



Warringah Urban Fringe Association Incorporated (WUFA),  
PO Box 125,  
Belrose, 2085  
Ph: 0419 777 502  
[www.warringahurbanfringeassociation.org.au](http://www.warringahurbanfringeassociation.org.au)

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# Submission to the E3 Strategic Review committee by Warringah Urban Fringe Association

## 2 December 2012

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## **Executive Summary**

The Warringah Non-Urban Lands Study (NULS) carried out by Warringah Council classified all land in the proposed E3 area into one of four categories based on the Environmental Value of the land. In the NULS report, almost none of the privately owned land (excluding land owned by the Metropolitan Local Aboriginal Land Council [MLALC]) was classified as having high environmental value. As the Department of Planning's Practice Note (PN09-002) states that "The Environment Protection zones E2 through to E4 are applied where the protection of the environmental significance of the land is the primary consideration", there would appear to be no valid reason that any of the privately owned land (excluding land owned by the MLALC) in the proposed E3 area should be zoned as either E2, E3 or E4. Many land parcels in the proposed E3 area were categorised in the NULS as "having potential for higher intensity development and land uses". Some of the land covered by the NULS has since been rezoned as residential.

The residents of the E3 Strategic Review area do not want to be zoned as E3 (Refer to the results from WUFA's survey on page 30 of this report). The residents would like their land zoned as a combination of Rural (RU4), Large Lot Residential (R5), Low Density Residential (R2) and Medium Density Residential (R3).

## **Background of WUFA**

On 27 July 2011 there was a community meeting where all owners of land were invited to attend and discuss the proposed zoning of their land as E3. Our Local Member of Parliament, Local Councillors, staff from the Department of Planning, staff from Council and land owners affected by the E3 zoning were invited to attend. John Holman presented a summary of the E3 issues and then Malcolm Ryan (Deputy General Manager, Environment, Warringah Council) presented Council's position, followed by a presentation by Juliet Grant (Regional Director - Sydney Region East, Department of Planning). There were 150 landowners that attended this meeting. After all of the presentations, a vote was taken and 98% of landowners voted that E3 was not an appropriate zoning for the area.

Warringah Urban Fringe Association (WUFA) was formed soon after this meeting in August 2011. WUFA advocates for the views of all owners of land in the E3 area to be taken into consideration in deciding the correct zoning for all land in the proposed E3 area. WUFA represents over 150 landowners.

## **The E3 Strategic Review Process**

### **Community Consultation**

The process of community consultation undertaken with LEP2009 over E3 was unacceptable. The only acceptable process for the community engagement is that the E3 Strategic Review committee liaise with the community, carry out individual site visits and negotiate what planning controls are to be used prior to formulating any formal document for public approval.

WUFA intends to keep this Strategic Review honest and facilitate the community's views on the zoning of our properties. We will not let the community consultation phase of the E3 Strategic Review be a tick the



box community consultation. We are going to ensure the community is involved and agrees on the outcomes of this Strategic review. WUFA wants a shared vision by all stakeholders.

### **Ingleside and Terrey Hills**

When the Minister for Planning (Brad Hazzard) deferred the E3 area from LEP2009, we believe the whole E3 area should have been deferred. Instead only the localities of Oxford Falls Valley and Belrose North were deferred. This left approximately 12 properties that were zoned E3 in WLEP2011 where property owners did not want to be zoned E3.

We believe this may be a simple oversight because the E3 area is often referred to as affecting Oxford Falls and Belrose North. The E3 area includes a small number of properties in Terrey Hills & Ingleside, namely:

- five (5) lots along the Southern side of Mona Vale Road, Terrey Hills
- two (2) lots in Kamber Road, Terrey Hills and
- five (5) lots on Kimbriki Road, Ingleside.

The above properties should be analysed for correct zoning as part of the E3 Strategic Review process.

## History

### History of Planning in the proposed E3 area

Prior to 1974 the proposed E3 area was zoned Rural. The minimum lot size was 5 acres. In 1974, the majority of the land in the area was owned by two major landowners, Hawker-Siddeley owned 2,394 acres and the Department of Lands owned 2,096 acres. Hawker-Siddeley proposed subdividing their land into a large quantity of small lots (which was allowable under the then current zoning). Because of concerns about the effect of stormwater flowing into Narrabeen Lagoon from the increased development, the NSW State Government put in place Interim Development Order 51 (IDO51) to temporarily stop development in the area “until such time that detailed planning of the area could be undertaken”. Refer to Appendix A for articles from the Manly Daily about IDO51.

In 1974 Elected Councillors from Warringah Council were against the provisions of IDO51. In a negotiated settlement with Hawker-Siddeley, Hawker-Siddeley handed over the majority of their land to public ownership in return for the permission to build the Austlink Business Park at Belrose. The majority of the land once owned by Hawker-Siddeley has now become Garigal National Park.

When IDO51 was put in place (1974), residents were told that it would take about 6 months to carry out a detailed plan into what should happen to the area. The majority of the reasons for having the restrictions of IDO51 have now gone (as the majority of land it was seeking to protect is now Garigal National Park, and “Warringah Non-Urban Lands Study Stage 2: Impacts on Water Quality of Narrabeen Lagoon” document concluded that Urban release will in fact improve the quality of water in Narrabeen Lagoon).

IOD51 was repealed by Warringah LEP 1985, but most of the provisions from IDO 51 were carried forward into LEP1985, then subsequently into LEP2000.

LEP2000 was translated into LEP2009, which when passed into law became named LEP2011. Before passing LEP 2011 into law, the Minister for Planning (Brad Hazzard) deferred the majority of the E3 area from LEP2011, leaving the deferred area to operate under the existing LEP2000. The Minister for Planning did this because of the outcry from residents about their land being downzoned to E3.

### How was the zoning change from LEP 2000 to LEP 2009 meant to be handled?

In 2009 Warringah Council put together a new Local Environment Plan (LEP2009 which became known as LEP2011) which put all areas of Warringah into one of the State Government standard zones (This process was referred to by Warringah Council as a “Translation” process). Warringah Council published some Plain English explanatory notes for LEP2009. Below is an extract from the Plain English explanatory notes for LEP 2009:

“Permissible and prohibited land uses:

In translating Warringah LEP 2000, for the purposes of determining the permissibility status of land uses in the new LEP, a rule of translation was applied whereby Category One and Category Two land

uses are (subject to development consent) permissible, and Category Three and Prohibited land uses are prohibited.”

The translation from LEP2000 to LEP2009 in the proposed E3 area did not follow the above “rules”, as Housing for Older people and people with disabilities was a category 2 land use under LEP2000 and became prohibited instead of permissible under LEP2009.

### **What is E3 zoning intended for?**

Practice Note PN 009 (refer to Appendix E for extracts of this practice note) states:

“The Environment Protection zones E2 through to E4 are applied where the protection of the environmental significance of the land is the primary consideration. Their importance for visitation, tourism and job creation should also be carefully considered. Prior to applying the relevant zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. This is particularly important where land is identified as exhibiting high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves.”

“the zone is generally not intended for cleared lands”

As Warringah Council’s Non Urban Land’s Study did not classify any of the privately owned land (excluding land owned by the MLALC) as having high environmental value, none of the E zones (including E3) are an appropriate zoning for the privately owned land.

### **What was the motivation for Council to zone land as E3?**

The motivation to change Seniors living from permissible (under LEP2000) to prohibited (if the land had been zoned E3) would appear to have come from Council’s desire to stop the large scale seniors’ developments which had been proposed at various stages. E3 is one of the few zones that categorically prohibits Senior’s Housing.

Below is an interesting extract from a Council meeting held on 27 September 2011:

Minutes from Council meeting held on 27 September 2011:

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 24/2011

Warringah LEP – E3 Gazettal of Red Hill and Oxford Falls

256/11 RESOLVED

Cr Regan

That Council write to the Minister for Planning and Infrastructure in the following terms:

A. Council reiterate its previously stated position:

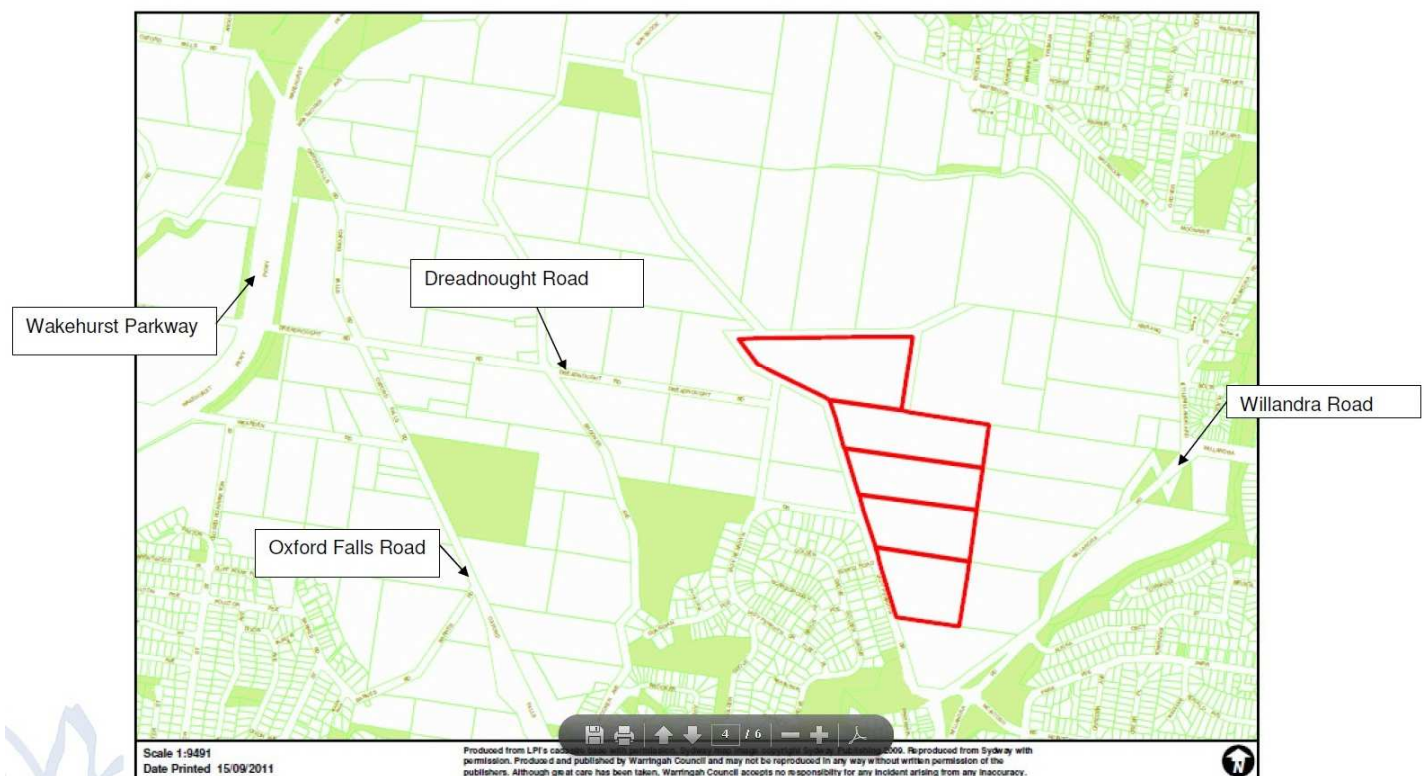
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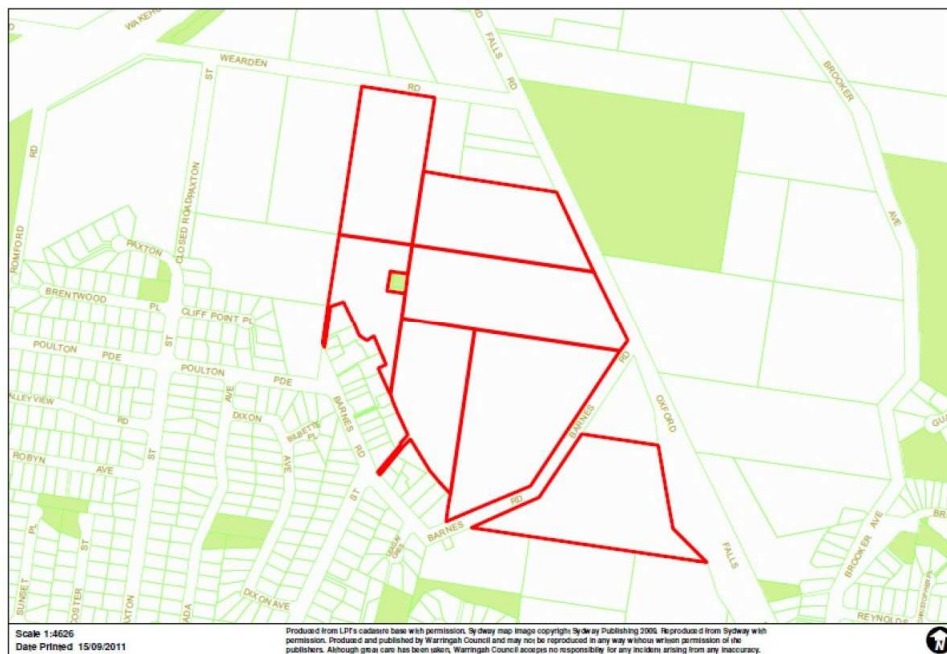
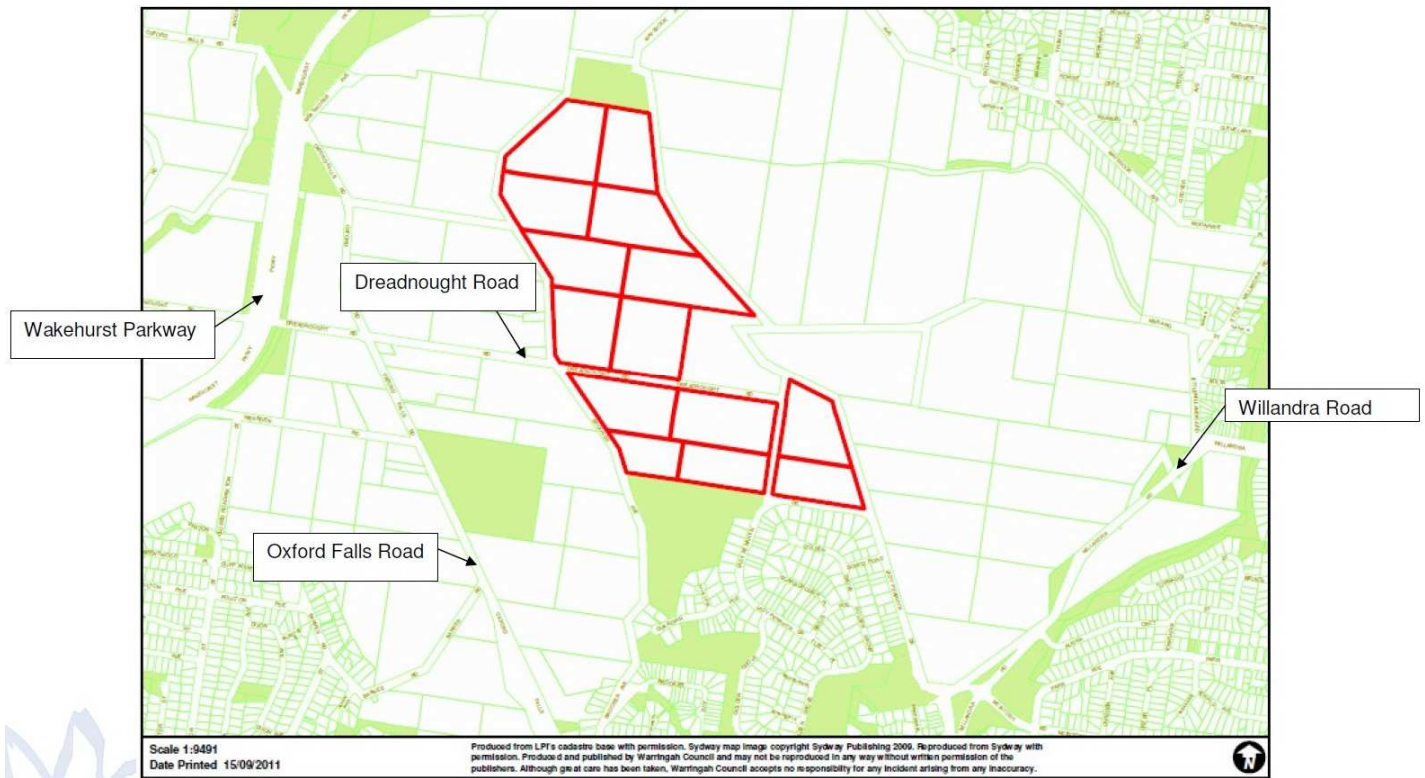
c) noting that not all land that is to be zoned E3 Environmental Management (under draft Warringah LEP 2009) will be deferred, and in order to protect non urban land from unsuitable development, the Minister also includes the following land in the new Warringah LEP (to be zoned E3 Environmental Management as currently proposed by Council) when it is published:

- i. Land located generally at the south eastern extent of the B2 Oxford Falls Locality and owned by the Trustees of the Sisters of the Good Samaritan being: Lots 808, 809, 812, 813, and 817 DP752038 (see Attachment 1); and
- ii. Land also located generally at the south eastern extent of the B2 Oxford Falls Locality and owned by the Trustees of the Roman Catholic Church being: Lots 4, 5 and 6 DP789407 and Lots 908, 909, 910, 911, 912, 913, 914, 915, 916, 917 and 918 DP752038 (see Attachment 2); and
- iii. Land located generally at the southern extent of the B2 Oxford Falls Locality and subject of a previous Part 3A proposal under the Environmental Planning and Assessment Act, 1979, being: Lots 1108, 1110, 1111, 1113 and 1336 DP752038; Lot 20 DP842523 and Lot 80 DP846099 (see Attachment 3).

The three maps from Attachment 3:

B2 Oxford Falls Locality Lots 808, 809, 812, 813 and 817 DP752038





From this we can clearly see that Warringah Council was trying to use E3 as a tool to protect non-urban land from Senior's development.



## **What is the difference between zoning for Senior's Living and Residential?**

Under LEP2000, Housing for Older people and people with disabilities (Seniors Living) is allowable along with Housing as a Category 2 land use on land which "adjoins a locality primarily used for urban purposes". Under this land use (Seniors Living), there is no maximum housing density. Typical density of Seniors Living facilities currently in the E3 area is around 158m<sup>2</sup> per unit (Based on Belrose Country Club having 228 retirement units on 36,000m<sup>2</sup> of land). This density is far higher than typical residential lot sizes (450m<sup>2</sup> and 650m<sup>2</sup>) in the area.

Under Residential zoning there is a minimum lot size (therefore maximum density) which is allowable. Some of the residents who overlook, or are adjacent to, proposed seniors living facilities don't want high density living in their area. WUFA suggests that the areas that are currently zoned for Seniors Living are rezoned as Residential with minimum lot sizes ranging from 450m<sup>2</sup> to 5,000m<sup>2</sup> (as outlined further in the later sections of this submission). Conventional Urban release is more palatable to the community than high intensity aged care.

It is interesting to note that Seniors living is a prohibited land use under R2 residential zoning under Warringah's LEP2011. The residents would be happy to give up the right to be able to build seniors housing with no density restriction (their current zoning) for the right to be able to build conventional residential housing (under the proposed zoning) with a minimum lot size (ie density restriction).

## **What have the Dept. of Planning and Warringah Council thought about zoning land in the area as residential?**

In 1998 a proposal was put to Warringah Council to rezone non-urban land in Perentie and Dawes Road Belrose area to residential. Council agreed to this concept and subsequently prepared a draft LEP for Perentie and Dawes Road. This proposal was then submitted to the Department of Urban Affairs and Planning for approval.

Below is the response from the Department of Urban Affairs and Planning (Extracted from Warringah Council Report to Strategy Committee Meeting on 25 August 1998):

"The land proposed for a 2(a) Residential "A" zoning (approx. 8ha) is supported on the basis that it permits its highest and best use (medium density housing). However, there is concern about whether the proposed 1(c) Non Urban "C" zoning is the highest and best use for the adjoining 20ha [of] land lying immediately to the east".

