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## **Media Release – 21 August 2014**

### **Warringah Council staff trying for the Trifecta**

Warringah Council staff have recommended to Councillors to vote against the instructions of Brad Hazzard (former Planning Minister and Member for Wakehurst), against the NSW Government's position and against the unanimous recommendation of the Warringah Development Assessment Panel. Warringah Council staff are trying for a trifecta.

Warringah Council have been trying to change the zoning of privately owned, Non Urban Land in the Oxford Falls - Belrose North area to be included in a new E3 Environment Protection Zone, since 2009.

Following a well turned out public meeting in 2011, residents vented their anger in no uncertain terms. The public meeting voted on the E3 issue and 147 of the 150 attendees voted against the proposed E3 zoning. It was this meeting that was the start of the Warringah Urban Fringe Association (WUFA), which was setup to fight the Council proposed E3 zoning of privately owned land.

Warringah Council tried including the Belrose Country Club, Balu's Indian restaurant and the Caltex service station in Belrose in the same E3 zone, but backed down due to community concerns and subsequently zoned the properties as residential.

WUFA are very grateful to Brad Hazzard and the NSW government for stepping in and not allowing Warringah Council to zone the land in the Oxford Falls and Belrose North area as E3. In 2011, Brad Hazzard deferred the proposed E3 area in Oxford Falls – Belrose North from Warringah Council's new LEP (LEP2011) until a Strategic Review could be conducted into the issue.

WUFA have put forward a zoning option which will make all of the environmentally valuable land zoned E3, whilst leaving land that is not of high environmental value a mixture of rural and residential. WUFA says this is the only option that fulfils two criteria, that is it follows the instructions of the Minister for Planning and it meets the NSW government's policy for the zoning of environmentally sensitive land.

From 2011 to 2014, the Strategic review was conducted jointly by Warringah Council and the Department of Planning and has recommended zonings in line with WUFA's recommendations for Belrose North. It is predominantly privately owned land East of Forest way that Council Staff remain defiant over.

In March 2014, Brad Hazzard (as Minister for Planning) sent a letter to Warringah Council requesting that land that does not have a high environmental value not be zoned as an Environmental Zone (The privately owned land in contention is not of High Environmental value).

In May 2014, Pru Goward (the new Minister for Planning) published a Media Release stating the NSW government's position was that clear criteria and strong evidence is required before zoning an area E3. There is no strong evidence of the privately owned land that council staff want to zone as E3 having high environmental value. Council's own Non Urban Lands study that was conducted by Warringah Council classifies the land that WUFA wants excluded from the E3 zoning as "Disturbed Land of Lower Conservation value".

In June 2014, the Warringah Development Assessment Panel (WDAP) held a public hearing into the E3 issue. WDAP unanimously recommended that Warringah Council NOT proceed with the proposed E3 zoning of the land.

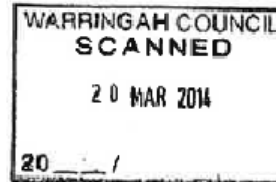
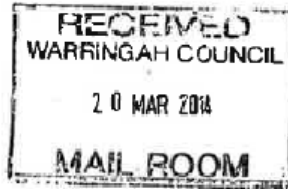
Despite these three high powered instructions, Warringah Council staff seem to think they can recommend anything they want and the Councillors will support them.



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure

Mr Rik Hart  
General Manager  
Warringah Council  
Civic Centre  
725 Pittwater Road  
DEE WHY NSW 2099

13/20719



Dear Mr Hart-

I am writing concerning the Oxford Falls Valley and Belrose North Strategic Review.

The review was initiated to examine the deferred land under the *Warringah Local Environmental Plan 2011* following concerns raised by residents.

I appreciate that this has been a complex process which has included extensive analysis of both environmental and infrastructure constraints, while considering the overall impact land uses may have on the existing character of the area. An important part of the overall process has been consultation with the community.

Permitting additional uses on some land will suitably respond to landowner submissions. However, it is of concern that a large number of landowners objected to the proposed environmental zone being applied to their land, mainly on the basis that the land was cleared and contained little environmental value, as well as the loss of development potential.

On 23 December 2013, Council responded to my earlier correspondence requesting a commitment to undertaking studies as recommended by the Planning Assessment Commission in 2009 effectively being stage 2 of the Strategic Review. The Commission identified that additional studies be undertaken to assess the cumulative impact of potential development and determine the urban capability of the Oxford Falls Valley and Belrose North catchment. It was requested that these studies be completed within a 5 year timeframe (i.e. in 2014).

These studies will provide the evidence base to assure the community that the most appropriate land uses, zoning and development controls are being proposed. In light of the above, Council's proposed 3 year timeframe should be significantly reduced. I request Council submit a revised timeframe that is more closely aligned with the Commission's recommendations.

Additionally I request that all land identified in the Strategic Review as having no-to-moderate environmental development constraints and proposed to be an Environmental zone, be further reviewed to validate the environmental significance of the land. The subject land will continue to remain deferred until such time that further evidence based planning is undertaken.

