

Protection of Bushland at Red Hill in the Catchment of Narrabeen Lagoon

Purpose

This document describes the environmental value of a large tract of bushland at Red Hill in the Northern Beaches Local Government Area of NSW. The bushland contains numerous threatened plant and animal species and is at the headwaters of three important creeks that flow into Narrabeen Lagoon.

Some of the bushland is effectively protected, although more robust protection is needed. Other land holdings are currently vulnerable to clearing under state planning policies. Possible mechanisms for protecting the bushland are explored.

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Preparation

This draft document was prepared by Michael Paine in consultation with local environmental groups as well as biodiversity experts.

Michael Paine was Convenor of the former Red Hill Preservation Society and was a member of Warringah's LEP Community Advisory Committee that assisted with the development of Warringah LEP 2000.

[note that this authorship is a temporary arrangement while the document is in the drafting stage]

This document represents the views of the author and does not necessarily represent the views or policy of any organisation.

Location

Red Hill is located between Cromer Heights, Beacon Hill and Oxford Falls in the Northern Beaches LGA. It is within the catchment of Narrabeen Lagoon.

The following map shows the location. It is based on a map of land zoning under Warringah LEP2011. The white areas were zoned "non-urban" under the previous LEP (2000) and are listed as "deferred matter" under LEP2011. The zoning is still under review. Further details about land ownership and proposed purpose are set out in a later section of this report.

