously provided advice on this proposal which predominately focused appropriateness of the use of flood hazard criteria to inform zoning.

DPE planning has requested that EHG provide further advice and position on the proposed environmental values and criteria to assist in the review of the proposal. Several briefing sessions have been facilitated by Northern Beaches Council to further brief DPE Planning and EHG on the various environmental values and rezoning criteria being proposed.

EHG has reviewed the High and Medium Environmental Values and provides commentary on these below. EHG also provides comment on the proposed rezoning criteria (how the values are proposed to be applied to inform the rezoning decision).

### Conservation Zone objectives

As noted in EHG’s submission on the non-statutory exhibition for this proposal, the purpose of conservation zoning is to conserve the environmental values and natural qualities in areas where this land use zoning is applied and the zone objectives includes protecting, managing and restoring areas of high ecological, scientific, cultural or aesthetic values. EHG’s position remains that conservation zoning should only be applied to areas where the primary objective is the conservation and/or management of environmental values. Conservation Zone objectives from the standard instrument LEP are copied below for reference.

*Table 1: Conservation zone objectives*

<b>C2 – Environmental Conservation</b>	<b>C3 – Environmental Management</b>	<b>C4 - Environmental Living</b>
<ul style="list-style-type: none"> <li>- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>- To prevent development that could destroy, damage or otherwise have an adverse effect on those values</li> </ul>	<ul style="list-style-type: none"> <li>- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>- To provide for a limited range of development that does not have an adverse effect on those values.</li> </ul>	<ul style="list-style-type: none"> <li>- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>- To ensure that residential development does not have an adverse effect on those values.</li> </ul>



### Proposed Environmental Values

EHG supports the approach of identifying and using high and medium environmental value criteria to guide conservation zoning decisions and does not raise any specific objection in relation to the Environmental Values proposed to inform conservation zoning across the Northern Beaches LGA, however some further consideration and refinement of the proposed values and mapping methodologies may be beneficial. Comments against the proposed Environmental Criteria and their application in the decision-making framework are provided and discussed below in Table 2.

EHG considers that all environmental values proposed by Northern Beaches Council represent conservation values which exist across the LGA and that where these values are present on site, Conservation Zoning is a reasonable and valid consideration. With this noted, the proposal establishes a framework to identify and rezone land for conservation in a manner that is beyond ‘business as usual’. Some of the proposed environmental values are dynamic in nature and this should be further considered in the context of the proposed rezoning. For example, attributes such as Biodiversity Corridors and Tree Canopy in urban areas may diminish on a site naturally over time, regardless of development intensity. The creation of legacy issues where sites are zoned for conservation values now that may not be present in the future should be avoided.

EHG also understands that many of the environmental values proposed to inform rezoning decision are still proposed to form an LEP overlay and have associated assessment requirements (LEP and DCP clauses) which is essential in ensuring future development on any land containing these values undertakes the necessary environmental assessment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

*Table 2: EHG comment on proposed Environmental Values*

High Environmental value	Council’s Data Description	EHG comments on values and data
Bushland parks and reserves / Natural areas.  <i>Weighting = 1</i>  <i>Rezoning Threshold = any</i>	Natural areas and State Parks identified in Council's Open Space and Recreation Strategy. This map was further refined to identify portions of parks and reserves managed for conservation and natural areas within adopted plans of management and a review of those lands currently zoned RE1 Public Recreation and associated uses. Source: Open Space Audit.	<ul style="list-style-type: none"> <li>• This value is a valid consideration to inform conservation zoning decisions.</li> <li>• Council has undertaken an audit of its open space areas and associated plans of management and identified natural open space where the primary purpose is for conservation of natural values.</li> <li>• It is unclear if any existing C2 zoning is proposed to be removed from bushland parks and reserves / natural areas. This should be clarified and justified if proposed. Consistency with Ministerial Direction 3.1 would need to be demonstrated.</li> </ul>
Biodiversity Core Habitat  <i>Informing C3 (non-urban) and C4 (urban) rezoning decisions</i>	Areas of contiguous native vegetation, generally at least 3.5 hectares in area. Biodiversity Core Habitats are most representative of the original structure of natural areas and provide important	<ul style="list-style-type: none"> <li>• This value is a valid consideration to inform conservation zoning decisions.</li> <li>• Core habitat areas consist predominantly of native vegetation with all structural layers intact and with a minimum patch size of 3.5ha.</li> <li>• Smaller patches considered for inclusion where they represent a Threatened Ecological Community (TEC).</li> </ul>

