



# Conservation Zones Review and Technical Studies

## Summary of webinar Q&As

(Submitted prior to the webinars)

### 1. Why is my property proposed for a conservation zone and my neighbour is not?

- If your property has been identified for a conservation zone, it means that the Conservation Zones Review has identified either environmental and/or hazard criteria on your site, and that criteria has met the required thresholds to apply a conservation zone. For example, your site is found to have bush fire prone land (a Hazard Criteria) and this impacts more than 50% of the site (the threshold).
- For your neighbour's property however, the Review has either not identified any environmental and/or hazard criteria on the site, or if criteria were identified, that criteria did not meet the required thresholds.
- To see the process we are seeking feedback on, see the [Zoning Methodology for Low Density Residential Areas](#) or [Zoning Methodology for Rural Areas](#) or [Zoning Methodology for Park or Conservation Area](#).
- A description of the Criteria can be read in the [Criteria Definitions](#).
- We are in the early stages of the process, and we welcome feedback on the methodology, proposed criteria, and related studies.

### 2. Do affected landowners have any option of review?

- This is the first stage in developing Conservation zones.
- Council will review all submissions, including requests for a review, and undertake site inspections to resolve disputes where required.
- The outcomes from the Review will be considered to determine whether the proposed methodology is appropriate and whether the studies and draft zone mapping are accurate.
- This will inform the preparation of the draft Northern Beaches Local Environmental Plan (LEP).
- The draft LEP must be approved by the elected Council and the Department of Planning for further public exhibition, and again after exhibition before any zoning changes can commence.

### **3. Who will be undertaking the site inspections to resolve disputes?**

- On 23 August, Council resolved that before any lands are re-zoned following the Review, where a dispute exists between a resident and any staff recommendation following community consultation, that any proposal in respect of parcels of land subject to that dispute will be considered by an independent review, including site inspection.
- Site visits will not likely be undertaken until after the exhibition period has closed.
- Council will need to determine the number of site visits required, location, and matters to be addressed before it can finalise inspection details.
- Consultants with the required area of expertise will be appointed to undertake inspections together with relevant Council staff. After a review of submissions, and feedback from the Department of Planning and Environment, the proposed methodology and outcomes may change, and hence a site inspection may not be required.

### **4. What Rural zone will be used in the Deferred Lands and what will be permitted?**

- The range of permitted uses in the Rural zone in the Deferred Lands has not yet been finalised – this will occur as part of the broader Northern Beaches LEP work.
- Council currently uses two Rural zones: RU2 – Rural Landscape under the Pittwater LEP 2014, and RU4 – Primary Production Small Lots under Warringah LEP 2011.
- The previous Planning Proposal for the Deferred Lands proposed an RU4 zoning for rural areas.
- This zone permits fewer uses than the RU2 zone used in the Pittwater LEP.

### **5. How is a C3 zone different to a Rural zone?**

- The C3 zone permits a limited range of uses, including dwelling houses, aquaculture and home-based industries/ businesses.
- By comparison, the RU4 zone under Warringah LEP 2011 permits other uses, including animal boarding or training establishments, bed and breakfast accommodation; Extensive agriculture; Farm buildings; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreation areas; Roadside stalls; Rural supplies; Veterinary hospitals
- Neither the C3 zone or the RU4 zone permits secondary dwellings or dual occupancies.

## **6. Why are we prohibiting secondary dwellings in the C3 zone?**

- The C3 Environmental Management (C3) zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.
- The C3 zone is proposed to be used in urban areas where low density residential neighbourhoods are subject to hazards such as bushfire or flood and in non-urban or rural areas subject to High Environmental Value (HEV) and/or Hazard criteria.
- Secondary dwellings and sensitive uses e.g., centre-based childcare would be prohibited to limit environmental impacts and risks to life and property in hazardous areas.

## **7. How is a C4 zone different to a R2 Residential zone?**

- The C4 Environmental Living (C4) zone is for land with special environmental or scenic values and accommodates low impact residential development.
- The C4 zone permits dwelling houses and secondary dwellings like the R2 zone.
- Unlike the R2 zone, higher intensity uses like hospitals are prohibited.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply in the C4 zone, meaning most development/building work will require the submission of a development application to Council for approval, rather than through a private certifier. This will allow Council can implement local building controls to ensure environmental values are protected.