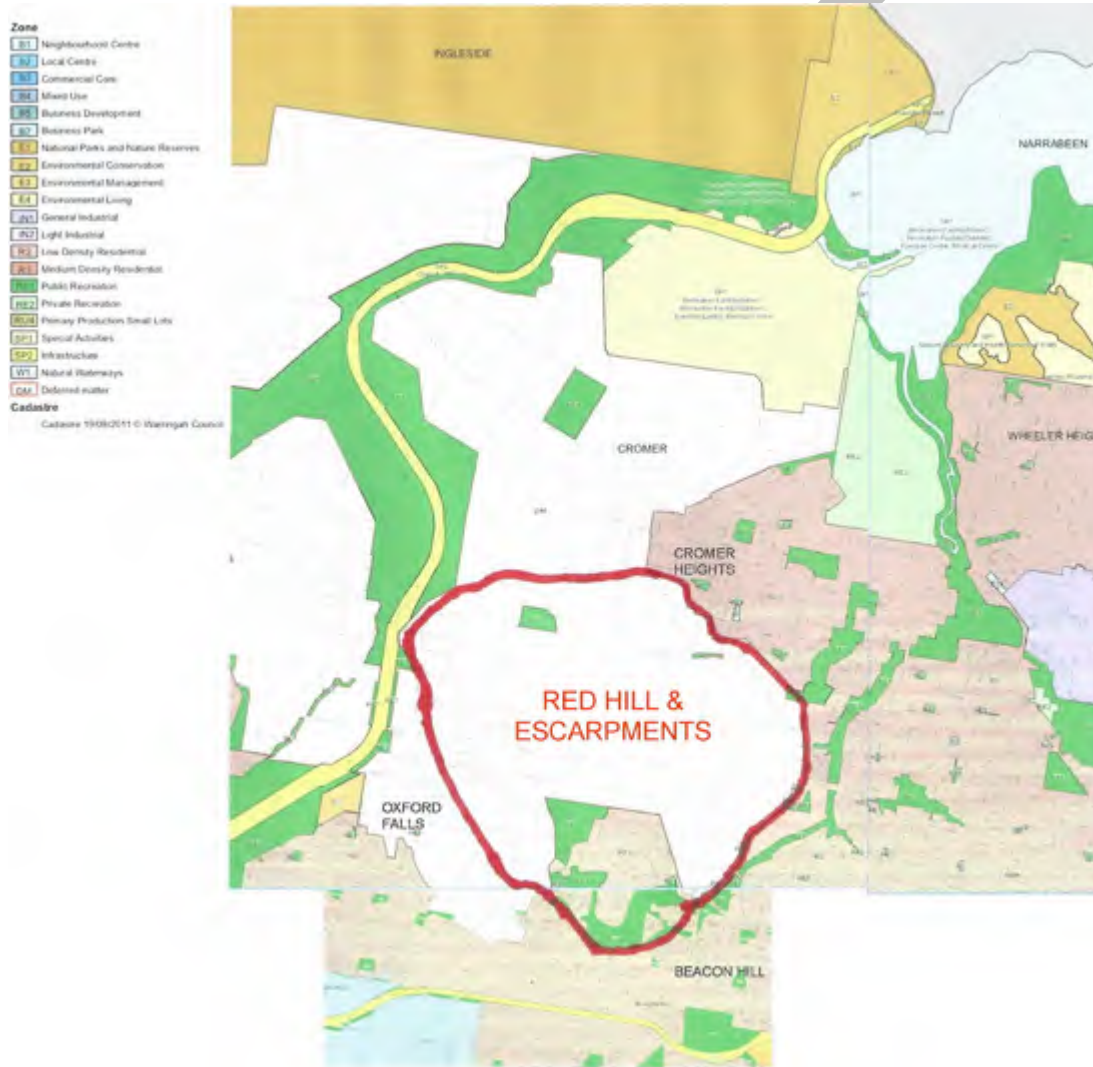


Figure 1. Location of Red Hill

Background

Red Hill is an unofficial name for a large hill between the suburbs of Beacon Hill and Cromer Heights. During the early 20th century the top of Red Hill was mined for laterite but the escarpments remained pristine bushland. The Catholic Church

acquired a large tract of Red Hill, including the mined area and proposed to build a university on the site but this did not proceed.

Nearly all of the land on Red Hill is effectively zoned non-urban, meaning no more than one dwelling per 20 hectares (see LEP extract below). A few houses have been built on Red Hill under this provision but generally the bushland has remained pristine.

In the 1960s a road reserve was created through Wheeler Creek valley. This was part of a proposed link road joining Cromer with Forest Way at Belrose. This proposal was abandoned in the 1990s and the land reverted to non-urban. This is fortunate because, as indicated below, the Wheeler Creek Valley has important natural and cultural values.

In the late 1980s the state government introduced Regional Environment Plan 21 which rezoned the south east escarpment for housing subdivision and Landcom bought a large proportion of the Catholic Church land. Following strong community protests the rezoned land along South Creek was removed from the plan and became protected bushland. During the 1990s the remaining rezoned land was developed.

In the 1990s the state government introduced State Environmental Planning Policy 5 (SEPP 5) that effectively allows medium-density retirement villages to be built on non-urban land that adjoins land zoned for housing. This meant that any privately-owned bushland next to existing or approved housing sub-divisions was a target for developers seeking to profit from medium-density housing on low-cost non-urban land.

The environmental and bushfire protection conditions for these developments have proved to be inadequate and there are now numerous retirement villages replacing bushland in the Northern Beaches LGA, including five [?] in the Red Hill/Cromer Heights area. Many of these are on the eastern border of bushland and so are likely to be highly vulnerable to catastrophic bushfires typically driven by hot westerly winds. It has been noted that these villages would take many hours to evacuate due to the frailty of residents and the challenging logistics of transporting them to safe areas.

In 2004 SEPP5 became "Seniors Living 2004" with no significant improvement in environmental protection.

Current land uses

Much of the non-urban land between Beacon Hill and Narrabeen Lagoon is owned by the Metropolitan Local Aboriginal Land Council (MLALC). This includes large portions of Red Hill. The Aboriginal significance of the area is described below. Some portions of the escarpments are Crown Land, nature/recreation reserves or designated road reserves. The remainder are privately owned.

