

ITEM 12.1	PUBLIC EXHIBITION - DRAFT CONSERVATION ZONE REVIEW AND STUDIES TO INFORM THE NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2022/269667
ATTACHMENTS	<ol style="list-style-type: none">1 Draft Conservation Zone Review (Included In Attachments Booklet)2 Draft Deferred Lands Strategic Bushfire Risk Assessment (Included In Attachments Booklet)3 Draft Deferred Lands Biodiversity Assessment, Stage 1 – Review of Existing Information (Included In Attachments Booklet)4 Draft Deferred Lands Biodiversity Assessment, Stage 2 – Biodiversity Survey and Reporting (Included In Attachments Booklet)5 Draft Biodiversity Planning Review (Included In Attachments Booklet)6 Draft Watercourse, Wetland and Riparian Land Study (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council approval to publicly exhibit a Conservation Zones Review report and related studies for comment to inform the preparation of the draft Northern Beaches Local Environmental Plan.

EXECUTIVE SUMMARY

In preparing the new Northern Beaches Local Environmental Plan (LEP), Council must decide which land use zones to apply to land throughout the LGA.

The zoning of land under an LEP is a key strategic land use planning tool. Zoning controls the range of development (land uses) that can occur on land e.g., factories are prohibited in residential zones.

Conservation zones (previously known as Environmental Zones) are used to protect and conserve areas with special environmental values or where there are known hazards e.g., bushfire, coastal inundation.

Four conservation zones are identified for use in LEPs by the Department of Planning and Environment (DPE) and all are currently used on the Northern Beaches:

- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living.

Whilst the zones, some of their objectives, and some mandated uses are set by DPE, Council has some discretion to determine where the zones should apply, describe additional objectives, and include additional permissible land uses in each zone.

Four LEPs currently apply to the Northern Beaches: Manly LEP 2013, Pittwater LEP 2014, Warringah LEP 2000 (Deferred Lands), and Warringah LEP 2011. The Warringah LEP 2000 does not use zones but instead uses 'Locality Statements', each with a list of land uses that must be considered for consistency with a 'desired future character statement'. The remaining 3 LEPs each use the conservation zones in diverse ways.

Council commissioned planning consultants Meridian Urban to undertake a review of its conservation zones to establish a consistent approach to their application in the new Northern Beaches LEP (Conservation Zones Review).

The Conservation Zones Review analyses the current conservation zones, identifies a methodology for the creation of a consolidated set of conservation zones based on land use, environmental, and hazards criteria, and maps the outcomes from this work, creating a draft conservation zones map for the entire Local Government Area (LGA).

The Conservation Zones Review and its recommendations represent a considered, evidence based and best practice approach to conservation zoning. Given the nature, scope, and complexity of this work, it is proposed to exhibit the Conservation Zones Review for public comment outside of (and prior to) the legislated LEP public exhibition process, to enable the views of Council, the community, and all stakeholders to be considered.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Publicly exhibit the Conservation Zones Review, and associated technical studies and maps, including:
 - A. Draft Deferred Lands Strategic Bush Fire Assessment
 - B. Draft Deferred Lands Biodiversity Assessment
 - C. Draft Watercourse, Wetlands and Riparian Lands Study
 - D. Draft Biodiversity Planning Review
 2. Note that the outcome of the public exhibition will inform the development of a draft Northern Beaches Local Environmental Plan and Development Control Plan and be reported back to Council together with the draft Local Environmental Plan and Development Control Plan prior to the statutory public exhibition.
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REPORT

BACKGROUND

Council has been collaborating with our community to bring together our current local planning controls to create one new planning framework that will guide and manage future development in the Northern Beaches. This includes the consolidation of our four Local Environmental Plans (LEPs) and Development Control Plans (DCP), which include:

- Manly LEP 2013 and Manly DCP 2013
- Pittwater LEP 2014 and Pittwater DCP 21
- Warringah LEP 2011 and Warringah DCP 2011
- Warringah LEP 2000 (Deferred Lands - deferred from inclusion in the Warringah Local Environmental Plan 2011 Standard Instrument LEP).

A review and 'health check' of these LEPs was completed in November 2018 after amalgamation of the former Manly, Pittwater and Warringah Councils in 2016. In 2019 Council released its Local Strategic Planning Statement – [Towards 2040](#) - outlining the future vision for the Northern Beaches and our commitment to [Planning our Sustainable Future](#).

Towards 2040 sets key strategies and actions to inform Council's LEP and DCP and aligns with regional directions set by the Greater Sydney Commission in the North District Plan and the community priorities identified in our Community Strategic Plan – 2040, and Environment and Sustainability Strategy – Protect.Create. Live. We have also prepared a Local Housing Strategy (adopted by Council in April 2021) and the LEP/DCP Discussion Paper – exhibited in mid-2021.



Figure 1 - Planning our Sustainable Future Program

As outlined in Towards 2040, Council's aim is to use conservation zones (formerly known as environmental zones) within our LEP to protect bushland and biodiversity (Action 2.2) and natural open spaces (Action 6.2), using findings from technical studies. Towards 2040 also outlines our intent to identify where to limit the intensification of development in areas exposed to hazards (Action 8.2).

Council has prepared a range of technical studies to inform the new LEP and DCP, including the Conservation Zones Review (Attachment 1). These studies provide up-to-date research and analysis across the entire Local Government Area, with two studies focusing specifically on the deferred lands (Figure 2). Studies informing the Conservation Zones Review are also proposed to go on public exhibition.

Draft studies addressed in this report, being:

- Deferred Lands Strategic Bush Fire Assessment
- Deferred Lands Biodiversity Assessment
- Watercourse, Wetlands and Riparian Lands Study
- Biodiversity Planning Review.

Draft studies also informing the Conservation Zones Review reported to Council 26 July 2022 include:

- Cowan Creek Estuary Planning Level Study (coastal inundation)
- North and Middle Harbour Estuary Planning Level Study (coastal inundation)
- Geotechnical Review - Geotechnical Planning Controls.

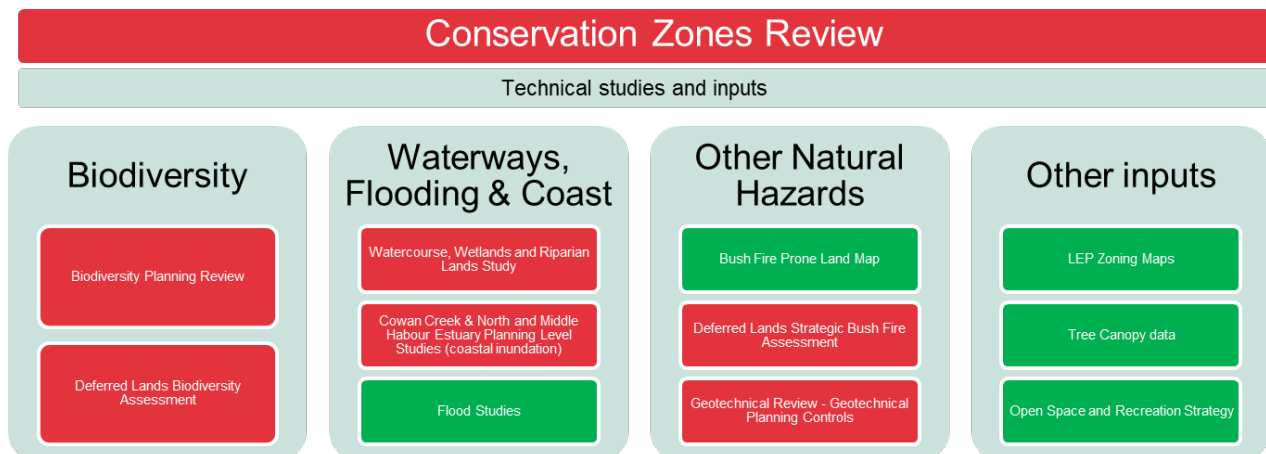


Figure 2 - Conservation Zones Review, technical studies and inputs, with those in red subject to public exhibition

What are conservation zones?

The zoning of land under a LEP is a key strategic land use planning tool in the NSW planning system under the *Environmental Planning and Assessment Act 1979*. Each zone in a LEP permits a range of land uses with or without development consent and prohibits other uses. For example, the R2 Low Density Residential zone under Council LEPs generally permits houses, secondary dwellings and in some cases dual occupancy development but prohibits commercial and industrial land uses e.g., factories or office buildings.

Conservation zones identify land with ecological, scientific, or aesthetic values or land that is subject to hazards e.g., bushfire or flood. In these zones a smaller range of permissible land uses are permitted to protect the environmental values of the land and to ensure more intensive development is not constructed in areas subjects to hazards.