<p><i>Weighting = 1</i></p> <p><i>Rezoning threshold =</i>  <i>Rural</i>  <b>&gt;5000m<sup>2</sup></b>  <i>between 30-70% site coverage – split zone</i>  <b>&lt;5000m<sup>2</sup></b>  <i>&gt;50% site coverage</i>  <i>Residential</i>  <i>&gt;50% site coverage</i></p>	<p>habitat for threatened species. May include small areas of cleared or developed land. Source: Biodiversity Planning Review.</p>	<ul style="list-style-type: none"> <li>• The Biodiversity Planning Review states that the purpose of the core habitat mapping is to inform LEP overlays and DCP controls. The planning review does not specifically indicate that the data is sufficiently refined for zoning decisions. The accuracy of the data to inform zoning decisions should be further considered and justified.</li> <li>• The Biodiversity Planning Review presents a methodology for mapping core habitat. It indicates that some patches identified as core habitat did not strictly meet the criteria, however, have been included when the vegetation contains a TEC or other high biodiversity value. Given TEC's are also mapped as a separate layer, it is unclear why these areas would also need to be included in the core habitat layer.</li> <li>• Due to mapping methodology, core habitat may include a limited number of sites without conservation values, particularly where there are breaks of up to 100m between patches of native vegetation. Where this occurs the rezoning threshold should not be applied to properties that do not explicitly have core habitat. The approach for identifying and rezoning these excluded sites should be further addressed. Criteria for excluding sites should be included in the mapping process flow chart for clarity.</li> <li>• There appears to be some duplication in the environmental criteria. For example, Core habitat areas may also be identified on the TEC map. Has consideration been given to consolidating these maps/layers?</li> <li>• Further consideration should be given to the rezoning threshold of &gt;50% site coverage. No specific objection is raised to this application threshold however the impacts of higher, lower or no thresholds should be considered.</li> <li>• All areas of core habitat should still contribute to an LEP overlay and have associated development controls. This includes areas where the map covers &lt;50% of a site.</li> </ul>
<p>Threatened Ecological Communities (TECs)</p>	<p>Thirteen TECs listed under the <i>NSW Biodiversity Conservation Act 2016</i> (BC Act) were identified within the Northern Beaches LGA. Of these, seven TECs were also listed under the Commonwealth</p>	<ul style="list-style-type: none"> <li>• This value is a valid consideration to inform conservation zoning decisions.</li> <li>• State government TEC maps were refined using local data and knowledge.</li> <li>• The Biodiversity Planning Review indicates that low quality/condition patches of TECs were not included in the mapping. Further discussion around what constitutes low condition/quality is required. Further</li> </ul>

