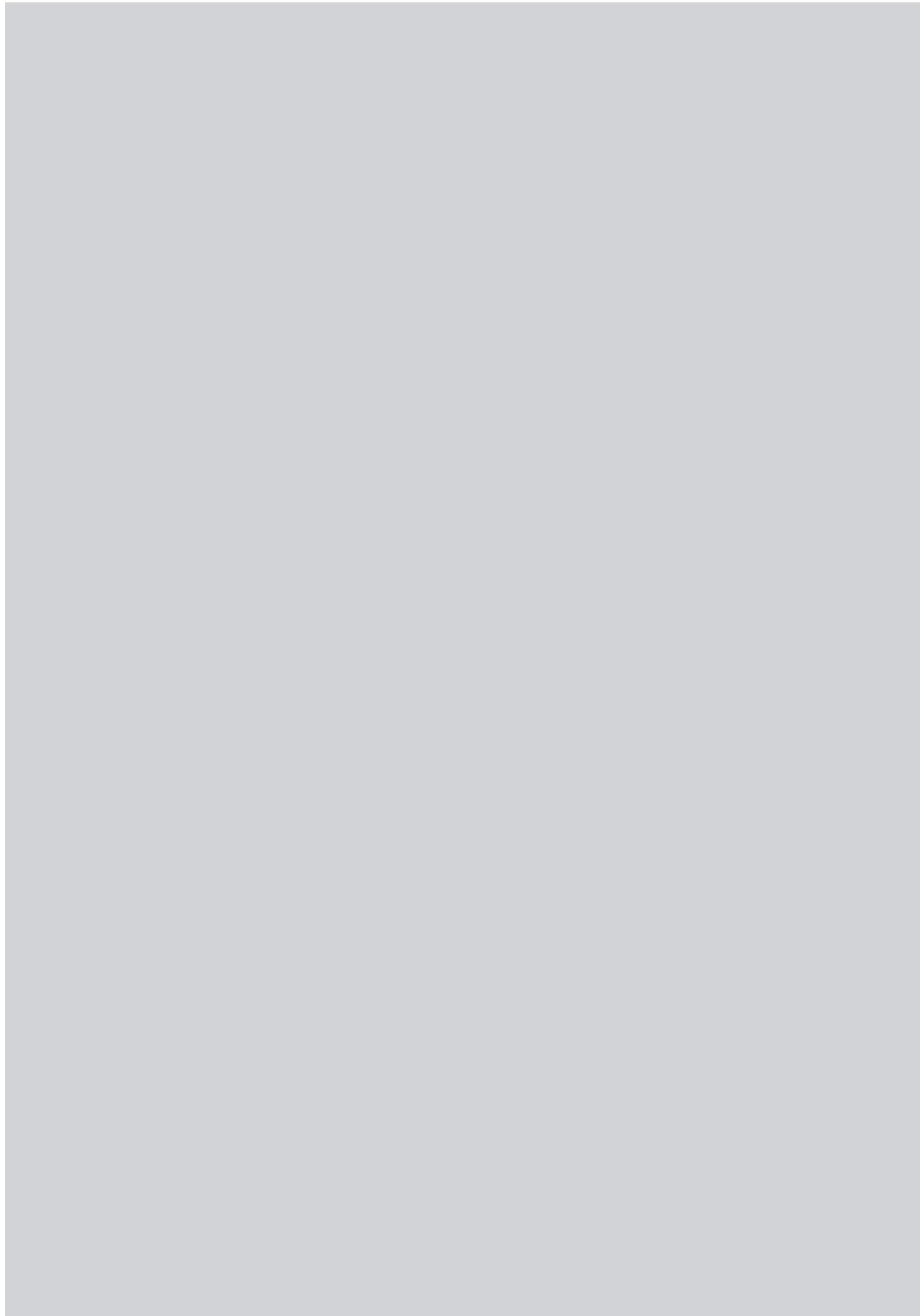


Byles Creek Planning Study – Discussion Paper

Consultation Outcomes Report

Client: Hornsby Shire Council

Date: 19 July 2021



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1 Consultation Overview

The Byles Creek Planning Study (Planning Study) is a review of Hornsby Shire Council's current planning controls to evaluate their suitability in maintaining the environmental qualities on residential land within the Byles Creek corridor.

In developing the Byles Creek Planning Study, a whole-of-community consultation approach was adopted, in close collaboration with the local and broader community, landowners and community interest groups. The consultation process, led by Elton Consulting, sought to obtain views and feedback on the key environmental, economic, social and aesthetic attributes of the Byles Creek corridor. The consultation also sought to identify opportunities and barriers with the existing planning controls, opportunities for changes to the planning controls as well as other mechanisms for enhanced protection and management.

To assist with the consultation process, a Discussion Paper was prepared by Elton Consulting, in collaboration with Eco Logical Australia (land constraints and opportunities survey) and AEC Group (high-level economic implications analysis). The Discussion Paper provided contextual background and information on the Byles Creek Planning Study, summarised preliminary findings of a background review and site survey and presented some preliminary opportunities for changes to planning controls and other mechanisms. A series of questions were posed throughout the Discussion Paper to help guide the feedback sought as part of the consultation.

In addition to the Discussion Paper, an online digital survey was also prepared which provided further opportunity for landowners, community interest groups and the broader community to have their say, along with the ability to provide individual free form submissions. Property owners within the Study Area (

Figure 1) and nominated Community Interest Groups (**Table 1**) were invited to participate in 30-minute individual one-on-one online information and feedback sessions with a representative from Elton Consulting.

The consultation was further supported by Frequently Asked Questions (FAQs) to help inform stakeholders on the intent and objectives of the Planning Study. The Discussion Paper, online digital survey and FAQs were accessed via Hornsby Shire Council's 'Have Your Say' webpage.

The community and stakeholder consultation ran from 7th May to the 30th May 2021 inclusive.

The Discussion Paper and associated consultation process will be used to help inform the Byles Creek Planning Study and to help shape improved environmental outcomes for Byles Creek.