There are four types of the current conservation zones currently in use under the NSW Planning system. Figure 3 summarises the current Department of Planning and Environment's LEP Practice Note: Environment Protection Zones PN09-002 from 30 April 2009 (DPE Practice Note), which is the guiding document for Council in establishing these zones. Other Councils have also undertaken similar reviews which provide Council with further guidance in how to apply these zones.

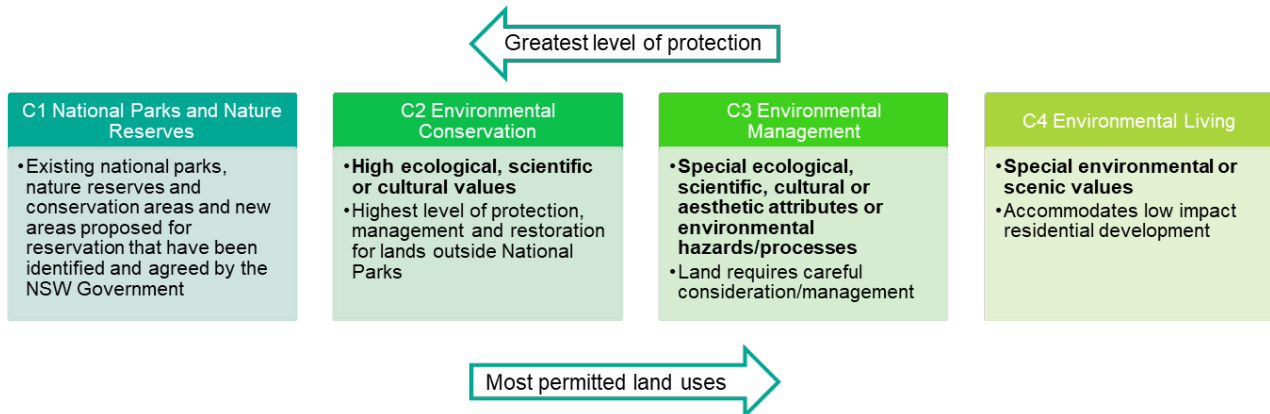


Figure 3 - Summary of Department of Planning and Environment's LEP Practice Note PN09-002 (30 April 2009)

Generally, any land uses in the conservation zone must be compatible with environmental values of the land. For example, dwelling houses are permitted within the C3 Environmental Management and C4 Environmental Living zones, but they are not permitted in the C2 Environmental Conservation zone.

By designating land as a conservation zone, most private developments will require a development application to be lodged with Council. This allows Council staff to undertake an assessment to ensure the development is well located and designed so it does not have an adverse effect on the environmental qualities of the land.

Why did Council undertake the Conservation Zones Review?

Council embarked on preparing a Conservation Zones Review for the following reasons:

- To align with the vision of the Northern Beaches community who place a high value on important environmental matters.
- To provide strategic and statutory protection to lands with important environment and hazard characteristics, rather than relying on individual assessment of development applications.
- To meet commitments made in Towards 2040, which include principles to:
 - Avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural hazards.
 - Ensure development is avoided in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals, and nursing homes).
- To provide a consistent and fair approach to the application of conservation zones which currently permit markedly different land uses across the four LEPs and were created using different environmental criteria.
- To identify and implement best practice planning controls based on research and a strong evidence base, including several technical studies which identify areas with high conservation values more accurately and consistently across the LGA.

- To meet commitments to consult with residents in the “deferred lands” under Warringah LEP 2000 – Oxford Falls Valley and Belrose North – because of the non-standard nature of that LEP and given concerns about previous Planning Proposals for the area.

How are conservation zones currently used?

Four conservation zones are used in Council’s current LEPs, except for Warringah LEP 2000 which does not use standard zones. In summary, conservation zones in the Manly LEP 2013, Pittwater LEP 2014 and Warringah LEP 2011 are applied as follows:

- C1 National Parks and Nature Reserves:** used consistently to identify National Parks. The Conservation Zone Review does not include the C1 National Parks and Nature Reserves zone because such land is managed under the *National Parks and Wildlife Act 1974*, and this is not proposed to change.
- C2 Environmental Conservation:** The Manly LEP 2013 and Pittwater LEP 2014 apply this zone to natural areas including bushland and foreshore reserves, coastal cliffs, and some environmentally sensitive waterways. The Warringah LEP generally limits this zone to certain privately-owned bushland with conservation values. Permitted land uses vary, for example, the Manly LEP permits eco-tourist facilities, and the Pittwater LEP permits recreation areas.
- C3 Environmental Management:** Pittwater LEP applies this zone to certain non-urban coastal communities on the western foreshore of Pittwater and Scotland Island. Warringah LEP 2011 applies this zone in non-urban lands in Terrey Hills and Belrose North, and Manly LEP 2013 applies this zone to low density residential properties adjoining the harbour and ocean foreshores. The Manly LEP 2013 permits secondary dwellings in this zone, Pittwater LEP 2014 permits jetties and boatsheds, and the Warringah LEP 2011 permits horticulture and beekeeping.
- C4 Environmental Living:** Pittwater LEP 2014 applies this zone to steeply sloping land and foreshore, and land in low density residential neighbourhoods. Warringah LEP 2011 applies this zone to Cottage Point, and Manly LEP 2013 applies the zone to medium to higher density residential areas adjoining the harbour and ocean foreshores. Manly LEP 2013 permits a diverse range of residential accommodation including multi-dwelling housing and residential flat buildings. Pittwater LEP 2014 permits secondary dwellings in addition to dwelling houses, whereas the Warringah LEP 2011 prohibits secondary dwellings (see Table 1).

Zones and land uses*	Pittwater LEP	Warringah LEP	Manly LEP
C2 Environmental Conservation			
eco-tourist facilities			
environmental facilities			
recreation areas			
C3 Environmental Management			
bee keeping			
dairy (pasture based)			
horticulture			
farm buildings			
secondary dwellings			
community facilities			
boat sheds			
environmental facilities			
jetties			
recreation areas			

Zones and land uses*	Pittwater LEP	Warringah LEP	Manly LEP
water recreation structures			
C4 Environmental Living			
attached dwellings			
dual occupancies (attached)			
group homes (permanent or transitional)			
multi dwelling housing			
residential flat buildings			
secondary dwellings			
semi-detached dwellings			
centre-based childcare facilities			
home-based childcare		without**	without**
community facilities			
places of public worship			
respite day care centres			
boat sheds			
jetties			
recreation areas			
water recreation structures			

Table 1 - Table showing different land use permissibility across the three-standard instrument LEPs. Grey shaded cells indicate the land use is permissible and blank cells indicate the use is prohibited.

*excludes land uses that are consistently permitted or prohibited across the three LEPs, and those permitted under State Environmental Planning Policy (Transport and Infrastructure) 2021

** permissible without the need for development consent

The Warringah LEP 2000 lists land uses within 'Locality Statements' that must be considered for consistency with the Locality Statement's 'desired future character statement'. Land uses are listed under three categories:

- Category One development is development that is generally consistent with the desired future character of the locality
- Category Two development is development that may be consistent with the desired future character of the locality
- Category Three development is development that is generally inconsistent with the desired future character of the locality and requires further assessment and an independent public hearing (see Table 2).

In developing a single Northern Beaches LEP, Council must develop a single set of conservation zones with a single set of permissible land uses for each zone.

Land uses defined under WLEP 2000	Oxford Falls Valley Locality B2	Belrose North Locality C8
Agriculture	Category 2	Category 2
Housing	Category 2	Category 2
Housing for older people or people with disabilities (on certain land described under the heading "Housing density" in LEP)	Category 2	Category 2
Other buildings, works, places or land uses that are not prohibited or in Category 1 or 3	Category 2	Category 2
Animal boarding or training establishments	Category 3	Category 3
Bulky goods shops	Category 3	Category 3
Business premises	Category 3	Category 3

Land uses defined under WLEP 2000	Oxford Falls Valley Locality B2	Belrose North Locality C8
Childcare centres	Category 3	Category 3
Community facilities	Category 3	Category 3
Development for the purpose of extractive industries (on land covered by Licence Number 64/193 Metropolitan, Belrose--Warringah Gravel and Stone Supplies)		Category 1
Entertainment facilities	Category 3	Category 3
Extractive industries, unless the Locality Statement provides otherwise		Category 3
Further education	Category 3	Category 3
Health consulting rooms	Category 3	Category 3
Heliports	Category 3	Category 3
Hire establishments	Category 3	Category 3
Hospitals	Category 3	Category 3
Hotels	Category 3	Category 3
Industries	Category 3	Category 3
Medical centres	Category 3	Category 3
Motor showrooms	Category 3	Category 3
Offices	Category 3	Category 3
Places of worship	Category 3	Category 3
Primary schools	Category 3	Category 3
Recreation facilities	Category 3	Category 3
Registered clubs	Category 3	Category 3
Restaurants	Category 3	Category 3
Retail plant nurseries	Category 3	Category 3
Service stations	Category 3	Category 3
Shops	Category 3	Category 3
Short term accommodation	Category 3	Category 3
Vehicle repair stations	Category 3	Category 3
Veterinary hospitals	Category 3	Category 3
Warehouses	Category 3	Category 3

Table 2 - Table showing land use permissibility within the deferred lands under Warringah LEP 2000.