I understand the next steps in the Strategic Review process will be:

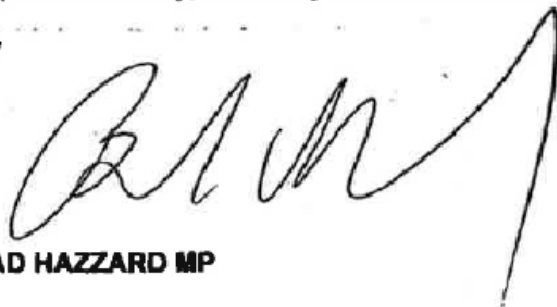
- commencement of the studies as discussed above;
- the Warringah Development Assessment Panel (WDAP) will consider all submissions, conduct an independent public hearing and provide an independent report to Warringah Council for consideration;

- following WDAP, the Strategic Review and Submissions Report will be reported to a Council Meeting for adoption; and
- the final recommendations of the Strategic Review, once adopted by Council, will form the basis of a planning proposal to incorporate the deferred lands into the *Warringah Local Environmental Plan 2011*. This planning proposal will be publicly exhibited for further public comment.

I have asked my Department to make the Submissions Report and this letter publicly available to promote an open and transparent planning system.

If you have any further enquiries about this matter, I have arranged for Mr Neil McGaffin, General Manager Metropolitan Delivery, to assist you. Mr McGaffin can be contacted on 02 9228 6162.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B. Hazzard', written in a cursive style.

**THE HON BRAD HAZZARD MP**  
Minister

17 MAR 2014



# Pru Goward MP

Minister for Planning  
Minister for Women

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## MEDIA RELEASE

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Wednesday 14 May 2014

### **BETTER BALANCING OF ENVIRONMENTAL AND FARMING INTERESTS ON THE NORTH COAST**

The NSW Government has today continued its work to balance the needs of environmental protection and farming on the North Coast, with the release of the first findings of an independent report into the use of environmental planning in the fast-growing region.

Minister for Planning Pru Goward released the interim report into the use of environmental zones by councils in local environmental plans along with the Department of Planning and Environment's draft response.

The report was commissioned to consider how North Coast councils should use planning controls to protect the environment while still allowing the growth of the important local farming sector, and was undertaken by independent consultants Parsons Brinckerhoff.

"The NSW Government is working to bring together landowners, communities and councils to strike the right balance between appropriate environmental protections and sustainable farming on the North Coast," Ms Goward said.

"Smart planning needs to be backed by strong evidence – that's the principle behind these draft recommendations.

"Putting more rigour behind the planning decisions of local councils will be better for the environment and provide more certainty to the farming sector."

Ms Goward said the North Coast environment was the region's defining characteristic and supported jobs through tourism, but was not inconsistent with farming which was also vitally important to the local economy.

"The North Coast is unique in our State; it has a thriving farming industry and a spectacular and important natural environment," Ms Goward said.

"That's why we are working with councils to ensure that every decision they make in this regard is backed by strong evidence."

The NSW Government has given in-principle support to some of the report's interim recommendations, including:

- Setting clear criteria for environmental zones known as E2 and E3 to ensure that these zonings are based on strong evidence
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- Allowing grazing and other kinds of extensive farming activity with consent in some environmental zones and without consent in others
- Removing aesthetic value as an objective of the environmental management zone known as E3
- Removing the proposed environmental zones from Kyogle Shire Council's local plan until proper evidence is provided
- Replacing the proposed environmental living zone in Byron Shire known as E4 with a more appropriate residential zone.

The draft report and interim recommendations were prepared after extensive consultation with councils, landowners and local stakeholders.

"The draft recommendations will now go on exhibition. Feedback from stakeholders will inform the Government's decision, and a Direction will be issued to guide councils on the specific criteria to use when deciding to apply an environmental zone," Ms Goward said.

Decisions on land being considered for environmental zoning have been deferred as local environmental plans are finalised.

Once the criteria for environmental zones are finalised, each Council will assess the land that was deferred.

Councils will propose zones based on the final criteria and exhibit the proposed zonings for public comment.

The interim recommendations will be on exhibition until 5 June 2014. To view a copy of the report and provide feedback, people are encouraged to visit:  
[www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)

**Media Contact:** Nick Tyrrell 0467 733 876

# Northern Councils Environmental Zones Review



Planning &  
Environment

## Frequently Asked Questions

May 2014

### WHAT IS THE NORTHERN COUNCILS E ZONE REVIEW?

- The Northern Councils E Zone Review is an independent review, being conducted by consultants Parsons Brinckerhoff, into the way environmental zones and overlays are being applied to land on the Far North Coast.
- The review applies to the zoning of land in the Ballina, Byron, Lismore, Tweed and Kyogle local government areas.
- The environmental zones under review are E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living.

### WHAT WILL BE THE PRACTICAL OUTCOMES OF THE CONSULTANT'S RECOMMENDATIONS?

- Only land with high value vegetation, such as recognised littoral rainforests, wetland areas or Endangered Ecological Communities, will be included in environmental zones.
- E zones will only be applied where there is evidence of significant environmental values.
- This means that E zones will be more restrictively applied, while still protecting the most important environmental areas.
- Where land does not have the required environmental significance to be given an E zone, it will be zoned according to its primary use.
- This means that cleared land used for agricultural or rural purposes will be given an appropriate rural zoning.
- Agricultural and rural uses will continue while important environmental values are protected.

### HOW WILL THE GOVERNMENT ENSURE COUNCILS IMPLEMENT THE ADOPTED RECOMMENDATIONS?

- The Minister will issue a Ministerial direction to councils about the criteria which must be used when applying an E2 or E3 zone and the circumstances in which an environmental overlay will be used.