<p><i>Informing C3 (non-urban) and C4 (urban) rezoning decisions</i></p> <p><i>Weighting = 1</i></p> <p><i>Rezoning threshold = Rural &gt;5000m<sup>2</sup> between 30-70% site coverage – split zone &lt;5000m<sup>2</sup> &gt;50% site coverage Residential &gt;50% site coverage</i></p>	<p>Environment Protection and <i>Biodiversity Conservation Act 1999</i> (EPBC Act). Source: Biodiversity Planning Review.</p> <p>Within the Deferred Lands, five different TECs listed under the NSW BC Act and/or EPBC Act are identified as occurring in the deferred lands. Source: Deferred Lands Biodiversity Assessment.</p>	<p>justification/discussion for the exclusion of low condition patches should be provided.</p> <ul style="list-style-type: none"> <li>• Please clarify if any buffers have been applied to TEC mapping.</li> <li>• Consider how TEC mapping varies from Core habitat and Biodiversity Corridor mapping and if there is potential to consolidate these criteria.</li> <li>• How much TEC mapping is there without overlap from other layers? i.e., if core habitat and corridors containing TEC were excluded from the TEC layer, how much remaining TEC mapping would there be?</li> <li>• Need to clarify how up-listing of communities would be managed into the future.</li> <li>• Regardless of condition, all areas of TEC could be utilised in an LEP biodiversity overlay.</li> </ul>
<p>Threatened Species - Selected</p> <p><i>Informing C3 (non-urban) and C4 (urban) rezoning decisions</i></p> <p><i>Weighting = 1</i></p> <p><i>Rezoning threshold = Rural &gt;5000m<sup>2</sup> between 30-70% site coverage – split zone &lt;5000m<sup>2</sup> &gt;50% site coverage Residential &gt;50% site coverage</i></p>	<p>Twenty-five threatened species listed under the BC Act and/or EPBC Act were mapped within the LGA, including: twenty-one threatened flora species listed under the BC Act, thirteen of which are also listed under the EPBC Act; and four threatened fauna species listed under the BC Act, one of which is also listed under the EPBC Act. Selected features of the threatened species mapping were considered in the conservation zones criteria. Source: Biodiversity Planning Review.</p>	<ul style="list-style-type: none"> <li>• This value is a valid consideration to inform conservation zoning decisions.</li> <li>• Four species that exist outside of core habitat and biodiversity corridors have been selected to inform this rezoning value. This includes <i>Grevillea caleyi</i>, Grey-headed Flying-fox colony, Little penguin and <i>Prostanthera marifolia</i>.</li> <li>• Most other threatened fauna and flora species are contained within core habitat and biodiversity corridors. Others are considered reasonably adapted to the urban setting.</li> <li>• Buffers for threatened flora records were identified in the Biodiversity Planning Review. Given threatened species are largely consolidated with core habitat and corridors, please clarify if buffers to threatened species records have been included in the creation of these maps.</li> <li>• Criteria for ‘cherry picked’ species should be detailed if not already. Further clarification on how these species were selected and why others were excluded should be documented and justified.</li> <li>• It should be clarified if all records of these species are being used to inform rezoning or only select records on existing residential land.</li> </ul>

