

Avalon Preservation Trust

incorporated as Avalon Preservation
Association



Mr Ray Brownlee PSM
Chief Executive Officer
Northern Beaches Council

Re: NBC Conservation Zones Review – APA submission

The Avalon Preservation Association (APA) welcomes this opportunity to comment on the Council's draft Conservation Zones Review, an important element in the NSW government mandated project to develop an integrated Northern Beaches Local Environmental Plan (LEP).

The APA was established in 1967 as a result of local concern about the indifference to the natural environment displayed by the former Warringah Council and exploitative developers. APA has been working with hundreds of members and Avalon residents on shared objectives for more than 55 years.

There are several significant themes included in our submission which in our view Council should address substantively and promptly, ie:

- The large number proposed of proposed transfers of blocks from C4 (or in some cases C3) to 'Residential' and the inconsistencies in rezoning some properties as Residential when adjacent properties are zoned C4
- Problems with the NBC criteria, eg reduced or no value given to important aspects such as biodiversity, tree canopy, scenic location, cultural/heritage (including indigenous) values, risk (eg fire, flood, land slip, steepness of site)
- Lack of definition of 'Residential' when applied to proposed transfers of blocks from eg C4

Properties transferred from Conservation zone to Residential

The objectives of the C4 zone as stated by the Department of Planning in its Practice Note PN 09–002 *“to seek to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.”*

It is estimated that, under the current NBC draft, in the area of the former Pittwater LGA, 3,613 properties will move from a C zone to an R (residential) zone, and 1,328 from an R zone to a C zone, resulting in an overall loss of 2,285 properties from C zones. The focus appears to be on shifting sites currently zoned C4 (for land with special environmental value) to become Rx (residential, density not provided – see comments below).

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

- The preservation of environmental values is heavily compromised
- Communities will not be made aware of the details of complying developments prior to their construction.

This dramatic shift from Conservation zoning to Residential zoning will inevitably seriously downgrade the environmental values of Pittwater in general and Avalon Beach in particular, with a consequent increase in housing density and a loss of community amenity. APA vigorously opposes such imbalanced and potentially damaging rezoning.

Inadequate NBC criteria for zoning

There are serious shortcomings in the NBC criteria as represented in the draft Review, both in terms of significant omissions and in the “scoring” of criteria.

Omissions

The NBC criteria either do not include or do not emphasise significant factors, such as

- Flood risk
- Scenic foreshore values
- Natural & cultural heritage (including indigenous) values

Criteria should be established for these factors and they should be zoned as Conservation and allocated a high environmental value (HEV) (ie 1).

Scenic Protection Areas should be established as referenced in the Department of Planning Practice Note PN 09–002 and given an HEV of 1.

Need for more detail

The Bushfire risk has been calculated based on a map of areas which have Category 1 Vegetation. This is an imprecise and blunt instrument and should be upgraded with a strategic Bushfire Protection Study.

Scoring of criteria

In our opinion, several factors are rated too low in the draft Review, ie:

- Biodiversity & Urban tree canopy
- Ridgeline/escarpment landforms
- Slope of land

Where these are rated as Medium Environmental Value (MEV), they should be upgraded to an HEV of 1.

Any sites with significant indigenous artefacts or significance should be zoned C2.

The criteria proposed by NBC in the draft are hotly contested by both the Avalon Beach community and the Pittwater community more broadly. NBC should reallocate criteria values as put forward above, and re-run its model to show the revised result.

Lack of definition of 'Residential'

NBC has not defined which zone category it proposes to move many properties to from C4 except for the generic term 'Residential'. This fact alone means the community cannot be expected to support such an ill-defined proposal.

In many streets throughout Avalon Beach and Pittwater more generally the NBC website map itself shows adjacent properties being proposed to be zoned differently, eg from C4 to Residential, compared with nearby or surrounding properties which are proposed to be retained as C4. These inconsistencies make a mockery of the current mapping and application of criteria to properties. APA strongly recommends that where C4 properties are currently located that the surrounding and adjacent properties also be zoned C4 rather than rezoned Residential.

Even if it is assumed that NBC would apply the R2 Low-Density Residential category in place of its current general 'Residential' term, this would not be acceptable in many cases due to the inadequate treatment, inconsistencies in application, and definition of zoning criteria outlined above.

APA believes that retaining C4 zoned land in Avalon Beach and the Pittwater Ward generally is consistent with Council's policies and supported by the community. Further, if the proposed changes from C4 zoning to Residential zoning in Avalon Beach and the Pittwater Ward are proceeded with, over time they will result in irreversible damage to the environment, increased housing density, and reduced scenic quality, tree canopy and amenity in those areas.

APA strongly recommends to NBC that its criteria be improved by including those criteria above which have been omitted and giving them an HEV of 1, and by re-rating the criteria currently listed and mentioned above from MEV to HEV. Its model should be adjusted accordingly and re-run and the results included in the next draft of the Conservation Zones Review.

APA would be happy to comment on such a revised document.

APA acknowledges and supports similar submissions by the Palm Beach/Whale Beach Association, the Pittwater Natural Heritage Association, and the Pittwater Community Alliance.

We thank Council for the opportunity to comment on the draft Conservation Zones Review and commend this submission for your active consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Boaden', with a long horizontal stroke extending to the right.

Craig Boaden
President