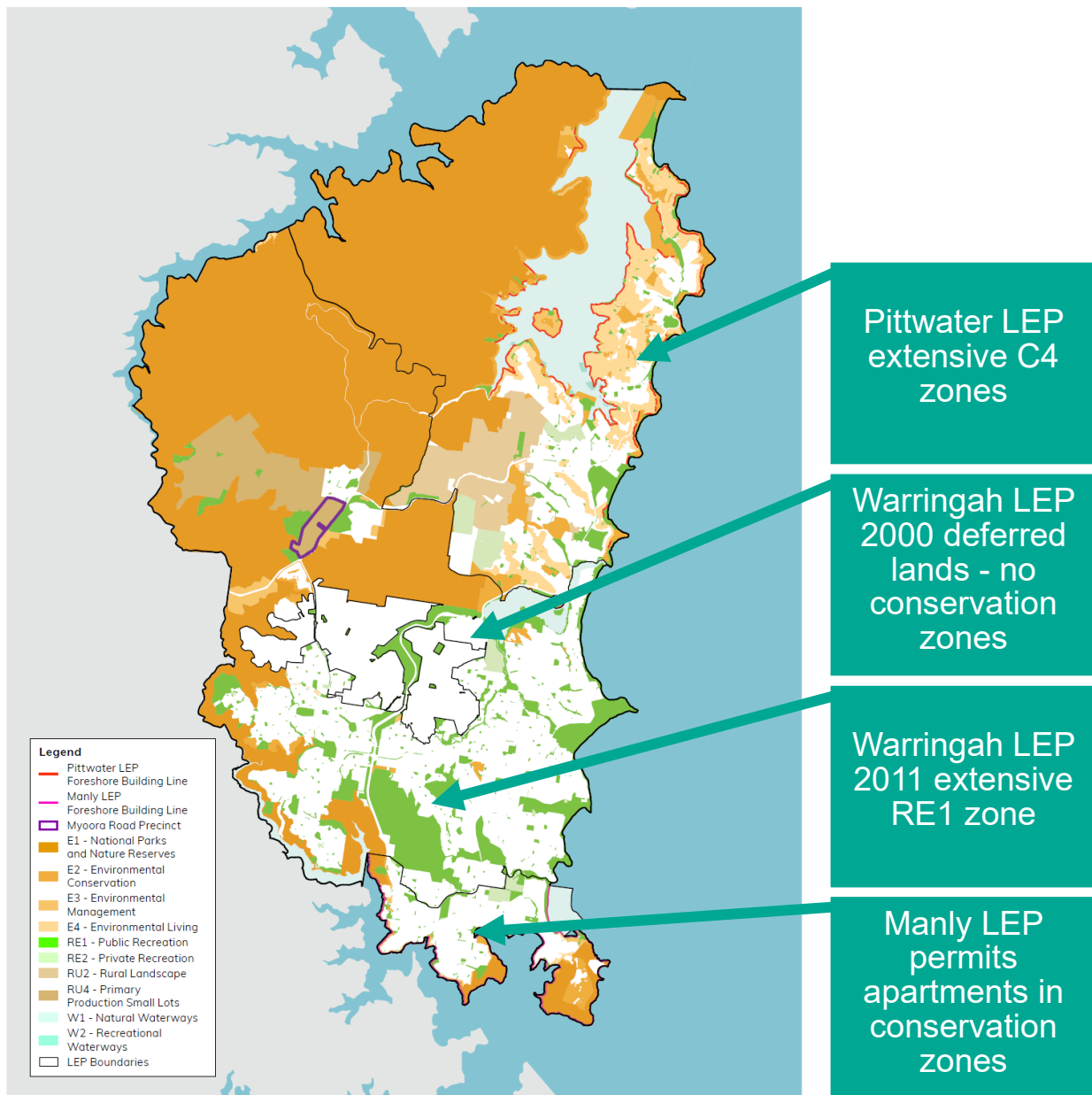


Figure 4 – Map of Northern Beaches Local Government Area (LGA) showing the four LEPs with existing conservation, recreation, rural and waterway zones

What method was used to develop the draft conservation zones?

Council engaged external consultants, Meridian Urban to assist with the Conservation Zones Review. Figure 5 summarises the process used.

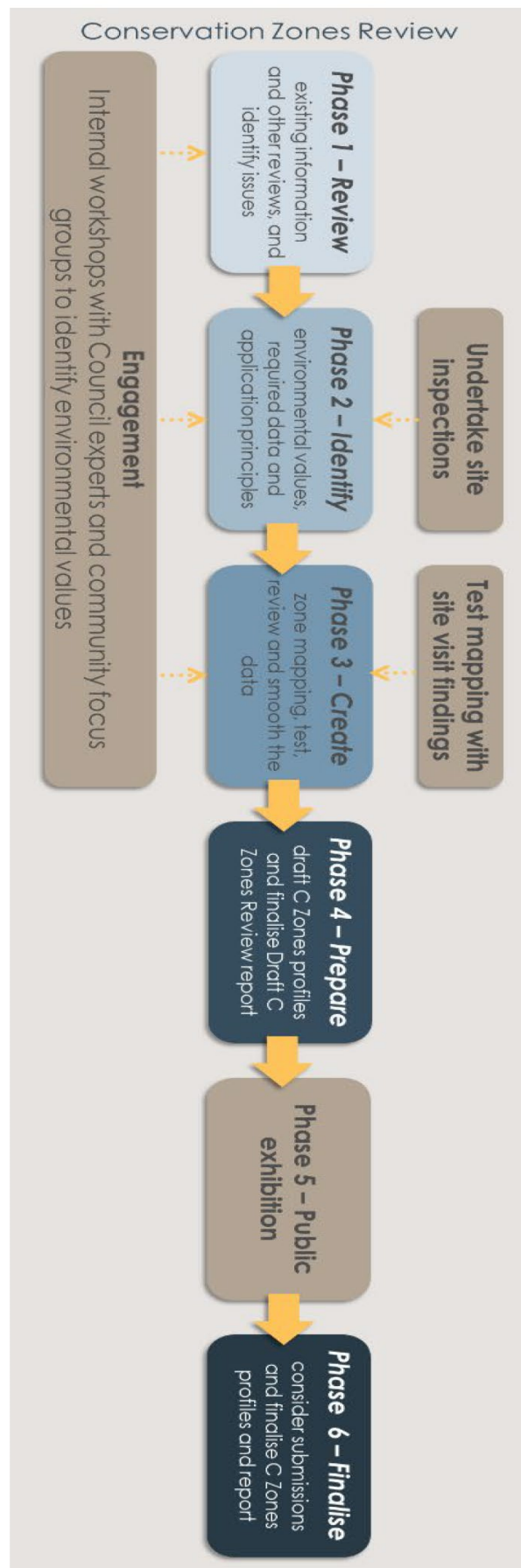


Figure 5 – Meridian Urban process for Conservation Zones Review

Review: A review of existing information such as:

- Policy requirements, including the State Government's Practice Note for Environment Protection Zones, North District Plan; and Council studies including Towards 2040.
- Other conservation zone reviews, that have already been undertaken in NSW including the: Northern Councils Environmental Zone Review; Gosford Council Deferred Matters, Ku-ring-gai Council Deferred Areas, Tweed Shire Council Conservation Zones Review and Draft MidCoast Rural Strategy.
- Community feedback during:
 - Public exhibition of Towards 2040, other E zones reviews.
 - Facilitation of five online community focus group workshops in 2021 and accompanying online survey.

Identify: The identification of relevant criteria for the mapping of conservation zones.

Create: Zone mapping, including testing and review.

Prepare: Conservation Zone Profiles, including appropriate land uses for each zone.

We are now at the phase of Public Exhibition, where Council is seeking input into the proposed zone mapping and conservation zones. Feedback from this exhibition will be used to finalise the conservation zone maps and land uses before formal public exhibition of a draft LEP and DCP, including all zones across the Northern Beaches, scheduled in 2023.

What criteria was used to identify, and map proposed conservation zones?

