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6 December 2018

Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Our Ref: 18211

Attention: David Way

Dear Mr Way,

**Review of Additional Documentation for Planning Proposal:
Ralston Avenue, Belrose**

As requested, we have reviewed the additional documentation in relation to the planning proposal for a portion of land within a larger parcel described as Lot 1 DP 1139826, Ralston Avenue, Belrose.

This document should be read in conjunction with our initial review dated 12 October 2018.

The additional documentation reviewed was:

1. Fuel Management Plan by Travers Bushfire & Ecology dated April 2017;
2. *Ecological* Review dated 16 August 2017;
3. Submission by Urbis dated 8 March 2018; and
4. Submission by Dentons dated 5 November 2018.

In summary, the review of the additional documentation has not materially altered the position stated in our correspondence to the Commission dated 12 October 2018.

1. Fuel Management Plan by Travers Bushfire & Ecology dated April 2017

Our review of the Fuel Management Plan (FMP) indicates that it appears to be a technically sound document.

As stated by the FMP (page 3), “this fuel management plan is a document that identifies what is required in order to manage the hazardous fuels within the bushland landscape surrounding the residential portion of the Ralston Avenue, Belrose planning proposal”.

In relation to the technical aspects of the FMP, it is noted that it deals with such matters as establishment of APZs, construction of fire trails etc. These matters relate to the measures recommended by the *Bushfire Protection Assessment – Rezoning Application Lot 1 DP 1139826, Ralston Avenue, Belrose* by Travers Bushfire & Ecology dated April 2017 which was the subject of our initial review.

The review of the FMP does not significantly alter the findings of our initial review of the *Bushfire Protection Assessment*.

2. Ecological Review dated 16 August 2017

The *Ecological Review* “compares the existing bushfire risk of the urban-bushland interface with the bushfire risk of the interface resulting from the planning proposal” (page 2). In other words, the *Ecological Review* discusses the potential benefits that the planning proposal, if developed, may have on the existing urban interface, the Transgrid site and telecommunications tower.

The *Ecological Review* appears to be a technically sound document which approaches consideration of the planning proposal from the point of view of how its location and development will benefit the existing urban interface, the Transgrid site and telecommunications tower.

In this regard, the *Ecological Review* contains several important statements:

- (a) under an FFDI 100 a fire from Mona Vale Road would impact the proposed interface within 30 minutes and the existing interface within 42 minutes. These times are considered inadequate to safely and effectively evacuate either the existing or the proposed interfaces (page 7).
- (b) under an FFDI 55 (i.e. the FFDI value RFS previously used) a fire from Mona Vale Road would impact the proposed interface within 57 minutes and the existing interface within 84 minutes. These are also inadequate times for early evacuation (page 7).
- (c) The TransGrid substation is substantially better protected from fire attack by the planning proposal and if fuel management were also to occur within its boundary it is possible for the radiant heat exposure to decrease well below 10 kW/m². It is not possible for a <10 kW/m² exposure without the shielding provided by the planning proposal. Given the significance of this specific substation (servicing a large part of the Sydney population and potentially thousands of houses under bushfire attack) the planning proposal is considered NOT to increase the risk to life; rather it lowers that bushfire risk (pages 11-12).
- (d) If the planning proposal was considered in isolation to the existing interface risks, it would be considered inappropriate; however, the proposal lowers an unacceptably high bushfire risk associated with the existing urban interface and older housing stock (page 12).
- (e) The loss of power at the same time as a bushfire impacts the existing interface will likely increase building loss and the loss of life. The proposal lowers the risk to the power supply to the extent that with minimal fuel management the substation should survive any bushfire attack (page 13).

In relation to (c) and (e), the Commission has provided us with a copy of advice that Transgrid provided to Northern Beaches Council dated 13 July 2017.

In that advice, Transgrid stated that it objects to the proposed rezoning on the grounds that it poses an unacceptable risk to Transgrid’s infrastructure. That advice included that power lines which crossed evacuation routes to the site would need to be shut down in smoky conditions (due to potential arcing arising from conductivity) which would cause major disruption to electricity supply across Sydney.

The *Ecological Review* states that, leaving considerations of the existing interface aside, the proposed development would be considered inappropriate. This supports the findings of our initial review.

The *Ecological Review* also found that loss of power at the same time that a bushfire impacts

the area will likely increase building loss and the loss of life. The Transgrid advice to the Council demonstrates that Transgrid would likely need to shut down power lines which crossed evacuation routes to the site in smoky conditions (due to potential arcing arising from conductivity) which would cause major disruption to electricity supply across Sydney.

The aspects above highlight potential issues with respect to the planning proposal that are consistent with the findings of our initial review.