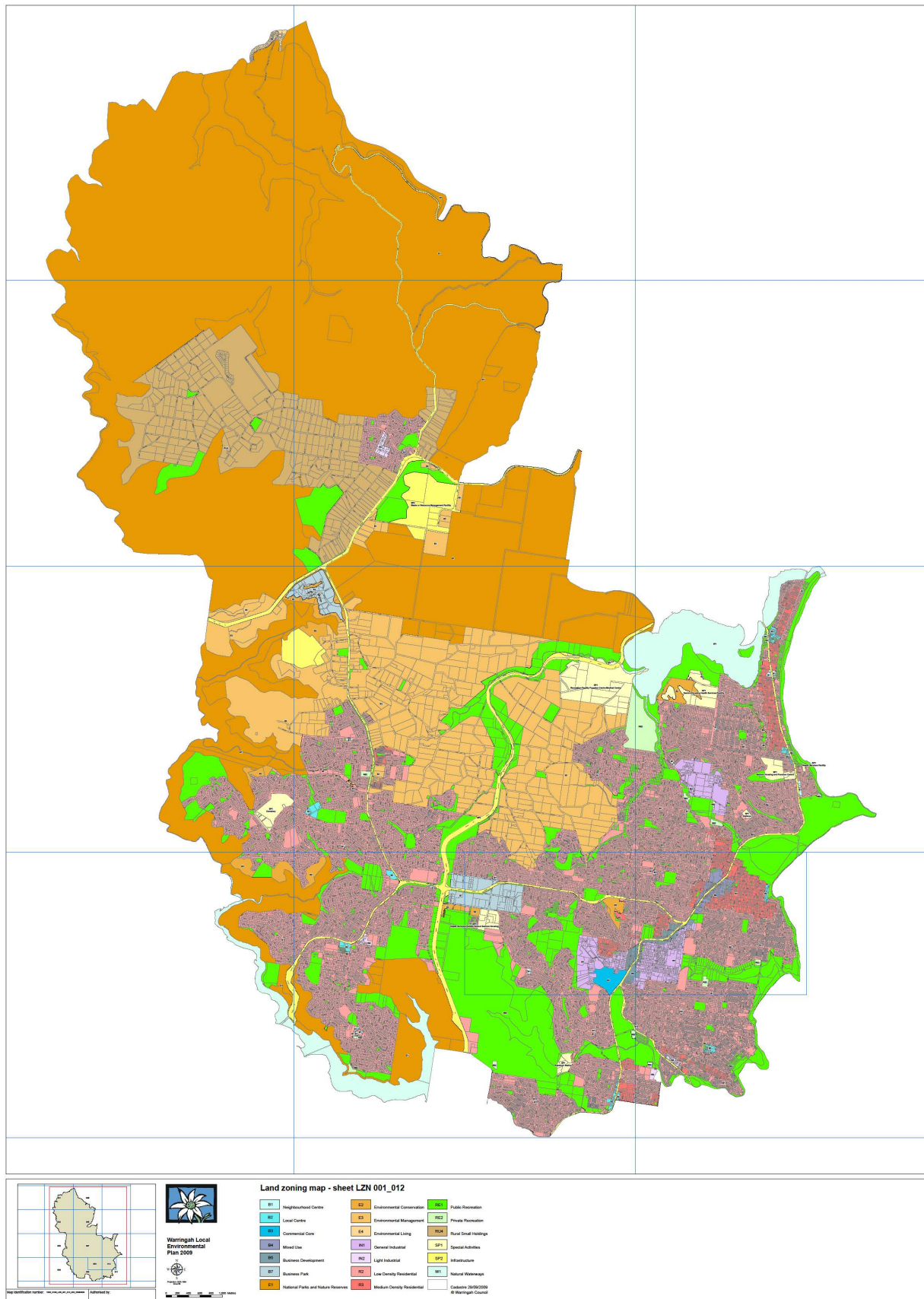
"In view of the above, the Department would like Council to review the provisions and zonings proposed under this draft LEP so that the highest and best use [of] all the land in question can be achieved. The Department would be prepared to certify a revised draft plan that enables residential development across the whole of the site"

What did Warringah Council think of this idea?

The Recommendation of Warringah Council's Acting Director Strategy was "That Council resolve to amend the draft LEP to replace the proposed 1(c) Non Urban "C" zone with a 2(a) Residential "A" zone. The development at Perentie and Dawes Road, Belrose subsequently went ahead and is mostly zoned medium density residential with a minimum lot size of 450m<sup>2</sup>.

## What were similar areas zoned under LEP 2009?

Under LEP2009, all of Duffys Forest and all of Terrey Hills (North of Mona vale Rd and North of the corner of Forest way and Mona Vale Rd) were zoned as Rural (RU4). Most of the area across the road from the proposed E3 area was zoned residential (R2).





## **What Reports and Studies have been done into the planning of the area?**

### **Non Urban Lands Study (NULS)**

In March 1998 Warringah Council appointed PPK Environment and Infrastructure to undertake the Non Urban Land Study (NULS). The project objectives in undertaking the Non Urban Land Study were to:

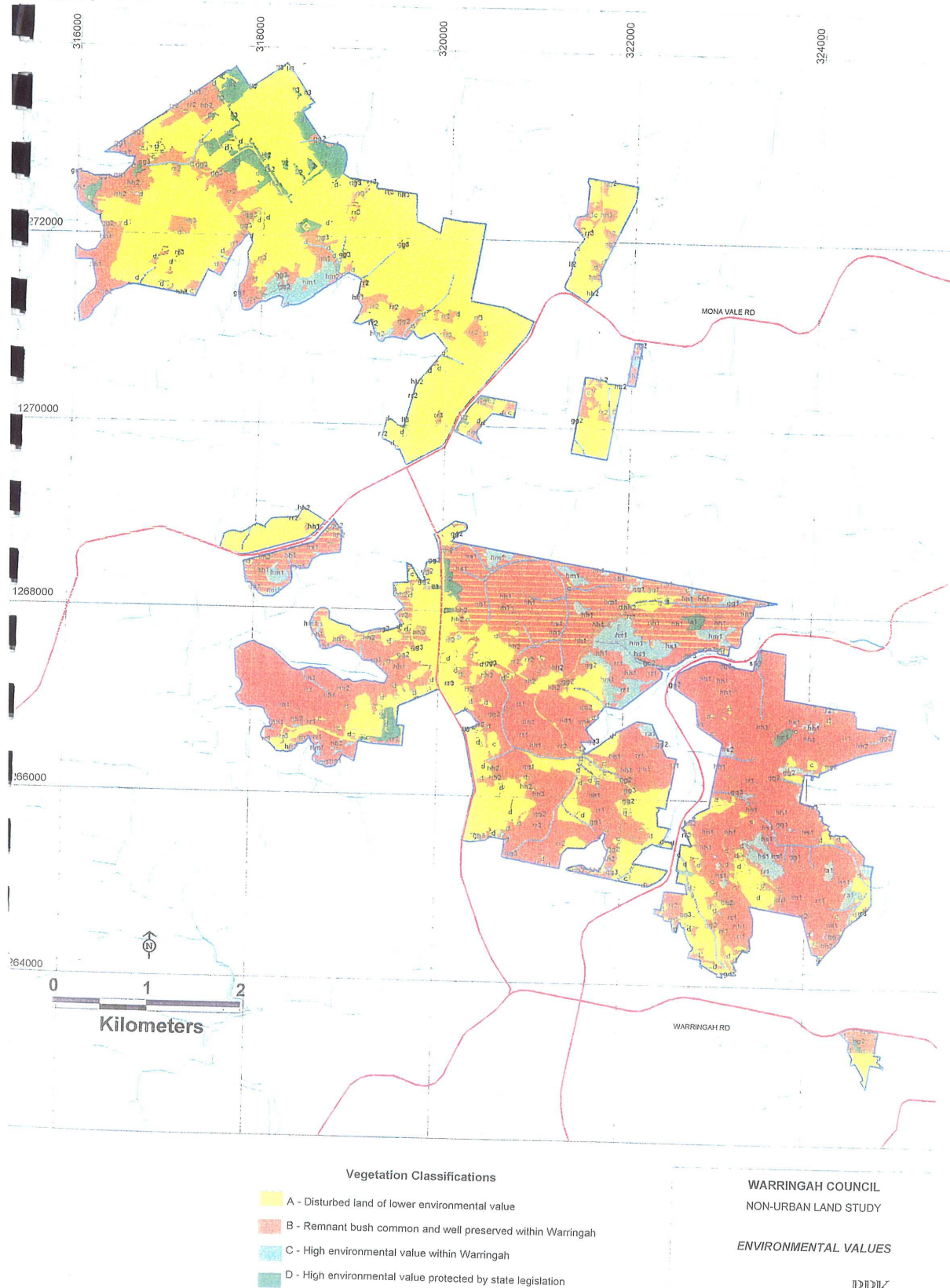
1. investigate and identify likely future uses of non urban land;
2. identify the role of non urban land;
3. review the capability of non urban land to support identified future land uses;
4. review recommendations of earlier non urban land studies;
5. identify what planning controls are appropriate and provide direction for future use of the area;
6. formulate a draft policy and long term planning objectives based on the results of the Study, to guide planning decisions for the Study area within a twenty (20) year planning framework; and
7. respond to the needs of the community in regard to non urban land.

The final copy of the Warringah Non Urban Land Study, incorporating community and stakeholder submission amendments, was submitted to Council on 7 April, 2000.

The NULS recommended that some of the areas be investigated for higher intensity development.

## Environmental Value of the land

Below is a map from page 32 of the NULS showing the environmental value of land in the area:



Below is the description of the Class A, B, C & D classifications (ie the four colours on the map on the previous page) of land from the NULS report:

**Class A - Disturbed land of lower conservation value.**

Areas where the existing land is highly disturbed, cleared of native vegetation or where vegetation is degraded to the point that environmental values have been severely degraded. Environmental values are therefore a minor consideration when planning to develop provided that appropriate planning controls have been satisfied. Approximately 41 percent of the land within the study area were categorised into class A.

**Class B - Remnant bush which is common and well preserved within Warringah.**

Areas with remnant native vegetation communities which are well represented throughout Warringah and in National Parks. These areas include vegetation communities identified by Smith and Smith (1998) as being of third priority for conservation. Provided that appropriate planning controls have been satisfied and an ongoing management plan is adopted to ensure the sustainability of the proposed activity these lands could support a moderate level of development in terms of potential environmental impact. Approximately 49 percent of the land within the study area was categorised as being in Class B.

**Class C - High environmental value within Warringah.**

Areas with significant environmental values which are important for maintaining the local biodiversity and catchment values. This class includes vegetation communities categorised by Smith and Smith (1998) as being of second priority for conservation. This class also includes areas identified as being important habitat corridors and buffer zones to creeklines. Proposals for these areas must be demonstrated to have no significant negative impacts on the existing environment and detail an ongoing plan of management to be adopted to ensure the sustainability of the proposal. Approximately 7 percent of the study areas was categorised as Class C.

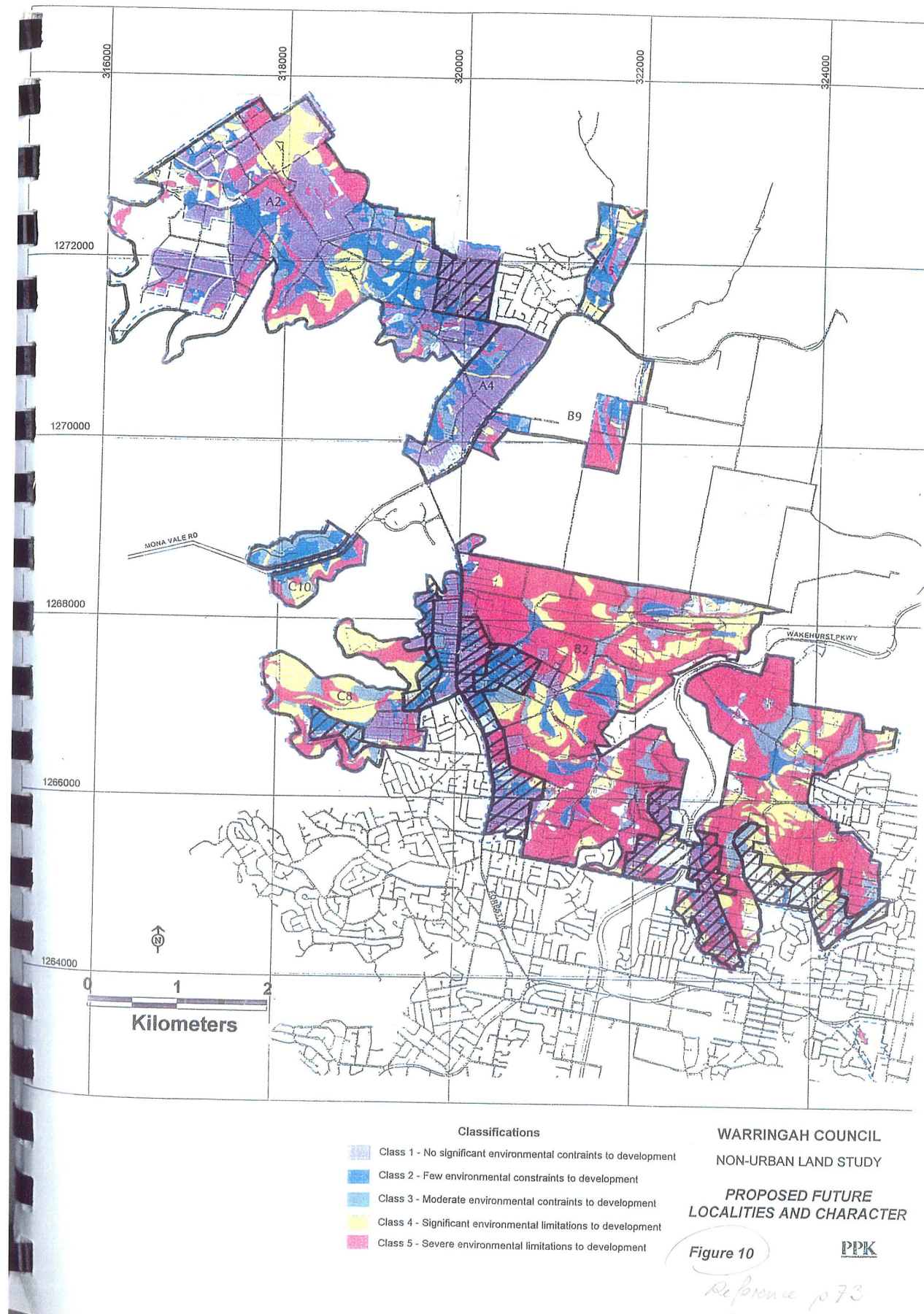
**Class D - High environmental value protected by state legislation.**

Areas which support communities or species which are important for conservation of biodiversity in NSW and support species protected under state legislation to be conserved. These lands support vegetation communities categorised by Smith and Smith (1998) as having the highest priority for conservation. While these areas are considered the most appropriate for protection, there may be opportunities for sustainable development of these lands depending on the use and the site conditions. These areas will require detailed assessment in the development process and the application of appropriate planning controls and management practices to ensure conservation of biodiversity. As illustrated in *Figure 3*, this category covered only a small proportion of the study area, approximately 3 percent of non-urban land.

It is interesting to note that 90% of the land falls into Class A and Class B land, and only Class C and Class D land is of high environmental value (ie could be considered as meeting the E zone requirement that “protection of the environmental significance of the land is the primary consideration”).



## Environmental Constraints of land in the proposed E3 Area



Below is recommendation 3 out of the NULS (Figure 10 is on the previous page):

*Recommendation 3: That the hatched areas identified in Figure 10 as having potential for higher intensity development and land uses (as outlined in Chapter 11), be further investigated with particular regard to the respective areas':*

- *transport and sewerage infrastructure constraints;*
- *bushfire hazard constraints;*
- *the cumulative effects on environmental values (for example Narrabeen Lagoon); and*
- *the regional demand for land generally.*

The E3 Strategic Review is the perfect opportunity to address recommendation 3 of the NULS.

### **Planning Assessment Commission (PAC) Report**

In 2009 The Planning Assessment Commission carried out a report into the possible rezoning of four parcels of land in the area. This is referred to as the PAC Report. This report recommended that further studies be carried out.

## **What Reports should and shouldn't be used for the E3 Strategic Review**

### **Biodiversity Study**

In 2012 Warringah Council carried out a Biodiversity study and put in on public exhibition. WUFA raised concerns about the Study in a letter to Warringah Council dated 13 March 2012 (Appendix B). Subsequent to our concerns being raised, Warringah Council held more information sessions and extended the consultation period. The major concerns of residents as expressed through the information sessions and many submissions may be summarised as follows:

- 1) That the Study had not been carried out in a scientifically sound way (i.e. It had been done without carrying out site visits) and therefore should not apply to privately owned land.
- 2) Inaccuracies of rankings of biodiversity value of private land must be rectified.
- 3) That the information contained in the Study would be used to disadvantage landowners through planning controls or planning decisions.

At the information sessions, Council staff assured landowners that the purpose of the study was only to allocate resources to the care of the natural environment for which the Council was responsible, and that in no way would the study be used for planning controls or to control development in any way (Please refer to the letter from Todd Dickerson, Warringah Council dated 26 March 2012 for written confirmation of this fact, which can be found in Appendix C).

The Biodiversity study was found to be inaccurate. As an example, some of the author's property was classified as "Very high conservation rating" (even though no site inspection had been carried out). The author engaged an Environmental Scientist (with a PhD) to carry out a site inspection and he found that there was nothing of high environmental value on the land. Appendix D of this report contains the letter to Council and the expert report.

The Biodiversity Study must not be used for any part of the E3 Strategic Review.

### **Riparian Land Zones**

In 2010 Warringah Council publically exhibited a Waterways and Riparian Land Policy. During the public exhibition period, the areas identified as riparian lands were found to be inaccurate. The map showed Riparian Land existing on the author's property. After insisting Council officers carry out a site inspection, the Council officers found there was no riparian zone on the property. This demonstrates the inaccuracy of the Riparian Land Policy and the information that Warringah Council currently has regarding Riparian lands.

The Riparian Land Policy must not be used for any part of the E3 Strategic Review.

## **Bushfire Prone Land**

The Bushfire prone map should only be used as a guide as we believe it has not been produced through individual site visits.

## **Environmental Constraints Map**

We believe the Environmental Constraints map provided by Warringah Council has not been produced using individual site visits or accurate scientific information. The Environmental Constraints Map is inconsistent with the Environmental Values map in the Non-Urban Lands Study (refer to page 14 of this submission for the Environmental Values map from the NULS).

The Warringah Council Environmental Constraints map must not be used for any part of the E3 Strategic Review.

## **Narrabeen Lagoon catchment**

Some of the areas in the proposed E3 zone drain to Narrabeen Lagoon. We all wish to preserve this beautiful area. Warringah Council has approved many major developments since 1974 (ie IDO51) which all drain to Narrabeen Lagoon, some of them are:

- Kimbriki Tip
- Dawes Road and Perentie Road, Belrose
- Red Hill
- Oxford Heights
- Cromer Rd
- Maybrook Avenue at Cromer
- Wearden Road at Frenchs Forest
- Maybrook Manor
- Willandra Bungalows
- Bolta place Cromer

In regards to the above developments, most of them had a desired future character statement that stated “Development in the locality will not create siltation or pollution of Narrabeen Lagoon”. As Warringah Council approved the above developments presumably they were happy that the developments met this desired future character statement.

Stormwater drainage has changed a lot since 1974. In 1974 developments could get away with no stormwater retention and no treatment of stormwater. These days there are stringent standards on both retention and treatment of stormwater for any new developments. The retention of stormwater by any properties that do drain to Narrabeen Lagoon would reduce the flooding on the Wakehurst Parkway by

storing and slowly releasing stormwater during periods of high rainfall. The treatment of stormwater prior to release would increase the quality of stormwater that drains to Narrabeen Lagoon.

Kimbriki Tip began operating in 1974, and has expanded greatly since opening. It drains to Narrabeen Lagoon. Warringah Council is one of the four council owners of Kimbriki Tip.