		<ul style="list-style-type: none"> <li>• Was C2 – Environmental Conservation zoning considered for any areas where these species are located i.e. where not already impacted by existing residential uses?</li> <li>• While EHG considers the protection of these species is important, concern is raised that C3 or C4 zoning does not offer much additional protection for these species.</li> <li>• It is assumed the four species that have been individually mapped will require specific LEP and DCP controls and be subject to an LEP overlay.</li> </ul>
<p>Deferred Lands Biodiversity - Very High Value and High Value</p> <p><i>Informing C3 (non-urban) and C4 (urban) rezoning decisions</i></p> <p><i>Weighting = 1</i></p> <p><i>Rezoning threshold =</i></p> <p><i>Rural only</i>  <b>&gt;5000m<sup>2</sup></b>  <i>between 30-70% site coverage – split zone</i></p> <p><b>&lt;5000m<sup>2</sup></b>  <i>&gt;50% site coverage</i></p>	<p><i>Very High Value</i>  This includes areas adjoining protected bushland (National Parks estate), threatened species habitat (e.g., recent records of threatened flora and fauna), TECs and riparian habitat along larger creeks. Source: Deferred Lands Biodiversity Assessment.</p> <p><i>High Value</i>  Threatened species habitat (e.g., recent records of threatened flora and fauna), native vegetation (native Plant Community Types (PCTs)), habitat connectivity (large areas of habitat connecting to other large patches), riparian habitats along creeks. Source: Deferred Lands Biodiversity Assessment.</p>	<ul style="list-style-type: none"> <li>• This is value is a valid consideration to inform conservation zoning decisions.</li> <li>• Deferred lands Biodiversity Assessment (stage 1 and 2) considers the range of environmental and biodiversity values present within deferred lands.</li> <li>• Applies as High Environmental Value in rural areas only.</li> <li>• Different categories were used in the deferred lands assessment which reflects difference between urban and rural areas. The deferred lands biodiversity study created a map based on the following five criteria. <ul style="list-style-type: none"> <li>- Threatened species habitat (extent and quality)</li> <li>- Threatened ecological communities (extent and quality)</li> <li>- Proximity to protected bushland</li> <li>- Wildlife corridors</li> <li>- Riparian land/water sustainability.</li> </ul> </li> <li>• Areas containing these criteria were then further categorised into low, moderate high and very high conservation areas. Clarify if there is a defined buffer distance from low conservation/developed areas to medium/high conservation areas.</li> <li>• A review of mapping indicates that low Conservation areas appear to have been ‘buffered’ with medium Conservation values</li> <li>• The Biodiversity Planning Review indicates mapping of core habitat and biodiversity corridors includes the deferred lands however TECs and threatened species habitat within deferred lands were mapped separately. The Biodiversity Planning review does however suggest that TEC and threatened species data would be incorporated into the review when the</li> </ul>

		<p>deferred lands assessments were completed. Rather than consolidating this information, separate environmental criteria was developed for this data. The rationale for this should be further documented.</p> <ul style="list-style-type: none"> <li>• The conservation values within deferred lands and the methods used to identify these are not disputed however it is unclear why separate criteria is required and why the biodiversity values present cannot be considered under Biodiversity Core Habitat, Threatened Ecological Communities and Biodiversity Corridors criteria.</li> <li>• EHG considers that much of the deferred land area may be better suited to C2 – Environmental Conservation Zoning. Rezoning these lands for residential development may hinder the delivery of higher conservation outcomes on these sites.</li> <li>• Regarding the application threshold, EHG has assumed where &gt;70% coverage is identified, the entire site would be rezoned.</li> <li>• There appears to be some conflict between ‘excluded sites’ and ‘surrounded sites’ in deferred lands and possibly more broadly. Clarification on how sites meeting both criteria are dealt with should be provided.</li> <li>• Lot 2 Morgan Road Belrose is currently zoned RE1. The site is fully vegetated, covered by Biodiversity Core habitat and surrounded by sites which will attract a C zoning under the proposed methodology. Could the application of the rezoning framework be explained for this example.</li> </ul>
<p>Conservation Mechanism</p> <p><i>Informing C2 rezoning decisions.</i></p> <p><i>Weighting = 1</i></p> <p><i>Threshold = any</i></p>	<p>This could include lands with bio-certification agreements, stewardship agreements, conservation covenants or court approval requirements. Current mapping includes Council records of known Biobank Sites and Biodiversity Stewardship sites. Source: Council records.</p>	<ul style="list-style-type: none"> <li>• This value is a valid consideration to inform conservation zoning decisions.</li> <li>• These sites are proposed to be rezoned to C2 – Environmental Conservation.</li> <li>• Is a list of the sites available?</li> <li>• Has Council approached the Biodiversity Conservation Trust to confirm the list of conservation agreement sites. How have these sites been otherwise verified.</li> <li>• Has Council considered identifying and rezoning any ‘avoided land’ from past development that has been specifically set aside for</li> </ul>