3. Submission by Urbis dated 8 March 2018

This submission makes the statement (at Table 1 on page 3) that the planning proposal is consistent with s117 Directions. We do not agree with this statement. Among other things, the planning proposal is not consistent with s117(2) (now s9.1) Direction 4.4 *Planning for Bushfire Protection* (Direction 4.4) as the planning proposal will clearly increase the perimeter of the interface of the land to be developed with the hazard.

The submission also states (at (e) on page 11), the inappropriateness of a site is not informed in a vacuum and it must have regard to the whether or not the requirements of Direction 4.4 and PBP can be satisfied. We agree with this statement and, as stated in our initial review, we are of the view that the planning proposal is not consistent with Direction 4.4 (and is also inconsistent in a number of respects with the strategic planning considerations expressed in Sections 2.3 and 4.1.2 of *Planning for Bush Fire Protection*).

4. Submission by Dentons dated 5 November 2018

This submission was concerned in large part with the brief for the review being extended to include the review of additional documents that are the subject of this assessment.

In general, the submission states that all potential bushfire risks have been mitigated or lessened to an acceptable level to permit the proposal. We do not agree with this statement for the reasons stated in our initial review.

For example, a main issue with the planning proposal is that it will increase the perimeter of interface of the land to be developed with the hazard. Clause 6(e) of Direction 4.4 provides that:

a planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (e) *minimise the perimeter of the area of land interfacing the hazard which may be developed.*

The above provision of Direction 4.4 is repeated at Section 4.1.2 of *Planning for Bush Fire Protection*.

Our initial review identified the fact that the perimeter of interface of land to be developed with the hazard would increase. We remain of that view and also that that aspect is contrary to the above provision of Direction 4.4 and the corresponding provision of Section 4.1.2 of *Planning for Bush Fire Protection*.

The Dentons submission, in the tables dealing with Section 4.1.2 of *Planning for Bush Fire Protection* and Direction 4.4, states that any issue to do with increasing the perimeter of interface of land to be developed with the hazard would be “significantly offset by the benefits to the existing community, telco tower and major electrical sub-station. There is clearly a net

improvement in bushfire safety for the locality and this evidence appears not to have been considered”.

We do not agree with the above statement. The clear issue is that the area of land to be developed will increase the perimeter of the interface with the hazard. Any issues and/or perceived benefits to do with the situation with the existing developed land and infrastructure to the east of the planning proposal land does not constitute compliance with the provision of Direction 4.4 and Section 4.1.2 of *Planning for Bush Fire Protection* with respect to the planning proposal. The planning proposal will clearly increase the perimeter of the interface of the land to be developed with the hazard.

We remain of the view that the possible risks associated with facilitating the rezoning of the land as proposed are likely to be proportionally greater than the likely ability of the recommended range of bushfire protection measures to mitigate those risks.

We take this view because the application of Direction 4.4 infers the exercise of caution in terms of strategic planning decisions involving rezonings such as the planning proposal. This is primarily because of inherent difficulties in revisiting any planning decision to rezone the land.

We acknowledge and respect the expertise of the bushfire consultants that the proponent has retained to assess the proposal but remain of the view that any conclusion as to whether the decision to rezone the land cannot be arrived at solely by looking at the technical and numerical considerations of *Planning for Bushfire Protection 2006*.

We agree with some of the comments in the submission as to the technical aspects of the proposal but acknowledge that the requirement to have regard to *Planning for Bushfire Protection 2006* is only one of the considerations required by Direction 4.4 (at 5(a)). We have also discussed the relationship of the planning proposal in relation to Sections 2.3 and 4.1.2 in my initial review. This review of additional documentation has not altered any of those aspects of our initial review.

Conclusion

Despite the technical information provided on behalf of the proponent, we are unable to draw a clear conclusion that the possible risks posed by surrounding bushfire prone land to the area of land proposed to be rezoned will not be proportionally greater than the likely ability of the range of bushfire protection measures to mitigate such risks.

It is noted that observations as to the appropriateness or otherwise of the development extend from at least the date of the *Ecological Review* and we have discussed those under Section 2 of this correspondence. Specifically, the *Ecological Review* states that, leaving considerations of the existing interface aside, the proposed development would be considered inappropriate. This supports the findings of our initial review.

The problems with the existing urban interface and any perceived benefits that this proposal might provide in relation to those problems do not relate to the appropriateness of the planning proposal in relation to its siting and position with respect to the hazard.

Our initial review discussed that the planning proposal may have some benefits on other lands to the east of the proposed residential precinct but found that any benefits that might arise would be offset by potential risks for the additional residential development (159 allotments) extending west from Ralston Avenue and Wyatt Avenue into the area predominated and surrounded by bushfire prone vegetation.

Also, the fact that the planning proposal would increase the perimeter of residential land interfacing the hazard supports a conclusion that the planning proposal is not consistent with at least that aspect of Direction 4.4 and the corresponding provision of Section 4.1.2 of *Planning for Bush Fire Protection*.

Yours faithfully,



SIMON CARROLL

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