Three sets of criteria were used to identify and map areas proposed for conservation zones:

- Land application criteria (used to identify the land on which we would consider environmental and hazard criteria).
- Environmental criteria.
- Hazards Criteria.

These criteria were identified through several sources, including:

Draft studies addressed in this report:

- Deferred Lands Strategic Bush Fire Risk Assessment.
- Deferred Lands Biodiversity Assessment.
- Biodiversity Planning Review.
- Watercourse, Wetlands and Riparian Lands Study.

Draft studies reported to Council 26 July 2022:

- Cowan Creek Estuary Planning Level Study (coastal inundation) & North and Middle Harbour Estuary Planning Level Study (coastal inundation).
- Geotechnical Review - Geotechnical Planning Controls.

Other sources:

- Northern Beaches Bush Fire Prone Land Map 2020.
- Flood Hazard Map.
- Newport Flood Study 2019.

- Manly Lagoon Floodplain Risk Management Study & Plan 2018.
- Towards 2040.
- Land Zoning Maps (WLEP2011, MLEP 2013, PLEP 2014).
- 2019 Aerial Photography and LIDAR.
- Nearmap 2022.
- Open Space and Recreation Strategy.

Land Application Criteria

Identifying the character and current use of land across the Council area was an important first step in the process. For this study, it was important to distinguish the urban and non-urban areas given the differences these areas represent with respect to character, and access to transport and infrastructure (see Table 3).

Criteria – Land application	Data Description
Urban Areas	Council's urban area comprises more built-up areas along the coast along the Pittwater Road corridor, and to the west along the Warringah Road corridor.
Low Density Residential Areas	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.
Non-urban Areas	Non-urban Areas include the Deferred Lands, under the Warringah LEP 2000, where only low-density development is permitted at a scale of one dwelling per twenty hectares. 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.
Undeveloped Bushland	These are sites identified through a study of land use in the non-urban area on which to apply environmental criteria. The study was required to obtain an up-to-date record of existing land use given standard zones were not applied in the deferred lands. Undeveloped bushland sites were identified from an analysis of Nearmap and Council records and reviewed together with maps generated from technical studies. 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.
Parks and Reserves	Land identified in Council's Open Space and Recreation Strategy, which includes public land managed for recreation generally zoned either C2 Environmental Conservation or RE1 Public Recreation.

Table 3 - Description of Northern Beaches' Urban and Non-Urban Areas, including their status in the Metropolitan Rural Area, relevant LEP and zones considered for the Conservation Zones Review

Environmental Criteria

A range of environmental criteria were identified with each criterion being given a 'high' or 'medium' value based on relative importance. A single 'high' value criteria was deemed sufficient to trigger inclusion of land in a conservation zone, whereas two or more 'medium' value criteria were required to trigger inclusion in a conservation zone.

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)	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.
Threatened Species Habitat - 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 – Threatened Ecological Communities (TECs)	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.
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. 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.
Transitional Areas	Analysis of 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 Open Space	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: Council records.
Heritage Conservation Areas	The following heritage conservation areas were found to have high environmental value: <ul style="list-style-type: none"> Warringah LEP Conservation Areas: <ul style="list-style-type: none"> Cottage Point: Waterfront Cottages (item C4) South Curl Coastal Cliffs (item C14) Pittwater LEP Conservation Areas: <ul style="list-style-type: none"> Palm Beach: Florida Road (Item C3) Palm Beach: Ocean Road (Item C4) Palm Beach: Sunrise Hill (Item C6) Avalon Beach: Ruskin Rowe (Item C5)

Table 4 - High environmental value Criteria

Criteria – Medium environmental value	Data Description
Biodiversity Corridor and 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.

Criteria – Medium environmental value	Data Description
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 - Escarpment	A 50m buffer was mapped of 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.
Ridgelines - Major	A 50m buffer was mapped of ridgelines 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.

Table 5 – Medium Environmental Value Criteria

Hazard Criteria

As we have recently witnessed on the Northern Beaches and in other areas across the state, natural hazards present a significant risk to life and property. Best practice planning dictates that it is not appropriate to facilitate increased development in areas we know are subject to the devastation wrought by natural hazards.

Presently, hazards are mainly managed using ‘overlays’ in LEPs and other Environmental Planning Instruments, which trigger certain requirements (e.g., development on flood prone land must be built above a certain floor level). However, these ‘overlays’ do not allow Council to prohibit certain hazard- sensitive development types. Under the Standard Instrument - Principal Local Environmental Plan 2006 (Standard Instrument), Land Use Zones are the only mechanism by which we can limit unsuitable developments and further intensification of development in low density residential areas subject to natural hazards.

Council therefore considers natural hazards as an important criterion to inform conservation zones. This approach sets a clear direction for future land use and simplifies requirements and reduces uncertainty and high costs and time to applicants and assessment authorities.

There is no contemporary policy position articulated by the Department of Planning and Environment (DPE) about the best practice use of conservation zones. The DPE Practice Note is dated 2009, and other conservation zones reviews (some previously referred to as environmental zones reviews) are primarily related to rural areas. However, Council considers the use of hazards as criteria is supported by the following Policy:

1. **DPE’s guiding principles for greater resilience**, which include the need to:
 - a. **Be strategic and consider risk from natural hazards early:** by considering natural hazards at the LEP making stage
 - b. **Protect vulnerable people and assets:** by prohibiting sensitive land uses further intensification of developments that will create assets requiring protection.
 - c. **Adopt an ‘all-hazards’ approach:** through the consideration of bush fire, flooding, geotechnical, coastal and estuary hazards.
 - d. **Involve the community in conversations about risk:** through the non-statutory public exhibition which provides an opportunity to discuss these matters with the community.

- e. **Consider emergency response and evacuation:** through prohibiting land uses that would be difficult to evacuate, including Centre-based childcare facilities; Community facilities; Educational establishments; Health consulting rooms; Home-based childcare; Places of public worship; Recreation areas; Respite Day care centres; School-based childcare and tourist and visitor accommodation such as ecotourist facilities.
 - f. **Be information driven and evidence based:** Council has drawn on evidence by recently completed technical reports.
 - g. **Plan to build and rebuild for a future with changing climate:** technical reports are cognisant of climate change, and the increased frequency of natural hazards has led Council to the conclusion it must prevent further intensification of development in sensitive areas.
 - h. **Understand the relationship between natural processes and natural hazards:** This is addressed in Council's technical reports.
2. **Towards 2040, which has been supported by the Greater Sydney Commission (GSC) for consistency with the Greater Sydney Region Plan and North District Plan.**
- a. Principle: Avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural and urban hazards.
 - b. Principle: Avoid developments in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals, and nursing homes).
 - c. Principle: Manage risks associated with sea-level rise for coastlines and beach landscapes.
3. **DPE Practice Note Criteria:**
- a. C2 Environmental Conservation zones
 - i. coastal foreshores and land subject to coastal hazards, including climate change effects.
 - ii. land currently zoned for environmental protection where strict controls on development apply, e.g., steeply sloping escarpment lands, land slip areas.
 - b. C3 Environmental Management zone
 - i. areas of special ecological, scientific, cultural, or aesthetic attributes that require management.
 - ii. highly constrained land where elements such as slope, erodible soils or salinity may have a key impact on water quality within a hydrological catchment.

Whilst it is recognised that natural hazards are present across many parts of the Council area, including areas zoned for industrial and business purposes, and medium density residential zones, Council has not considered the application of conservation zones in these areas due to Planning Directions by the Minister for Planning. Council has only applied the C3 Environmental Conservation and C4 Environmental Living zones to areas which currently only permit low density residential development, including the R2 Low Density Residential and R5 Large Lot Residential zones.

Table 6 describes the hazard criteria identified by Council to apply the application of conservation zones. In each case, a single criterion is sufficient to trigger the inclusion of land in a conservation zone.

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 2021.
Deferred Lands Bush Fire Intensity	Areas where high and very high fireline intensities (over 30,000kW/m ²) are likely in a fire event. Source: Deferred Lands Strategic Bush Fire Assessment.
Coast 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 and Medium Flood Risk	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. 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 – available at https://www.northernbeaches.nsw.gov.au/environment/natural-hazards/flooding/flood-study-reports
Low Flood Islands	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.
Geotech 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.

Table 6 - Hazard criteria

What did the Conservation Zones Review propose?

It was recognised that a different approach was required for the application of conservation zones in urban and non-urban areas. Land zoning maps were used to identify low density residential development in urban areas, whereas a land use survey was used to identify undeveloped bushland in non-urban areas.

Figure 6 summarises the proposed approach to the application of conservation zones in the Northern Beaches, and Table 7 shows a comparison of the proposed permitted land uses in each zone.

