

- shops, kiosks, restaurants or cafes or take away food and drink premises
- patient transport facilities, including helipads, ambulance facilities and car parking
- educational purposes or any other health-related use
- research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes)
- chapels
- hospices, and
- mortuaries.

APPENDIX 2

Submission on the proposed 10/50 Vegetation Clearing Code of practice

Mark Beharrell, Manager - Natural Environment & Education
8am to 5:30pm Mon - Thurs, 8am to 5pm Fri
Phone 9970 1368 Mobile 0438 265 769

16 July 2014

Manager Community Planning
Locked Bag 17
Granville
NSW 2142

Dear Sir

Re: Submission on the Proposed 10/50 Vegetation Clearing Code of Practice

Thank you for the opportunity to make a submission regarding the proposed 10/50 Vegetation Clearing Code of Practice. Pittwater is defined by large areas of remnant urban forest and bushland, particularly its coastline featuring vegetated headlands and treed escarpments. It is difficult to predict the potential impact and change to the character of the area from the removal of tree removal and clearing restrictions, particularly as there has been no indication of the location of 10/50 Vegetation Clearing Entitlement Area.

Pittwater Council currently has approximately 1235 Ha of land identified as bushfire prone land much of this associated with the Ku-ring-gai National Park and peri-urban areas around Ingleside. However, there is also a significant number of properties identified via the Bush Fire Prone Land Mapping guidelines in urban areas where are large bush land reserves. Obviously there are large areas of the Pittwater Local Government Area that have a high bush fire risk and have been impacted over the years.

There are numerous issues which are inconsistent across the bushfire planning system particularly in urban and peri-urban areas. The code compounds current issues with the Bushfire Prone Land Mapping process which imposes generic rules on the mapping process. This mapping ignores aspect, slope and location in the landscape, particularly on the coastal fringe where the current mapping potentially overestimates the actual bush fire risk, particularly in largely urban areas.

Depending on the location of 10/50 Vegetation Clearing Entitlement Area and the level of uptake there is likely to be a significant impact of the natural environment. There is significant potential for impacts on threatened species and endangered ecological communities for example Pittwater Spotted Gum Forest which is mainly located on private land and mainly present as mature trees. Additionally, there is significant potential to change the character of the Pittwater Local Government Area through removal of large section of the current urban forest.

There has been no appreciation or consideration of how the code will interact with new development assessment particularly environmental assessments. Development assessment will need to consider blanket removal of vegetation below 3m for lots for new homes in urban forests on standard suburban lots.

The code itself is simplistic with many issues that need to be addressed. These include:

- In section 7.5 it details soil erosion and landslip around slopes greater than 18 degrees as identified by the state vulnerable land maps. These maps are very unclear in the Sydney Metropolitan Area. Pittwater Council's current geotechnical risk policy contains significant, mapping of risk areas, will the code override or recognise this mapping? Previous geotechnical assessments undertaken by Council in relation to hazard reduction have indicated that landslip risk is exacerbated by removal of the ground cover vegetation more so than trees.

The slope issue is a significant anomaly where a property above vegetation with a high potential bush fire risk may be precluded from the code whilst a property with a much lower risk downslope can readily utilise the code. The issue of slope is also a fundamental problem with the development of bush fire prone land mapping.

- The Definition of a tree is inconsistent within other NSW state government legislation and there are also numerous multi stemmed tree species which is at odds with the definition.
- Who is responsible for enforcing the provisions of the code? The code makes reference to being authorised clearing under NSW Legislation. Will this be the *Environmental Planning and Assessment Act*? Therefore including many Councils Tree Preservation Orders and ultimately making Council responsible for compliance?
- Section 7.2 "all types of vegetation may be cleared other than mangroves and salt marsh on public land". Does this infer: that other vegetation on public land can be cleared; and that mangroves and saltmarsh on private lands can be cleared?
- Is it wise to allow the use of herbicide particularly given the potential management issues from broad acre application herbicide use, particularly in relation to spray drift, non-label uses, effect on non-target species, training requirements for broad acre use, etc. Large areas of herbicide treated vegetation left in situ to decompose are likely to be a significant bushfire risk.
- Section 7.8 does not include those properties where development conditions have been used as a legal obligation to preserve vegetation or other conservation measures.
- The code does not address the issue of ember attack which has been shown to be one of the most important issues associated with bush fire risk management.