The proposed Frenchs Forest Hospital will most likely drain to Narrabeen Lagoon.

Below is an extract out of the “Warringah Non-Urban Lands Study Stage 2: Impacts on Water Quality of Narrabeen Lagoon” document:

“This investigation, recommended in Stage 1 of the NULS, aims to determine the water quality controls required within the areas identified as suitable for development, such that the water quality within Narrabeen Lagoon will not be further degraded, or will in fact be improved.”

“It has been determined that development of the areas identified as suitable from Stage 1 of the NULS (PPK, 2000) [figure 10], which drain to Narrabeen Lagoon, can be undertaken without a subsequent reduction in water quality in Narrabeen Lagoon, and in most cases an increase in water quality can be achieved.”

When this report talks about areas identified for urban release in the NULS, that drain to other catchments it says:

“Based on the similar features of the site, the results for this study undertaken for the Narrabeen catchment can be extrapolated directly to these additional areas located outside the Narrabeen Lagoon catchment based on the proposed developed area and capital and maintenance costs estimated for the Narrabeen Lagoon catchment areas”.



## Warringah's Housing Strategy

Below are quotes from Warringah Council's website:

"The NSW Government set a target for **10,300** new dwellings to be accommodated in Warringah Local Government area by 2031. Current zoning laws allow for an anticipated growth of **5,325** new dwellings, this includes Dee Why Town Centre, apartments in already zoned areas such as Narrabeen, Collaroy, Brookvale and Manly Vale as well as shop-top developments throughout Warringah."

### "Objectives of Warringah's Housing Strategy

The following objectives have been established to ensure the outcomes of this Strategy are consistent with State Government Policy and the expectations of the Community.

- Ensure that an adequate supply of appropriate land is appropriately zoned for residential development;
  - Plan for housing in accessible location to transport and services;
  - Provide a more contained and efficient pattern of urban development with an emphasis on efficient and effective use of existing and new facilities, services and infrastructure;
- Optimise the use of existing infrastructure, services and facilities;
- Facilitate a diversity of housing options through the provision of a greater mix of housing, in terms of type, density and affordability, to accommodate an increasing and diverse population;
  - Minimise the impacts of residential growth on the natural environment; and
  - Encourage development that will enhance the amenity of residential areas, and ensure that new housing relates to the character and scale of existing residential development."

This submission provides real solutions to Warringah Council's shortfall of new dwellings whilst meeting the objectives of the housing strategy, and acknowledging the wishes of the landowners.

### **Should some areas be changed from E3 to residential zonings?**

Warringah Council resolved at its meeting of 24 August 2010 “That council staff prepare a Planning Proposal for an amending Warringah Local Environmental Plan 2011 (WLEP2011) to zone land (as identified in Attachment No.1) R2 Low Density Residential.” The land referred to in attachment 1, is the land around Dawes Rd, which is currently the subject of a “Planning proposal to re-zone land in the vicinity of Dawes and Perentie Roads, Belrose, R2 Low Density Residential”, which went on public exhibition from 3 – 30 November 2012.

The owners of land in the proposed rezoning area do not want low density residential (R2) zoning, they want medium density residential (R3) zoning. There was no consultation with landowners prior to council deciding to rezone this land. The land in the subject area is sandwiched between medium density residential (R3), and the largest section of the proposed rezoned area is currently Belrose Country club which is also a medium density type development. It appears inappropriate that Council rezone this land as Low Density Residential (R2).

This land should be treated in the same way as all other land in the proposed E3 area, and be part of the Strategic Review process which takes into consideration the views of the community.

## What criteria need to be met for new urban release outside of the identified growth centres?

None of the land proposed to be E3 is currently in an identified growth centre. In order for land to be released that is not in a growth centre the following needs to be met (extract from the “Environment and Resources Strategy for Sydney” by the NSW Government):

### E3.1.2 Apply sustainability criteria for new urban development outside of the identified growth centres. (refer to Table G2)

Nonewlandwillbereleasedoutsideofidentified	growthcentresunlessitsubstantiallymeetsstrict	sustainabilitycriteria.
The sustainability criteria (Table G2) in the Implementation and Governance Strategy form the basis for decision making on the addition of new land to the Metropolitan Development Program (MDP). The criteria are based on those developed by NSW Sustainability Commission to assess the performance of the growth centres.		
The criteria will filter out inappropriate development proposals for rezoning land early in the decision making process to minimise unrealistic expectations, and to protect the Government's infrastructure priorities in strategic locations.		
The criteria will assist with this process, and will guide strategic land use planning through the regional strategies.		
In the past, the MDP has only applied to greenfield sites exceeding 1000 dwellings, unless regional infrastructure requirements had been identified and an appropriate assessment of development contributions had been undertaken.		
The sustainability criteria will now apply to any site planned for urban rezoning, regardless of scale or lot production. This includes rural residential and employment developments, and applies to government surplus sites.		
There are three situations in which sites may be added to the MDP under this revised process, if the:		
<ul style="list-style-type: none"><li>locality or site has been identified in a regional strategy; or</li><li>locality or site substantially meets all the endorsed sustainability criteria; or</li><li>proposal is considered significant for employment generation by Government.</li></ul>		

# actions

## IMPLEMENTATION AND GOVERNANCE

TABLE G2 SUSTAINABILITY CRITERIA FOR NEW LAND RELEASE

DEVELOPMENTS MAY BE APPROVED IF THEY SUBSTANTIALLY MEET THE CRITERIA BELOW AFTER A MERITS ASSESSMENT

Threshold Sustainability Criteria for listing of site on MDP	Measurable explanation of criteria
<b>1 Infrastructure Provision</b> Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	<ul style="list-style-type: none"> <li>• Development is consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy.</li> <li>• The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.</li> <li>• Preparedness to enter into development agreement.</li> </ul>
<b>2 Access</b> Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.	<ul style="list-style-type: none"> <li>• Accessibility of the area by public transport and appropriate road access in terms of:               <ul style="list-style-type: none"> <li>— Location/land use; to existing networks and related activity centres.</li> <li>— Network: the areas potential to be serviced by economically efficient public transport services.</li> <li>— Catchment: the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>• No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul>
<b>3 Housing Diversity</b> Provide a range of housing choices to ensure a broad population can be housed.	<ul style="list-style-type: none"> <li>• Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>
<b>4 Employment Lands</b> Provide regional/local employment opportunities to support Sydney's role in the global economy.	<ul style="list-style-type: none"> <li>• Maintain or improve the existing level of subregional employment self containment.</li> <li>• Meets subregional employment capacity targets:               <ul style="list-style-type: none"> <li>— Employment related land is provided in appropriately zoned areas.</li> </ul> </li> </ul>
<b>5 Avoidance of Risk</b> Land use conflicts, and risk to human health and life, avoided.	<ul style="list-style-type: none"> <li>• Available safe evacuation route (Flood and Bushfire).</li> <li>• No residential development within 1:100 floodplain.</li> <li>• Avoidance of physically constrained land: high slope; highly erodible.</li> <li>• Avoidance of land use conflicts with adjacent, existing or future land use and rural activities as planned under regional strategy.</li> </ul>
<b>6 Natural Resources</b> Natural resource limits not exceeded/ environmental footprint minimised.	<ul style="list-style-type: none"> <li>• Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows.</li> <li>• Demonstrates most efficient/suitable use of land.               <ul style="list-style-type: none"> <li>— Avoids identified significant agricultural land.</li> <li>— Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining, and quarrying.</li> </ul> </li> <li>• Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.</li> </ul>
<b>7 Environmental Protection</b> Protect and enhance biodiversity, air quality, heritage, and waterway health.	<ul style="list-style-type: none"> <li>• Consistent with Government approved Regional Conservation Plan (if available).</li> <li>• Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats.</li> <li>• Maintain or improve existing environmental condition for air quality.</li> <li>• Maintain or improve existing environmental condition for water quality and quantity.               <ul style="list-style-type: none"> <li>— Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</li> <li>— Consistent with catchment and stormwater management planning (CMA and local council).</li> </ul> </li> <li>• Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</li> </ul>
<b>8 Quality and Equity in Services</b> Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	<ul style="list-style-type: none"> <li>• Available and accessible services.               <ul style="list-style-type: none"> <li>— Do adequate services exist?</li> <li>— Are they at capacity or is some available?</li> <li>— Has Government planned and budgeted to further service provision?</li> </ul> </li> <li>• Developer funding for required service upgrade/access is available.</li> </ul>

Addressing the threshold sustainability criteria as outlined in table G2 above for all land that the residents would like released as residential land:

1. Infrastructure provision:

The infrastructure required for urban release is currently either in place or can be easily put in place for all precincts who want urban release. The owners of land have expressed their preparedness to enter into a development agreement.

Precincts wanting urban release generally have access to all residential utilities including town water, sewerage, electricity, telephone, ADSL and Foxtel.

There is plenty of open space in the form of both Public Parks with play equipment, and plenty of natural bush with walking/cycling and horse riding tracks

2. Access

The area is very well serviced by a well-established bus service, existing roads, a lot of schools in very close proximity, and is very close to businesses (eg Austlink Business Park).

3. Housing Density:

Urban release in all areas requested by owners would contribute to market spread of housing supply.

4. Employment lands

The release of land in this area would increase the level of sub regional employment self containment due to the close proximity of Austlink and other business parks.

5. Avoidance of Risk

There are plenty of safe available evacuation routes in case of bushfire as the areas wanting urban release have existing road networks that provide multiple escape routes in case of bushfire.

None of the land is within a floodplain. None of the land is physically constrained land. There are no land use conflicts with adjacent, existing or future land use.

6. Natural Resources

The demand for water does not place unacceptable pressure on infrastructure. Sydney water has advised us that there is enough available capacity in the existing system to be able to accommodate urban release of the scale proposed by the residents.

In the majority of cases where precincts are wanting urban release, there is enough capacity on the sewerage system to allow for urban release of the scale proposed by the residents.

None of the land requesting urban release is identified as significant agricultural land, or productive resource lands. All of the land requesting urban release has ample access to electricity.

## 7. Environmental protection

The proposed urban release is for land that is not rated as high environmental significance by the Warringah Non Urban Lands Study.

The release of land will increase the quality of water because it will allow professionally designed stormwater filtration to be integrated into any new development. Professional designed stormwater systems will also provide retention of stormwater, thus decreasing peak flows into the water system.

There could be an improvement in hazard reduction to the extent that any new housing adjoining the buffer zones would most likely be built to a higher fire-protection standard than housing presently adjoining these zones.

All land proposed to be released for residential development is of no aboriginal cultural heritage value.

## 8. Quality and equity of services

There are plenty of adequate services in the proposed release areas.

- a) There are several schools in the area (Oxford Falls Grammar School, John Colet, Belrose Public, Covenant Christian School and Kamaroi).
- b) There are supermarkets, hairdressers, restaurants, car repair centres, car wash and many other services close to any proposed urban release.



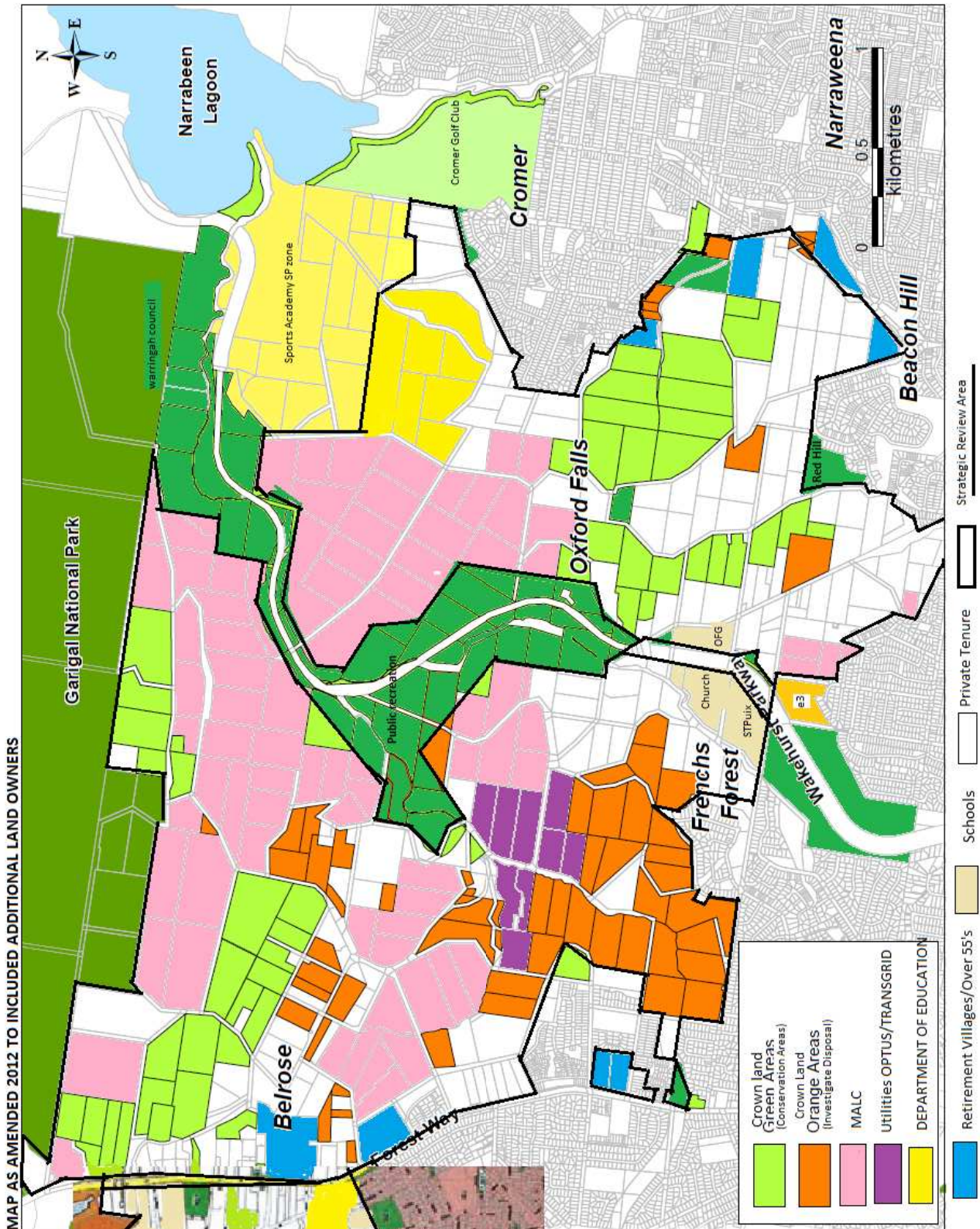


FIGURE 1.3  
PREFERRED LAND USE  
(After DoL, 2005)

J:\ENV\LJ2800 - Oxford Falls PoM\Figures

The E3 Strategic Review area is approximately 1400Ha. We can divide this area into three types of land ownership:

1. General Community owned land – 630 Ha, Land owned by the Government and Infrastructure organisations (ie Crown Land, Dept of Education, Telstra and Optus). This area forms almost half of the E3 Strategic Review Area. It is mostly Oxford Falls Regional Reserve – 520 Ha
2. Metropolitan Local Aboriginal Land Council owned land - 500 Ha - over 1/3 of the E3 Strategic Review area.
3. Privately owned land - 270Ha in 210 parcels. Less than 20% of the E3 Strategic Review Area. (average parcel size is 1.28Ha).

#### **General Community Owned Land:**

This is land owned by the government and infrastructure organisations. The major part of this land category is the Oxford Falls Regional Crown Reserve, forming over 80% of this land category. According to the 2010 Plan of Management for the Oxford Falls Regional Crown Reserve, 25% of the Oxford Falls Regional Crown reserve is earmarked for disposal (Refer to page 3 of the plan of management).

#### **Metropolitan Local Aboriginal Land Council (MLALC) Owned Land:**

This land is mostly virgin bush. This submission provides no opinion on the proposed zoning of this land.

#### **Privately Owned Land:**

This is land which is owned by private individuals (ie not the MLALC). It forms less than 20% of the E3 Strategic Review area, and is made up of approximately 210 parcels of land. WUFA has divided this privately owned land into sixteen precincts. Each precinct is a contiguous parcel of land typically separated by major roads. Each precinct could logically be different zones if required. We have carried out a survey of private land owners in the E3 area, which is addressed later in this document.

Under current zoning, most of Terrey Hills and all of Duffys Forest is zoned as Rural (RU4). You only have to go for a drive through this area to realise that a lot of this land is natural bush and the whole suburb is surrounded by National Park. Warringah Council chose to zone this area as Rural. We can see no justification for our private land to be zoned as the much more restrictive environmental protection zone of E3. Current Practice Notes issued by the Department of Planning specifically state that the E3 zoning:

1. Is to be used for “areas of special ecological, scientific, cultural or aesthetic attributes that require management”.



2. "E3 zone is generally not intended for cleared lands including land used for intensive agriculture". We should point out that a lot of activities that currently happen on land in the E3 area, are intensive agriculture, like growing irrigated crops, horticulture, animal boarding, horse riding schools, and plant nurseries.

## **What Residents want**

### **Overview**

We don't want to be unfairly restricted with what we can do with our land because of IDO51 which was meant to be lifted in 6 months in 1974 and all of the reasons for having it have gone (as the majority of land it was seeking to protect is now Garigal National Park).

We want the proposed E3 area to be properly investigated once and for all. The planning review that was supposed to be done in 6 months time in 1974 now needs to be done.

There has been community backlash at some of the High Density Seniors Living proposals, some of which were approved and some of which were not approved. The fact is Seniors Living is allowed under LEP 2000 on land that adjoins residential land. If the community doesn't want high density Seniors Living, then the most practical option is to rezone the land which is adjacent to existing residential as residential. Land that is not adjacent to residential should be considered for release as residential or as a minimum be zoned as rural.

With the approval of the new Hospital it is logical that the area be considered for some form of expansion.

Since IDO51 the minimum lot size has been 50 acres (200,000m<sup>2</sup>). This ridiculous minimum lot size was put in place to stop Hawker-Siddeley subdividing their land. As the Hawker-Siddeley land is now a combination of Garigal National Park and Austlink business park, this ridiculous minimum lot size is no longer appropriate for the area. This needs fixing.

Different parts of the E3 area need to be zoned as different zones. The proposed E3 area needs to be zoned as a combination of Environmental Management (E3), Rural (RU4), Large Lot Residential (R5), Medium Density Residential (R3) and Low Density Residential (R2). Land owners must be consulted about what is appropriate for their land.

## **The WUFA survey**

WUFA recently conducted a survey of land owners in the proposed E3 area. This survey can be found in Appendix F.

We received responses from over 100 of the 210 lots. The respondents to the survey represent over 45% of land owners affected by E3.

Of the responses, only one lot had E3 as their preferred zoning.

