



Pittwater Natural Heritage Association submission on Northern Beaches Council Conservation Zones Review

18/11/2022

Thank you for the opportunity to make a submission on the Conservation Zones Review. Pittwater Natural Heritage Association believes that conservation zones provide valuable protection for residential land and any reduction in the number of properties protected by these zones will likely result in damage to the natural environment and scenic quality of the Northern Beaches, in spite of Council's stated support for the natural environment and the expressed desires of the local population.

PNHA would like to make the following points:

1. Zoning must protect the natural environment in accordance with Northern Beaches Council policies and community views.

The need to protect our natural environment is acknowledged by Northern Beaches Council in many of its policy, strategy and planning documents, for example, strategy a) under goal 2 in the Northern Beaches Community Strategic Plan 2018 - 2022 is *Protect and restore local diversity and bushland*.

The 2021 Community and Stakeholder Engagement Report for the Local Environment Plan/ Development Control Plan Discussion Paper noted support for protection of the environment. For example, on page 6: *"Feedback indicated strong support for effective LEP provisions for the protection of the natural environment."* And, *"One of the priorities that was echoed in 306 comments was the need to protect and increase the tree canopy in the LGA."* Also, a number of Council surveys have found that the majority of Pittwater residents value their natural environment.

We believe that this level of concern for the environment gives Northern Beaches Council a mandate to increase environmental protection measures in its LEP and DCP, and carry out zoning that is consistent with Northern Beaches Council's policies and community sentiment and which enhances the natural environment of the Pittwater Ward, and other council wards.

2. An increase in residential zoning will mean that local councils will have less control over development decisions

Conservation zones give local government more control over the natural environment. We believe that one important reason is that they prevent state government planning policies from overriding objectives and permitted uses of a conservation zone which are set out in a council's Local Environment Plan.

The objectives of the C4 zone as stated in the Department of Planning practice note PN 09-002 are *"to seek to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on*

those values.” If conservation zone lots are changed to residential zone lots then State Environmental Planning Policies can apply, allowing residential developments that may have an adverse effect on the natural environment, against the wishes of a council and its community. PNHA maintains that Northern Beaches Council’s Pittwater Ward, being characterised by its tree canopy and natural environment, should be protected by more conservation zoned land, not less

3. A “Scenic protection criterion” is needed

The criteria for zones within the Northern Beaches Council area do not take account of visual and scenic quality, as Mosman Council has done. Pittwater ward is characterised by beaches and waterways, bushland, steep escarpments and expanses of tree canopy covering its suburban landscape.

Protection of Pittwater’s bushland character should be provided by Scenic Protection Areas extending from the shoreline to the ridgeline. An increase of density due to oversized residences, dual occupancies and possibly seniors living developments with large buildings, more hard surfaces and less space for canopy trees will have a detrimental effect on character and the natural environment, especially the views of tree covered escarpments such as one sees when looking at Bilgola Plateau from the west.

Pittwater is part of the Ku-ring-gai Georegion, a special natural and cultural heritage region which contains a large range of native plant and animal species, a number of which are on the threatened species list. A Scenic Protection Criterion would help to maintain protection for the georegion.

PNHA believes there must be a criterion on scenic protection in the Conservation Zones Review and that a scenic protection overlay be included in the upcoming Northern Beaches Council LEP.

4. Planning for Bushfire Protection directions have not been followed – a strategic bushfire study is needed to inform the bushfire hazard criterion

PNHA’s comments on the bushfire hazard criterion are informed by the NSW Rural Fire Service’s 2019 guide *Planning for Bushfire Protection (PBP)* and the 2018 report by Meridian Urban *Bushfire Risk Assessment for the Ingleside Planned Precinct*. Based on information in these documents we submit that some directions in Planning for Bushfire Protection have not been followed, and therefore the full range of risk factors have not been taken into account when developing the bushfire hazard criterion for the Conservation Zones Review.

Council has based the hazard criterion for Bushfire prone land solely on Council’s map of vegetation category 1. However, PBP states on page 18 that Councils must prepare bushfire maps according to guidelines set by NSW RFS and that: *“The BFPL Map is a trigger for the consideration of BFPL Maps for new development. It is not intended as a detailed measure of risk.”* That, to us, shows that the map used by Northern Beaches Council is an inadequate basis for making zoning decisions.