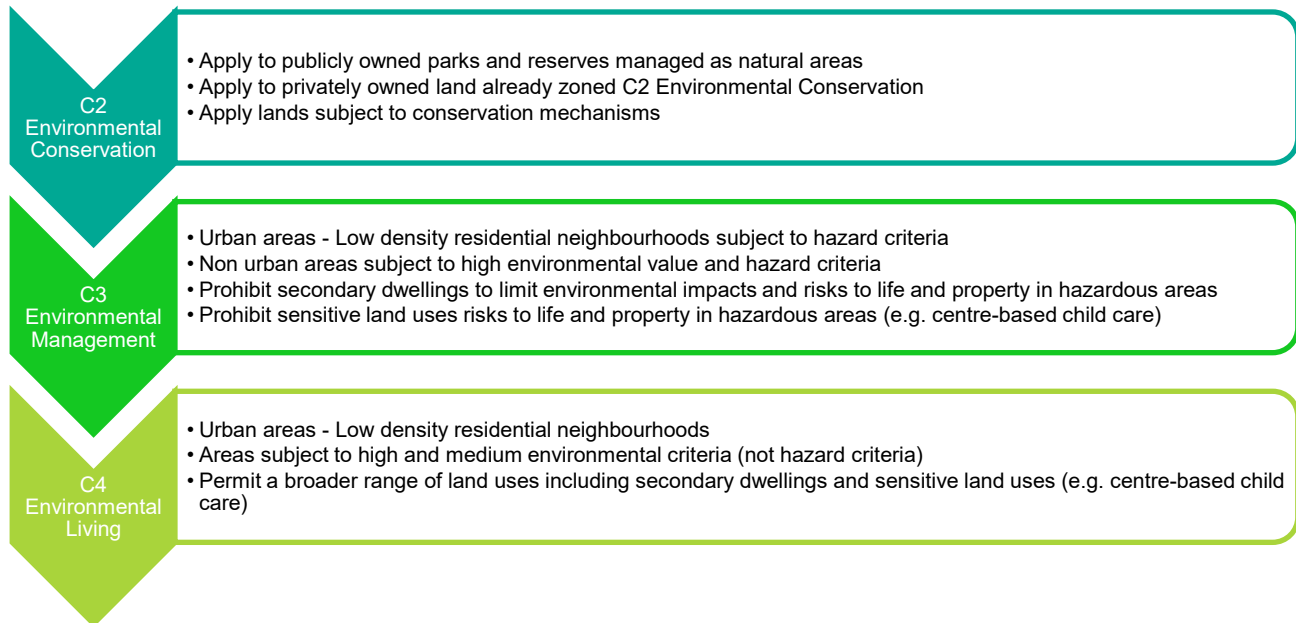


Figure 6 - Proposed approach to the application of conservation zones in the Northern Beaches

Zones and land uses*	C2 zone	C3 zone	C4 zone
Commercial			
Bed and breakfast accommodation			
Building identification signs			
Business identification signs			
Home businesses		without*	without*
Home industries		without*	without*
Home occupations		without*	without*
Community			
Centre-based childcare facilities			
Community facilities			
Educational establishments			
Health consulting rooms			
Home-based childcare			without*
Places of public worship			
Recreation areas			
Respite day care centres			
School-based childcare			
Housing			
Dwelling houses			
Group home (permanent and transitional)			
Secondary dwellings			
Infrastructure and works			
Emergency services facilities			
Environmental facilities			

Zones and land uses*	C2 zone	C3 zone	C4 zone
Environmental protection works			
Flood mitigation works			
Roads			
Water reticulation systems			
Oyster aquaculture			
Pond-based aquaculture			
Tank-based aquaculture			

Table 7 - Proposed permitted land uses for the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones. Grey shaded cells indicate the use is permissible.

* permissible without the need for development consent

C2 Environmental Conservation Zone – Urban and Non-Urban Areas

The allocation of the C2 Environmental Conservation zone provides Council with an important opportunity to identify and protect lands not already protected as National Parks. For this zone, Council selected criteria to align with the following DPE Practice Note, which were:

- Lands with very high conservation values such as old growth forests, significant wildlife, wetlands or riparian corridors or land containing endangered ecological communities.
- High conservation coastal foreshores and land acquired, or proposed for acquisition, under a Coastal Lands Protection Scheme.
- Land with a registered Biobanking agreement.
- Coastal foreshores and land subject to coastal hazards, including climate change effects.
- Land currently zoned for environmental protection where strict controls on development apply, e.g., steeply sloping escarpment lands, land slip areas.

Based on the above, it was determined to apply the C2 Environmental Conservation zone to the following areas (see Table 8):

- Publicly owned parks and reserves managed as natural areas.
- Privately owned land already zoned C2 Environmental Conservation.
- Lands subject to conservation mechanisms.

In practice, the C2 zone will mainly apply to publicly owned land (Council and state government). The most notable outcome will be that several areas of Council land currently zoned for recreational purposes will be rezoned to a conservation zone, consistent with approach used in the existing Pittwater LEP 2014.

It must be noted that for public lands, and parks and reserves, a range of works can be undertaken by public authorities without consent under State Environmental Planning Policy (Transport and Infrastructure) 2021. Regardless, the allocation of the C2 Environmental Conservation zone provides an important signal of the environmental significance of this land, and the need to manage edge effects.

Criteria	C2	C3 Non-urban	C3 Urban	C4
Land application criteria				
Urban Areas	Yes		Yes	Yes
Low Density Residential Areas			Yes	Yes
Non-urban Areas	Yes	Yes		
Undeveloped Bushland		Yes		
Parks and Reserves	Yes			
High environmental value criteria				
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
Medium environmental value criteria				
Biodiversity Corridor and Urban Tree Canopy				0.5
Geotechnical Planning Class C3 Hawkesbury Sandstone with Slope > 25 degrees				0.5
Geotechnical Planning Class C5 Narrabeen Group with Slope > 15 degrees				0.5
Ridgelines - Escarpment				0.5
Ridgelines - Major				0.5
Hazard criteria				
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	
Minimum Score Required	1	1	1	1

Table 8 – Criteria used for the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones

C3 Environmental Management Zone – Non-Urban Areas

Non-urban areas include 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. It also includes the deferred lands, where development is permitted at a scale of one dwelling per twenty hectares. Council's non-urban lands are comprised of the Metropolitan Rural Area (MRA), future MRA investigation area and Ingleside, which is no longer designated as a growth area due to the Department of Planning's decision in 2022 to not proceed with the draft Place Strategy.

Council's non-urban lands support a variety of land uses, including extensive bushland and waterways, land that supports rural and lifestyle properties, nurseries, an equine industry and urban services such as landscape supplies. The area is also highly valued for recreation and tourism uses. Importantly, it contains critical infrastructure which requires this isolation, including three satellite telecommunication facilities, the Sydney East (electricity) substation and two waste management facilities including the Kimbriki and Belrose resource recovery centre. The isolated waterfront communities rely on infrastructure such as public wharves and ferries which are essential for the provision of goods, community and retail services and waste removal. Not all properties have access to reticulated water or sewage, requiring ongoing management to minimise environmental impacts.

The C3 Environmental Management zone is proposed to be used in non-urban areas for the following reasons:

- Most of the non-urban areas are either bush fire prone or surrounded by bush fire prone land.
- High value environmental lands are highly valued by the community and must be protected, thus the C3 Zone, coupled with larger minimum lot sizes, prevents further lot fragmentation, provides opportunities for biodiversity offsets and opportunities to revegetate streams, plant trees and improve habitat.
- The presence of hazards, particularly bushfire, means these areas are not appropriate for certain land uses considered sensitive or difficult to evacuate in an emergency, being centre-based childcare facilities; community facilities; educational establishments; health consulting rooms; home-based childcare; places of public worship; respite day care centres and School-based childcare. The prohibition of secondary dwellings also limits an increase in population in these areas. Although some hazards will not require swift evacuation as they occur over a longer time (e.g., rising sea levels), prohibiting the range of uses in this zone also limits potential risk to property and infrastructure that would be subject to damage and require protection.

A broader range of areas were considered for the application of the non-urban C3 zone, including all non-urban areas but excluding the R2 Low Density Residential Zone in Terrey Hills, the IN2 Tepko Road Industrial Area in Terrey Hills and B7 Business Park at Belrose.

The criteria considered for these areas is outlined in Table 8. It includes high value environmental and hazards criteria, any one of which will trigger inclusion in the C3 zone.

In practice, this approach will result in some land currently zoned for rural purposes in Ingleside, Terry Hills and Duffys Forest being rezoned to C3. In addition, the C3 zone will apply to parts of the deferred lands not currently used for rural purposes and which have clear environmental values.