This Consultation Outcomes Report (this Report) presents information about the methods of consultation used and an analysis of the themes that have emerged from the consultation process. This process has provided insight into what values of Byles Creek are most important across the stakeholder groups, as well as highlighting the barriers with the existing planning framework and opportunities on how the current planning controls can be improved to better enhance and protect Byles Creek.

1.1 Consultation objectives

The key objectives of the community and stakeholder consultation were to:

- » Raise awareness of intent and purpose of the Byles Creek Planning Study
- » Consider and identify views relating to:
 - > the key environmental, economic, social and aesthetic attributes of the Byles Creek catchment area; and
 - > whether improvements / changes to current planning controls could enhance protection and management of the Byles Creek Catchment.
- » Discuss the opportunities and barriers for any suggested changes to planning controls.
- » Develop practical suggestions to maximise enhancement and protection of the Byles Creek catchment.
- » Seek feedback on the preliminary findings and opportunities conveyed in the Discussion Paper.

1.2 How the community got in touch

During the consultation period which ran from the 7th May to the 30th May 2021, we consulted with landowners, community interest groups and the broader community through various platforms summarised in **Table 1** below.

Many of the participants used the opportunity to provide feedback across the various platforms; i.e. stakeholders who participated in the drop-in online sessions also opted to lodge a submission in writing and / or completed the digital online survey.

Table 1 Summary of consultation platforms




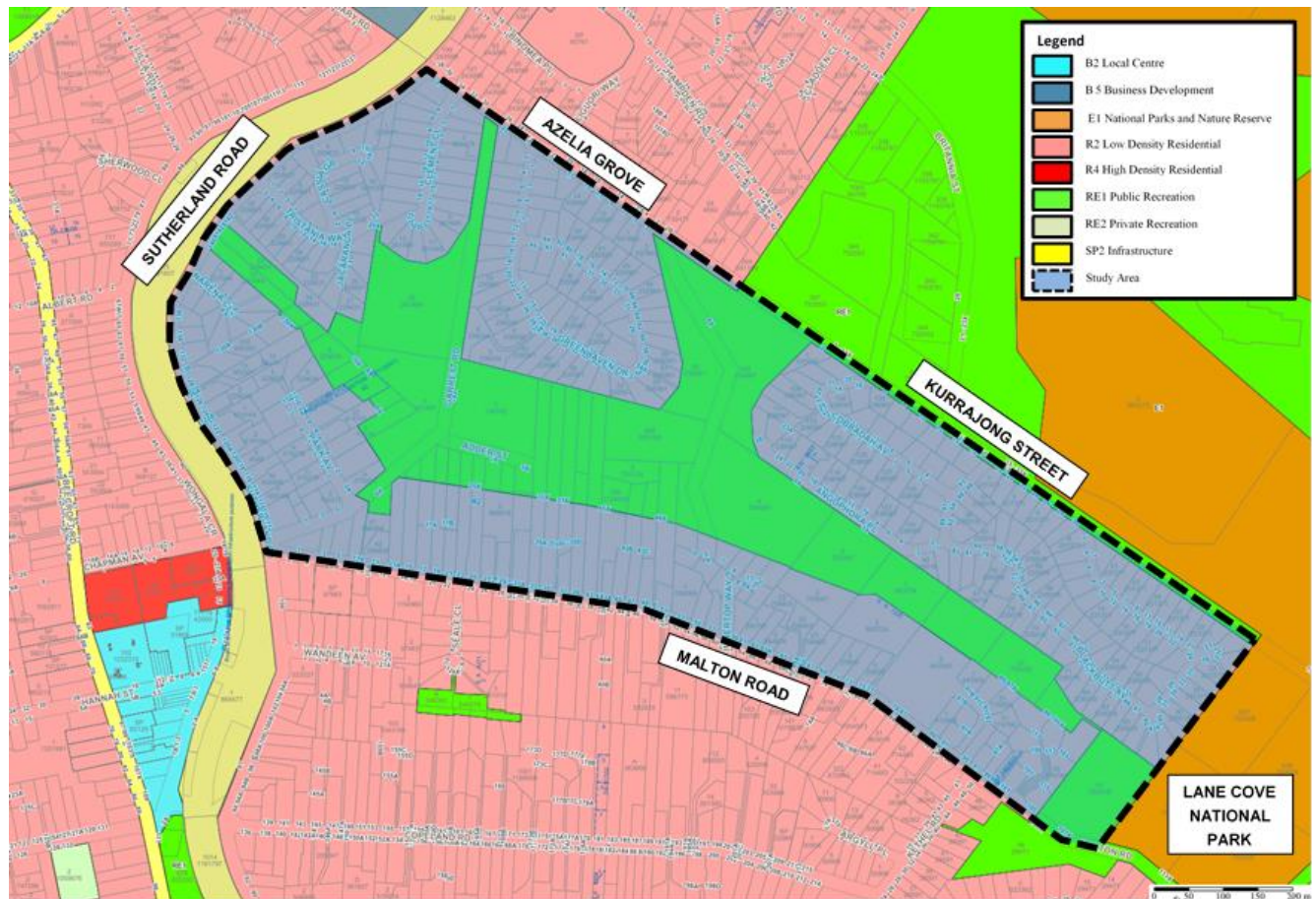
	<p>Drop-in online information and feedback sessions</p> <p>A total of twenty-six (26) participants registered and attended the online drop-in information and feedback sessions held specifically for property owners of residential land within the Study Area (Figure 1) and nominated community interest groups, including:</p> <ul style="list-style-type: none"> > Byles Creek Valley Union Inc. > Beecroft Cheltenham Civic Trust > Save Beecroft Cheltenham Alliance > Powerful Owl Coalition > Birdlife Australia Powerful Owl Coalition > Pennant Hills Civic Trust <p>The participants consisted of twenty (20) property owners and six (6) community interest groups.</p> <p>These sessions were held via an online via the video conferencing platform, 'Zoom'.</p>
	<p>Written submissions</p> <p>Fourteen (14) written submissions were provided to Council via email, five (5) during the prescribed consultation period and nine (9) prior to engagement commencing.</p> <p>Submissions were received from a variety of stakeholders, consisting of eight (8) property owners within the Study Area, three (3) identified as being part of community interest groups (including one property owner) and the remaining balance of three (3) submitters identified as being members of the broader community.</p> <p>All of the written submissions expressed general support for the intent and objectives of the planning study.</p>
	<p>Digital online surveys</p> <p>90 x completed digital online surveys accessed via Council's "Have Your Say" webpage were provided during the prescribed consultation period.</p> <p>Participants of the digital online survey comprised thirty-nine (39) property owners within the Study Area, thirty (30) identified as being part of community interest groups (including fourteen (14) property owners) and the balance of twenty-one (21) identified as being members of the broader community.</p> <p>The survey largely comprised open ended questions to help guide the feedback sought. Questions were generally orientated around identifying and considering views relating to what they value most of Byles Creek and if changes to the current planning controls could enhance protection and management of the catchment.</p>

