



Warringah Urban Fringe Association Incorporated
(WUFA),
PO Box 125,
Belrose, 2085
Ph: 0419 777 502

www.warringahurbanfringeassociation.org.au

8 September 2020

Councillors,
Northern Beaches Council,
PO Box 82,
Manly NSW 1655
(councillors@northernbeaches.nsw.gov.au)

Dear Councillors,

Re: Deferred Area and the Environmental Zones review

I am writing to you to advise that Council staff are currently carrying out an Environmental Zones review that the Warringah Urban Fringe Association (WUFA) has no confidence in. Contrary to all previous correspondence & intentions, Council officers once again are ignoring the owners request to be transparent.

The Minister for Planning (Rob Stokes) has advocated for WUFA to be engaged and have confidence in the process of bringing the deferred land into the Standard Template zoning system (refer to letter from Minister Stokes in Appendix A). The current process that Council is embarking on does not have WUFA's confidence.

The deviation from the Minister for Planning's instruction for WUFA to be involved with both the scope and methodology of the ecological study; and the deviation from the Minister's instruction that WUFA and Council will be involved in forming the criteria that will be used to assess the characteristics of properties in determining an appropriate zone is unacceptable.

I have been liaising with Renee Coull (Principal Planner – Northern Beaches Council) in regard to the Environmental Zone review that Northern Beaches Council is currently undertaking. Appendix C of this letter contains correspondence I have had with Renee Coull. What has become apparent is the following:

- 1) Northern Beaches Council is not following the process outlined by Minister Stokes in the letter in Appendix A.
- 2) Northern Beaches Council have embarked on a process of E Zone review which does not follow the recommendations of the Department of Planning's North Coast E Zone review. Please refer to the Media release by Minister Rob Stokes in Appendix B and the final E Zone review report which is attached.
- 3) Northern Beaches Council plan to formulate their own criteria to set E Zones (as opposed to using the ones provided in the Department of Planning's final report).
- 4) Northern Beaches Council plan to formulate their own criteria **after** carrying out site visits and **after** carrying out Ecological studies.

The North Coast E zone review established an objective, modern and comprehensive framework to undertake this exercise. When we are trying to build a planning system that has transparency and consistency, it is perplexing why this established methodology and approach is being ignored and substituted by a selectively customised one that lacks transparency and independence.

The first step in this process needs to be to set clear criteria upon which any E Zone could be applied to land in the Northern Beaches LGA. The current concept of “make it up as you go” after site inspections lacks any transparency, professionalism or integrity.

We call on you to immediately stop the current process of the Environmental Zone Review until a professional way forward can be established.

Yours faithfully,

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

John Holman
President

CC

Ray Brownlee – Chief Executive Officer, Northern Beaches Council

Louise Kerr – Director Planning and Place, Northern Beaches Council

Renee Coull – Principal Planner Northern Beaches Council

Jim Betts - Secretary, Department of Planning, Industry and Environment

Malcolm McDonald - Executive Director, Eastern Harbour City Greater Sydney, Place and Infrastructure

Minister Rob Stokes – Member for Pittwater

Minister Brad Hazzard – Member for Wakehurst

Jonathon O’Dea – Member for Davidson



Rob Stokes
Minister for Planning

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

15/10882

Dear Mr Holman

A handwritten signature in blue ink that reads "John," written over the printed name "Mr Holman".

Thank you for writing to me about our meeting on 24 June 2015 regarding Oxford Falls Valley and Belrose North.

I am aware there are a number of matters that require further consideration in progressing Council's planning proposal and I have since met with Council in this regard. I am however confident that an appropriate planning outcome can be achieved and have requested the Department to continue working with Council and the community.

To progress the matter, I make the following comments below.

The amendment to Warringah LEP 2011 is to be a translation of Warringah LEP 2000. The principle I have asked the Department to work to in considering the Gateway determination is that currently permissible uses will continue to be permissible under the new zoning. This relates to Category 1 and Category 2 uses under the Warringah LEP 2000 not Category 3 uses.