Urban Areas – C3 Environmental Conservation and C4 Environmental Living Zone

Within the Urban Area, Council aims to apply the C3 Environmental Management zone to land where hazards are identified. As above, this allows Council to restrict certain sensitive land uses.

The proposed C4 Environmental Living zone, terms of permissible land uses, is like the R2 Low Density Residential zone, however in some areas the application of this zone may mean dual occupancies are not permitted (i.e., former Pittwater and Manly LEPs). Dwelling houses and secondary dwellings will be permitted, along with a range of community uses, however a development application will be required to be lodged with Council to ensure development is designed and located to protect important environmental values. "Complying" Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 would no longer be permitted.

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

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

How else will Council protect the environment?

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

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

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

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

Draft Deferred Lands Strategic Bush Fire Assessment

The draft Deferred Lands Strategic Bush Fire Risk Assessment (Attachment 2) is a study of bush fire hazards and risks in the “deferred lands” i.e., parts of Belrose, Oxford Falls and Cromer subject to planning controls under the Warringah Local Environmental Plan (WLEP) 2000.

Council commissioned Meridian Urban to undertake this study to meet statutory requirements under Planning for Bush Fire Protection (PBP) 2019 and recommend new planning controls for the area which is currently subject to an older-style LEP. The study is similar in nature to the Bush Fire Risk Assessment prepared for the [Ingleside Land Release](#).

The study identifies areas with high potential “fireline” intensity, a technical term which refers to the amount of energy released per metre width of the fire edge. Fireline intensity was calculated using a model that considered a range of factors that influence fire spread including elevation, slope, weather, and vegetation (types, structures, arrangements and quantity)¹. Fireline intensity provides a more detailed analysis of bushfire risk than the Bush Fire Prone Land Map which only considers vegetation types.

The Bush Fire Risk Assessment identified several areas in the deferred lands subject to high and very high fireline intensities (over 30,000kW/m²) in a fire event. It further identified:

- A large portion of the deferred lands area could be subject to landscape scale (or large scale) fire events due to the presence of large expanses of bushland in immediate proximity to the urban area, with the potential for bush fire to spread into adjoining suburbs and townships.
- Parts of the deferred lands could be subject to localised (smaller scale) fires due to the presence of smaller patches of bushland and bushland corridors which could ignite from fire spotting behaviour or ember attack.
- All areas subject to higher fireline intensities remain key higher risk locations in almost all fire weather scenarios, largely due to high fuel loads and complex topography. Complex topography refers to steep slopes and rapid changes in elevation which consist of ridges, saddles and valleys which can change bushfire behaviour and its intensity.
- Areas subject to higher fireline intensity should ideally be considered when determining land use zones to avoid land uses that would result in a high risk to life and property.

The strategic bush fire risk assessment identifies four (4) potential planning options for Council to factor into the new LEP and DCP. The preferred option recommends the use of land use zones to limit sensitive land uses in areas of higher risk and other LEP measures to limit bush fire risk to life and property, such as larger minimum lot sizes.

These recommendations have been incorporated into the Conservation Zones Review, by adopting high fireline intensity as a criterion for inclusion of land in the C3 Environmental Conservation zone.

Other LEP and DCP measures, such as minimum lot sizes, will be incorporated in the draft LEP and DCP to be publicly exhibited in 2023.

¹ CSIRO, 2013, ‘Bushfires – Type, Measurement and Fuel’, Australian Government

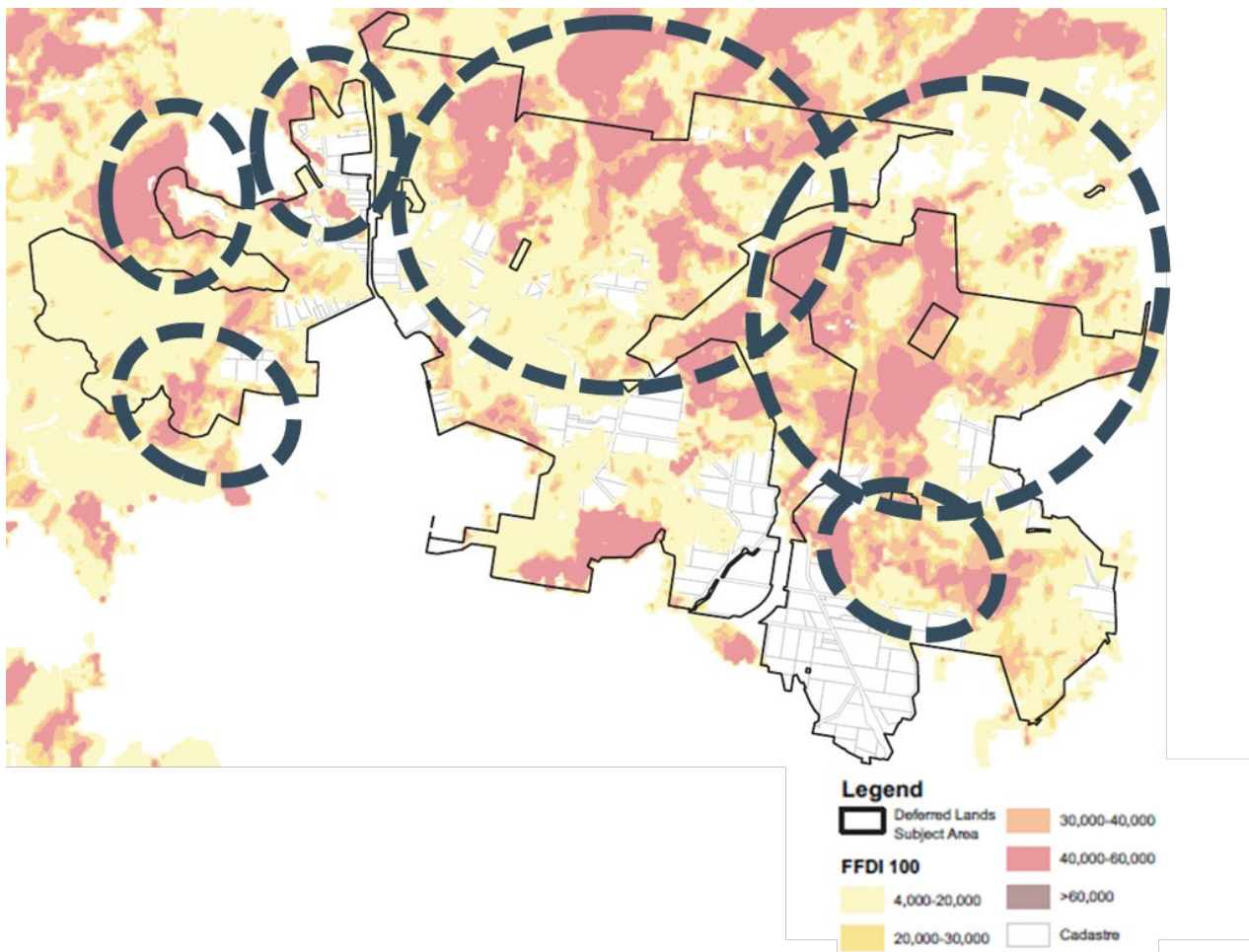


Figure 7 - Bush Fire Line Intensity Mapping - Deferred Lands - with areas greater than over 30,000kW/m² circled. Extract from the Deferred Lands Strategic Bush Fire Risk Assessment (detailed mapping will be made available online)

Draft Deferred Lands Biodiversity Assessment

The draft Deferred Lands Biodiversity Assessment (Attachment 3 & 4) is a study of biodiversity values in the Deferred Lands. Council commissioned Arcadis to undertake this study to inform new planning controls for the area which is currently subject to an older-style LEP. The study was undertaken in two stages:

- **Stage 1 Report:** includes a detailed review and report on existing information regarding biodiversity of the deferred lands.
- **Stage 2 Report:** involved an on-ground survey, mapping and reporting of biodiversity conservation significance based on;
 - Threatened species (flora and fauna) habitat (extent and quality).
 - Threatened ecological communities (extent and quality).
 - Proximity to protected bushland.
 - Wildlife corridors or connectivity.
 - Riparian land/water sustainability.

The initial review of existing information (Stage 1 Report) identified that a substantial portion of the deferred lands had been subject to previous biodiversity studies which identified the occurrence of threatened biodiversity, particularly threatened fauna. The outcomes of surveys confirmed that the

deferred lands area contains significant threatened flora and fauna and contains patches of national and state listed Threatened Ecological Communities. It also provides a significant buffer and connectivity of suitable habitat from the protected Garigal National Park. The draft assessment identifies that approximately 68% of the deferred lands has either high or very conservation significance. Approximately 15% of the deferred lands is represented by cleared land with existing uses, most of which is identified as having lower conservation values.