## Survey Results from residents

No	Precinct Name	RU4 (Rural) - Primary Producti on Small Lots	RU5 (Rural) - Village	RU6 (Rural) - Transiti on	R2 (Resident ial) - Low Density Residenti al	R3 (Reside ntial) - Mediu m Density Reside ntial	R5 (Reside ntial) - Large Lot Reside ntial	B1 (Busine ss) - Neighb ourhoo d Centre	B2 (Busine ss) - Local Centre	B4 (Busine ss) - Mixed Use	B5 (Busine ss) - Busines s Develo pment	B6 (Busine ss) - Enterpr ise Corrido r	SP2 (Special Purpos e) - Infrastr ucture	E2 (Enviro nment al Protect ion Zone) - Environ mental Conser vation	E3 (Enviro nmenta l Protect ion Zone) - Environ mental Manag ement	E4 (Enviro nmenta l Protect ion Zone) - Environ mental Living
1	Dawes Rd	5.0	5.0	5.0	3.3	1.6	5.0	6.0	6.0	6.0	6.0	6.0	6.0	5.0	5.0	5.0
2	Forestway South East	4.0	4.0	3.7	2.3	2.0	3.3	4.7	4.3	4.7	4.3	4.7	4.7	4.7	5.0	5.0
3	Wyatt Ave	4.0	4.6	4.0	1.0	2.0	2.6	6.0	6.0	6.0	6.0	6.0	6.0	5.0	5.0	5.0
4	Forestway North West	3.4	4.0	3.4	3.0	3.7	3.6	3.7	3.0	2.3	2.6	1.6	5.8	5.2	5.2	5.2
5	Forestway North East	4.0	5.7	5.7	2.4	2.8	3.0	5.3	5.3	5.3	5.3	5.3	5.3	5.0	5.0	5.0
6	Belrose North	4.7	4.7	5.0	2.0	1.7	2.2	3.5	4.0	2.8	4.0	3.0	4.7	5.0	5.0	5.0
7	Morgan Rd	2.8	2.8	4.6	3.2	4.0	2.3	5.3	5.3	5.3	5.3	5.3	5.6	5.0	4.7	4.0
8	Kelly's Way	1.0													5.0	
9	Oxford Falls Rd West	2.0	3.0	2.8	2.5	3.0	2.1	4.8	4.4	4.4	4.4	4.4	4.4	5.0	5.0	4.9
10	Spicer Rd South	4.3	4.0	3.3	1.8	2.6	2.4	5.5	5.5	5.5	5.5	5.5	5.5	5.3	5.0	5.0
11	Oxford Falls Rd North East	2.7	4.0	3.0	2.0	2.7	1.7	5.3	5.3	5.3	5.3	5.3	5.7	5.0	5.0	5.0
12	Oxford Falls Rd South East	3.6	4.8	4.6	2.9	3.6	1.6	5.4	5.4	5.4	5.4	5.4	4.8	5.0	4.8	4.8
13	Red Hill	5.3	5.3	3.8	1.0	4.7	2.3	6.0	6.0	4.4	6.0	5.7	6.0	5.1	5.0	5.0
14	Cromer	3.8	5.3	4.4	3.1	4.1	2.3	6.0	6.0	6.0	6.0	6.0	6.0	5.3	4.3	5.2
15	Ingleside	3.0	4.7	4.7	3.3	3.3	3.0	5.3	5.3	4.7	5.0	5.3	5.3	5.0	5.0	4.7
16	Terrey Hills	2.0	5.7	5.7	3.0	4.0	4.0	5.0	5.0	4.0	5.0	5.0	5.7	5.0	5.0	5.0

1= 1<sup>st</sup> Preference

2= Very Desirable

3= Desirable

4= Not as Desirable

5= Definitely Not

6= Not Applicable

Minimum Lot Sizes:

Precinct No	Precinct Name	1. 450 m <sup>2</sup> (Typical Medium Density Residential) 2. 600 m <sup>2</sup> (Typical Low Density Residential) 3. 740 m <sup>2</sup> 4. 800 m <sup>2</sup> 5. 4,000 m <sup>2</sup> (1 acre) 6. 5,000 m <sup>2</sup> 7. 20,000 m <sup>2</sup> (5 acres) 8. 200,000 m <sup>2</sup> (50 acres)
1	Dawes Rd	1.2
2	Forestway South East	2.3
3	Wyatt Ave	2.3
4	Forestway North West	4.0
5	Forestway North East	1.8
6	Belrose North	2.4
7	Morgan Rd	5.4
8	Kelly's Way	7.0
9	Oxford Falls Rd West	4.3
10	Spicer Rd South	2.8
11	Oxford Falls Rd North East	4.0
12	Oxford Falls Rd South East	4.7 (A lot of people wanted 2,000 m <sup>2</sup> )
13	Red Hill	3.0
14	Cromer	5.3
15	Ingleside	5.0
16	Terrey Hills	6.3

## Precinct based discussion for each Precinct

### Precinct 1 - Dawes Rd (Forestway West up to Perentie Rd and Dawes Rd)

This area was the subject of a Council motion which was passed to change the zoning of this area from E3 to R2. The areas directly to the North and South of this area are currently R3 under WLEP2011, with a minimum lot size of 450m<sup>2</sup> or less. The residents of this precinct want to be zoned Medium Density Residential (R3), with a minimum lot size of 450m<sup>2</sup>.

Warringah Council had a Planning proposal for this precinct to be zoned R2 on public exhibition at the time of writing this submission. WUFA has put a separate submission about the Dawes Rd Planning Proposal into Warringah council.

The map below shows the subjected sites (ie Precinct 1):

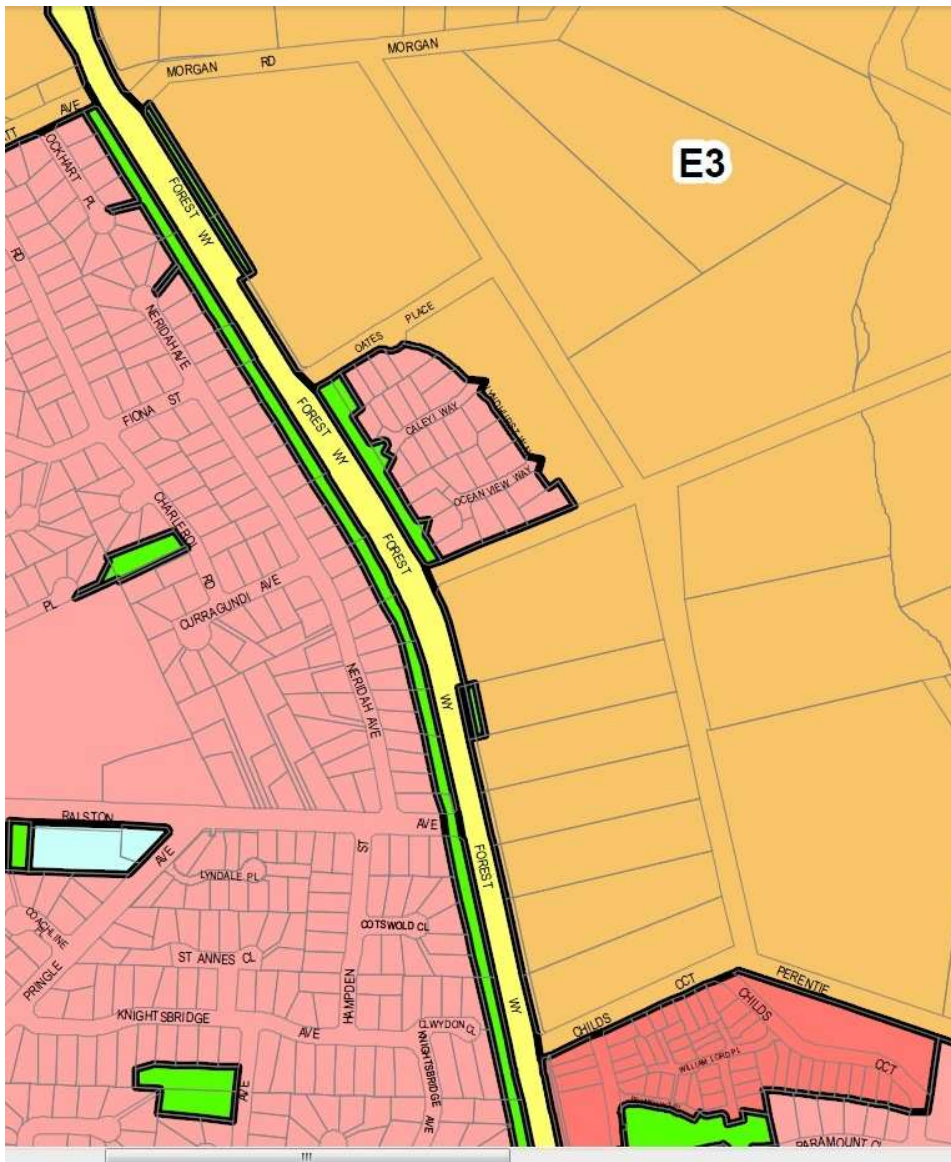
The subject land identified for zoning R2 Low Density Residential under WLEP2011



## Precinct 2 - Forestway South East (Forestway South East from Perentie Rd to Morgan Rd)

The residents of this precinct want to be zoned Medium Density Residential (R3). The area to the South of this Precinct is zoned R3, and the area to the North of this precinct is zoned R2. Other factors that support the resident's request are:

- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.
- This area is serviced by a major bus route.
- There are direct school buses which stop at a bus stop within 200m of this area to and from many schools.
- There is a supermarket (including bottle shop), hairdresser, two restaurants, car repair centre, car wash and many other services within 600 meters walking distance of this area.
- The area is currently connected to town water, sewerage, electricity, telephone, ADSL and Foxtel.
- The area is on a main road.

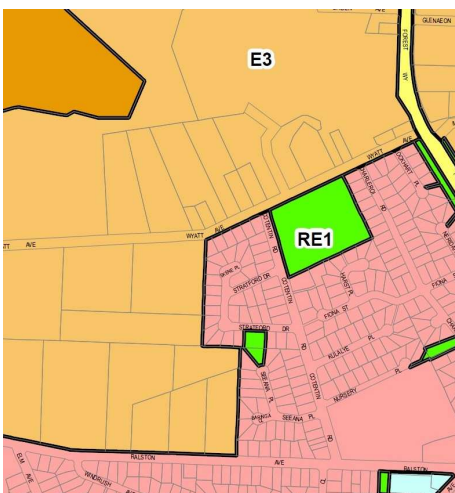




### Precinct 3 - Wyatt Ave (Northern side of Wyatt Ave)

The residents of this precinct want the land to be rezoned either Low Density Residential (R2) or Medium Density Residential (R3). The reasons why this zoning is appropriate are:

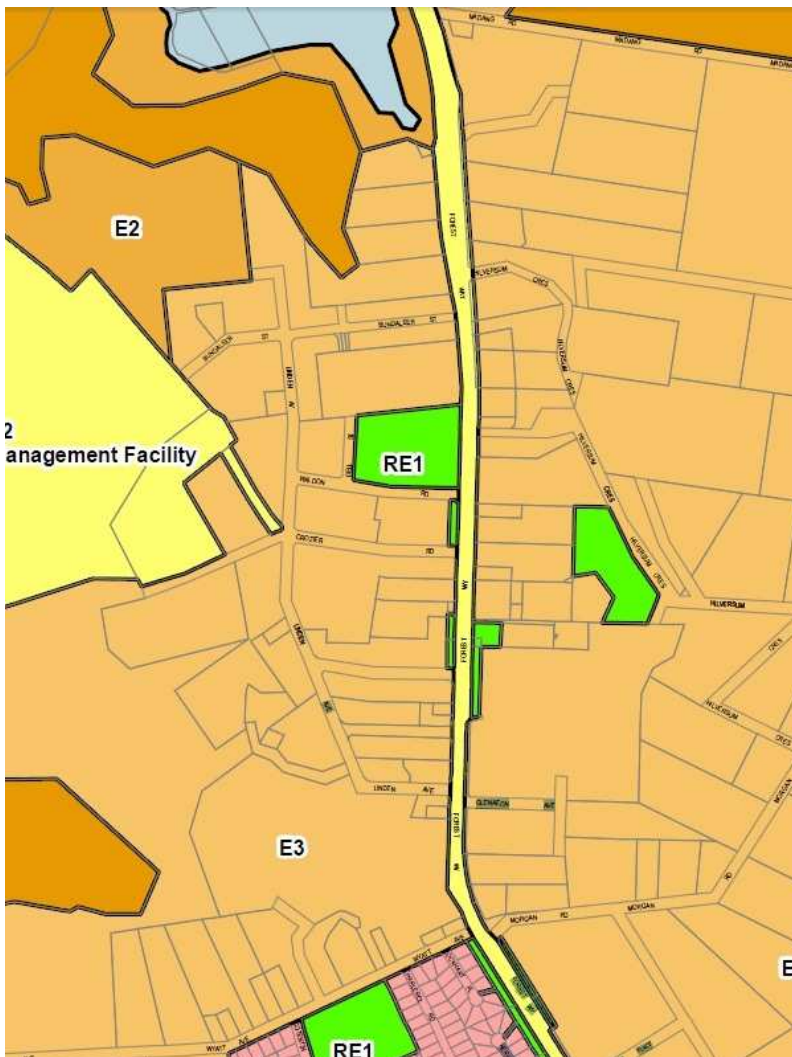
- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.
- This area is serviced by a major bus route. There are 94 public buses that stop at a bus stop within 100m of this area heading to and from Town Hall on any given weekday. There are 77 public buses that stop at a bus stop within 400m of this area heading to and from Chatswood Station on any given weekday. This gives a total of 171 public busses servicing this area on any given weekday.
- There are direct school buses which stop at a bus stop within 100m of this area to and from Brigidine College, Covenant Christian School, Davidson High School, Kambora Public School, Northern Beaches Christian School, Oxford Falls Grammar School and Wakehurst Public School.
- There are three schools (John Colet, Belrose Public and Covenant Christian School) within 500 meters walking distance of this area.
- There is a supermarket (including bottle shop), hairdresser, two restaurants, car repair centre, car wash and many other services within 600 meters walking distance of this area. There is a concrete footpath all the way from the precinct to these services.
- There is a Public Park (Wyatt Park) with play equipment 100m away from this area (on the other side of the road to the precinct).
- The area is currently connected to town water, sewerage, electricity, telephone, ADSL and Foxtel.
- The area drops off to the North giving environmentally friendly North facing aspects.
- The area is in a street which has vehicular access directly onto Forest Way (at a set of traffic lights).
- There is a school located on the Northern side of Wyatt Ave (John Colet) which has gone from a sparsely built on property to a property with many large buildings over the last few years.
- The Southern side of Wyatt Ave is current zoned R2.



### Precinct 4 - Forestway North West (Properties fronting Forestway North of Wyatt Ave)

The residents of this precinct want the land to be rezoned B6 (Business Enterprise Corridor). This area currently consists mainly of business premises and garden centres. Below is an extract describing the B6 zone from the Practice Note Titled “Preparing LEP’s using the Standard Instrument”:

The zone is generally intended to be applied to land where commercial or industrial development is to be encouraged along main roads such as those identified by the metropolitan, regional and subregional strategies. The zone provides for uses such as 'business premises,' 'hotel or motel accommodation', 'light industries,' 'hardware and building supplies,' 'garden centres' and 'warehouse or distribution centres.' Retail activity needs to be limited to ensure that Enterprise Corridors do not detract from the activity centre hierarchy that has been identified or planned. Opportunities for urban consolidation along busy roads may be pursued and some residential accommodation uses may be included in this zone, if considered appropriate. In 2011, a zone Direction was included to clarify that where any type of residential accommodation is included in the Land Use Table, an additional zone objective must also be included relating to the provision of residential uses 'only as part of a mixed use development.'

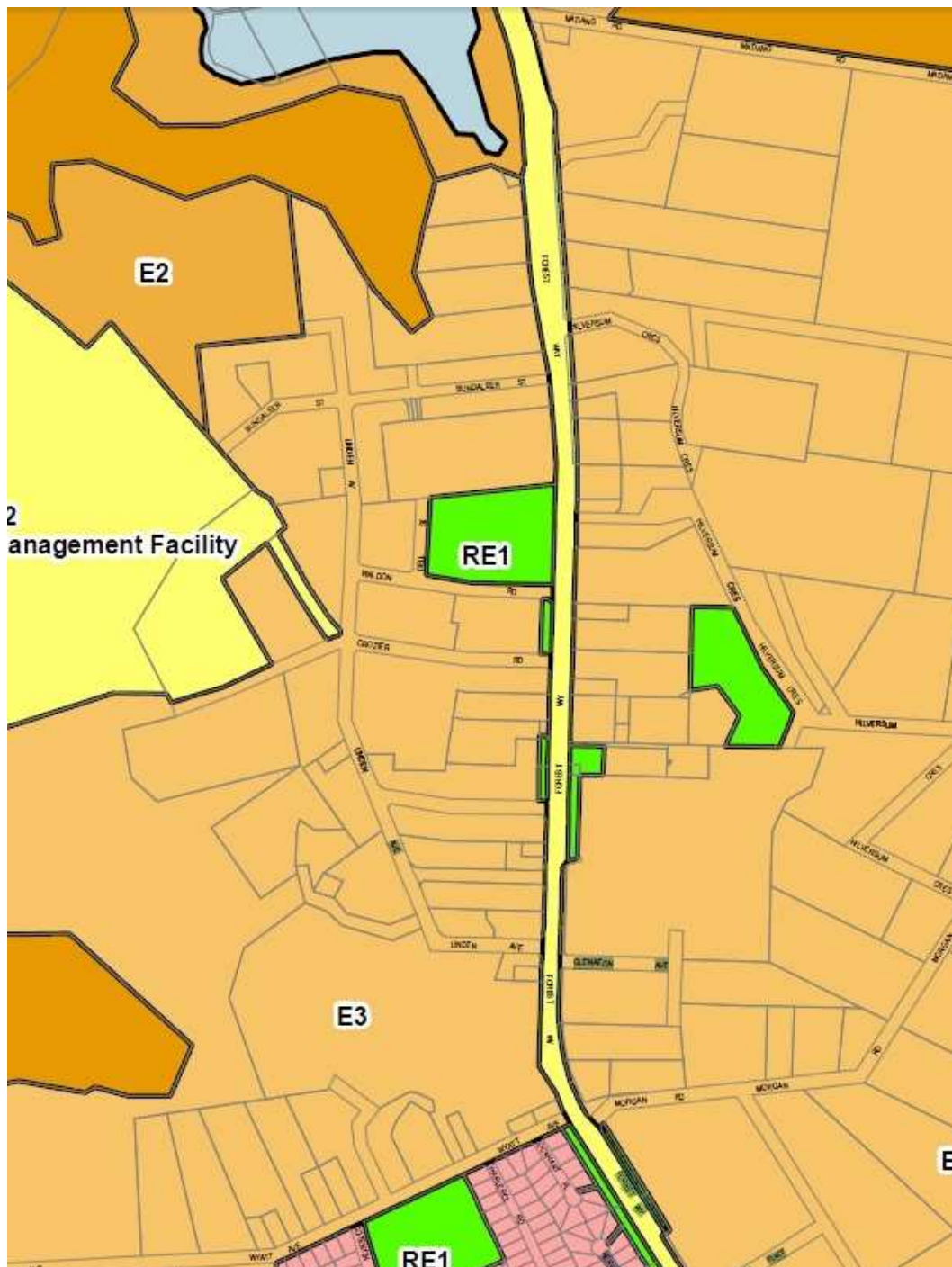




## Precinct 5 - Forestway North East (Properties fronting Forestway North of Morgan Rd)

The residents of this precinct want the land to be rezoned Low Density Residential (R2). The reasons why this zoning is appropriate are:

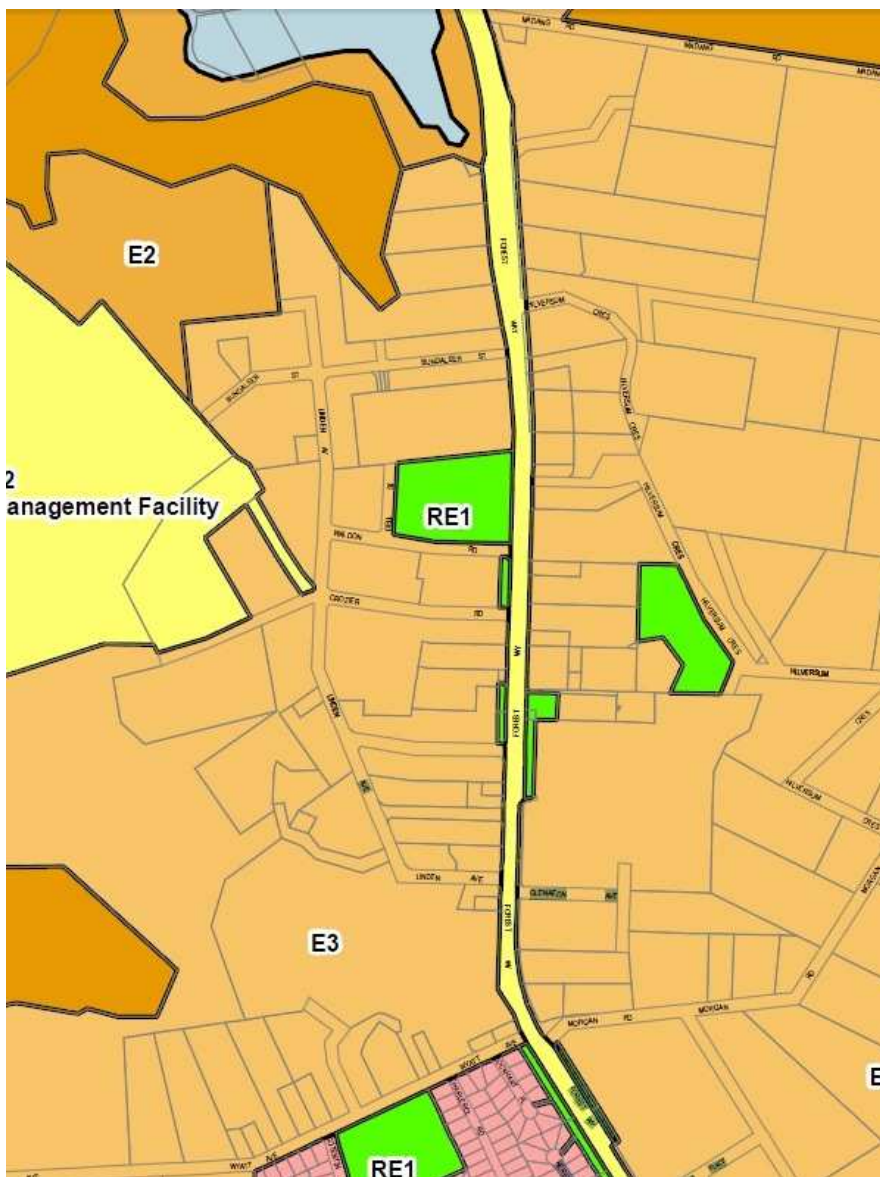
- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.
- This area is serviced by a major bus route.
- There are direct school buses which stop at a bus stop within 100m of this area
- There are schools within walking distance of this area.
- The area is currently connected to town water, electricity, telephone and ADSL.