Figure 1 Byles Creek Planning Study Area (Study Area)



Source: Hornsby Shire Council

2 What We Heard

2.1 Overview of themes raised

A number of common themes emerged throughout the consultation across all platforms and stakeholder groups, as summarised in the infographics provided in **Figures 2-5**. Many of these themes were combined in the submissions or discussed in the drop-in sessions.

These themes have been synthesised using the key questions posed throughout the consultation process and are discussed in more detail in the proceeding sub-sections of the Report.

Figure 2 What characteristics you value most about Byles Creek



Figure 3 What you think are the main impacts of development on Byles Creek

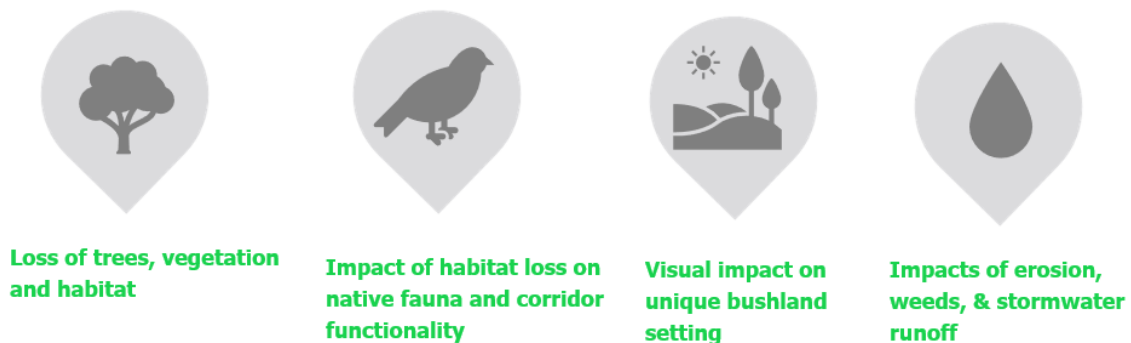
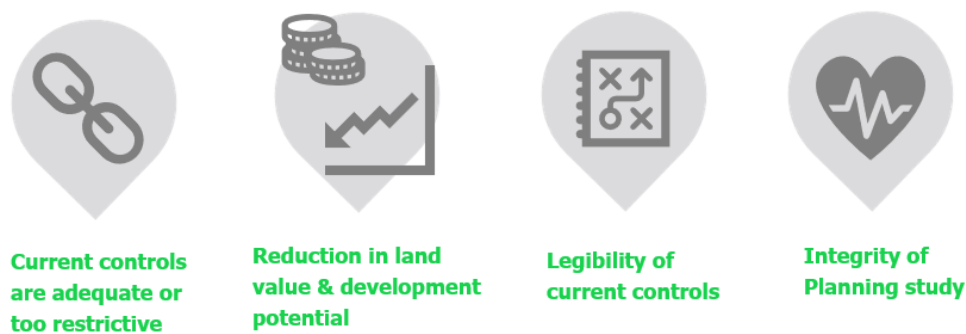


Figure 4 How you think we can improve impact of development on Byles Creek



Figure 5 What concerned you about the Planning Study

2.2 Key themes

The following sub-chapters provides a synthesis of the key themes which have emerged from the consultation across the various platforms.

2.2.1 What characteristics you value most about Byles Creek

All participants of the consultation (across the various platforms) expressed that they **valued the Byles Creek corridor** for a variety of reasons and communicated a desire for its protection, enhancement and maintenance. Many expressed that they felt privileged to live in the area surrounded by bushland. A significant proportion of landowners in the Study Area stated that they **moved into the area because they valued the bushland setting**.

Notably, this sentiment was also echoed amongst the participants who did not necessarily support the intended outcomes of Planning Study (or more specifically, the prospect of new planning controls, discussed in proceeding sub-chapters).

The **environmental constraint characteristics** within the Study Area, including the steep topography, bushfire affectation and riparian zones **were highlighted by a number of respondents to support their argument that the area is not suitable for residential development**.

Overall, the most valued characteristics of Byles Creek that emerged from the consultation included:

- » **Flora:** A significant portion of participants indicated that they value the bushland including the native canopy trees and vegetation which occur in the area and highlighted their necessary preservation. Frequent reference was made to the critically endangered Blue Gum High Forest, the regionally significant Coachwood and locally significant Blackbutt Gully Forest, as well as the canopy trees and native wildflowers more broadly.
- » **Fauna:** The majority of participants expressed that they valued the native fauna which occur in the area. Specific references were often made to various native fauna, particularly the abundant variety of birdlife. Many were more specific in their responses and referenced the endangered Gang-Gang Cockatoo, threatened Powerful Owl and the Commonwealth Listed Dural Land Snail. The interactive experiences with the native animals was also mentioned on a number of occasions, particularly in the online drop-in sessions, including the birdlife, frogs, snakes, wallabies and echidnas.
- » **Environmental and ecological value:** Many of those consulted supported the environmental and ecological value of Byles Creek including the general unique terrestrial biodiversity, diverse nature of the habitat, the importance of the ecosystems and the flora and fauna which occur in the area. Responders highlighted the importance of the Byles Creek unique ecosystem to sustain the threatened and endangered species and the diversity of flora and fauna which occur in the area. Many participants felt that the ecological values of Byles Creek needed elevating through strengthening the planning controls.