Pittwater Council and the NSW Rural Fire Service expend considerable effort to mitigate and manage bush fire risk through development planning and hazard reduction. The issue of landowner preparedness has always been a problem. The hazard reduction certificates process could provide an appropriate system of managing risks on existing development. This could not only include similar measures to the code proposal but also incorporate other property preparedness issues such as fuel reduction and basic structural inadequacies of properties. This process would also negate the potential compliance conflicts and potentially address some of the ember attack issues.

If you have any queries regarding these issues please contact me to discuss.

Yours sincerely

Mark Beharrell
MANAGER NATURAL ENVIRONMENTAL AND EDUCATION

C10.2: Submission on the proposed 10/50 Vegetation Clearing Code of Practice

Meeting: Natural Environment Committee

Date: 4 August 2014

COMMITTEE RECOMMENDATION

1. That the information provided in the report and the potential serious consequences this will have for the Pittwater environment be noted.
2. That the submission outlined in Attachment 2 to the Manager - Community Planning, NSW Rural Fire Service expressing Pittwater's concerns, be endorsed by Council.
3. That Council make urgent representations to the Minister of Environment and the Minister for Emergency Services on the excessive extent of the 10/50 Vegetation Clearing Entitlement Area and the potential impacts of the draft code on the character of Pittwater.
4. That representation be also made to LGNSW, Sydney Metropolitan Mayors and Urban Forrest Australia to seek urgent modification or abandonment of the code.
5. That a report be brought back to Council in one month with options on mitigating the impact of this Code of Practice.

(Cr Townsend / Cr Young)

Note:

A division was duly taken resulting in the following voting:

Aye (For)

Cr Ferguson
Cr Griffith
Cr Grace
Cr Hegarty
Cr McTaggart
Cr Millar
Cr Townsend
Cr White
Cr Young

No (Against)

Nil

ATTACHMENT 4 Sustainable Towns and Villages Minutes

Enliven PITTWATER INVITE YOU TO ATTEND THE

MONA VALE LONG LUNCH 20 SEPTEMBER 2014

Pittwater Council is committed to creating places where the community want to live, work, play and shop. A growing local economy is critical to building a vibrant community. The Village Economies Summit is an exciting three day event for business and community to be held in Mona Vale from Thursday 18 - Saturday 20 September 2014.

Saturday 20 September - Mona Vale Long Lunch - Bungan Lane 11am to 4pm

Don't miss the opportunity to participate in this fun community event to be held in Bungan Lane, Mona Vale – from 11am to 4pm – that will transform the village into a retail and entertainment hub offering pedestrians the chance to access and experience the village in a pleasurable way.

For more information about the Enliven Mona Vale Long Lunch go to businessinpittwater.com.au or contact The Place Management Team at enliven@pittwater.nsw.gov.au, 02 9970 1111



Enliven PITTWATER INVITE YOU TO ATTEND THE

VILLAGE ECONOMIES SUMMIT 19 SEPTEMBER 2014

Pittwater Council is committed to creating places where the community want to live, work, play and shop. A growing local economy is critical to building a vibrant community. The Village Economies Summit is an exciting three day event for business and community to be held in Mona Vale from Thursday 18 - Saturday 20 September 2014.

Friday 19 September - Village Economies Summit - Bayview Golf Club 8.30am to 5pm

This one day business seminar will showcase Mona Vale to visitors outside the area and includes a series of talks on place making, tourism and creative industries from expert presenters as well as providing a great opportunity for business to network and promote their products and services.

For more information about the Village Economies Summit and ticket sales go to businessinpittwater.com.au or contact The Place Management Team at enliven@pittwater.nsw.gov.au, 02 9970 1111