## **8. What is a “residential” zone and what will be permitted?**

- The Review identifies some areas as a generic ‘Residential zone’ for sites that were previously a Conservation zone in the Pittwater and Manly areas.
- Council has not specified the range of land uses for this zone because this work has not yet been finalised.
- However, for areas in the Pittwater and Manly LEPs, a ‘Residential zone’ will almost certainly become an R2 Low Density Residential zone to maintain the low-density nature of the neighbourhood. It will likely differ from the existing R2 Low Density Residential zones within these LEPs, which is why the R2 zone has not been specified.
- Land uses permitted in proposed ‘residential zones’ will be considered in the draft LEP to be on public exhibition in 2023.
- We welcome any suggestion you may have in this regard.

**9. Will the residential zone mean more density than the C4 zone?**

- By changing from a 'conservation zone' to a 'residential zone', Council does not intend to increase density. It is proposed to apply an R2 low density residential zone to areas changing from a C4 zone to a "residential" zone in the Pittwater and Manly areas.
- It is recognized that the interplay with some State Government Policy may be different for the C4 and R2 zones. For example, seniors housing may be permitted in the R2 Low Density Residential zone.

**10. How is the new C4 different to the current C4?**

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

**11. Will we still be able to do Airbnb?**

- Yes, in accordance with relevant State policies.
- Airbnb, Stayz etc. is defined as "short term rental accommodation" which is separately defined and controlled under State Environmental Planning Policy (Housing) 2021, see (see the [NSW Government website](#)).
- "Bed and Breakfast accommodation" is separately defined as a commercial operation. It is proposed to be prohibited in a C3 Environmental Management zone as it is a form of tourist and visitor accommodation which is not considered suitable in areas identified as having hazards, or in non-urban areas with high environmental values.

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

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

**13. How will this affect Development Applications and consents?**

- Existing development consents will not be invalidated by any change of zoning.
- Existing buildings and land uses can remain, so long as they were lawfully approved.
- Proposed changes to zoning will not come into effect until they are approved by the NSW Department of Planning and Environment.
- As this is unlikely to occur until late 2023, opportunities exist to apply for development consent under the current planning rules until the new Local Environmental Plan commences.

**14. Has the Department of Planning approved the methodology used?**

- Council has consulted the Department and taken into consideration relevant Departmental guidance in preparing the methodology. The Department has not approved the methodology.
- Council will continue to consult with the Department during the exhibition period and following the receipt and analysis of public submissions.
- Ultimately, the Department of Planning and Environment must approve a new Northern Beaches LEP.

**15. Will landowners be compensated for loss of permissible land uses where zoning changes?**

- Where land zoning changes, the range of permissible uses change.
- Compensation or land acquisition is generally not required unless land is rezoned for a public purpose e.g., a park or road.
- Equally, Council does not tax any gains made by landowners as a result of land re-zoning.

**16. Do the C zones affect the number of houses that can be built on a block i.e., will the current allowance of 1 property per 20 hectares remain in the Deferred Lands?**

- The minimum allotment size and subdivision controls are outlined in a separate section of the [Standard Instrument—Principal Local Environmental Plan](#) (Standard Instrument LEP)s and are not necessarily linked to the zoning of the land.
- Minimum allotment size and subdivision controls will be considered in the draft LEP to be placed on public exhibition in 2023.

**17. How does the recent approval under the Aboriginal Lands SEPP affect the C Zones Review?**

- The Conservation Zones Review is a separate process to the Development Delivery Plan process under the Aboriginal Lands State Environmental Planning Policy.
- The Metropolitan Local Aboriginal Land Council must still prepare a Planning Proposal to rezone land at Morgan Road for redevelopment.
- The Conservation Zones Review is not a legislated matter for consideration in the assessment of a Planning Proposal however the underlying studies and data upon which the Review is based would need to be considered in that Planning Proposal process.
- As a landowner in the Deferred Lands, the Metropolitan Local Aboriginal Land Council have been notified of the Conservation Zones Review.

**18. Is there an opportunity for further Community Consultation?**

- The exhibition period closes on 30 October 2022.
- Council planners are available over the next month to discuss the circumstances surrounding individual properties on a 1:1 basis with property owners.
- This is the first stage in developing Conservation zones.
- Council will review all submissions, including requests for a review, and undertake site inspections to resolve disputes where required.
- The outcomes from the Review will be considered to determine whether the proposed methodology is appropriate and whether the studies and draft zone mapping are accurate.
- This will inform the preparation of the draft Northern Beaches Local Environmental Plan (LEP).
- The draft LEP must be approved by the elected Council and the Department of Planning for further public exhibition and comment, and again after exhibition before any zoning changes can commence.