## Precinct 6 - Belrose North (Everything north of Wyatt Ave, west of properties fronting Forestway)

The residents of this precinct want the land to be rezoned either Medium Density Residential (R3) or Low Density Residential (R2). The reasons why this zoning is appropriate are:

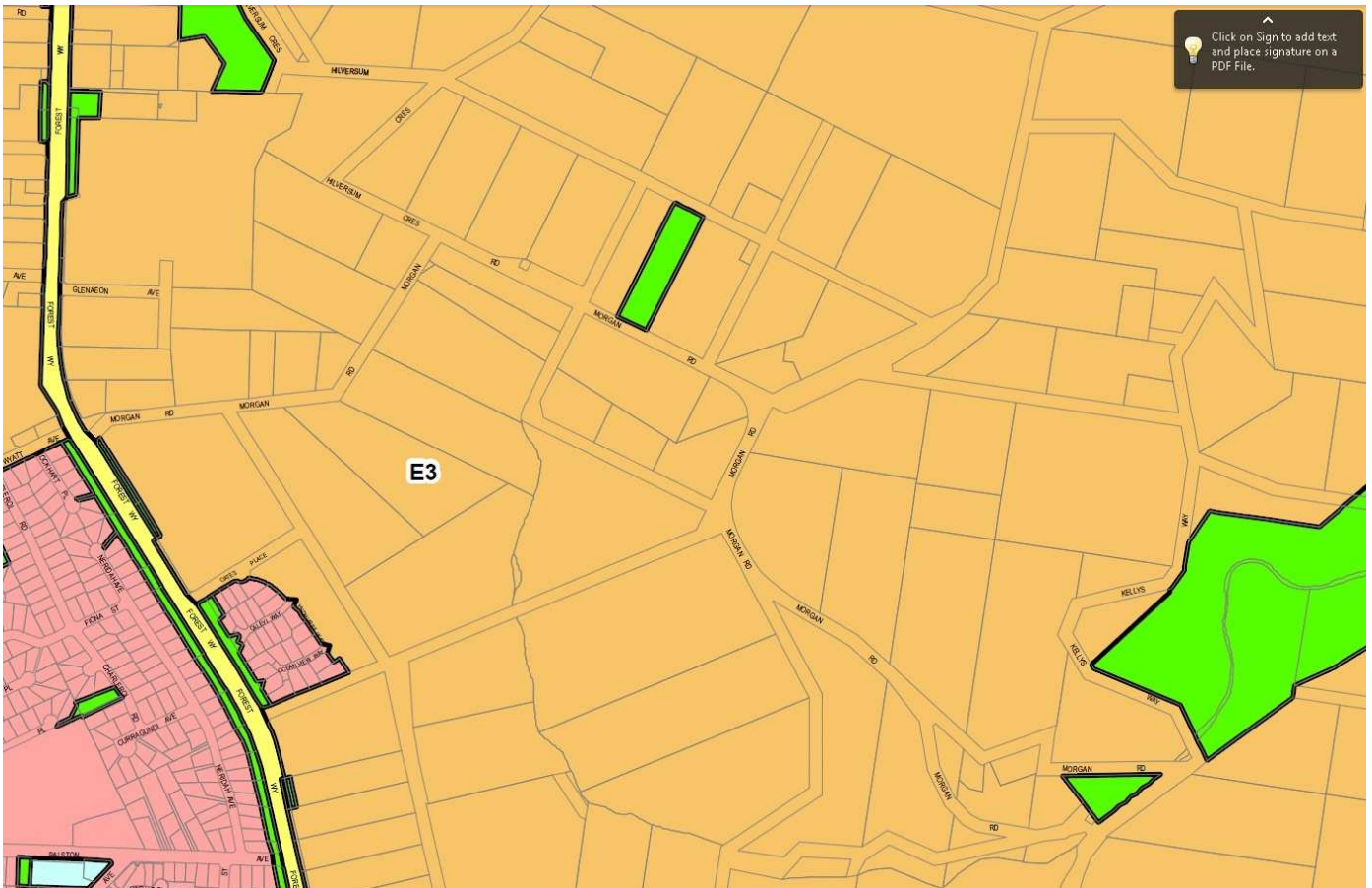
- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.
- This area is serviced by a major bus route.
- There are direct school buses which stop at a bus stop within 100m of this area
- There are schools within walking distance of this area.
- The area is currently connected to town water, electricity, telephone and ADSL.
- The area is sandwiched between residential south of Wyatt Ave and industrial park (AustLink) to the North.



## Precinct 7 - Morgan Rd (Morgan Rd and Hilversum Cres)

The residents of this precinct want the land to be rezoned Large Lot Residential (R5), with a 4,000m<sup>2</sup> (1 acre) minimum lot size. The reasons why this zoning is appropriate are:

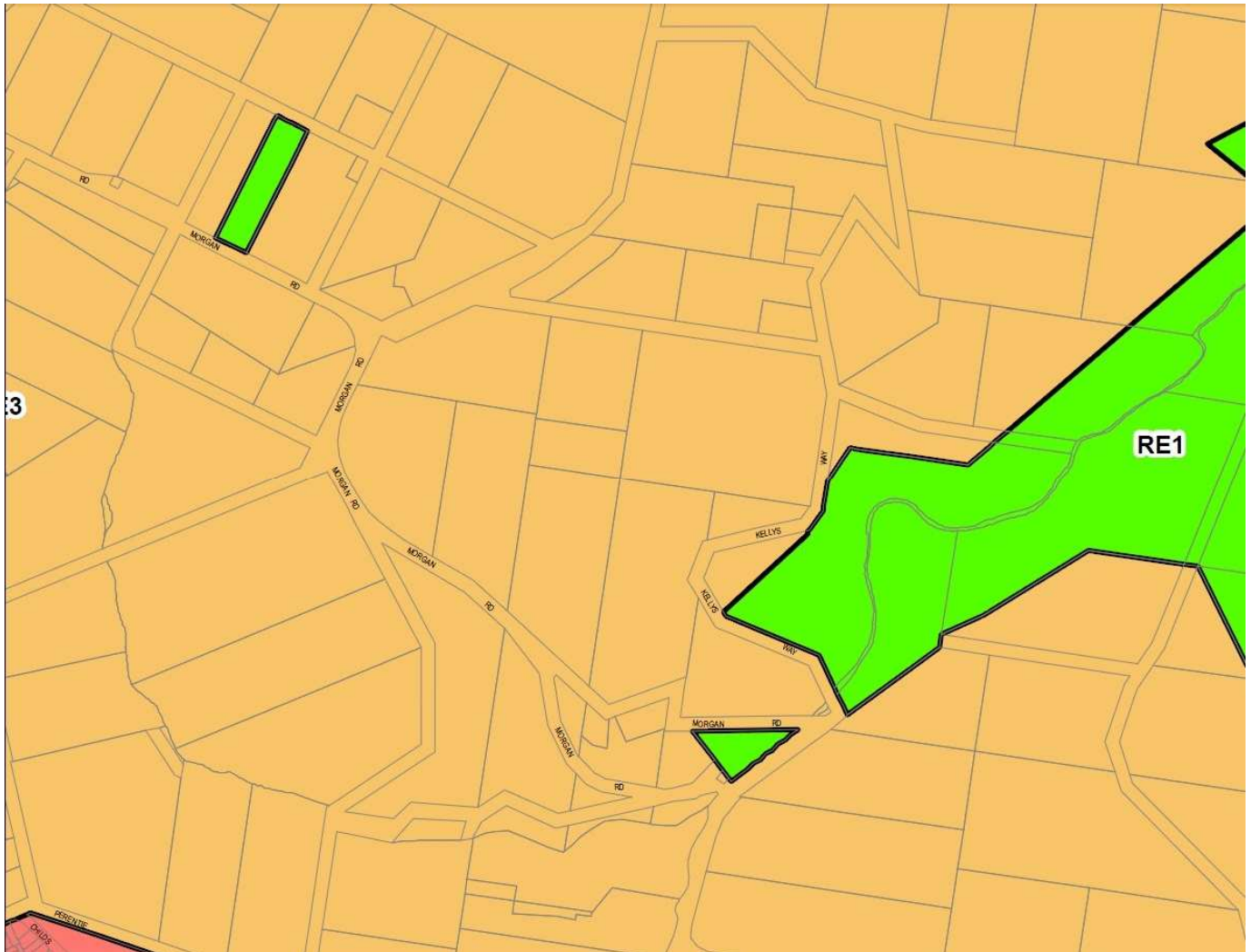
- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.
- Properties are currently connected to town water, Electricity and Telephone.
- Sewer capacity runs down Morgan Rd very close to many of these properties.
- Schools within walking distance.





## Precinct 8 - Kelly's Way (Kelly's Way)

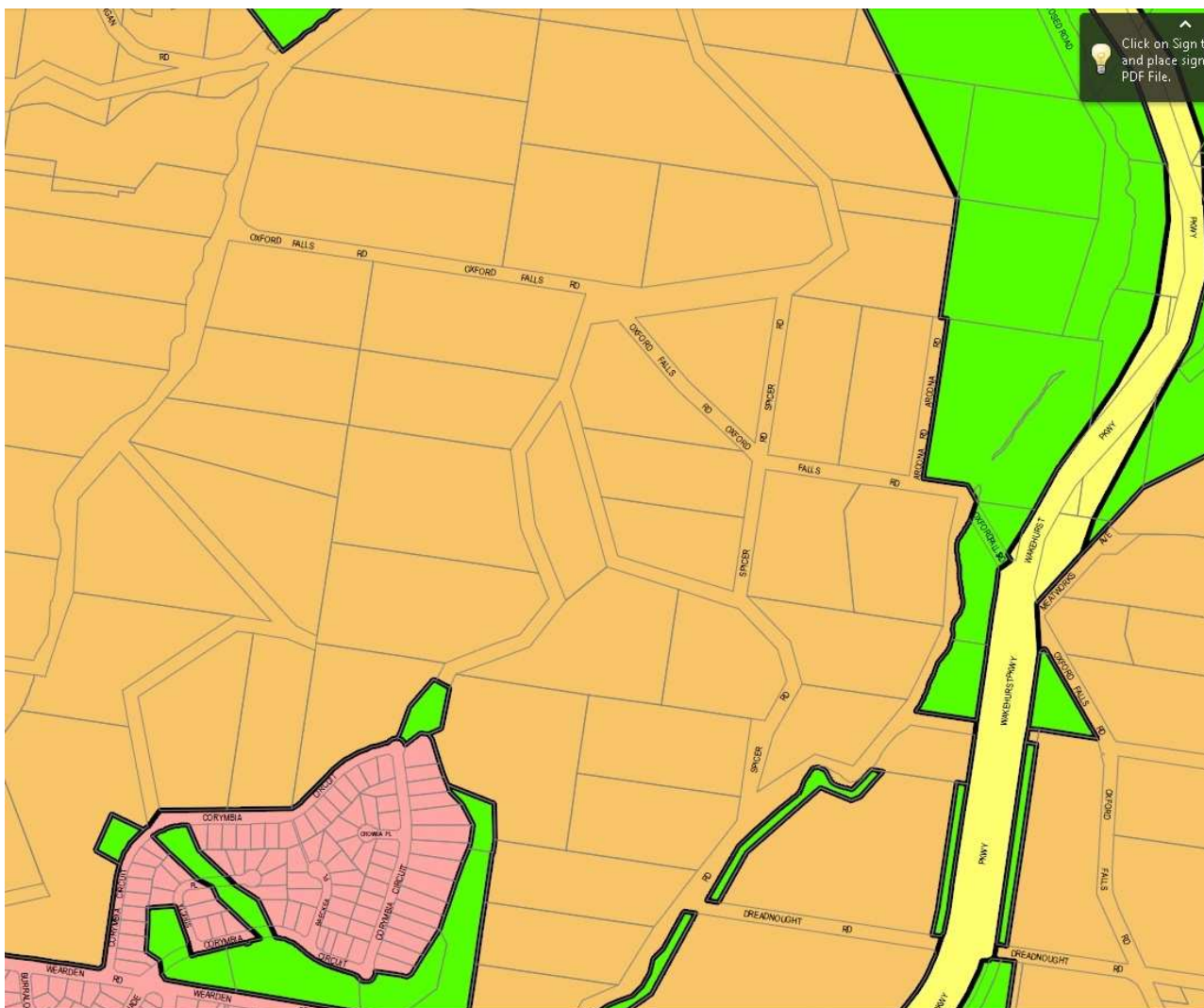
The residents of this precinct want the land to be rezoned Primary Production Small Lots (RU4), with a 20,000m<sup>2</sup> (5 acre) minimum lot size.



## Precinct 9 - Oxford Falls Rd West (East of Snake creek to Wakehurst Parkway)

The residents of this precinct want the land to be rezoned a combination of Large Lot Residential (R5), Primary Production Small Lots (RU4) and Residential Low Density (R2). The reasons why this zoning is appropriate are:

- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.
- Most of the privately-owned land is cleared.
- About 7 years ago a paper was prepared which showed the historical usages of all of the properties covered by Precincts 9, 10 and 11. Virtually all of these properties were used for chicken farms, pig farms, abattoirs, one large pottery producing domestic-ware from locally-extracted clay, and several quarries. Some of these usages date back to the late 1800's. As well, most of the topsoil was extracted and sold off in the 1950's. Most current soils are from brought-in material since the 1960's. Warringah Council is in possession of this document, and we are happy to supply a copy to this review.
- Currently there is a wholesale nursery, a sizeable horse-boarding establishment and several hobby-farms operating here, as well as a Council-approved 60-place childcare centre still under construction, with a series of additional buildings apparently, including a gardeners cottage, a staff quarters cottage, in addition to a large privately-occupied 3-level dwelling.



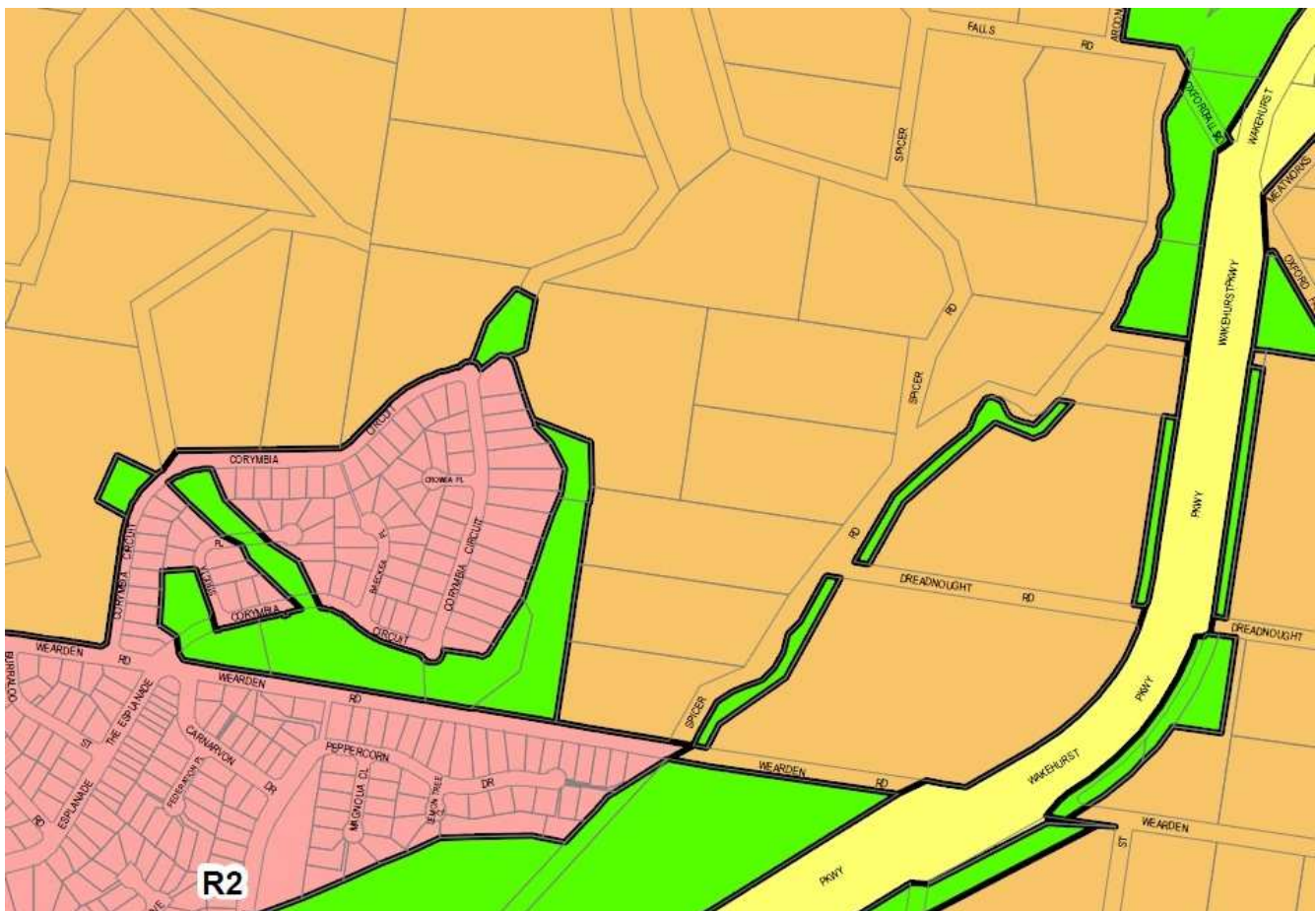


## Precinct 10 - Spicer Rd South (Spicer Rd South including C3 & St Pius)

The preferred outcome for the owners in this area is a zoning of R5 with a 2,000m<sup>2</sup> minimum lot size. It is important for the C3 church that Places of Public Worship are listed as permitted with consent for the R5 zoning. It is also important for C3 church that the C3 land can also be used for educational purposes (eg preschool and bible college), as well as being allowed to have a café and bookshop.

The reasons why this zoning is appropriate are:

- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.