		<p>conservation. If any such areas exist, they may share similarities in their management with court approval requirements.</p> <ul style="list-style-type: none"> <li>• Following above, has Council considered including specific criteria to consider how future 'avoided land' might be required to be rezoned for conservation under this criterion?</li> <li>• How will sites that do not currently meet these requirements but may do in the future be managed. Will the LEP be amended periodically to capture sites that meet this criterion in the future? i.e., future BSA sites or avoided areas within certification sites. how would any such changes be managed, and could they be considered 'housekeeping amendments' if the criteria is adopted?</li> </ul>
<p>Existing C2 Environmental Conservation zones</p> <p><i>Informing C2 rezoning decisions.</i></p> <p><i>Weighting = 1</i></p> <p><i>Threshold = any</i></p>	<p>Land currently zoned for environmental protection where strict controls on development apply. Source: Manly LEP, Warringah LEP 2011 and Pittwater LEP.</p>	<ul style="list-style-type: none"> <li>• This value is a valid consideration to inform conservation zoning decisions.</li> <li>• EHG considers all existing C2 zones should be retained.</li> <li>• Should any E2 zoning be removed. Suitable justification must be provided as per Ministerial Direction 3.1. This may need to be considered on a site-by-site basis rather than generalised.</li> <li>• Some existing C2 zones are now proposed as split zones. Examples of these sites should be provided for further review. This should include specific details of the conservation values present on the site and why the C2 zoning is proposed for removal over the specified area.</li> </ul>
<p>Wetlands</p> <p><i>Informing C3 (non-urban) and C4 (urban) rezoning decisions</i></p> <p><i>Weighting = 1</i></p> <p><i>Rezoning threshold = Rural &gt;5000m<sup>2</sup> between 30-70% site coverage – split zone</i></p>	<p>Wetlands comprise natural and artificial wetlands, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands. This includes the estuarine wetlands of Careel Bay and Pittwater, freshwater wetlands at Warriewood and coastal floodplain wetlands lining the four coastal lagoons at Narrabeen, Dee Why, Curl Curl and Manly. Many wetland habitats are now recognised as endangered in NSW, emphasising the need for ongoing conservation. Source:</p>	<ul style="list-style-type: none"> <li>• Given the significance of the ecological functions of wetlands and riparian corridors, they are an appropriate consideration to inform Conservation zoning decisions</li> <li>• 100m buffers have been applied to wetlands however the buffer area does not inform the rezoning decision. This should be confirmed.</li> <li>• It should be clarified if artificial water bodies such as farm dams are mapped under the proposed methodology</li> </ul>

<p><b>&lt;5000m<sup>2</sup></b>  <i>&gt;50% site coverage</i></p> <p><i>Residential</i>  <i>&gt;50% site coverage</i></p>	<p>Watercourse, Wetland and Riparian Lands Study.</p>	
<p>Riparian Corridor  Category 1 and 2</p> <p><i>Informing C3 (non-urban) and C4 (urban) rezoning decisions</i></p> <p><i>Weighting = 1</i></p> <p><i>Rezoning threshold = Rural</i>  <b>&gt;5000m<sup>2</sup></b>  <i>between 30-70% site coverage – split zone</i>  <b>&lt;5000m<sup>2</sup></b>  <i>&gt;50% site coverage</i></p> <p><i>Residential</i>  <i>&gt;50% site coverage</i></p>	<p><i>Category 1</i>  Riparian corridor that potentially supports relatively intact native vegetation and habits within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways. Source: Watercourse, Wetland and Riparian Lands Study.</p> <p><i>Category 2</i>  Riparian corridor that potentially supports disturbed lands within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways. Source: Watercourse, Wetland and Riparian Lands Study.</p>	<ul style="list-style-type: none"> <li>• Given the significance of the ecological functions of wetlands and riparian corridors, they are an appropriate consideration to inform Conservation zoning.</li> <li>• Mapped as per guidelines for waterfront land.</li> <li>• EHG considers that the 50% application threshold in urban areas may be too high and could be refined or removed completely.</li> <li>• It may also be appropriate to review the threshold in rural areas. Example scenarios for the application of each threshold would be beneficial to understand the implications.</li> <li>• For split zones, it should be clarified where the zone boundary is positioned? Is it applied along the edge of the vegetated riparian zone or is a buffer applied? EHG notes these boundaries would naturally shift over time.</li> </ul>