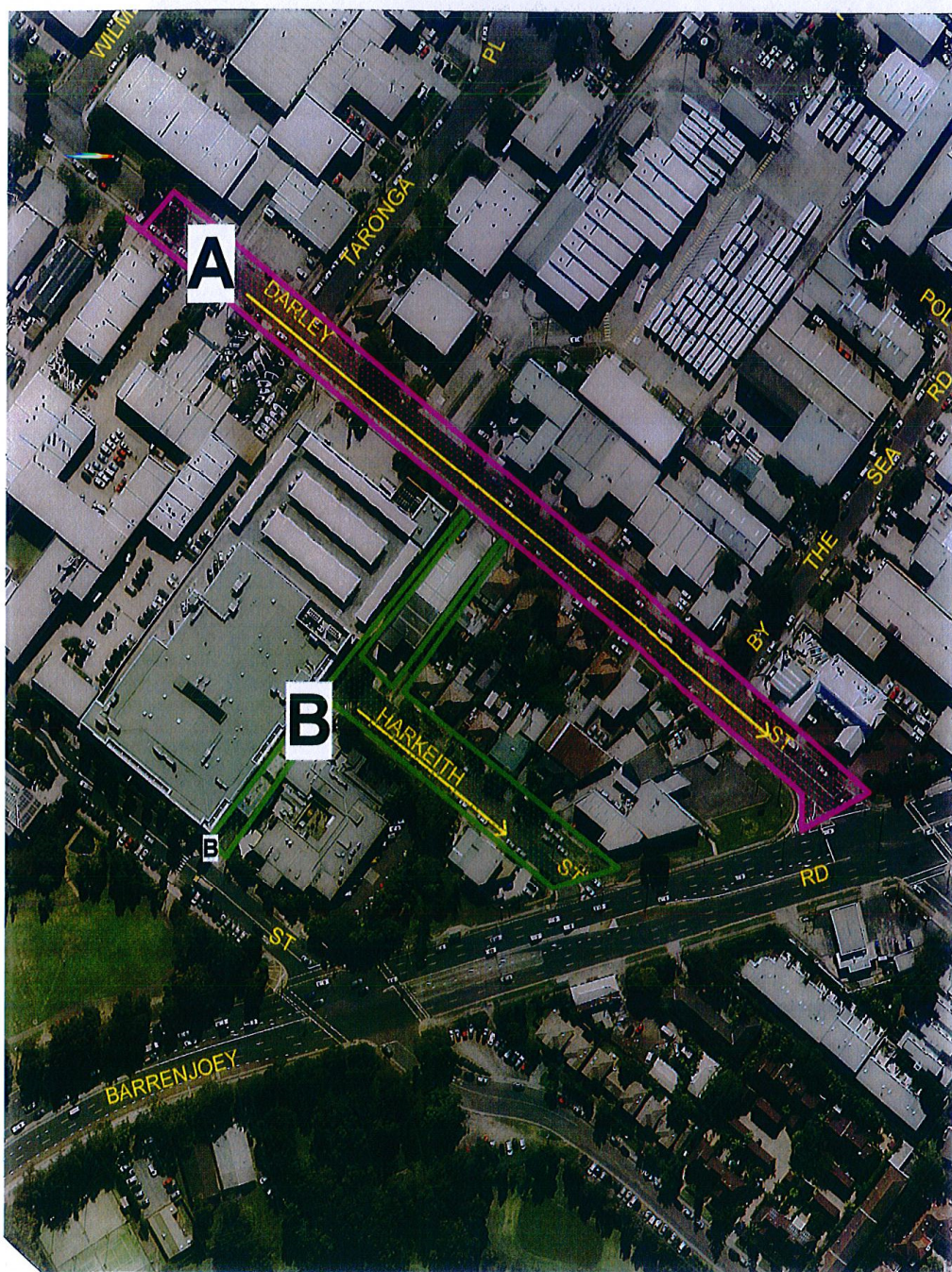


ATTACHMENT 5 Sustainable Towns and Villages Minutes

1 - DARLEY STREET PRECINCT

HUB A - Darley Street to Barrenjoey Road.

HUB B - Harkieth Street and pedestrian walkways to Darley St and including Mona Vale Hotel Walkway.