As identified in Table 4, information from this study has been used to inform the C3 Conservation Management zone, including threatened species, Threatened Ecological Communities and areas identified as having either high or very high conservation significance.

The Report will also inform other LEP and DCP provisions, including a new Biodiversity Map within the LEP and more detailed provisions in the DCP. These other provisions will be part of the draft LEP and DCP to be placed on public exhibition in 2023.

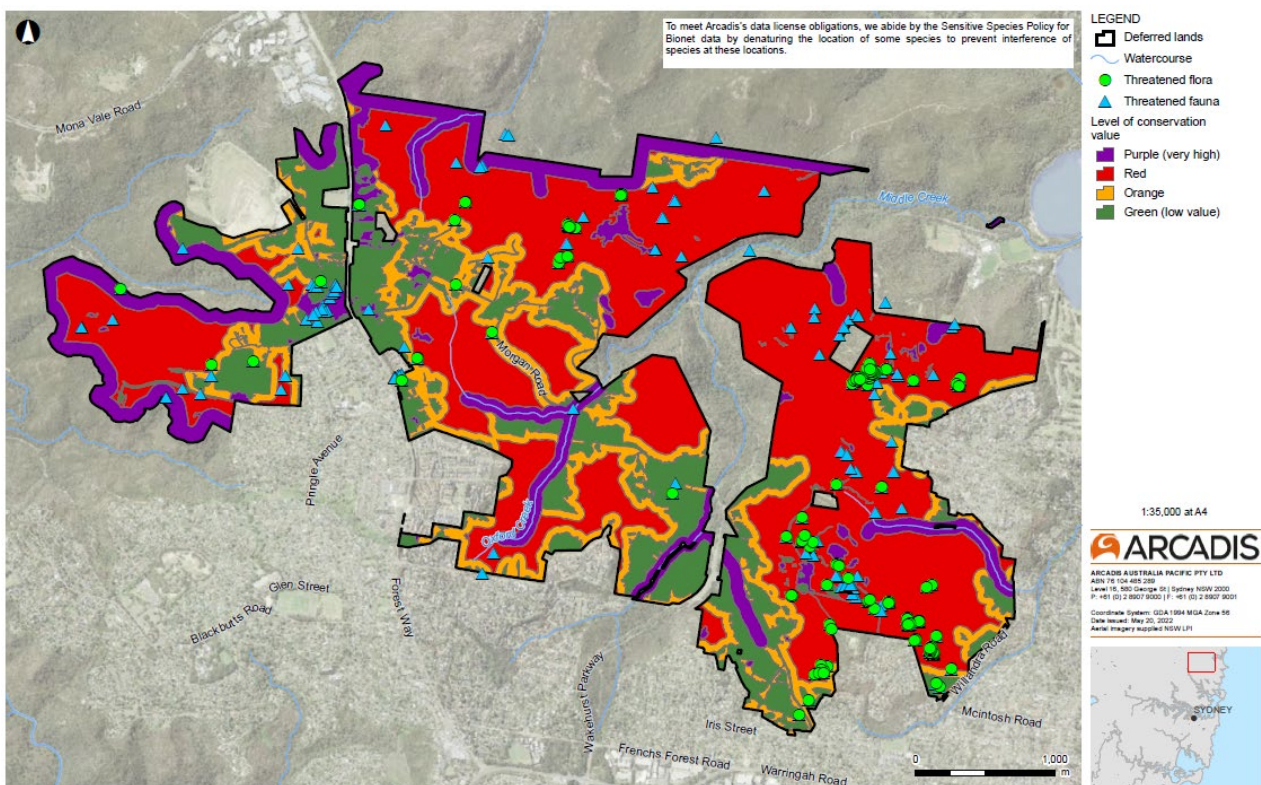


Figure 8 - Conservation value of the deferred lands - extract from Deferred Lands Biodiversity Assessment (detailed mapping will be made available online)

Draft Biodiversity Planning Review

The draft Biodiversity Planning Review (Attachment 5) is part of a framework supporting development of the new LEP and DCP. Council commissioned SMEC to undertake this study to bring together existing biodiversity mapping from the three former council areas to create a new set of maps for the Northern Beaches Local Government Area (LGA).

The consolidated maps will identify important 'biodiversity values' which will be considered for inclusion as new planning controls in the new Northern Beaches LEP and DCP. They will resolve confusion resulting from different approaches across the three former councils over the last 25 years, including almost 30 different biodiversity-related planning controls which currently apply within the Northern Beaches LGA.

Biodiversity values identified in the study were:

1. Important wildlife habitats (large areas of bushland mapped as 'core habitat').

2. Habitat connectivity (mapped as 'biodiversity corridors').
3. Threatened ecological communities or 'TECs'.
4. Threatened flora and fauna species.

Map layers prepared through the study were based on the best information available and included refining base mapping by the NSW Government for 'Native Vegetation of the Sydney Metropolitan Area' (OEH, 2016) and mapping developed by the former Pittwater, Warringah and Manly Councils.

The Biodiversity Planning Review identified and mapped significant areas of core habitat (approximately 33 km²), biodiversity corridors (approximately 145 km²), threatened ecological communities (approximately 17 km²) and threatened species habitat across the LGA.

The study also identified habitat for 21 threatened plants which occur within the Northern Beaches, in addition to habitat for threatened fauna which are known to occur outside of areas of native vegetation or biodiversity corridors. The threatened fauna which has been mapped individually include the endangered populations of Little Penguins and Long-nosed Bandicoots at Manly and Flying-fox colonies.

As identified in Table 4, information from this study has been used to inform the new conservation zones, including Threatened Ecological Communities, core habitat, biodiversity corridors and select threatened species habitat. As part of this exhibition, the community are invited to review these maps and provide comment.

As with the Deferred Lands Biodiversity Assessment, the Report will inform other LEP and DCP provisions.

The new LEP biodiversity provision will be similar to the Manly and Pittwater LEP provisions, requiring consideration of biodiversity impacts for development applications in the areas mapped. For land currently covered by the Warringah LEP, bushland and biodiversity provisions which currently only exist in the DCP will also be addressed in the LEP biodiversity provisions to provide greater statutory weight in the assessment of development applications. More detailed mapping of specific biodiversity layers and related objectives for development will be included in the new DCP.

The draft Biodiversity Planning Review was subject to external peer review from an Environmental Planning perspective (EconPlan 2021). The peer review concluded that the study was suitable for evidence-based planning to inform a new LEP and DCP.

Draft Watercourse, Wetlands and Riparian Lands Study

The Watercourse, Wetland and Riparian Lands Study (Attachment 6) has been prepared to help protect, enhance, and restore watercourses, wetlands, and riparian land by providing a consistent and evidence-based approach to identifying and mapping watercourses across the Northern Beaches. As part of the Study, Council commissioned BMT Commercial Australia Pty Ltd to review existing watercourse and riparian planning controls across the three former Councils and provide updated mapping and recommendations for a new LEP and DCP.

Watercourses, wetlands, and the riparian land surrounding them are important ecological systems that support aquatic and terrestrial habitat and wildlife, provide connectivity and biodiversity, reduce impacts from stormwater runoff and pollution, and contribute to the character, aesthetics, and recreational value of the local area. It is important to protect these areas not only for their own intrinsic significance, but also for the benefits they provide in terms of the quality of downstream waterbodies and in modulating flood response.

Council must consider the environmental impacts and risks associated with development adjacent to watercourses and wetlands prior to granting development consent. The three former Councils

mapped and assessed watercourses and wetlands differently, and as such this Study has been necessary to provide a consistent mapping methodology across the LGA.

The outcomes of the Study include:

- Accurate mapping to help protect or improve the environmental values and functioning of watercourses, wetlands, and riparian land.
- Key terms and definitions regarding watercourses, wetlands, and riparian land.
- New proposed watercourse and wetland maps including proposed riparian corridors and buffers for inclusion in the Northern Beaches LEP/DCP.

As identified in Table 4, information from this study has been used to inform the new conservation zones, including wetlands and riparian corridors. The study and maps also form part of this public exhibition, which also includes maps for riparian buffers.

The Study will inform other LEP and DCP provisions which will be placed on public exhibition with the draft LEP and DCP in 2023. As outlined in the LEP/DCP Discussion Paper, Council proposes a single Northern Beaches LEP clause that includes objectives to protect or improve the environmental values and functioning of waterways and riparian land and to manage risk associated with these areas. The clause will also contain matters to consider during assessment, including water quality, bed and bank stability, aquatic and riparian habitats, ecological processes, and riparian areas.