In relation to seniors housing, the Department of Planning and Environment has agreed that where *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP) currently applies, seniors housing will continue to be permissible. To do this, the Department will identify all properties where the SEPP currently applies, including that land currently proposed to be zoned E3 or E4 (or any other zone) by the Council planning proposal.

It is not proposed to extend the permissibility of seniors housing to any new land through this planning proposal. This is consistent with the principle of translation which informs this LEP amendment.

However, the actual zone to be used for any land will be a matter for Council to determine in accordance with the Gateway determination and established policies and guidelines.

The Department will also engage an ecological consultant to review the suitability of the land that is proposed by Council to be E4 Environmental Living. This offer is not extended to other proposed zonings under this amendment, including land proposed to be zoned E3 Environmental Management. This is because the E4 zone was suggested by the Department for consideration as a suitable zone, and not by the Council.

The Department will liaise with Warringah Urban Fringe Association (WUFA) and Council on the criteria that will be used to assess the characteristics of properties in determining an appropriate zone. This will include a combination of desktop analysis, contemporary mapping and ground truthing.

The Department agrees to settle the scope and methodology of the ecological study in consultation with WUFA and Council.

The Department understands that WUFA needs to have confidence in the consultant undertaking this work. If WUFA or the Council remains dissatisfied with the approach proposed by the Department's consultant, then the Department will retain another consultant agreed by the parties.

The Oxford Falls and Belrose North areas represent an important locality within the Warringah local government area. I expect that through this planning process, a balanced approach will be achieved between planning for its future uses and protecting the environmentally sensitive assets of the area. I encourage WUFA to continue liaising with the Department and Council.

If you have any further enquiries, please contact Mr Simon Manoski, Acting General Manager, Metropolitan at the Department on (02) 9228 6565.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rob Stokes', written over a light blue horizontal line.

Rob Stokes
Minister for Planning



Rob Stokes
Minister for Planning

MEDIA RELEASE

Tuesday, 20 October 2015

NORTH COAST ENVIRONMENTAL ZONE REFORMS

Planning Minister Rob Stokes today released a range of reforms for environmental zones across the North Coast to protect the region's most environmentally sensitive areas and safeguard farmland.

Mr Stokes said today's announcement means local councils now have the clarity needed to identify the most appropriate zone for environmentally important areas.

"Today's reforms resolve a longstanding challenge for the North Coast community in protecting the region's pristine local environment while respecting and safeguarding its rich farmland," Mr Stokes said.

"We've been very careful to make sure the primary use of the land, whether it's for conservation or agriculture, is the key driver behind the zoning decision so farmers and the community can proceed with confidence."

The reforms come from recommendations of an independent review undertaken into the use of environmental zones by North Coast councils in their Local Environmental Plans.

The reforms clarify that:

- Zoning decisions will reflect the existing primary use of the land
- Environmental zones will only be applied to places on the North Coast where the primary use of the land is environmental conservation (E2) or environmental management (E3)
- Before proposing an E2 or E3 zone, the council will need to validate the ecological evidence that supports the rezoning
- Councils can use vegetation maps to recognise environmentally sensitive land on farms without having to rezone land or impose new restrictions

Member for Lismore Thomas George and Member for Tweed Geoff Provest welcomed the reforms.

"This is an important step in ensuring landholders and the community have certainty in what is permitted in different areas throughout our community," Mr George said.

"We want to make sure we strike the right balance to protect our environment and our local economy," said Mr Provest.

The recommendations will initially apply to the five North Coast councils of Ballina, Byron, Kyogle, Lismore and Tweed. There will be further public consultation to consider a similar approach for environmental zoning in other NSW council areas.

For more information visit www.planning.nsw.gov.au/environmentalzones

Appendix C – Correspondence with Renee Coull (Principal Planner)

From: Renee Coull <Renee.Coull@northernbeaches.nsw.gov.au>
Sent: Monday, 31 August 2020 4:58 PM
To: John Holman <johnh@holman.com.au>
Cc: John Holman WUFA <wufa@holman.com.au>
Subject: RE: Environmental Zonings

Hi John,

Thanks for your email. Please see responses below.