<p>Transition Areas</p> <p><i>Informing C4 (urban) rezoning decisions</i></p> <p><i>Weighting = 1</i></p> <p><i>Rezoning threshold = &gt;50% site coverage required</i></p>	<p>Analysis using Nearmap to identify properties that adjoin waterways, reserves with high environmental value, national parks, beaches, and headlands. This generally includes properties separated by a reserve or any unmade roads, but not properties separated by a road or car park. Source: Nearmap analysis.</p>	<ul style="list-style-type: none"> <li>• Transition areas have a role in the ongoing protection of conservation values on adjoining areas however limiting development on these sites may not directly protect conservation values.</li> <li>• Further commentary justification should be provided to justify how conservation zoning for these transitional areas will benefit the environmental values they adjoin (as identified in the data description).</li> <li>• For transitional areas, Council’s suit of development controls are arguably more valuable in protecting these values than prohibiting some development types via conservation zoning.</li> <li>• This criterion may be more practical as an LEP overlay with no application threshold and a larger buffer area considered.</li> <li>• The effect of the rezoning threshold is unclear.</li> </ul>
<p>Heritage Conservation Areas</p>	<p>The following heritage conservation areas were found to have high environmental value:</p> <ul style="list-style-type: none"> <li>• Warringah LEP Conservation Areas:</li> <li>• Cottage Point: Waterfront Cottages (item C4)</li> <li>• South Curl Coastal Cliffs (item C14)</li> <li>• Pittwater LEP Conservation Areas: • Palm Beach: Florida Road (Item C3)</li> <li>• Palm Beach: Ocean Road (Item C4)</li> <li>• Palm Beach: Sunrise Hill (Item C6)</li> <li>• Avalon Beach: Ruskin Rowe (Item C5)</li> </ul>	<p>Council/ DPE Planning should seek comment from Heritage NSW in relation to rezoning of heritage items if required.</p>
<p><b>Medium Environmental value</b></p>	<p><b>Data Description</b></p>	<p><b>EHG comments</b></p>
<p>Biodiversity Corridor and/or Urban Tree Canopy</p> <p><i>Informing C4 (urban) rezoning decisions</i></p>	<p>Biodiversity corridors identified to facilitate flora and fauna movement across the landscape, providing an important connection to areas of Biodiversity Core Habitat. Source: Biodiversity Planning Review. These areas were considered together with areas of high urban tree</p>	<p><b>Biodiversity Corridors</b></p> <ul style="list-style-type: none"> <li>• Identified corridors have an emphasis on supporting core habitat.</li> <li>• Biodiversity Corridors includes open space adjacent to core habitat. Consider appropriateness of this for a rezoning decision. Details of the buffers applied from edge of core habitat in these scenarios should be provided. Identification of these areas as transitional areas may be more appropriate.</li> </ul>