- » **Biodiversity corridor:** Reflecting the sentiment towards the environmental and ecological values above, there was also strong representation of the importance of Byles Creek as a functioning biodiversity corridor and key to providing connectivity to other areas of key habitat (such as Lane Cove National Park and Pennant Hills Park) for the movement of native wildlife. It was also mentioned that Byles Creek provides important refuge for native wildlife in the event of bushfires in Lane Cove National Park or other areas of connecting bushland.
- » **Sustainability:** Sustainability values, such as the natural cooling benefits afforded by the dense canopy and understorey cover assisted by the topography were also highlighted on number of occasions. These attributes were considered by many landowners to create a cooler micro-climate, benefiting their amenity. Property owners and members of the broader community also noted that the Byles Creek corridor helps to promote resilience against climate change through these cooling benefits and where it enables distribution of species through its connectivity functions, linked to the biodiversity corridor theme raised by numerous participants.
- » **Waterway and catchment:** A number of participants referred to Byles Creek as a significant natural waterway and riparian corridor, pivotal to the local ecosystem. It was frequently noted that Byles Creek forms an important catchment for several tributaries, including Delvin's Creek, Lane Cove River and the Sydney Harbour Catchment.
- » **Scenic amenity:** Many respondents, particularly landowners, highlighted that they valued the scenic amenity and aesthetic value of the bushland setting, supported by the steep topography allowing for expansive bushland views. This was expressed during both the drop-in sessions as well as in writing in the survey and written responses.
- » **Recreational value:** The recreational value offered by Byles Creek through its walking tracks was considered a valuable characteristic by many, including landowners within the Study Area and members of the broader community. There was desire expressed by some respondents to expand or formalise the existing walking track, and it was noted in the drop-in sessions that the investigation of a formalised walking track is being undertaken as part of a separate strategy and out of the scope of the Planning Study.
- » **Heritage:** A number of participants conveyed that the heritage value and historical importance of the area was a significant attribute of Byles Creek, including the legacy of Marie Byles. A number of respondents, particularly members of community interest groups, took the opportunity to provide detailed and comprehensive historic information relating to Byles Creek in their written submissions for contextual consideration in the Planning Study.
- » **Mental health and wellbeing:** Byles Creek and its valued contribution to health and wellbeing was a recurring theme raised by a large number of participants, predominantly comprising of landowners within the Study Area. This was often linked to the impacts of COVID-19 and the resurgence of open space appreciation and the contribution of the natural environment to mental and physical health and wellbeing.

2.2.2 What you think are the main impacts of development on Byles Creek

Throughout the consultation and across all stakeholder groups, the **vast majority of respondents considered the most significant impact of residential development on Byles Creek to be loss of canopy trees**. Linked to this concern was the **loss of the abundance of native animals and their key habitats**, particularly the evident disappearance of the endangered Gang Gang Cockatoo and other native birdlife.

Other key impacts which emerged from the consultation included the **impact of increased stormwater runoff** on water quality, weed **infestation**, **erosion and bushfire constraints** requiring Asset Protection Zones linked to the subsequent loss of trees. Concerns for the impact of domestic animals on wildlife was also raised by a smaller proportion of participants.

These and other key issues, are summarised below.

- » **Loss of canopy trees:** A significant number of respondents indicated that the biggest impact of residential development on the Byles /creek corridor to be the loss of mature canopy trees. This issue was seen to be result of the cumulative impacts of development over a significant period of time. It was often added that this loss was considered to be result of clearing to accommodate inappropriate development, (particularly as result of recent and historic subdivisions), illegal tree pruning and / or removal, flexible application of planning controls and a lack of post development approval regulation (i.e. compliance with conditions of consent during construction).
- » **Loss of native fauna:** Participants frequently indicated that they are concerned for the loss of native fauna occurring in the area, and many have indicated that they have experienced the loss of native fauna occurring in the area, including less frequent sightings of fauna such as the Gang Gang Cockatoo. Many indicated that they considered this impact a direct result of new development and subsequent land clearing and loss of habitat.
- » **Loss of key habitat:** Many respondents linked the apparent loss of native fauna to the loss of habitat in the Byles Creek corridor as result of new developments. Many were specific in their responses, and referenced specific habitat features such as hollow bearing trees which form important habitat for the Powerful Owl and Gang Gang Cockatoo, and understorey and ground cover vegetation which provides important foraging, roosting and nesting opportunities for native fauna habitat for wildlife such as small birds, reptiles and invertebrates.
- » **Bushfire management:** Asset Protection Zones (APZs) and clearing associated with bushfire management requirements for new development and the subsequent loss of significant vegetation was a strong recurring theme raised by a large number of participants across all stakeholder groups. The constraint of many residential properties falling within the Bushfire Attack Level (BAL) category "Flame Zone" was raised on a number of occasions to support this concern. It was highlighted that any development in the "Flame Zone" will require the removal of bushland, no matter how well planned the development.
- » **Visual impact of the bushland setting:** Many respondents indicated that new developments in the area is leading to a loss of the bushland character and the visual impact on the natural landscape setting of Byles Creek.
- » **Weed infestation:** A large proportion of participants considered weed infestation in the Byles Creek corridor as a key issue and many considered this to be a result of urbanisation and poor weed management on both private properties and the adjoining land zoned RE1 – Public Recreation comprising the core of the Byles Creek corridor.
- » **Increased stormwater runoff:** Increased stormwater runoff and sedimentation of the Byles Creek waterway from roads (attributed to poor drainage), increased hard surfaces and insufficient deep soil landscaping as result of new development was raised on a number of occasions throughout the consultation process.
- » **Erosion:** Many participants considered erosion a key impact in the Byles Creek corridor. This issue was often linked to the issue of increased stormwater runoff as result of tree loss which has destabilised the banks of the Byles Creek waterway. Exacerbating the occurrence of erosion was also linked to excavation, loss of natural features such as rock outcrops, cut and fill and general soil disturbance as result of development.
- » **Domestic animals:** Although not a direct impact of residential development, many participants (largely landowners) raised concern for the impact of domestic animals. This was linked predominantly to domestic cats roaming into the bushland and preying on native wildlife such as snakes, lizards and small birds. Many added that there had been more occurrences of fox sightings and linked this to the loss of native fauna.