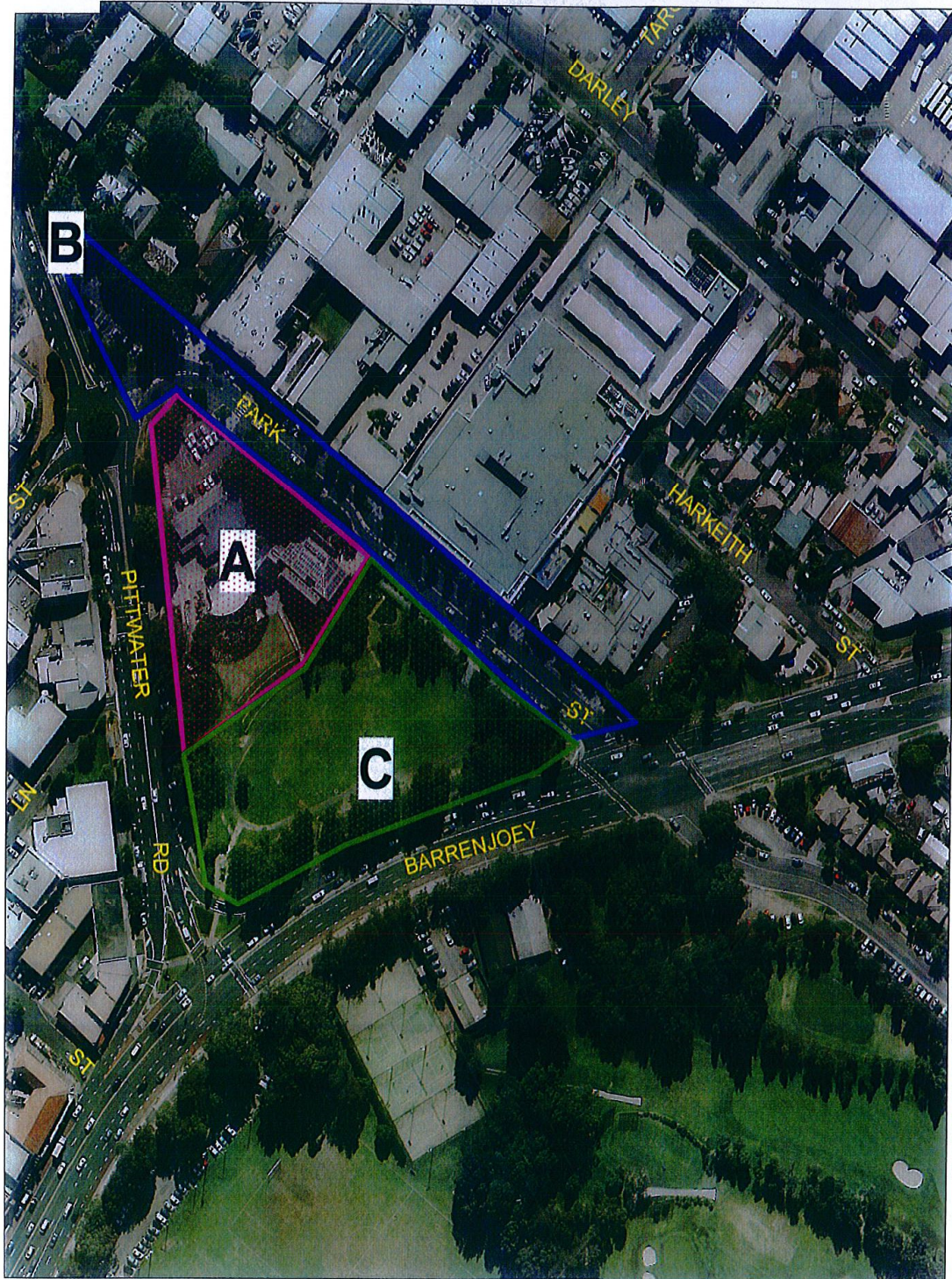


2 - PARK STREET PRECINCT

HUB A - Library, The Inch and walkway between library and community hall and carpark.

HUB B - Carpark at western end of Park Street and whole length of Park St (East).

HUB C - Village Park and surrounding footpath along Barrenjoey Road and Pittwater Road.





3 - UPPER MONA VALE PRECINCT

HUB A - Akuna Lane & Laneways adjoining Bungan Street & Akuna Lane and Waratah Street (West end).

HUB B - Bungan Street (from Waratah St to Pittwater Rd) and along Pittwater Rd to Barrenjoey Rd.

HUB C - Waratah St (Eastern end) to Bungan St - Bungan Lane from Waratah St to Pittwater Rd including Waratah Court.

HUB D - Bungan St from Waratah St to Monna Vale Rd.