More factors must be taken into consideration when determining risk to life and property associated with bushfire prone land, including increased risk due to ember and firebrand attack

(PBP p 35 and Meridian Urban pp 45,46), as well as slope, aspect and availability of escape routes.

Regarding ember attack, according to the Meridian Urban bushfire report, only 10 to 20 per cent of buildings lost to bushfire occur as a direct result of flame attack. However, 80 to 90 percent of buildings lost to bushfire are lost as a result of ember attack. But ember attack is not considered in the Conservation Zones Review – Mapping Process.

The criterion for placing a property in a bushfire hazard zone is simply based on vegetation category 1 and the hazard threshold for Bushfire prone land is stated as *“Bushfire criteria affects more than 50% of site.”* That seems to be dangerously inadequate, given that embers can travel for hundreds of metres ahead of the fire front. Bushfire criteria should be based on more information than this, as was done in the 2018 Meridian Urban bushfire report prepared to comply with PBP for the proposed Ingleside Precinct urban development.

As the Conservation Zones Review is strategic planning, being part of the process of developing a Local Environment Plan for Northern Beaches Council, we understand that it must comply with directions given in PBP when making decisions on zoning as per Section 2.1 Legal Framework, (p 18). This requires studies to be undertaken as stated on page 19:

Strategic bush fire planning and studies are needed to avoid high risk areas, ensure that zoning is appropriate to allow for adequate emergency access, egress, and water supplies, and to ensure that future compliance with this document is achievable”.

This is reiterated with more detail on page 34: *“Strategic development proposals in bush fire prone areas require the preparation of a Strategic Bush Fire Study. The level of information required for such a study will be dependent upon the nature of any planning instrument changes, scale of the proposal, the bush fire risk and its potential impact upon the wider infrastructure network. The Strategic Bush Fire Study provides the opportunity to assess whether new development is appropriate in the bush fire hazard context. It also provides the ability to assess the strategic implications of future development for bush fire mitigation and management”.*

Table 4.2.1 on page 35 of PBP lists the components that must be included in the Strategic Bushfire Study:

- Bushfire landscape assessment
- Land use assessment
- Access and egress
- Emergency Services
- Infrastructure
- Adjoining Land

We believe that any bushfire study should also take into account the increasing risk due to climate change, as the Sydney region will get hotter and drier over the coming years.

120 Mona Vale Road Warriewood is an example of how using the vegetation category 1 map as the only basis for the Bushfire Prone Land hazard criterion results in a poor zoning decision.

The criterion used in the decision to change its zoning from C4 to Residential does not consider proximity to Ingleside Chase Reserve (adjoining land), ember attack, whether there are suitable escape routes, and the fact that it burned in the 1994 Cottage Point bushfire, as shown by photographs taken shortly after the event. In that fire a nearby house owned by the late Pittwater Councillor Lynne Czinner caught fire and was lost. It should be noted that the 2018 Meridian Report states that *“A key indicator of future risk is the nature of past events”*, yet it is proposed to be changed from a C4 to a residential zone, when it should be zoned at least C4 if not C3 due to bushfire hazard.

Given the history of bushfire in the Northern Beaches and the extent of specialist knowledge available today, PNHA asks that Northern Beaches Council commission a strategic bushfire study to inform zoning decisions made in the Conservation Zones Review as was done in 2018 for the proposed Ingleside Precinct urban development.

5. Biodiversity Corridors and Tree Canopy should be separate stand - alone criteria and each be upgraded to a High Environmental Value Criterion

The Northern Beaches Area is valued for its tree canopy, which is one of the highest in Greater Sydney (Meridian Urban p40). People value living amongst trees and the special character this gives to our suburbs. However, we believe that the proposal to change a number of C4 zoned properties to Residential zoning in the Pittwater Ward will, by allowing more intense housing development on suburban lots, reduce tree canopy, and the area will lose its special character.

This problem has been caused by decisions made in the Conservation Zones Review process. One is the amalgamation of biodiversity corridors and tree canopy into a single criterion called “Biodiversity Corridor or Urban Tree Canopy” and giving the combined criterion the designation of Medium Environmental Value (MEV) instead of High Environmental Value (HEV), and the other is setting the average tree canopy cover criteria input at >50%, which will be dealt with in section six below.

We submit that the “Biodiversity Corridor or Urban Tree Canopy” criterion be separated into two stand-alone criteria and each one should be upgraded from MEV to HEV.