2.2.3 How you think we can improve the impact of development on Byles Creek

67% of the online survey respondents indicated that they considered **reducing development opportunities on residential lands an appropriate way to protect and enhance the environmental values of the Byles Creek corridor**.

A smaller proportion of survey respondents **(5%) did not want to see any changes to planning controls**.

Overall, there was a **strong level of support for the intent and objectives of Planning Study**. This was expressed across all stakeholder groups, including property owners, community interest groups and the broader community. Many stakeholders (particularly landowners and community interest groups) indicated throughout the consultation that they have advocated for stronger planning controls and land acquisition for many years.

Connected to this sentiment was an identified need to protect and enhance the Byles Creek corridor from further fragmentation as result of residential development through **strengthening the planning controls**, particularly in the **legislative planning framework** (such as the *Hornsby Local Environmental Plan 2013*).

There was also a **strong call for improved enforcement of planning controls and post development approval regulation**.

Education and engagement of landowners and the broader community through various programs was considered important by a number of participants to support acceptance of any proposed planning changes and to ensure biodiversity is valued, connectivity is protected, and bushland is enhanced.

Although outside of the scope of the Planning Study, **land acquisition of certain lots** within the Study Area was a strong recurring theme amongst landowners.

The general sentiment across the stakeholder groups was that a **multi-pronged / multi-faceted approach** incorporating various planning and non-planning mechanisms is needed to protect and enhance Byles Creek.

The key emerging themes in relation to opportunities and barriers in the planning framework is discussed in the following sub-chapters.

Statutory Planning

A large proportion of landowners, community interest groups and members of the broader community considered that planning controls applicable to residential land needed strengthening by way of incorporating changes into the *Hornsby Local Environmental Plan 2013* (LEP).

A significant proportion of participants (including landowners and community interest groups) supported the opportunities presented in the Discussion Paper for strengthening the statutory planning controls such as implementation of Environmental Zoning ('E-zoning') which set clear environmental objectives. The opportunity for increasing the minimum lot size was also well received by many respondents, including landowners. These and other opportunities for the statutory planning framework put forward are summarised as follows:

- » Some participants (including landowners) indicated that that the current zoning (R2 Low Density Residential) was unsuitable for development due to the steep topography, presence of riparian zones and legislated terrestrial biodiversity areas, and that a zoning of E3 – Environmental Management may be more appropriate. Alternatively, some participants considered E4 -Environmental Living to be most appropriate zone to accommodate both residential development and enhanced environmental outcomes, whilst others considered that either the E3 or E4 zones would provide an appropriate level of protection beyond what currently exists. A smaller proportion suggested the higher levels of protection afforded by the E2 – Environmental Conservation zone. It is noted that this zone is reserved for areas with high ecological value and which provides the highest form of protection outside of National Parks zoning (E1).
- » It was recognised by stakeholders that recent and historic subdivisions have had a significant impact on the Byles Creek corridor, particularly the resultant clearing of vegetation to accommodate new development and associated access (such as driveways). The opportunity identified in the Discussion Paper to investigate

increases to the minimum lot size was supported by a number of participants, including landowners. Many other participants sought a blanket prohibition of subdivision in the area. It was generally considered by participants that the current permitted lot size is too small for the area, linking this to its environmental and ecological significance.

- » The opportunity identified in the Discussion Paper to map Riparian Corridors with a supporting Clause in the LEP was supported by a number of participants, particularly members of community interest groups. Some were more specific in their responses, indicating that an increase to the provisions for the riparian buffer zones in Hornsby DCP, from 10m to 30m, should be implemented.
- » Expansion of the current Terrestrial Biodiversity mapping overlay was also presented as an opportunity by numerous stakeholders, and that this mapping should be supplemented by site specific controls.
- » A smaller portion of participants suggested that a reduction of floor space area / implementing a maximum floor space on residential lands in the Byles Creek Corridor was an opportunity worth investigating. It was added by one participant that major development impediments e.g. riparian zones should be deducted from the site area when calculating floor space, similar to the provisions of LEP Clause 4.5 (4).

Development Control Plan (DCP)

Although the majority of respondents felt that the statutory planning controls required the most focus to better protect and enhance Byles Creek on private land, a variety of suggestions for improving the planning controls in the DCP emerged from the consultation. These included:

- » More robust and targeted /site specific controls to mitigate fragmentation of the Byles Creek Corridor, particularly for land which provides an immediate interface with Byles Creek. This was linked to the opportunity raised by a number of participants for strengthening the Biodiversity section of the DCP, particularly with the inclusion of clauses that prioritise the environment and biodiversity for development on Environmentally Sensitive Lands / land mapped as Terrestrial Biodiversity.
- » A review and reduction of building footprint, building envelope and allowable site coverage provisions was a suggested opportunity identified by a number of participants.
- » Many participants considered that offsetting the loss of trees and vegetation required in the current DCP planning controls has not been implemented on a like for like basis. It was often added that canopy tree loss is being offset inappropriately by shrubs and grasses or are offset by trees and vegetation which does not support biodiversity or provide habitat value to native fauna.
- » It was also suggested that controls be put in place to restrict development near the riparian zone, retain the topography and natural outcrops, wildlife friendly fencing to enable passage of native fauna etc.
- » The case studies presented in the Discussion Paper were generally supported, including the implementation of a mapping overlay and accompanying planning controls based on the 'Greenweb' model adopted by Sutherland Shire Council and Ku-ring-gai Councils. Many indicated that not just one but many of the mechanisms highlighted in the case studies should be considered.
- » A smaller proportion of participants suggested that planning controls could be improved with a strategic focus on weed eradication and by-laws excluding domestic dogs and cats from bush-land.