The draft DCP will include more detailed watercourse and riparian maps that show categories of riparian land, with different objectives and requirements depending on environmental sensitivity and risk.

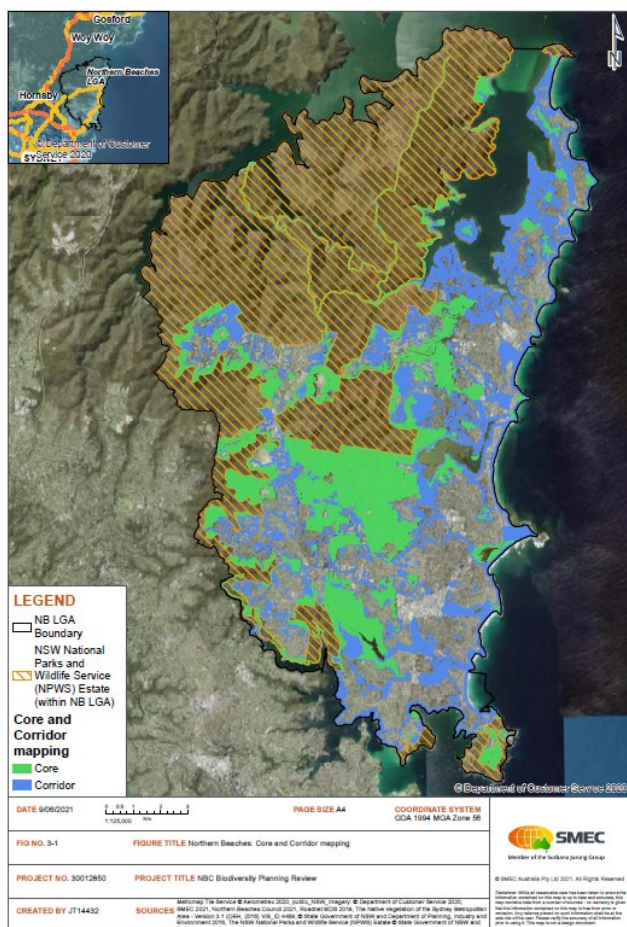


Figure 9 – Core and corridor mapping from Biodiversity Planning Review. Detailed mapping available online.

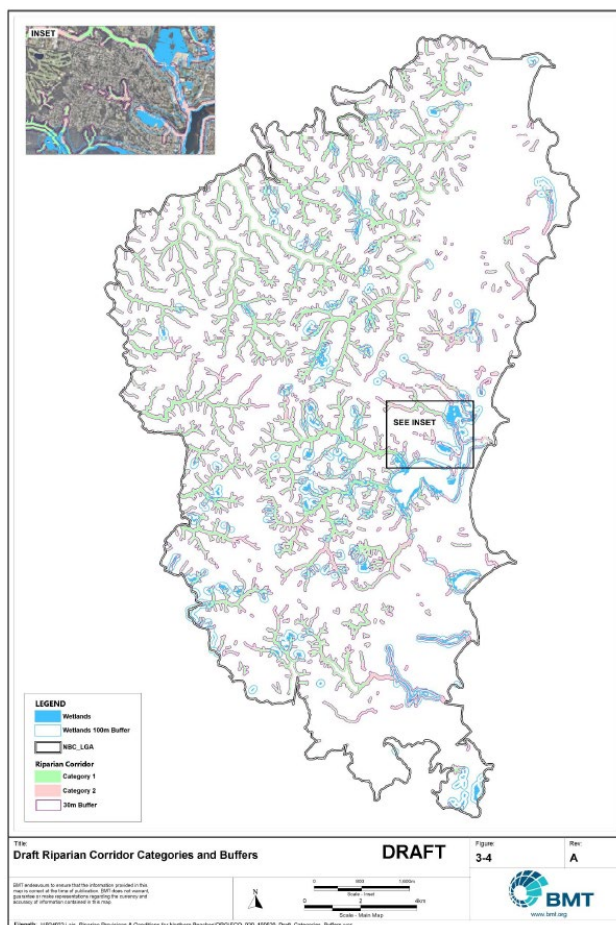


Figure 10 – Draft riparian corridor categories and buffers. Detailed mapping available online.

CONSULTATION

The Conservation Zones Review and technical studies have been informed by community engagement undertaken through Council's Planning our Sustainable Future Program. This includes the public exhibition of Towards 2040, LEP/DCP Discussion Paper, Environment Study, and the facilitation of five online community focus group workshops in 2021 and accompanying online survey.

Following adoption of this Council Report, it is proposed to publicly exhibit the relevant studies and provide residents an opportunity to comment on the methodology, relevant studies, proposed zoning, and maps.

The engagement approach will include videos, webinars, and letters to affected community members. The project website will include both high level and detailed information, and an interactive online map with the proposed zones and maps produced from technical studies. Council will promote the exhibition via email and social media. Staff will be available to respond to enquiries and meet with residents and community groups.

Through this exhibition Council aims to raise awareness of the Conservation Zones Review and continuing momentum for the Planning Our Sustainable Future program. Council will aim to clearly articulate recommended changes to zoning and how these impact residents and the environment.

It is important to note that Council is in the early stages of resolving the future conservation zones. This public exhibition is a non-statutory (i.e., non-mandatory) public exhibition, and will be followed by a statutory public exhibition in 2023 of the Northern Beaches LEP and DCP, including all land

use zones. A report on the outcomes of the public exhibition will be published once the analysis is complete.

TIMING

The proposed schedule is as follows:

- Public exhibition – 8 weeks commencing early September 2022
- Community consultation outcomes report – on completion of analysis
- Draft LEP/DCP report to Council, including finalised Conservation Zones Review Report – Early 2023
- Public exhibition draft LEP/DCP – Mid/Late 2023

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value
- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change
- Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use
- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life

It also relates to the following Priorities and principles within Council's Local Strategic Planning Statement, Towards 2040:

- Priority 1 - Healthy and valued coast and waterways
 - Principle: Protect and enhance the natural blue grid and the community's environmental values and uses for the coast and waterways; Protect and enhance the ecological condition of coastal areas, catchments (including groundwater aquifers), waterways (wetlands, watercourses, lagoons, and estuaries) and their riparian areas.
- Priority 2 - Protected and enhanced bushland and biodiversity
 - Principle: Ensure future developments avoid, then minimise, impacts on bushland before offsetting is considered.
- Priority 6 - High quality open space for recreation:
 - Principle: Ensure access to natural open space and waterways is sustainable so that these areas are preserved for the future
- Priority 8 - Adapted to the impacts of natural and urban hazards and climate change:
 - Principle: Avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural and urban hazards
 - Principle: Avoid developments in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals and nursing homes).

- Principle: Manage risks associated with sea-level rise for coastlines and beach landscapes.

FINANCIAL CONSIDERATIONS

Included in the existing budget: Expenditure related to the Planning our Sustainable Future program is mainly associated with technical studies and engagement activities over 5 years from 2018/19 to 2022/23 being overseen by the Strategic Planning team. It is included in the existing Delivery Program and budget for the operational project entitled: Prepare Northern Beaches Local Environmental Plan and associated studies.

SOCIAL CONSIDERATIONS

The Conservation Zones Review considers social impacts including alignment with the Northern Beaches community's vision for a safe, inclusive, and connected community that lives in balance with our extraordinary coastal and bushland environment.

Consideration of hazards within the conservation zones allows Council to avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural hazards. It will also help Council to ensure developments are avoided in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals, and nursing homes).

ENVIRONMENTAL CONSIDERATIONS

The Conservation Zones Review and technical studies aim to inform a new LEP and DCP as follows:

- Conservation zones to restrict inappropriate and incompatible land uses in areas with important environmental and hazard values.
- LEP and DCP provisions which will be drafted following resolution of the Conservation Zones Review, including maps and requirements, such as the need for studies to accompany development applications.

GOVERNANCE AND RISK CONSIDERATIONS

The Conservation Zones Review and technical studies were prepared in accordance with a Probity Plan for the local planning framework. A probity audit will be presented to Council with the draft LEP and DCP and summary of outcomes from the public exhibition and further consultation relating to technical studies.

This exhibition will form part of Council's non-mandatory preliminary notification of a planning proposal for the new Northern Beaches Local Environmental Plan required under the Northern Beaches Community Participation Plan.

Once prepared, the draft LEP will require Council approval followed by the issue of a 'Gateway Determination' by DPE before a mandatory public exhibition can be conducted. As a statutory document made under the Environmental Planning and Assessment Act 1979, the LEP can only be finalised or gazetted following legal drafting by Parliamentary Counsel and approval by DPE.

The DCP will be finalised following a mandatory public exhibition and Council approval.