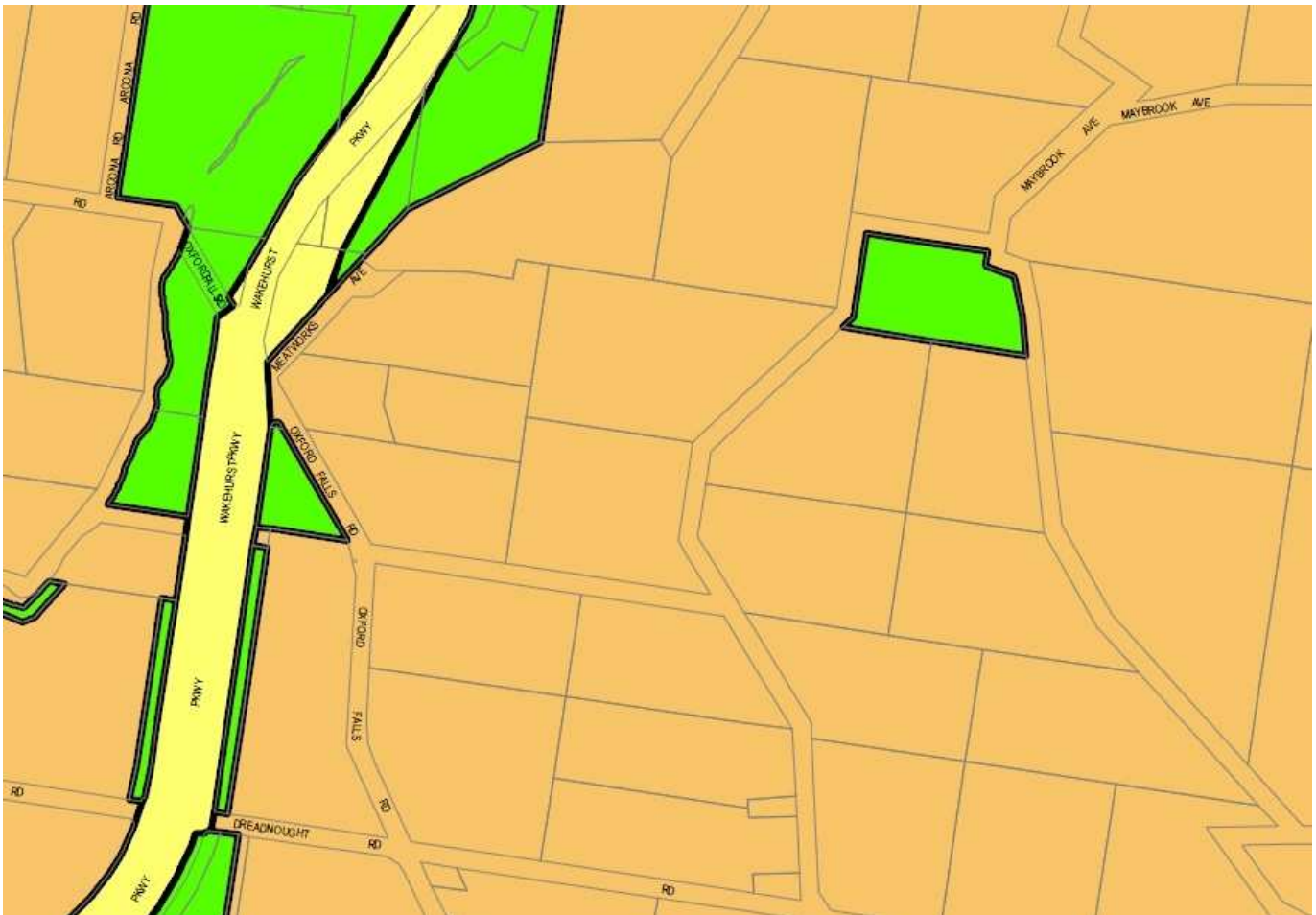


## Precinct 11 - Oxford Falls Rd North East (Everything East of Wakehurst Parkway, North of Dreadnought Rd)

The residents of this precinct want the land to be rezoned a combination of Large Lot Residential (R5), Residential Low Density (R2). The reasons why this zoning is appropriate are:

- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.

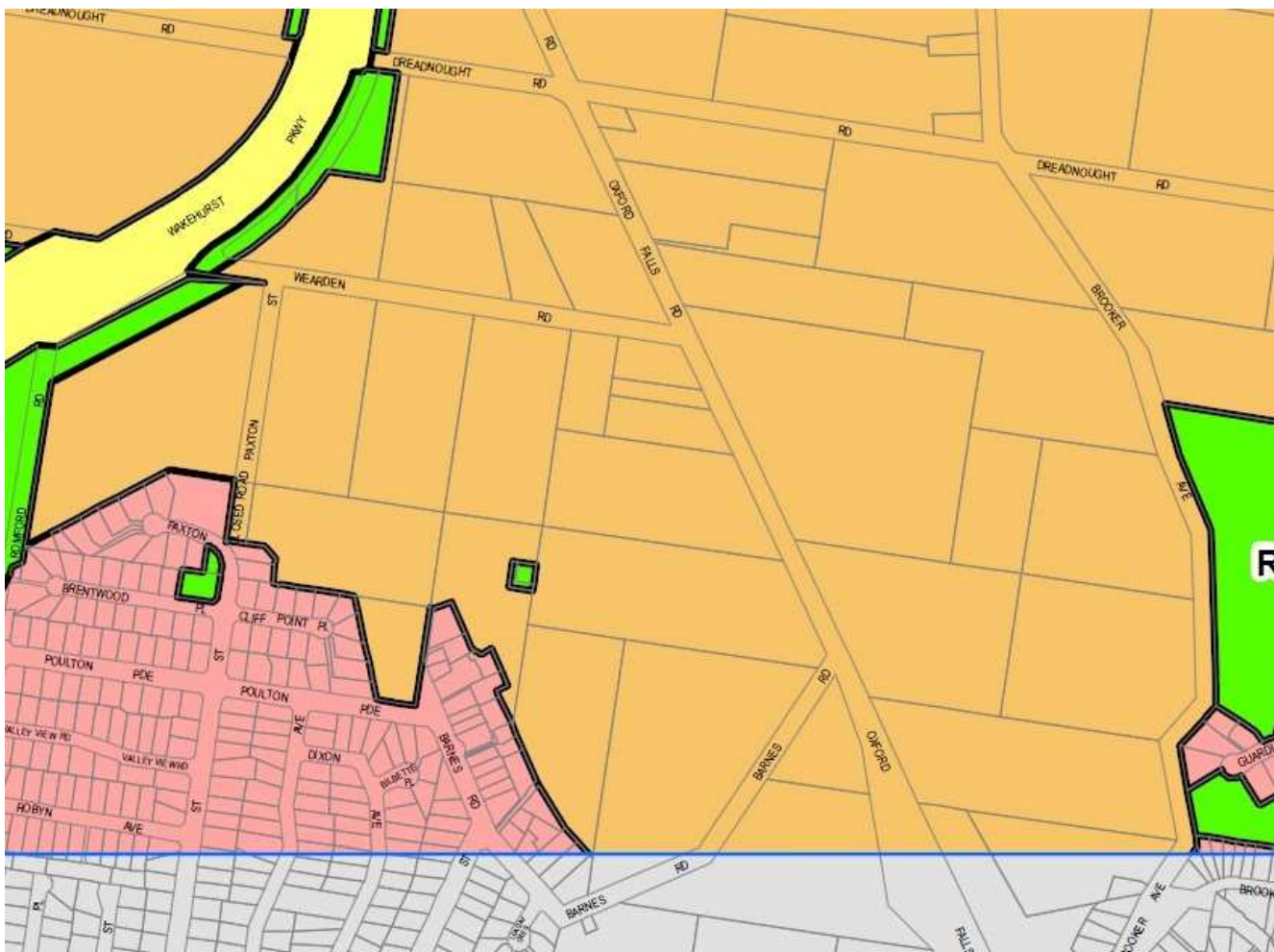
It is important to Oxford Falls Grammar School that whatever zoning is given to their land, and the land surrounding it, the school must be able to expand (beyond the 10% allowable under existing usage rights).



## Precinct 12 - Oxford Falls Rd South East (Everything East of Wakehurst Parkway, South of Dreadnought Rd)

The residents of this precinct want the land to be rezoned Large Lot Residential (R5), with a minimum lot size of 2,000 m<sup>2</sup> (1/2 acre). As per the LEP practice note PN 07-001, the objective of the R5 zone is to provide residential housing in a rural setting. The area is mainly Cleared Land. The current usage is predominantly Rural Residential with some hobby farms. Minimum size lots of 5000m<sup>2</sup> are concentrated in Oxford Falls Rd at Wearden Rd. One Commercial Development exists, known as the Australian Tennis Academy (Falls Retreat), on approximately 21,600m<sup>2</sup>. The Rural holdings in this precinct are mainly in the floor of a valley and any new residential buildings would be well below ridge tops. Direct road access is available to Iris St and to Wakehurst Parkway via traffic lights. Oxford Falls Grammar School is within walking distance. This Precinct south of Wearden Rd is bounded to the east, south and west by R2 Residential development (Beacon Hill and Frenchs Forest). Existing services include school buses, town water, electricity, telephone, ADSL and Foxtel. The Australian Tennis Academy has a rising main to the Boards sewer in Barnes Rd. and there is the potential for other properties to have access at this point.

This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.



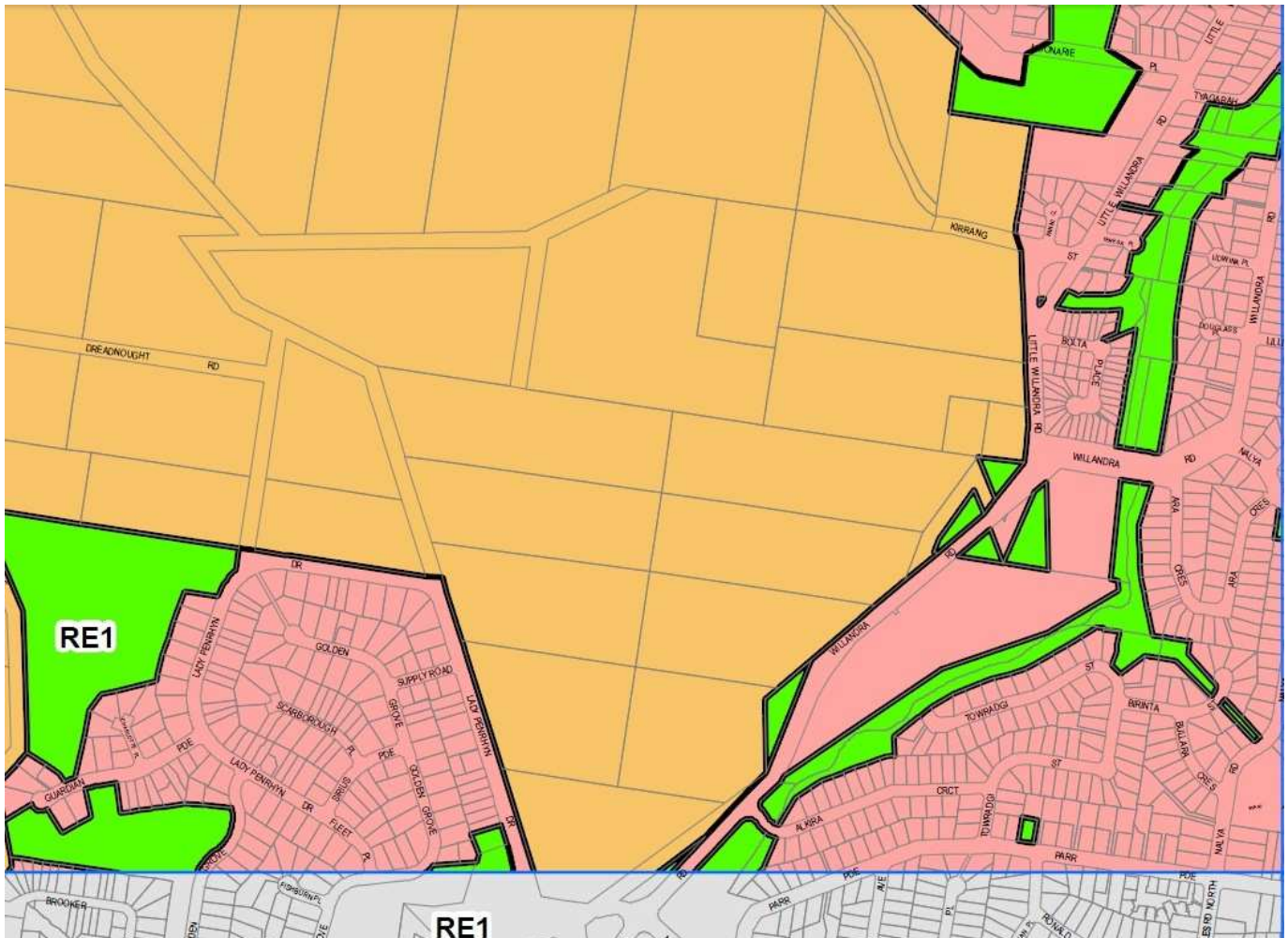


## Precinct 13 - Red Hill (Red Hill)

The residents of this precinct want the land to be zoned Residential Low Density (R2).

The reasons why this zoning is appropriate are:

- This area is all part of the hatched area of figure 10 in the NULS, which is classified as “having potential for higher intensity development”.



## Precinct 14 - Cromer (Cromer)

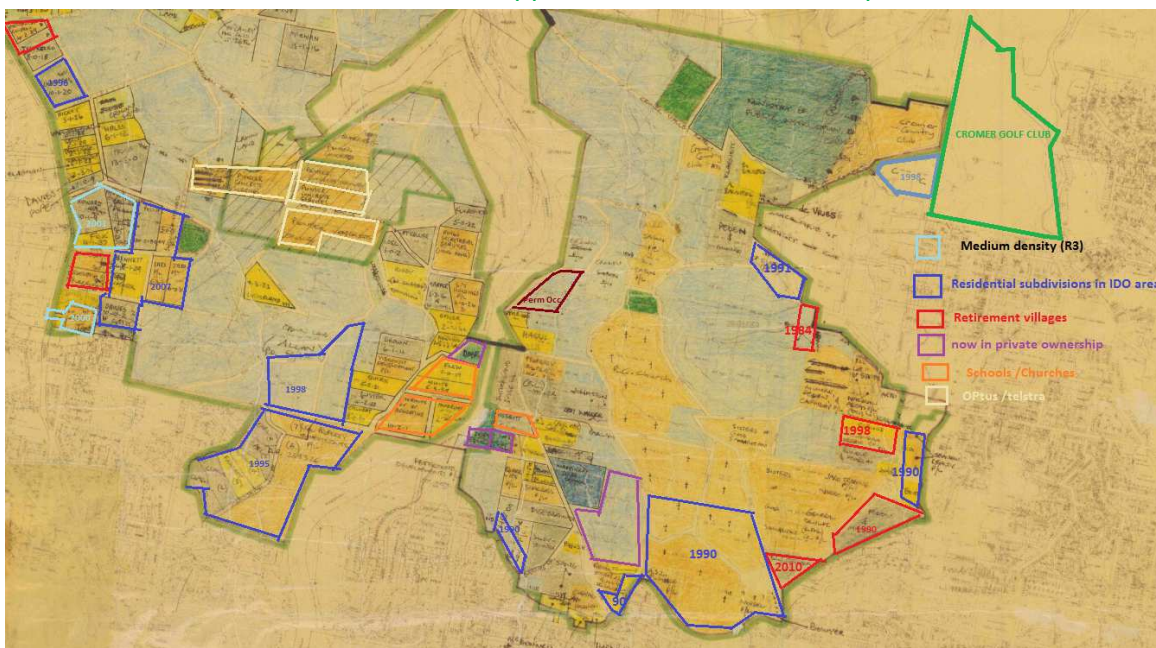
Properties at Cromer deferred from LEP 2011 predominately adjoin residential subdivisions zoned R2 Low Density Residential under the Current Warringah LEP. Lots sizes vary from 1 acre to 7 acres. The area is serviced for town water, sewer, electricity, telephone and ADSL.

The areas adjoining residential lots could be appropriately developed into R2 or R5. As per PN 11-02 lot sizes could vary from 600sqm to 1acre-5acre lots.

This zone is intended to cater for development that provides for residential housing in a rural setting, often adjacent to towns or metropolitan areas. The allocation of large lot residential land should be justified by council's housing/ settlement strategy prepared in accordance with planning principles set out in regional and subregional strategies, s.117 directions and relevant SEPPs. Access to reticulated sewerage and water systems should be considered when determining appropriate minimum lot sizes. Lot sizes can be varied within the zone depending on the servicing availability and other factors such as topography, native vegetation characteristics and surrounding agricultural land uses.

As late as the 1970's this area was predominately poultry farms and nurseries. The end of Northcott Rd was a quarry up to the late 1980's and only ceased due to the death of the proprietor. Cromer Golf club was established in 1929 and continues to provide recreational and social activities to the public.

Land in Cromer has been developed into small residential lots in the late 1990's despite IDO 51 restrictions. Development has included residential subdivision at Pinduro place, Cromer Rd, Bolta place. Retirement villages include Maybrook Manor, Cromer bungalows, Willandra Village. All other areas of Cromer outside the IDO 51 mapped area has been developed into small residential lots.

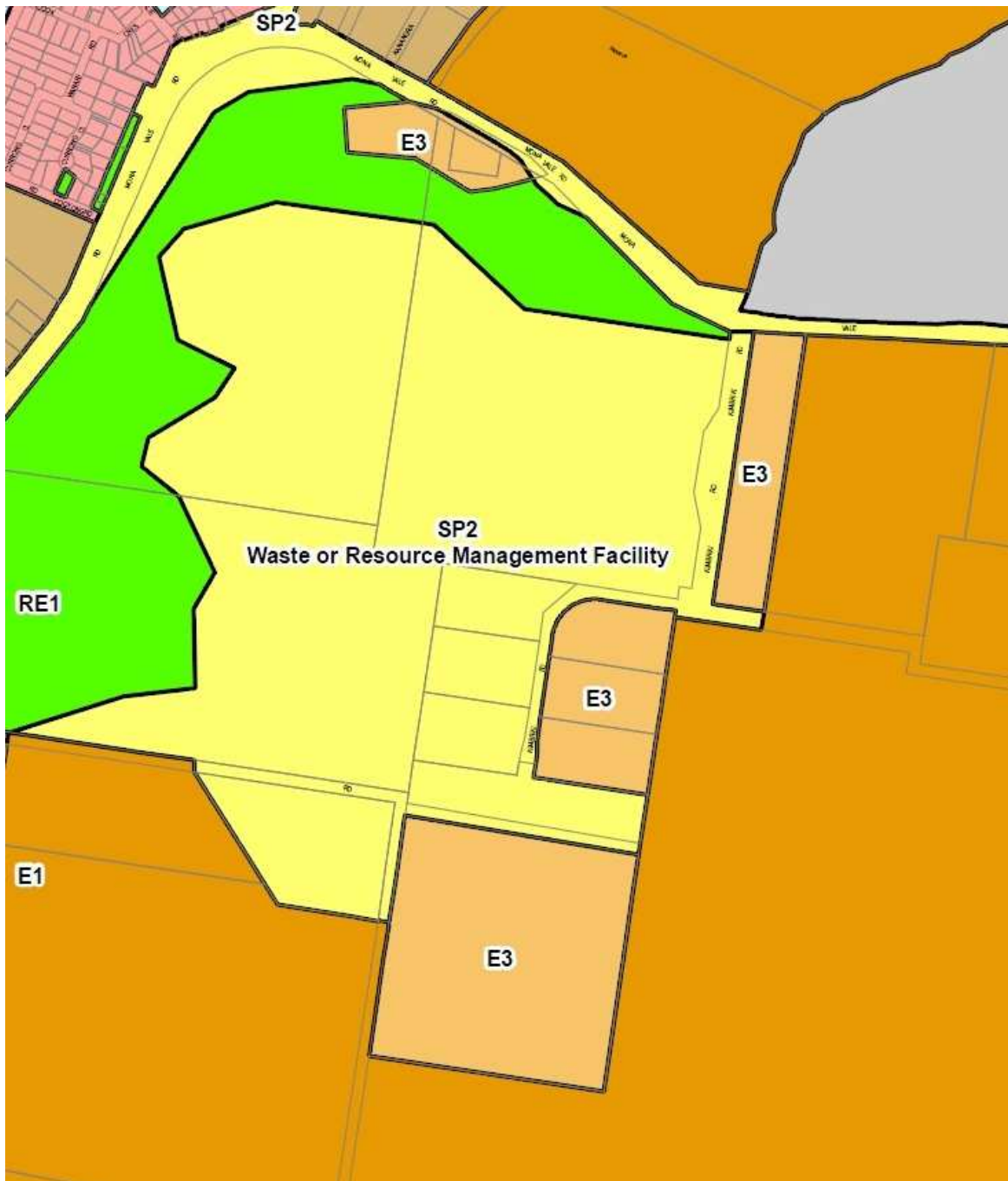




## Precinct 15 – Ingleside (Ingleside)

The residents of this precinct want the land to be zoned either Primary Production Small Lots (RU4) or Large Lot Residential (R5), with a minimum lot size of 4,000 m<sup>2</sup>. The reasons why this zoning is appropriate are:

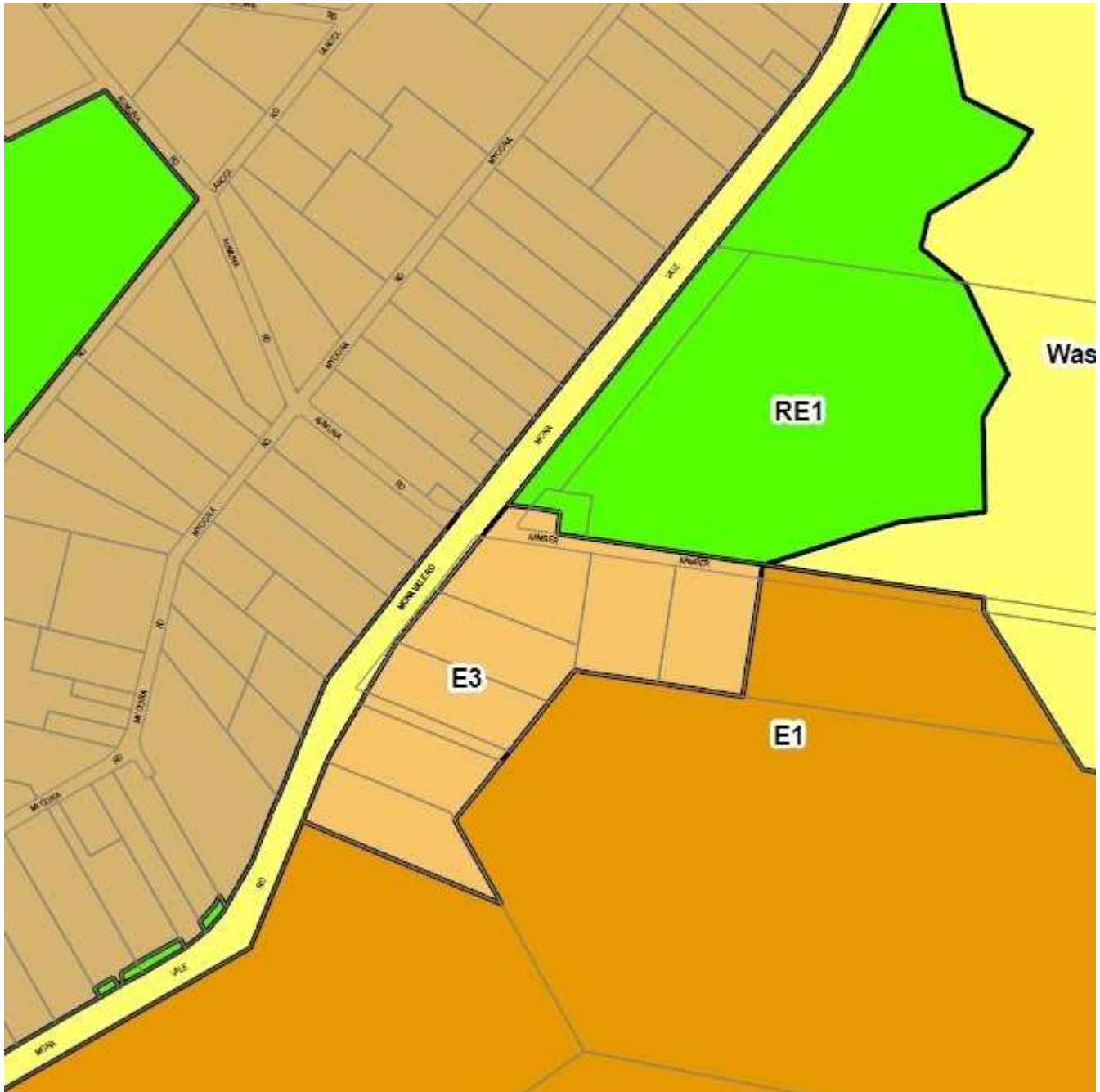
- This area is mostly used for horse activities.
- Most of the privately owned land is cleared.



### Precinct 16 - Terrey Hills (Mona Vale Rd, Kamber Rd)

The residents of this precinct want the land to be zoned Primary Production Small Lots (RU4) with a minimum lot size of 5,000 m<sup>2</sup>. The reasons why this zoning is appropriate are:

- Most of the privately owned land is cleared.





# Lagoon area restriction is rejected

A proposed 50-acre development restriction in the Terrabean Lagoon catchment area was rejected by Warringah Shire Council this week.

Local Falls residents in effect applauded after council's new decision. Cr. Couvret placed the motion, providing that the Northern and Bushland Preservation Committee's plan area be adopted. Application to the Minister for Government for some action on the area, all existing dwellings in catchment area to be sold from the proposed development. The plan was forward by Cr. J. Legg while the application was at suggestion of Cr. C. S. Sainsbury. In action, the council was a plan by its town Mr. P. S. Nicholas and last September. Couvret said this had done with only seven votes present and without a referendum. The plan was referred to opposition and to head and pictures in the and the original plan of fallow, claim-

ing it tried to stop development of single dwellings in Oxford Falls and Belmore. Cr. Couvret placed the motion, providing that the Northern and Bushland Preservation Committee's plan area be adopted. Application to the Minister for Government for some action on the area, all existing dwellings in catchment area to be sold from the proposed development.

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ing it tried to stop development of single dwellings in Oxford Falls and Belmore. Cr. Couvret placed the motion, providing that the Northern and Bushland Preservation Committee's plan area be adopted.

## INCIDENT' IS NOW CLOSED

The "McClelland incident" at Warringah Council is now closed.

Members on Monday said a closed session with the shire, Mr. J. E. McClelland. The senior council officer was present. At last year Mr. McClelland came under fire from councillors. It was because then authorized work on the road near access to the hills tip from Kin-



CR. CHEAGH

braiki Road, without reference to the council. (Mr. McClelland is also manager of the Warringah Manly and Murrumbidgee Joint Services Committee, which controls fittings.)

It was claimed the work was done without the authority of the council. Subsequent events showed that the proposed access was the only one possible.

It was claimed after Monday night's meeting that councillors were satisfied with certain assurances, and a simple motion closing the incident was agreed to.

Cr. R. J. Creagh later referred indirectly to the matter in open council.

He asked on what authority \$31,000 had been spent on the access.

The President, Cr. R. J. Legg, said this was by resolution of the council last year.

## Sites for centres

Sites for child-care centres in Dee Why and Brookvale were approved by Warringah Shire Council on Monday night.

The Federal Government will fund the money for the land, the buildings and furnishings.

The sites are in Pacific Parade, Dee Why, and Roger Street, Brookvale.

Each centre will house about 60 children.

The Australian Department of Education recommended the sites to Council.

The Daily's series of "The Missing Kids" today features two teenage girls who may be together.

As a result of earlier articles, the Missing Persons Bureau has received about 30 calls from peninsula residents.

The bureau (31 0277, extension 5139) believes that many of the missing teenagers — up to 70 per cent —

have substantial contact with the Manly district during their time away from home.

Bureau officials say there are a combination of attractions — other young people

with similar interests and life style, beaches and low-cost accommodation.

Arguments with parents are the most common cause of young people leaving home.

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## Fledgling Eagle



A fledgling Sea Eagle was his "wings" on Harbord Beach yesterday. He tried out with Manly-Warringah's Kangaroo Centre Bobby Fulton, who proclaimed the young bloke a pretty good prospect. His name: Scott Fulton, aged 12 months. Father and son were enjoying a relaxing time together on the beach when staff photographer Dave Fellagier caught the "action". For a story on football families, see page 5.

## RESCUE BOATS ROW ON AGENDA

Availability of power and rescue boats is to be discussed by Warringah Shire Council next Monday night with the SLISA Liaison Committee.

This follows charges at last week's talks and reserve committee meeting of boats being used for "everything but rescue".

It was also stated the boats, one of which is subsidised by the council, were not always available for use by the council's beach inspectors.

The decision set aside a recommendation that the council spend \$6150 on its own power boat.

Cr. K. E. Regard moved at this week's council meeting for the talks, with the council's beach superintendent, Mr. G. Mullins, also present.

He first moved for the talks to be with the committee, but agreed with Cr. P. M. Beckman for the matter to be listed for next Monday night's special council meeting.

Cr. C. S. Huntingdon seconded the motion, which was agreed to without dissent.

Cr. P. Couvret commented yesterday in statements he had made at the committee meeting to persons entering the pool after the beach had been closed.

"My reference to the closing of beaches was to occasions when the beach is closed by beach inspectors or surf club officials because of dangerous conditions."

"If individuals blatantly ignore signs and verbal warnings and still enter the surf, action should be taken against them."

"All too often lifeguards, at peril to their own lives, have to rescue young fools who take no notice of clear warnings and get into trouble in manly seas."

## The Missing KIDS

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Jennifer Anna Douglas, 14, was last seen by her mother when she left home at Blacktown at 7.50 a.m. on September 20 last year, to go to school.

Police believe Jennifer and Katherine Mary Burford may be together.

Jennifer returned to her home late in the day after her mother had gone shopping and took a quantity of clothing.

She is 1.3 metres tall, medium build, olive complexion, brown hair and brown eyes. She has a noticeable scar on her right ankle.



Katherine Mary Burford, 16, was last seen at her home at 7 a.m. on September 20 last year. Her father told police he thought she was going to work.

Katherine worked at a shop assistant in a Blacktown store.

Mr. Burford said there had been no argument or domestic upset to cause her to leave home.

Katherine is described as 1.51 metres tall, solid build, fair hair and hazel eyes. It is not known what clothing she was wearing when she disappeared.



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Vol. 67. No. 16,099.

SATURDAY, MARCH 9, 1974.

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## Students may have to learn a new ABC

at Pittwater High may soon have to learn a new ABC.

There are considerable considerations in introducing a system which would exclude some students from the school, as regarded as too slow to teach efficiently. The system is envisaged as being based on students' names in alphabetical order.

before the scheme was implemented.

"It means that if a class has 40 students, seven will be excluded to bring the number down to the 33 maximum recommended by the federation for junior high school classes," she said.

"The excluded students will remain outside the classroom or in the playground with minimum supervision, for the duration of the lesson."

"It will be a different group excluded at each lesson." At a meeting on Thursday,

teachers from Manly-Warringah schools indicated that they were prepared to take direct action, possibly strike action if need be, over the issue of class sizes.

The meeting set up a co-ordinating committee for direct action if their requests for additional staff are not met.

This is in line with the policy adopted by the NSW Teachers' Federation, the executive of which has threatened strike action if the NSW Minister for Education,

Mr. Willis, does not come up with a workable solution to the staffing problem by next month.

Mr. Willis has indicated that the problem cannot be solved by just adding a teacher or two to schools claiming to be understaffed.

The area meeting on Thursday referred specifically to two district high schools, two district primary schools and an infant's department as having staff problems detrimental to the education of students.



MR. WILLIS.

## SHOCK LAGOON RULING

A 50-acre development restriction has been imposed on the Narrabeen Lagoon catchment area.

This was announced in the Government Gazette yesterday in a proclamation by the Minister for Planning and Environment, Sir John Fuller.

The Minister acted on the advice of the State Planning Authority.

The shock decision negates Warringah Shire Council's resolution last Monday night and is contrary to the wishes of local residents.

The effect of the proclamation also is that only one dwelling may be erected on an existing five-acre block.

But in the case of, say, three five-acre blocks in the one ownership, and adjoining, only one dwelling may still be erected.

The Shire president, Cr. R. J. Legg, said yesterday it seemed the only course now open for the council would be to make representations to the Minister to alter his requirements.

### Support

The council last Monday adopted a new plan for the catchment area prepared by the Northern Beaches and Bushland Preservation Committee.

The plan had the support of Oxford Falls Progress Association.

The council reversed its decision of last September — taken with only seven councillors present — to adopt the 50-acre restriction.

It had intended dealing with the matter at a special meeting on Monday night when representatives of all interested organisations were to have addressed the council.

However, Cr. P. Couvret persuaded the council to go ahead and adopt the northern committee's plan.

## Beware bogus appeal callers

Managers of the collection agency for the annual Cross Calling Appeal are taking extra precautions against bogus collectors.

The organisers fear that a collector operating in the district on the pretext of being outstanding accounts for a Dee Why department store may take advantage of the appeal day.

Detectives are looking for a man, who is reported to have collected hundreds of dollars from unsuspecting Manly residents who did in fact have outstanding accounts in the store.

Red Cross Shire committee first the Red Cross Call Appeal has called together the 21 area leaders and asked them to contact nearest police station and identify themselves to the police.

With the Manly and Warringah committees have notified the District Inspector of Police at Manly that there will be about 500 authorised collectors knocking on doors asking for donations.

### Precaution

Gavin Anderson, chairman for the Warringah appeal, said yesterday that was a normal procedure to advise the Inspector of Police of the appeal day.

But the precaution of having local police was a routine procedure, Anderson said.

"We feel we must take extra care," Cr. Anderson said.

Any householder suspicious of a collector should call the nearest police station.

"Then the police in that area will know the leader of his or her team of collectors and will have a good chance of establishing immediately whether or not it is a genuine collector," Cr. Anderson said.

Cr. Anderson said house-owners should be on the alert against people producing Red Cross literature as a ploy to obtain donations.

## NOW YOU SEE IT... NOW YOU DON'T



The Beacon Hill radar antenna, a local landmark for almost 20 years (left), has been removed and an empty skyline (right) remains. The antenna was removed following the closure of the radar station three weeks ago as part of the Federal Government's defence cuts. It is not known where the antenna is relocated.



## 'New look' surf pavilion project

A plan of the proposed conversion of the Manly Surf Pavilion at South Steyne will be studied shortly by the special committee formed last year for the altered use of the building that won the Sulman prize for design in 1938.

A meeting of the council sub-committee will be called within two weeks to look at the plan drawn by the architect for the original building, Mr. Eric Andrew, of Balgowlah.

The conversion of the pavilion, built nearly 40 years ago for dressing sheds, is expected to be financed by a \$400,000 loan to Council, to be recovered through the leasing of restaurant space in the building.

One third of the area will be for restaurant space, one third for public halls and the remainder for dressing facilities.

Tenders will be called for the conversion if the sub-committee and the council approve the plan.

It provides for a large first-class restaurant on the top level of the building, commanding a panoramic view of the ocean and up and down the coast.

There will be another food outlet on the lower floor, a take-away bar which may be operated by the same company running the restaurant.

The three public halls in the plan include one with a stage for concerts, dance and drama shows, which will seat 270. Two smaller halls will be suitable for meetings, arts and crafts exhibitions and similar functions.

The present space for dressing sheds and the storing of surf club equipment will be reduced to half.

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# 'Misconception on Lagoon re-zoning'

The Minister for Planning and Environment, Sir John Fuller, said last night a "good deal of misconception seemed to have arisen" over the decision to rezone a substantial area of land in North Warringah.

He added the zoning change which had been made would limit subdivision to lots of a minimum of 50 acres which would minimise the possibility of further fragmented development until such time as detailed planning of the area could be undertaken.

Sir John said the area was of very high quality in terms of total environment and it was necessary to protect the natural features of the area until full-scale environmental planning, in accordance with the Government's Environmental Impact and Planning Policy, was put in train.

The new zoning order should be viewed as a holding action aimed at preserving the natural beauty of the area, the Minister said.

He added the Order preserved all the rights to the erection of a dwelling on existing parcels of land with

an area of five acres or more.

All land use rights had been preserved, including developments already in existence.

"The new zoning order does not involve resumption of any of the affected land, although in the ultimate planning of the area there will, no doubt, be areas identified for public purposes which, in the long term, will need to be acquired," Sir John said.

He added the area concerned comprised about 5900 acres, the bulk of which formed the catchment area for Narrabeen Lagoon.

It was mostly rugged bushland with limited and scattered occupations on cleared sections of the plateau.

Former zoning of the area was non-urban with the possibility of subdivision into five acre sites for the erection of single dwellings.

Sir John said the bulk of the area was owned by two major landholders, H. D. H. Holdings and the Lands Department.

H. D. H. Holdings, a wholly-owned subsidiary of the British-based company, Hawker-Siddeley Limited, owned 2394 acres and the Lands Department 2096 acres.

This represented 77 per cent of the total area rezoned.

The Minister added that in response to a request by the member for Davidson and Minister for Youth and Community Services, Mr. R. O. Healey, he had agreed to meet a deputation representing local interests at an early date.

## Proclamation

The proclamation by Sir John, published in the Government Gazette, says:

Local Government Act, 1919:

Notification of Rescission of Interim Development Order No. 32—Shire of Warringah and Suspension of the Provisions of the Warringah Planning Scheme in Respect of Certain Land and the Making of Interim Development Order No. 51—Shire of Warringah—

—All that piece or parcel of land situated in the Shire of Warringah, in the vicinity of Oxford Falls, Belrose, shown by red edging on plan catalogued number 245:2073 in the office of the State Planning Authority of New South Wales.

All those pieces or parcels of land situated in Oxford Falls in the Shire of Warringah, Parish of Manly Cove, County of Cumberland, as shown by red edging on plan catalogued number 245:1326 in the office of the State Planning Authority of New South Wales, but excluding the land shown by blue edging on the said plan.

1. This Order may be cited as "Interim Development Order No. 51—Shire of Warringah".

2. The provisions of sub-clauses (6), (8), (9) and (10) of clause 2, and clauses 3, 4, 5 and 8 contained in the set of standard or model provisions adopted by the Minister for Local Government, on the recommendation of the State Planning Authority of New South Wales, and published in Government Gazette No. 88 of the 17th July, 1970, are adopted, by reference, for the purpose of this Order.

3. In this Order: "Agriculture" has the meaning ascribed to it in section 514A of the Act.

"Country dwelling" means a dwelling-house occupied in conjunction with land having an area not less than 20 hectares, on which land there are no other buildings except for buildings ordinarily incidental to the use and enjoyment of a country



SIR JOHN FULLER

dwelling or to the use of the land for agriculture.

"Dwelling-house" means a building intended for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith.

"Educational establishment" means a building used or intended for use as a school, college, technical college, academy, lecture hall, gallery, or museum, but does not include a building used or intended for use wholly or principally as an institution.

"Public utility undertaking" means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act, that is to say—

(a) railway, road transport, water transport, air transport, wharf or river undertakings; (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services;

And any reference to a person carrying on any public utility undertaking shall be deemed to include a reference to a council, county council, Government department, corporation, firm or authority carrying on such undertaking.

4. Interim development may be carried out only with the consent of the Council for the following purposes:

Agriculture other than keeping or poultry farming country dwellings; educational establishments; drainage; open space; roads; subdivision.

5. (1) Land shall not be subdivided creating any lot containing an area of less than 20 hectares.

(2) The provisions of sub-clause (1) shall not apply to the creating of any lot to be developed for the purpose of an educational establishment.

6. (1) Notwithstanding the provisions of clause 4, the Council may consent to a dwelling or use of a dwelling-house on an existing parcel of land having an area of not less than 20 hectares but less than 20 hectares.

(2) For the purposes of this clause an "existing parcel of land" means a parcel of land held in the same ownership on the day on which the Order takes effect.

7. The Council shall not consent to any development under this Order unless the Council is satisfied that the development will not—

(a) create siltation in Narrabeen Lagoon; (b) alter the landscape or landform of the lands of the Shire of Warringah; (c) pollute Narrabeen Lagoon or its waterways by way of drainage disposal.

8. Notwithstanding the provisions of clause 4, the Council, with the consent of the Council, be subdivided into allotments having an area of not less than 20 hectares and a dwelling-house may be erected and used on each allotment.