Planning control application and post approval regulation

Better enforcement of planning controls during both the assessment process and post-approval (enforcement of conditions of consent and environmental protection plans etc) was a strong recurring theme which emerged from the consultation across all stakeholder groups. Some participants added that strengthening the wording of DCP controls may reduce flexibility of the controls and strengthen their consideration as part of the development assessment process. It was also suggested that stronger penalties for illegal removal of vegetation be administered.

Another key concern raised throughout the consultation was the issue of applications refused by Council and/or the Local Planning Panel for inappropriate being approved on appeal in the Land and Environment Court.

Community education and engagement

It is apparent from the stakeholder engagement outcomes that many residents have chosen to live in the Byles Creek catchment area because of the amenity afforded by the bushland setting. Notwithstanding, it was expressed by a number of stakeholders that some residents could be made more aware of how to better protect and enhance the corridor within their properties. Creating more community awareness through education programs administered by Council was an opportunity suggested by a large number of participants across the stakeholder groups. It was also acknowledged that education and engagement is fundamental to obtaining community 'buy-in' and should be undertaken in parallel with any changes to planning controls.

It was also indicated by landowners and members of the broader community that the current tree preservation controls may be misunderstood, resulting in confusion and unauthorised tree removal. Many participants added that this could be mitigated through better community education and availability of resources to assist with navigating the tree preservation requirements in the DCP.

Provision of opportunities for landowners and the broader community to get involved in the care of the local environment was also an opportunity identified in the consultation. It was suggested this include incentives such as provision of free gardening and biodiversity advice, planting programs, Citizen Scientist Projects and bushcare volunteer groups. Provision of a formalised walking track to improve access and user experience and custodianship was also suggested to support this objective.

Land acquisition

Although beyond the scope of the Planning Study, land acquisition of certain lots within the Study Area was a strong focus across the stakeholder groups, including landowners, community interest groups and the broader community.

Alternative approaches employed by other Councils

It was noted by some participants that introducing an Environmental Land Acquisition Levy to protect ecologically significant land is being undertaken by numerous Councils (i.e. Noosa Shire Council) to ensure protection / connectivity of significant ecological areas of high biodiversity value and this opportunity should be further investigated as part of the Planning study.

There were some examples of alternative approaches that the participants felt should be considered, including the Crommelin Native Arboretum in Pearl Beach (Central Coast) as a case study to improve existing public open space at the residential interface. An international example of sustainable development from Singapore (the Singapore Greenplan 2030) was also mentioned as a case study worth examining as part of the Planning Study.

2.2.4 Concerns about the Planning Study

A smaller proportion of landowners who participated in the consultation **did not want to see any changes to planning controls**. Some landowners considered the planning controls to be either **sufficient or already too rigorous and didn't want to see further restrictions**. One landowner also indicated that they considered the **minimum lot size of 600m² was adequate for the area**.

Linked to this sentiment included **concerns for economic impacts on land value** as result of any new development controls reducing development potential of their land, as well as the **importance to protect property and human life from bushfire and falling trees, tree roots etc**

A small proportion of landowners also found the **current tree preservation controls overly prescriptive and difficult to navigate** and wanted these simplified rather than expanded.

Notwithstanding these concerns, the smaller proportion of participants who did not support any changes to planning controls expressed that they valued the environmental and socio-economic values offered by Byles Creek and expressed desire for it to be maintained.

The key concerns raised by property owners in relation to the intended outcomes of the Planning Study are summarised in the following sub-chapters.

Current planning controls are considered either adequate or too restrictive

Some landowners consulted considered that the planning controls are either adequate or too rigorous and did not want to see further restrictions on landowners.

It was suggested that there be more focus on the management and enhancement of the non-residential zoned land (i.e. the core area of the Byles Creek corridor zoned RE1 Public Recreation). It was expressed by one property owner that new controls and possible further restrictions on a small area do not benefit the wider community.

It was considered that changes to land zoning would be misplaced as the area is already a significantly developed residential area and would only affect a small number of properties which are not already yet developed. Linked to this sentiment, zoning changes and stricter controls impacting only a few properties was perceived as 'overreach' and not in the interest of the wider Hornsby Shire community.

Some concerns raised by individual property owners expressed disparity between the voices of landowners and interests of the community groups whom may not be directly impacted by any changes to planning controls.

There was a recommendation that there should be less focus on controls and more focus on building a sustainable social fabric to support a better environmental outcome.

Bushfire protection and risk

The impact of current controls on bushfire protection and safety to human life and property (i.e. difficulty clearing trees adjacent to existing dwellings where there are concerns of falling limbs/trees) was a less frequently discussed point raised by property owners. It was considered that development of properties adjoining the corridor is already constrained by the existing tree preservation controls and the bushfire risk management requirements and did not warrant further restrictions.

Property values

Economic impacts on property values as result of planning changes was a concern expressed by a smaller proportion of landowners. This concern was expressed by a small proportion of individual landowners who were consulted during the drop-in sessions as well as conveyed in writing via the online survey.

Reduction in development potential

Concern was raised, specifically by a small number of landowners, that changes to planning controls may impact upon the development potential of their property. They indicated that, as the area is already zoned for low density residential (R2), they did not want to see any further decreases in development potential of their land.

Particularly in the online drop-in sessions, some landowners indicated that they were confused about the outcomes of the Planning Study and requested clarity on what the overall process meant for them and how it would directly impact on their land values and development potential of their land.

Land Acquisition:

It was suggested by a portion of the landowners opposed to new planning controls that Council should consider converting the land of key concern to public land through market acquisition and compensate owners at fair market value.