1. Each criterion should stand alone

Reasons:

- Significant Urban Tree Canopy exists in Pittwater in places other than biodiversity corridors, and the decision to merge the Urban Tree Canopy layer with the Biodiversity Layer means that the contribution of the canopy that occurs outside biodiversity corridors is not considered. This undervalues the Urban Tree Canopy MEV and leaves a number of properties that currently contribute to the urban tree canopy without the protection of C4 zoning.
- Trees form a critical component of Pittwater’s biodiversity. The urban forest is green infrastructure which provides a number of ecosystem services. Even individual trees contribute to the urban ecosystem by providing:
 1. Nesting hollows
 2. Foraging habitat for threatened species, such as a number of species of raptor as well as Powerful Owls

3. Many non-threatened native fauna species use this vegetation as part of their habitat. They also are part of Pittwater's biodiversity. For example, Ringtail possums, which are significant prey for Powerful Owls, find a major food source in mature canopy-forming trees
4. Shade (particularly from the west) and cooling, especially important considering the effects of climate change

2. Each criterion should be a High Environmental Value (HEV) not an MEV

Reasons:

- Policies listed as taken into consideration in the Meridian Urban report, which state the importance of protecting local biodiversity, are:

North District Plan

Northern Beaches Community Strategic Plan

Northern Beaches Local Strategic Planning Statement

Northern Beaches Environment Strategy and Climate Change Strategy

Northern Beaches Bushland and Biodiversity Statement

Biodiversity Conservation Act

All of these policies are supported by extensive community feedback. However, the recommendation in the Meridian Report on trees and corridors is inconsistent with the above policies and will actually lower protection for local biodiversity

- Preservation of Biodiversity Corridors is critical for Threatened Species habitat, TECs and Biodiversity core habitat, which are HEVs, to thrive. They are all interdependent
- Feedback from the Pittwater community shows that there is strong support for protection of the natural environment.

6. The tree canopy target for C4 zoned land should be set at >30%

An objective of a C4 zone (DPE LEP practice note PN09-002) is to ensure that residential development does not have an adverse effect on ecological, scientific or aesthetic values.

The State Government's Greener Neighbourhoods Guide sets a target of 30% tree canopy for residential lots larger than 600 sq. metres. This is an appropriate target for the Northern Beaches and is met in most suburbs within the Pittwater Ward. But, in spite of this recommendation, for some unstated reason the canopy target set as a criterion input in the Meridian Urban Review is >50%. This target is too high and will cause many lots with significant tree cover to change from a C4 zoning to a residential zoning, thereby losing a measure of protection for trees. The target should be set at >30%. This will enable more lots to retain their C4 zoning, thereby giving more protection to urban tree canopy.

The retention of trees is essential for maintaining habitat for threatened and other native species, for liveability and retention of the area's special character. The consequence of changing the zoning of C4 lots to Residential will be that SEPPS and other State regulations will apply, allowing higher density building including seniors living and dual occupancies with consequent loss of biodiversity and tree canopy which would be the opposite outcome to that intended in the Meridian Urban Review.

7. Zoning of Dune Systems on our beaches should be C2 to reflect their biodiversity and conservation status

Our coastal dune systems are not reserves in the same category as parks and playing fields. They are natural environmental assets which are subject to a number of threats to their biodiversity as are other natural areas of Pittwater They should all be zoned C2 Environmental Conservation.

Conclusion

Pittwater Natural Heritage Association appreciates the opportunity to make these comments on the Conservation Zones Review. Although we have focused on how the review will affect the Pittwater Ward, some of the proposals we have made could benefit all of the Northern Beaches Local Government Area, particularly those relating to bushfire hazard and tree canopy.

We believe that retaining C4 zoned land in the Pittwater Ward is consistent with Council's policies and supported by the community. Further, if the proposed changes from C4 zoning to Residential zoning in the Pittwater Ward are proceeded with, over time they are likely to result in irreversible damage to the natural environment, scenic quality and amenity of the Pittwater Ward.

In summary we propose the following changes:

- A criterion on scenic protection be incorporated in the Review
- Changes be made to criteria on bushfire hazard, biodiversity corridors and tree canopy
- The tree canopy target for C4 zoned land be set at >30%
- Dune systems on our beaches be zoned C2

We ask that these changes be incorporated in the Conservation Zones Review.

David Palmer
Secretary Pittwater Natural Heritage Association