Regards,

Renee Coull
Principal Planner

Strategic & Place Planning
t 02 8495 6260
renee.coull@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au

From: John Holman <johnh@holman.com.au>
Sent: Sunday, 30 August 2020 1:57 PM
To: Renee Coull <Renee.Coull@northernbeaches.nsw.gov.au>
Cc: John Holman WUFA <wufa@holman.com.au>
Subject: Re: Environmental Zonings

Hi Renee,

Thank you for your prompt response.

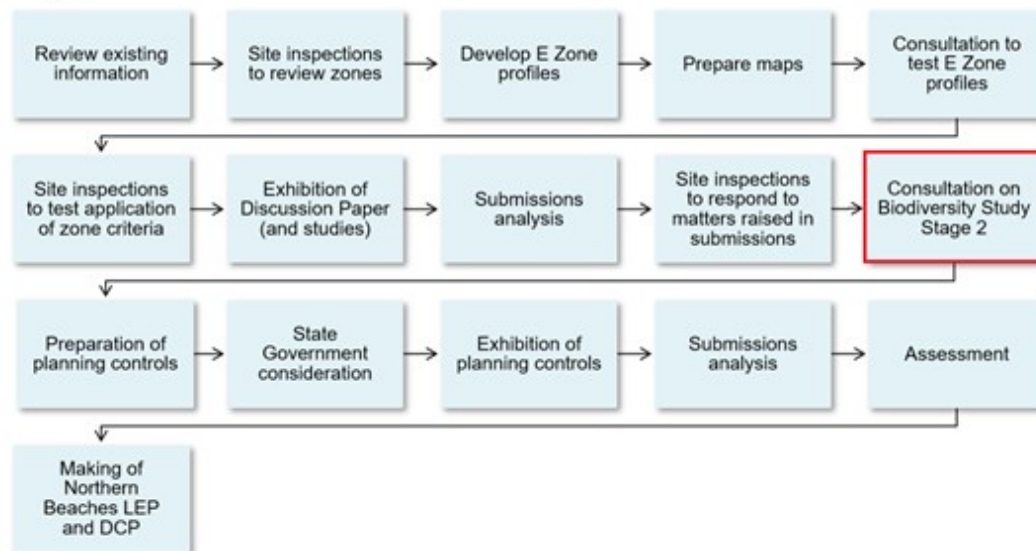
A few more questions for you:

1) The review process as shown in the flowchart below has a Consultation on Biodiversity Study Stage 2. When was stage 1 undertaken? Where are the results of stage 1?

We are in the final stages of procurement for the Deferred Lands Biodiversity Review, it should commence in the coming weeks. The results from Stage 1 will be included with our Discussion Paper, which is scheduled for exhibition in March – April 2021.

2) The flowchart below has a box titled "Develop E Zone profiles" which takes place after "Site Inspections to review zones". This seems to indicate that the process is to determine profiles based on site inspections, not the other way around. The flowchart also seems to not make any mention of the E zone review that was undertaken by an independent consulting company with great experience through the Department of Planning (see final report attached). Will Northern Beaches Council be following the recommendations of the Northern Council's E-Zone review?

Diagram 1: Environmental Zones Review Process



The process incorporates several opportunities for site inspections. The first round of inspections are intended to be exploratory inspections to investigate issues, inconsistencies or errors that were identified in the first step (review of existing information) to assist in developing the E Zone profiles. The process diagram is indicative only, and in practice the steps may run parallel or overlap.

The Northern Councils E Zone Review had a specific purpose. Applying the recommendations from that work to the Northern Beaches is not appropriate because the environmental qualities, ecological and aesthetic values, land uses and development patterns vary considerably from the Northern Councils. What is considered appropriate for the Far North Coast may not be appropriate for Metropolitan Sydney. The purpose of our E Zone Review is to develop an approach that is tailored to the Northern Beaches. We have drawn on elements from the Northern Councils E Zone Review methodology as well as consultation undertaken with other Councils who have completed similar work. We have also engaged with the Department of Planning, Industry and Environment (DPIE) and will continue to work with them as the project progresses.