Tree protection controls

The legibility of the current tree preservation controls in the DCP were considered by some landowners as confusing to navigate in their current form and were concerned that further controls would only exacerbate this issue. Some thought the tree preservation controls were already too prescriptive and detailed and considered them onerous in nature, particularly when seeking to remove trees which they felt did not contribute to the ecological values of Byles Creek (such as exotics or dead or dying trees). Many felt that the overly prescriptive nature of the tree preservation controls contributed to the illegal removal of trees on private property, unknowingly or otherwise.

Integrity of the Planning Study

Many participants queried the intent of the Planning Study. There was a small amount of commentary that participants had been consulted on numerous occasions over the years in relation to various studies and strategies for Byles Creek and thus questioned the integrity of Councils intentions on this occasion. This sentiment was expressed particularly by participants who considered land acquisition as the best and/or only solution to enhancing and protecting Byles Creek.

A smaller proportion of participants considered the Planning Study to be a waste of Council revenue for this reason and for the reasons linked with their sentiment that the planning controls were already sufficient and did not require change.

3 Concluding Summary

Many landowners and members of community interest groups who had attended one-on-one sessions appreciated the discussion with consultant and council representatives. Many participants indicated that they were appreciative of the opportunity to provide feedback on the Planning Study was also expressed in the written and online survey submissions.

The outcomes of the consultation across the stakeholder groups indicated general support for the intent and objectives of the Byles Creek Planning Study.

The majority of participants indicated that the planning controls were not doing enough to protect Byles Creek and considered that a reduction of development is considered appropriate to mitigate impacts.

The key themes which emerged from the consultation process included:

- » Loss of canopy trees, vegetation and habitat
- » Impact of habitat loss on native fauna and corridor functionality
- » Impacts of erosion, weed infestation and increased stormwater run-off
- » Visual impact on the bushland setting.

From these themes, some key opportunities to better protect and enhance the environmental qualities of Byles Creek emerged. These include

- » Support for strengthening statutory planning controls through rezoning and increasing minimum lot size in the LEP coupled with enhancement and better enforcement of planning controls in the DCP
- » Support for community education programs and engagement in parallel with implementation of new planning controls
- » Acquisition of certain land within the Study Area.

Despite the general support expressed for the intent and objectives of the Planning Study, there were concerns raised by several landowners that the current planning controls are either sufficient or already too rigorous and therefore did not want to see any further restrictions. This sentiment was expressed in writing across both the digital survey submissions and communicated in the drop-in sessions

The divergent views expressed by a smaller proportion of landowners included concerns for:

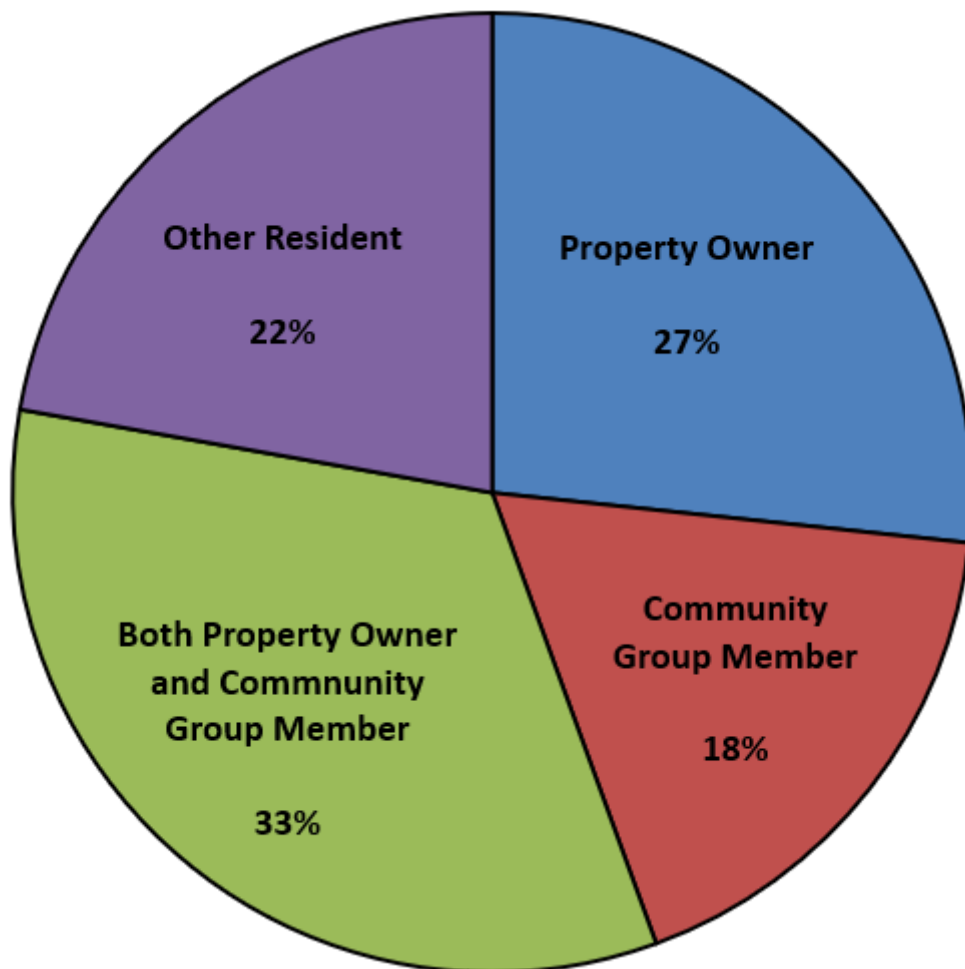
- » Impact of new controls on property values and development potential of their land
- » Further restrictions on tree removal for bushfire and asset protection and associated risks to human life and property