<p><i>Weighting = 1</i></p> <p><i>Rezoning threshold = &gt;50% site coverage required</i></p>	<p>canopy. The urban tree canopy data was based on an analysis of Council's 2019 Aerial LIDAR (Light Detection and Ranging) data using the 'urban tapestry' method as outlined in the Greener Neighbourhood's Guide. Areas where tree canopy were greater than 50% within a 100m buffer of a 100m grid were considered when intersected with the Biodiversity Corridor. Source: 2019 Aerial LIDAR data.</p>	<ul style="list-style-type: none"> <li>• Cleared and disturbed coastal habitat is included.</li> <li>• The Biodiversity Planning review notes that <i>'In recognition of the generally more limited value of urban native, exotic and weedy vegetation, any of the areas mapped as less than one hectare were generally excluded from the corridor layer. However, areas of this vegetation type mapped within five metres of core or other mapped corridor, regardless of the size, were included as corridor as these areas were considered to be important for connectivity'</i>. The impacts of including these additional areas in the corridor mapping should be detailed (number of additional properties impacted).</li> <li>• Patches were considered contiguous where there is a gap of 100m or less between other areas of native vegetation. It should be clarified if there is any additional criteria relating to the minimum area threshold for adjoining patches to be considered/mapped as part of the corridor?</li> <li>• A 100m buffer has been incorporated from tidal attributes. Are these areas also mapped under another criteria? If so, this may be a duplication causing the attribute to be 'counted' twice in the decision making process.</li> <li>• The Biodiversity Planning review states that criteria used to identify, and map biodiversity corridor areas includes: <i>'A final selective review of corridor polygons to refine the extent of important areas of Council managed bushland and land zoned RE1 Public Recreation (LEP 2011), resulting in inclusion of some areas of corridor that do not conform to the above rules.'</i> The methodology used in this final review should be clearly documented particularly why areas were included or excluded from mapping.</li> <li>• Regarding threatened species records it is unclear how these records and their associated buffers influence the core habitat and corridor mapping. The importance of this data to inform the corridor layer is unclear given consideration to gaps in threatened species records or locations and the complex differences between various threatened species habitat requirements.</li> <li>• Threatened species and TECs are mapped under multiple criteria, more clarity around how the mapping methodologies vary particularly how</li> </ul>
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		<p>duplication of data in different layers has been avoided should be provided.</p> <ul style="list-style-type: none"><li>• If the criteria for the corridor mapping was to be further refined to priority areas, weightings and thresholds could be reviewed for this criterion. The impacts of any such approach would need to be considered and justified.</li></ul> <p><b>Tree Canopy</b></p> <ul style="list-style-type: none"><li>• Currently mapped using an urban tapestry method from the Greener Neighbourhoods guide. This method relies on a 100m grid and buffer whereby areas that contain &gt;50% canopy within the buffer are mapped. This approach may result in extensive areas being mapped including areas that do not contain canopy.</li><li>• A revised and potentially better mapping approach is being investigated where canopy coverage is mapped by street blocks and only included where &gt;30% canopy is present across a given block. This is still likely to result in mapping of properties with little to no canopy coverage. Further clarification of how this will be avoided should be provided.</li><li>• Further consideration and comparison between the two methodologies should be undertaken and documented.</li><li>• Mapping methodology may not be appropriate to inform landscape scale rezoning decisions. Finer grain mapping may be required.</li><li>• Were this to be an LEP overlay EHG would suggest identifying existing canopy in addition to areas where there is priority and/or opportunity for additional urban canopy development. This could be accompanied by stricter development controls relating to tree retention, management and replenishment.</li><li>• When this layer is applied, how many additional lots are proposed for c zoning? Discuss and justify this outcome. Do these additional lots contribute to as expected the aims and objectives of the proposal/changing zones.</li><li>• EHG has assumed that tree canopy mapping consists of 'left over' areas of canopy that are not captures under other criteria mapping (corridors, TECs, riparian etc). this should be clarified.</li></ul>
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		<ul style="list-style-type: none"> <li>• It may be inappropriate to remap canopy that is mapped under other criteria. This could result in duplication of data.</li> <li>• Protection and enhancement of urban tree canopy continues to be an emerging priority. The proposed mapping and rezoning for this value would offer additional protection particularly by excluding application of codes SEPP which provides pathways for tree removal under complying development and also allows for development in closer proximity to trees (than deemed appropriate by Australia standard and most local government guidelines relating to tree protection) which may ultimately lead to their decline in the short-medium term.</li> <li>• EHG supports the identification and conservation of Biodiversity corridors and tree canopy in urban areas however consideration must be given to the real-world management of these assets on private land. When individual or groups of trees decline in urban areas, they may not be subject to replenishment. Conservation zoning over such sites may result in legacy issues where sites maintain their C-Zoning but no longer contain any conservation values. EHG notes that this contrasts with natural areas where vegetation communities may decline and regenerate over time.</li> </ul>
<p>Geotechnical Planning Class C3 Hawkesbury Sandstone with Slope &gt; 25 degrees</p> <p><i>Weighting = 0.5</i></p> <p>Applies to urban areas only to inform C4 zones: &gt;50% required</p>	<p>Land that requires a detailed geotechnical report with most development applications. Slopes developed on Hawkesbury Sandstone are usually relatively stable, the key hazards are the potential for collapse of cliff lines, boulders falling from cliffs caused by weathering of softer layers, root jacking by trees, water pressure along open joints or undermining of large boulders. Source: Geotechnical Review - Geotechnical Planning Controls.</p>	<p>EHG raises no comments or concern in relation to the use of known/existing geological features to inform conservation zoning and has not undertaken any review of the methodologies to map these features for this proposal.</p>
<p>Geotechnical Planning Class C5 Narrabeen Group with Slope &gt; 15 degrees</p>	<p>Land that requires a detailed geotechnical report for most development applications. The rocks of the Narrabeen Group are known to be relatively less stable and</p>	<p>EHG raises no comments or concern in relation to the use of known/existing geological features to inform conservation zoning however has not undertaken any review of the methodologies to map these features for this proposal.</p>