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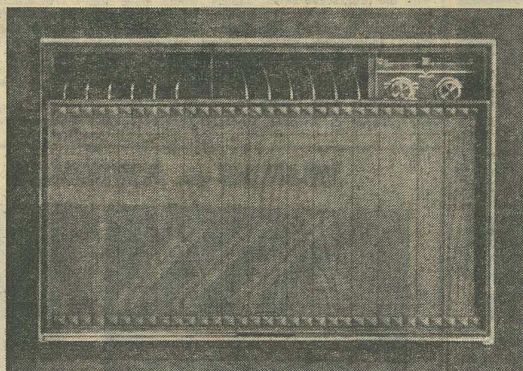
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1 H.P. COOLING

1 H.P. REVERSE CYCLE HEAT/COOL

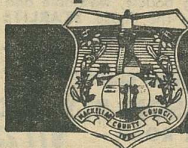
1 1/4 H.P. REVERSE CYCLE HEAT/COOL

1 1/2 H.P. REVERSE CYCLE HEAT/COOL

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(Diag. opp. tennis courts.)

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## Appendix B – Letter from WUFA to Warringah Council about the Biodiversity Study



Warringah Urban Fringe Association Incorporated  
(WUFA),

PO Box 125,

Belrose, 2085

Ph: 0419 777 502

[www.warringahurbanfringeassociation.org.au](http://www.warringahurbanfringeassociation.org.au)

---

13 March 2012

Mr Rik Hart,  
General Manager,  
Warringah Council,  
725 Pittwater Rd,  
Dee Why, 2099

Dear Mr Hart,

**Subject: Warringah's Wonderful Wildlife**

Warringah Council currently has on its website a draft Biodiversity Conservation Study for public comment. This document seeks to apply a conservation layer over land which includes private properties.

I became aware of this draft Biodiversity Conservation Study on 6 March 2012. I did not receive anything in the mail about this document or its public exhibition. Submissions close on 19 March 2012. I sent some questions to Council by email on 6 March, and a reminder email on 12 March, but still have not had a response to my questions from Council.

I have received correspondence from a lot of our members who were alarmed to find out about the Biodiversity Conservation Study through WUFA. The general concerns are:

1. Warringah Council has not sent letters to the landowners that are having a conservation layer applied to their properties through the Biodiversity Conservation Study. This is inconsistent with good community consultation practice. This also seems inconsistent with the fact that it is council policy to send out letters to neighbours when a DA is submitted.
2. Warringah Council has put under the title of "Warringah's wonderful wildlife", a biodiversity conservation study that seeks to apply a conservation layer to land which includes privately owned land. The title appears deceptive as a typical person reading "Warringah's wonderful wildlife" would not think this contained a report which could apply a conservation layer over their property.

We feel the only way this study can have any validity is to have a proper community consultation process. This needs to include the following:

1. Extend the public consultation period for another 3 months.

2. Hold another two public meetings about the study.
3. Write a letter to every landowner that is having a conservation layer applied to their property advising of the study and the new meeting details. You would need to ensure that the letter is received by residents at least one month prior to the first new meeting being held.

I look forward to your response to this request.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Holman', written in a cursive style.

John Holman  
BE (Hons), MBA  
President  
Warringah Urban Fringe Association Inc. (WUFA)

CC All Warringah Councillors

## Appendix C – Response from Council to our concerns about the Biodiversity Study



**Warringah  
Council**

Civic Centre 725 Pittwater Road  
Dee Why NSW 2099  
DX 9118

**Telephone**  
**Facsimile**

(02) 9942 2111  
(02) 9971 4522

**Website**  
**Email**  
**ABN**

www.warringah.nsw.gov.au  
council@warringah.nsw.gov.au  
31 565 068 406

26 March 2012

Mr John Holman  
President  
Warringah Urban Fringe Association Inc  
PO Box 125  
Belrose NSW 2085

Dear Mr Holman

**Re: Draft Warringah Biodiversity Conservation Study**

Thank you for your correspondence to the General Manager and Councillors on behalf of the Warringah Urban Fringe Association Incorporated, dated 13 March 2012. The Mayor has asked me to respond on his behalf. I note that an earlier personal submission was emailed to staff on 6 March 2012, with an email response provided on 13 March 2012, and that we discussed this matter further during a phone call on 16 March 2012.

In relation to the specific points raised in your Association's 13 March 2012 letter, I can provide the following response.

The consultation process developed for the exhibition was done so with reference to Council's Community Engagement processes. In this instance, it was not considered necessary to send letters to property owners whose land is referenced in the Study as the Study does not incur or obligate private land owners, and has no role in development controls or planning. Council will use the study as a tool in auditing and reporting the effectiveness of bushland management and prioritising expenditure (particularly for operational bushland management on public land).

Notification of the exhibition was via three Manly Daily notices, Council's web page, and two group emails to a general Council register. Council's resolution required the Study to be exhibited for 28 days as is often typical during exhibition periods and is consistent with Council policy. Council staff maintain that this consultation approach, including the notification was sufficient.

With reference to the title on Council's webpage, the heading "Warringah's Wonderful Wildlife" was intended to be used for advertising purposes. The heading was used to try and attract people to the information, and was amended when it was reported that people were having difficulty finding the information. I note that with the exception of the title, all other wording and associated documentation on that webpage accurately referenced the draft Warringah Biodiversity Conservation Study.

Council staff are in the process of organising an additional information session and will advise you of details of the session closer to the time.

Should you have any further queries please contact myself or Adrian Turnbull, Environmental Strategy Manager on 02 9942 2111.

Yours faithfully

Todd Dickinson  
Group Manager Natural Environment



## Appendix D – Letter to Warringah Council regarding inaccuracies in the Biodiversity Study

16 Wyatt Ave,  
Belrose, 2085  
18 March 2012

Council's Senior Environment Officer – Biodiversity,  
725 Pittwater Rd,  
Dee Why, 2099  
Email: [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)

Dear sir/madam,

Re: Submission on Warringah Biodiversity Conservation Study

We are the owners of 14 & 16 Wyatt Ave, Belrose. After looking at the Warringah Biodiversity Conservation Study, we realised that our land has incorrectly been identified as having a “very high” conservation significance ranking. We sought the expert opinion of a highly qualified environmentalist on this matter and he has found that our property should not be classified as being of high conservation significance. Please find attached a copy of the letter from ACS Environmental outlining this fact.

Could you please ensure that all records at Warringah Council that indicate that any part of our property is of high conservation significance are amended to reflect the fact that no part of our property is of high conservation significance.

Yours faithfully,

Handwritten signatures of Jenny and John Holman in black ink.

Jenny & John Holman





## **ACS Environmental Pty Ltd**

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Email: [acs@actinotus.com](mailto:acs@actinotus.com); Web: [www.actinotus.com](http://www.actinotus.com)

### **TO WHOM IT MAY CONCERN**

#### **Re 14-16 Wyatt Ave Belrose.**

The Draft Study on Warringah's Biodiversity has mapped a small portion of this property, together with undisturbed vegetation to the north as being of high conservation significance (attached Figure 1).

At the request of the owner, Mr John Holman, I visited the site on Thursday 15<sup>th</sup> March 2012 and a cursory inspection was made of the subject area down slope from the residence, being the portion of land shown as being of high conservation significance.

The northern rear of the land was observed to be fenced off as an active horse paddock, and for most of its area has been totally cleared of all indigenous vegetation. Only along the northern boundary have some trees been retained that would have been components of the original vegetation type. These trees included the species *Angophora costata*, *Eucalyptus piperita*, *Eucalyptus sieberi* and a number of individuals of *Banksia serrata* and *Banksia spinulosa*. Almost all of the indigenous shrub layer and ground stratum plants have been cleared.

From the remnant vegetation on the site, together with that beyond the rear fence, the vegetation community closely resembles Coastal Sandstone Apple-Peppermint Gully Forest (S\_DSFO9)(DECCW, 2009). This community is widely distributed along the eastern extent of the Sydney sandstone plateau. It occupies sheltered aspects on infertile Hawkesbury Sandstone geology in areas that receive in excess of 1000mm of mean annual rainfall. Sydney Peppermint (*Eucalyptus piperita*) and Smooth-barked Apple (*Angophora costata*) form a moderately tall open forest (DECCW 2009). It occurs in association with rocky environments and includes a diverse mix of heath and shrub species such as banksias, tea-trees and wattles in the understorey.

Whilst no comment is made here on the conservation significance or otherwise of the community beyond the northern boundary of this private residence, it is considered the

remnant vegetation on site at 14-16 Wyatt Avenue is not representative of that ranked as being of high conservation significance for the following reasons:

- The community has a wide distribution along the eastern extent of the Sydney sandstone plateau.
- The community is not listed as having conservation significance under state legislation (Threatened Species Conservation Act 1995) or Commonwealth legislation (Environmental Protection and Biodiversity Conservation Act 1999).
- The ground and shrub strata have been largely cleared.
- The site, although rocky in parts, is an “in-use” horse paddock.
- The habitat potential for threatened species of fauna known to occur within a 10km radius is sub-optimal.
- Ground-truthing of the depiction of vegetation of conservation significance occurring along part of the eastern boundary in the Draft Study on Warringah's Biodiversity indicates that the vegetation is actually branches overhang from the adjoining property (attached Figure 2).



Dr Anthony Ross Smith-White BSc., MSc., PhD.  
Director & Principal Ecologist  
ACS Environmental P/L  
14.03.2012

Attached Figures

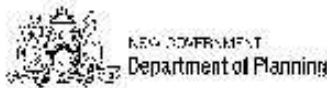


**Figure 1** The Draft Study on Warringah's Biodiversity has mapped a small portion of 16 Wyatt Avenue, Belrose, as being of high conservation significance (deep green shading).



**Figure 2** The eastern boundary is defined by a fence and concrete pathway. Apparent vegetation in this area depicted as being of high conservation significance in the Draft Study on Warringah's Biodiversity is actually a number of branches of trees overhanging from the adjoining property.





# LEP practice note

## STANDARD INSTRUMENT FOR LEPs

### Standard zones

Note	PN 09-002
Date	30 April 2009
Related	

## Environment Protection Zones

The purpose of this practice note is to provide guidance to councils on the environment protection zones in the standard instrument and how they should be applied in the preparation of local environmental plans.

### Overview

The standard instrument for principal local environmental plans (LEPs) contains four environment protection zones specifically for land where the primary focus is the conservation and/or management of environmental values. The zones provide for varying levels of environmental protection from zone E1 to E4:

- E1 National Parks and Nature Reserves**  
 This zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government.
- E2 Environmental Conservation**  
 This zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands whilst allowing uses compatible with those values.  
 It is anticipated that many councils will generally have **limited areas** displaying the characteristics suitable for the application of the E2 zone. Areas where a broader range of uses is required (whilst retaining environmental protection) may be more appropriately zoned E3 Environmental Management.
- E3 Environmental Management**  
 This 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.
- E4 Environmental Living**  
 This zone is for land with special environmental

or scenic values, and accommodates low impact residential development.

As with the E3 zone, any development is to be well located and designed so that it does not have an adverse effect on the environmental qualities of the land.

Additional considerations of each zone are located in Attachment 1.

### Application of environment protection zones

The environment protection zone E1 is only to be applied to existing areas identified under the *National Parks and Wildlife Act 1974* or areas identified as proposed for national park or nature reserves agreed by the NSW Government.

The environment protection zones E2 through to E4 are applied where the protection of the environmental significance of the land is the primary consideration. Their importance for visitation, tourism and job creation should also be carefully considered.

Prior to applying the relevant zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. This is particularly important where land is identified as exhibiting high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. For example, in most cases, council's proposal to zone land E2 needs to be supported by a strategy or study that demonstrates the high status of these values. Under such a strategy or study, zoning would need to be appropriate and land uses would need to be capable of being sustained.

The application of these zones is also to be consistent with relevant legislation, State and regional planning policies and subregional strategies.

The zones are to be applied consistently so that their value is not diminished by inappropriate application or by permitting incompatible uses.

The detailed zone guide attached to this practice note will assist council's application of the environment protection zones. In selecting additional uses, council is supported by the requirement that these be consistent with the mandatory zone objectives and any mandatory uses.

### Supplementary detail

Zones E2 to E4 will generally need to be supplemented by detailed provisions in the development control plan. These would most likely cover the design, construction and management of uses in these zones, particularly with respect to eco-tourism, tourist accommodation and dwellings (where permissible).

### Identification of areas for future acquisition

#### Land to be acquired for certain public purposes

Where council is aware of land to be reserved for future acquisition for certain public purposes, such land will be identified according to its intended future public purpose under the *Environmental Planning and Assessment Act 1979*.

The land reserved for future acquisition is to be identified on the Land Reservation Acquisition Map accompanying the principal LEP and the acquiring authority of the State shown in clause 5.1.2 of the principal LEP. Land listed in clause 5.1.2 requires the relevant authority to consent to the listing.

#### Other circumstances

The range of uses proposed to be permitted in the E zones is a consideration for council in consultation with the Department of Planning. In determining uses, council should be aware that the range of uses should not be drawn too restrictively as they may, depending on circumstances, invoke the *Land Acquisition (Just Terms Compensation) Act 1991* and the need for the Minister to designate a relevant acquiring authority.

Unless a relevant acquisition authority has been nominated and that authority has agreed to the proposed acquisition, council should ensure, wherever possible, that the range of proposed land uses assists in retaining the land in private ownership.

### Use of alternative zones

Where the primary focus is not the conservation and/or management of environmental values, a different zone type should be applied.

Such zones may be applied in conjunction with local environmental provisions and maps in the principal LEP to identify any special considerations.

### Local environmental provisions

Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated ('overlay') map.

The benefits of this approach include:

- The intended conservation or management outcomes for land can be clearly articulated in the LEP.
- Areas are clearly defined and controls streamlined.
- Sub-zones are not created. (These are not permitted under the standard instrument).

Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision.

Any local provision will apply in addition to the objectives and land use table for zones. The local provision must be consistent with mandated objectives and permissible or prohibited uses of the relevant zone/s.

### Split zone considerations

Where council wishes to acknowledge different land capabilities on a single allotment, council may consider applying more than one zone across the land. For example, this approach may be considered appropriate over an allotment to distinguish between areas of environmental value and areas for agricultural purposes.

In choosing this approach, council needs to consider the implications of such splits. Appropriate minimum lot sizes and development standards are to be selected to support the intent of the zones and identify a suitable scale and intensity of development. Identifying appropriate minimum lot sizes at the same time as zone splitting would reduce the potential for future uncertainty if land is proposed for subdivision at a later stage.



## E3

### Environmental Management

#### Application

The following are examples of where the E3 zone may be applied:

- areas of special ecological, scientific, cultural or aesthetic attributes that require management in conjunction with other low-impact uses, e.g. scenic protection areas, areas with contiguous native vegetation or forest cover.
- as a transition between high conservation value land, e.g. land zoned E1 or E2 and other land such as that zoned rural or residential.
- where rehabilitation and restoration of its special environmental qualities are the primary purpose.
- highly constrained land where elements such as slope, erodible soils or salinity may have a key impact on water quality within a hydrological catchment.

There are instances where environmentally significant land has been zoned rural in the past but has not been used primarily for agriculture. Such lands should be zoned E3.

However, the zone is generally not intended for cleared lands including land used for intensive agriculture.

#### Objectives

The mandatory zone objectives focus on protecting, managing and restoring areas with special ecological, scientific, cultural or aesthetic values and to provide for a limited range of development that does not have an adverse effect on those values.

Additional local objectives may be applied if they are compatible with the mandatory objectives and uses.

#### Uses

##### Mandatory uses

Dwelling houses are a permitted use (with consent) in this zone. Home occupations may be carried out without consent.

In accordance with the direction for this zone, environmental protection works and roads must be permitted with or without consent.



A number of land uses considered to be inappropriate for this zone are listed as mandatory prohibited uses.

##### Additional uses

Councils can specify additional uses to be permitted in the zone at Items 2 and 3.

Councils may generally (but need not) permit, with consent, home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls in the zone. All other forms of retail premises and industries are prohibited in the zone.

Councils should choose uses that do not have an adverse effect on the special values of the land. Generally, if intensive forms of agriculture are proposed, a rural zone would be more appropriate (than an E zone). Additional uses that may be suitable (as permitted with consent) depending on location, include, but are not limited to:

- bed and breakfast accommodation
- building/identification signs and business identification signs, e.g. as exempt or complying development
- community facility
- dwelling house
- eco-tourism<sup>2</sup>
- environmental facility
- farm stay accommodation
- home business, home industry and home-based child care
- information and education facility
- kiosk
- recreation area
- water recreation structure
- wetland rehabilitation.

It is important that councils maintain the integrity of the E zones by including only uses consistent with the zone objectives. As well, **councils should, wherever appropriate, retain existing uses that maintain conservation land capabilities.**

Unless they are existing uses in the zone, the following uses are generally considered to be unsuitable:

<sup>2</sup> The draft definition of 'eco-tourism development' means nature-based tourism development with a primary focus on the education, interpretation, cultural understanding and appreciation of the natural environment that is managed to be ecologically sustainable.



## Appendix F - WUFA Survey



Warringah Urban Fringe Association

Warringah Council tried zoning some rural land in Belrose North, Terrey Hills, Ingleside, Cromer, Frenches Forest and Oxford Falls as E3 (Environmental Management, one of the Environmental Protection Zones). Brad Hazzard (Minister for Planning), stopped Warringah Council from doing this and requested that a Strategic Review be carried out on the land proposed to be zoned E3.

Under Instructions from Brad Hazzard, the Department of Planning and Warringah Council are jointly carrying out the Strategic Review into the E3 zoning that was proposed by Warringah Council.

This survey is being conducted by the Warringah Urban Fringe Association (WUFA) to allow the residents' wishes and desires to be delivered to the E3 Strategic Review Committee. If you change your mind at any time, just redo the survey and we will use the latest results that you have submitted. There are two documents that you should look at prior to filling out this survey, they are an overview on available zones and maps showing current lot sizes. Links to these documents are below:

[To see an overview of available zones click here \(5 pages\)](#)

[To see maps showing current lot sizes in Warringah click here \(11 Pages of maps\)](#)

1★ Your Name (s)

2★ Do you own or rent your property?

- ☐ Own  
☐ Rent

3 Property Address:

Street Number and Street   
Suburb & Postcode

4 Email Address

5 Contact Phone Number (1)

6 Contact Phone Number (2)

7★ Are you happy for your contact details to be provided to the E3 Strategic Review Committee (If you are not happy for this to happen, we cannot send your wishes and desires to the committee).

- ☐ Yes  
☐ No

8 Your Land Size (m<sup>2</sup>)

9 Preferred Land Zoning

[To see an overview of available zones click here \(Sorry but this will clear the information that you have typed in the survey form so far\)](#)

	1st Preference	Very Desirable	Desirable	Not as Desirable	Definitely Not	Not Applicable
RU4 (Rural) - Primary Production Small Lots	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
RU5 (Rural) - Village	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
RU6 (Rural) - Transition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
R2 (Residential) - Low Density Residential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
R3 (Residential) - Medium Density Residential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
R5 (Residential) - Large Lot Residential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B1 (Business) - Neighbourhood Centre	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B2 (Business) - Local Centre	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B4 (Business) - Mixed Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B5 (Business) - Business Development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B6 (Business) - Enterprise Corridor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
SP2 (Special Purpose) - Infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E2 (Environmental Protection Zone) - Environmental Conservation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E3 (Environmental Protection Zone) - Environmental Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E4 (Environmental Protection Zone) - Environmental Living	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10\* What is your preferred minimum Lot size?

[To see maps showing current lot sizes in Warringah click here \(Sorry but this will clear the information that you have typed in the survey form so far\)](#)

- ☐ 450 m<sup>2</sup> (Typical Medium Density Residential)
- ☐ 600 m<sup>2</sup> (Typical Low Density Residential)
- ☐ 740 m<sup>2</sup>
- ☐ 800 m<sup>2</sup>
- ☐ 4,000 m<sup>2</sup> (1 acre)
- ☐ 5,000 m<sup>2</sup>
- ☐ 20,000 m<sup>2</sup> (5 acres)
- ☐ 200,000 m<sup>2</sup> (50 acres)

11 Any other Comments that you would like to make?

[Finish Survey](#)