3) Is it Northern Beaches Council's intention to only apply E-Zones where there is evidence of significant environmental attributes as per the Department of Planning's E Zone review final report?

The E Zone Review will include development of zone criteria and principles to guide the application of E Zones having regard to DPIE Practice Notes and other relevant studies. Council will work closely with DPIE as the project progresses to ensure we address appropriate requirements.

4) Will the site inspections include biodiversity field inspections and ground surveys conducted by an appropriately qualified person? Will flora and fauna studies be conducted on land earmarked to be an E-Zone by a suitably qualified person? If so will these studies be subject to peer review?

A methodology for site inspections will be developed outlining the site selection process and the scope of the review. This may vary on a site-by-site basis, depending on the matter that is being investigated. We are in the process of procuring an ecologist to assist with the site inspections where required. There is also intended to be survey work completed as part of the Deferred Lands Biodiversity Review. The results of our technical studies will be made available to the community once complete.

5) Who has been sent letters about the Northern Beaches Council E Zone review?

Letters for the E Zone Review were sent to registered community group representative and land owners of properties in E Zones and the Deferred Lands area. Bulk emails were also sent to community members following our 'Planning our Sustainable Future' project and those previously registered on the 'Oxford Falls Valley and Belrose North Strategic Review'.

6) Will people who do not own land or live in the deferred area or own land or live in an existing E Zone be allowed to participate in the E-Zone review?

Participation in the E Zone Review is open to all members of our community. We encourage all interested persons to express their interest by either following the project online or nominating for a focus group. Whilst we will aim for a representative sample to be involved in the focus groups, this is only one of a number of ways we will engage with the community as the project progresses.

7) How many people have registered their interest in the Northern Beaches E-Zone review so far? How many of the people who have registered, own land or live in the deferred area?

We have received around 170 expressions of interest in the E Zone Review for either site visits or focus groups (or both). We are yet to process the data.

Kind regards,

John Holman
Managing Director

Holman Engineering Pty Ltd

Unit E3, 15 Narabang Way,
Belrose, 2085

W: www.holman.com.au

T: (02) 9986 3005

F: (02) 9986 3006

M: 0419 777 502

E: johnh@holman.com.au

ISO 9001 - Quality Management System

ISO 14001 - Environmental Management System

ISO 45001 - OH&S Management System

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender.

On Fri, Aug 21, 2020 at 1:33 PM Renee Coull <Renee.Coull@northernbeaches.nsw.gov.au> wrote:

Hi John,

Thanks for your email. The selection process for the E Zone Review focus groups will depend on the level of interest from the community. Ideally we would like to offer a spot to everyone that expresses interest in attending, but if we receive a large volume of nominations we will select a representative sample based on geographic areas and zones. We have five 2hr focus groups available, with approximately 10-12 per workshop. If you haven't already, I encourage you to go online and nominate for a focus group. Given your history and interest in the project, we will make sure you have a spot in a focus group.

The shortlisting process for site inspections will be determined as the project progresses and will be informed by the outcomes of the focus groups.

If you have any further questions, please let me know.

Renee

Renee Coull
Principal Planner

Strategic & Place Planning
t 02 8495 6260
renee.coull@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au

From: John Holman <johnh@holman.com.au>
Sent: Wednesday, 19 August 2020 9:26 PM
To: Renee Coull <Renee.Coull@northernbeaches.nsw.gov.au>
Subject: Environmental Zonings

Hi Renee,

The Council website states "A shortlist of participants will be notified by email and will have the opportunity to nominate for a session". Can you please advise how the shortlist will be determined?

Kind Regards,

John Holman
President
Warringah Urban Fringe Association Inc. (WUFA)
PO Box 125,
Belrose, 2085
M: 0419 777 502
E: president@WarringahUrbanFringeAssociation.org.au
W: www.warringahurbanfringeassociation.org.au/