<p><i>Weighting = 0.5</i></p> <p>Applies to urban areas only to inform C4 zones: &gt;50% required</p>	<p>weather more rapidly than the Hawkesbury Sandstone. Landslides are relatively common on slopes underlain by the Narrabeen Group rocks, particularly in areas where there have been excavations into the natural slopes or concentrations of stormwater. Source: Geotechnical Review - Geotechnical Planning Controls.</p>	
<p>Ridgelines or Escarpment</p>	<p>A 50m buffer was mapped of ridgelines or escarpments which provide scenic landscape values, they are generally vegetated given they have had limited development opportunities over time and thus contribute to the urban ecology. Source: 2019 Aerial LIDAR data.</p>	<ul style="list-style-type: none"> <li>• EHG assume the 50m buffer applies to each side of the ridge line however this should be clarified.</li> <li>• If this criterion applied only to vegetated ridgelines and escarpments or are cleared/developed areas also included.</li> <li>• It is unclear if the key objective of this criteria conservation however the objectives of the C3 zone include those that relate to the landscape value of the site. Given this criterion has been identified as of value and aligns with the objective of the zone it may be appropriate.</li> </ul>

### Rezoning thresholds and weighting framework

The rezoning thresholds establish a framework for application of environmental values in the rezoning decision making process. Site coverage parameters are used to determine when an environmental value is a valid consideration in the rezoning decision.

Weightings are also used to determine if the conservation values that exist on a specific site are significant enough to trigger conservation zoning. All high environmental values have a weighting of 1 which means they automatically trigger C-Zoning if they exceed the application threshold. Medium environmental values have a weighting of 0.5 meaning at least two such values are required before the application threshold is considered. There is some concern that assigning weighting criteria to particular environmental values could be perceived to erode the value of other important conversation values.

In urban areas the application threshold for conservation zoning is generally 50% as opposed to rural areas where split zoning is considered for sites greater than 5000m<sup>2</sup> with 30-70% site coverage of medium-high environmental values. Clarification is required regarding threshold - is calculated by the sum of all values present or if any given value must exceed 50% coverage.

The removal of any environmental value criteria or alteration of the thresholds will ultimately impact the number of properties proposed for conservation zoning across the LGA. EHG has previously expressed concern regarding the use of flood hazard criteria to inform conservation zoning. Should this criterion or any other criteria be removed from the proposal Council may need to re-examine their decision making framework to consider if the weighting systems

and thresholds need to be revised. For example, removal of hazard criteria and more refined biodiversity corridors may increase the significance of this criteria and a higher weighting may be appropriate. It may also be considered appropriate to reduce or remove the application threshold.

**End of Comments**