Appendices

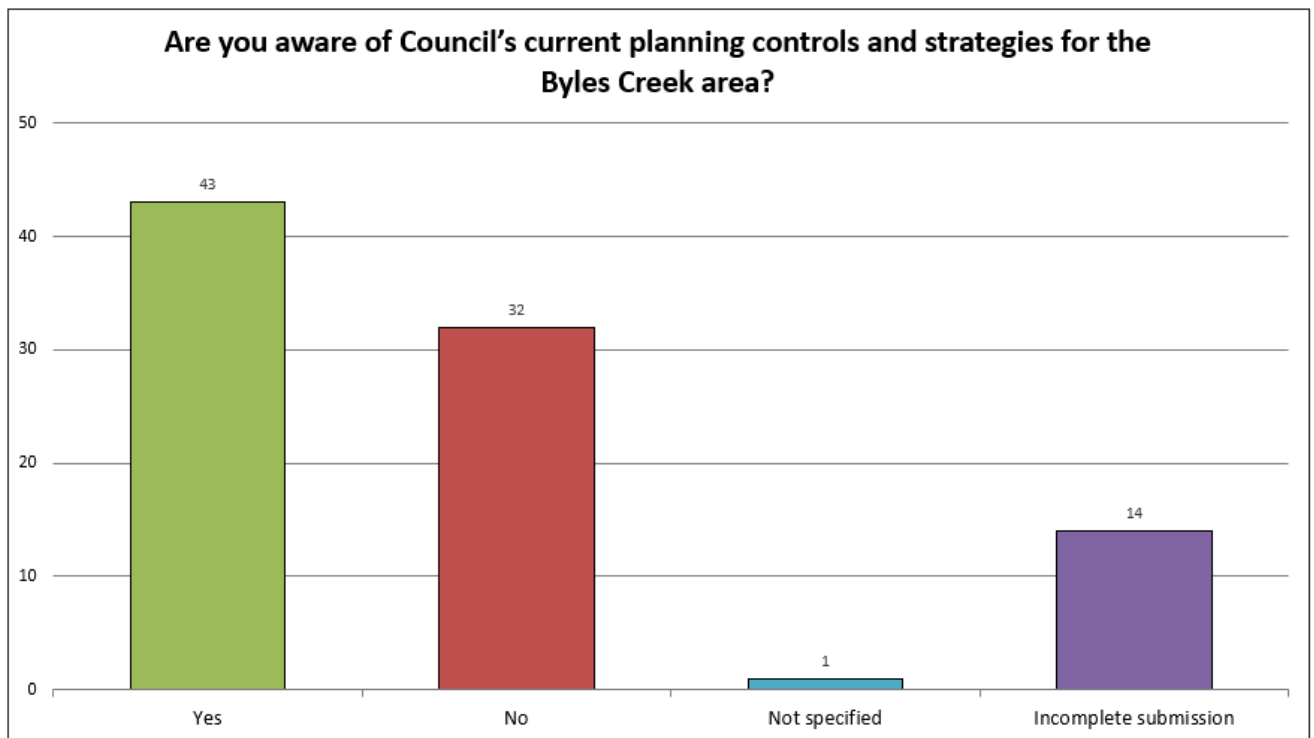
A Quantitative analysis of survey outcomes

A Quantitative analysis of survey outcomes

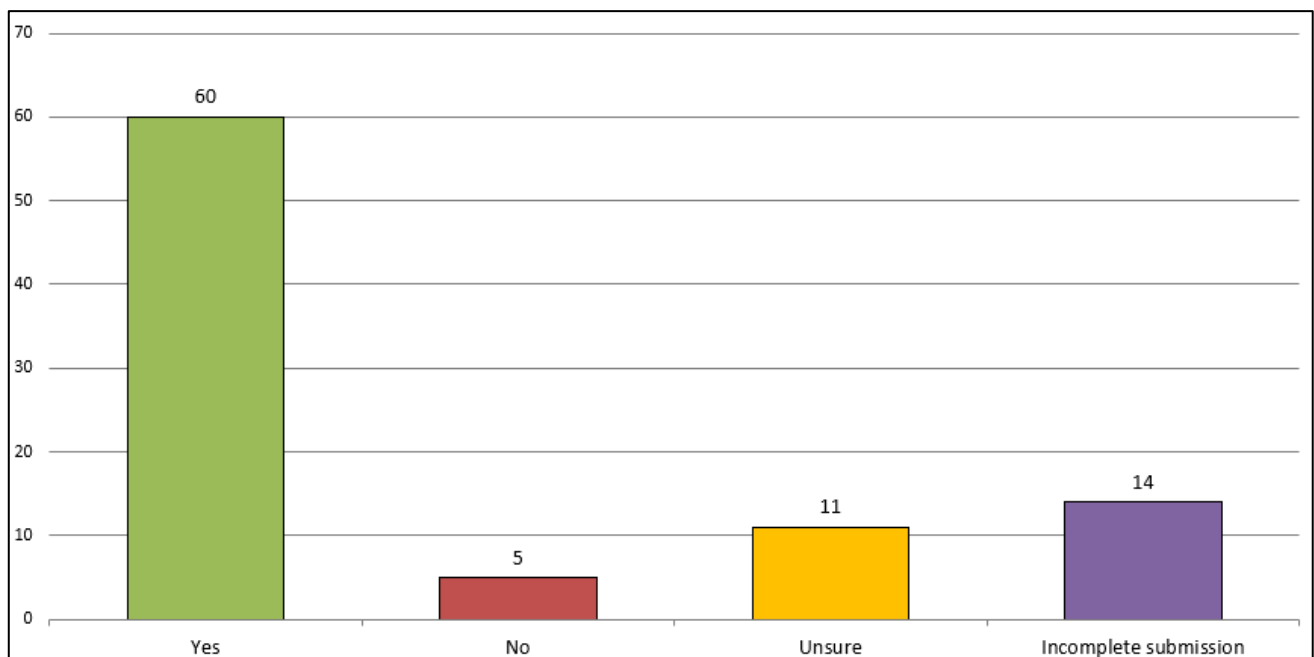
Digital survey participant profile



Survey Q5 - Are you aware of Council's current planning controls and strategies for the Byles Creek area?



Survey Q6 – Is reducing development opportunities on residential lands and appropriate way to protect and enhance the environmental values for the Byles Creek area?



Survey Q7 – Do you think the current planning controls for residential properties do enough to protect the environmental qualities within the Byles Creek Area?