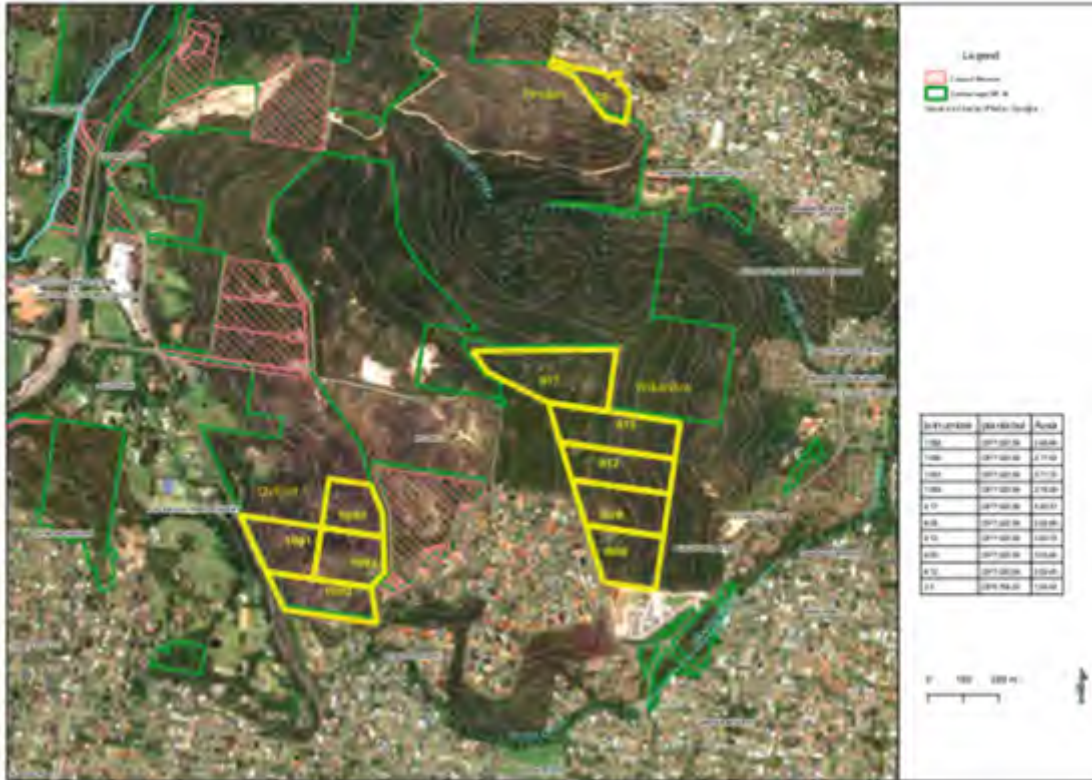


Figure 2. Map of ownership of land at Red Hill. The yellow outline show lots that are currently for sale.

The non-urban land in this area is currently referred to as "deferred lands" as it was excluded from the latest Council Local Environment Plan (LEP) that defines zoning and permitted land uses. It is understood that future requirements for these tracts are currently being considered by Council and the state government. This is done on a confidential basis to discourage speculation and corruption. In the meantime the subject lands remain subject to Warringah LEP 2000 which includes the following clauses:

(<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2000-0690#sch.B>)

LOCALITY B2 OXFORD FALLS VALLEY
DESIRED FUTURE CHARACTER

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

BUILT FORM

Housing density

The maximum housing density is 1 dwelling per 20 ha of site area, except—

...

(c) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of “housing for older people or people with a disability”

It is evident that speculators are buying and selling Red Hill land, perhaps in the hope that they can be developed as retirement villages or sub-divided. In the 1990s it is understood there were cases where developers tried to use the possibility of a SEPP5 application as a way to “encourage” Council to agree to a conventional housing sub-division.

In our view there is an urgent need to review ways to protect important bushland from further development. The remainder of this document describes the environmental and heritage value of the Red Hill bushland and outlines possible ways in which the bushland can be protected.

Natural features

Biodiversity

In 2001 the National Parks Association of NSW conducted a comprehensive biodiversity survey of the Wheeler Creek Valley (between Red Hill and Cromer Heights). This confirmed the importance of remaining bushland as a wildlife habitat and for the health of the creeks and lagoon.

Key findings of that study were:

- Wheeler Creek Valley has significant Aboriginal Heritage
- The Valley is habitat for a number of threatened species of flora and fauna including but not limited to Powerful owls, Heath monitors and red-crowned toadlets
- Butterflies that do “hill-topping” at Red Hill
- An unusually large variety of birds at Red Hill

There have been several biodiversity surveys of other parcels of land at Red Hill as well as informal surveys by experts in this field. There is evidence of the following threatened animals:

- Heath monitor
- Pygmy Possum
- Powerful Owl
- Jewel beetles, Lichen moths, new species of Paper moths and a new genus of cicada
- etc

Threatened plants and plant environments

- Some plants and mosses that grow at Red Hill do not grow on many other sandstone ridges
- Hanging swamps
- etc

There are also numerous non-threatened species that, nonetheless, are rare in the Sydney Region:

- Swamp wallaby
- Echidna
- Sea Eagle
- etc



Figure 3. Wallaby on Red Hill (Sept 2020)

Importantly the tracts of bushland at Red Hill form vital wildlife corridors for adjoining bushland.

In his recent book "What the Colonists Never Knew" (National Museum of Australia Press 2020) Dennis Foley describes the ceremonial and sacred areas of Narrabeen Lagoon catchment that were explained to him by his Aboriginal relatives. His ancestors have occupied Gai-mariagal country for thousands of years. During a recent virtual meeting with our group Dennis went into more detail about the significance of Red Hill and the numerous sites that have been used for ceremonies.

The Metropolitan Local Aboriginal Land Council (MLAC) owns large tracts of bushland at Red Hill and to the north (see green outlines in Figure 2). In 2013 MLALC proposed that most of their land becomes Gai-mariagal Aboriginal National Park. It would effectively extend the environmental protection provided by Garigal National Park across the Wakehurst Parkway. This is a unique opportunity to preserve bushland and protect the catchment of Narrabeen Lagoon as well as creating the state's first Aboriginal National Park. It is understood that the proposal is currently on hold.

Options for preserving bushland at Red Hill

There are several types of land ownership at Red Hill and different mechanisms could be considered for preserving these areas.

National park

National parks are managed by the National Parks and Wildlife Service, an agency of the Department of Planning, Industry and Environment of New South Wales.

Garigal National Park is directly North of the Red Hill/Cromer Heights area. Inclusion of the non-urban Red Hill/Cromer Heights in Garigal National Park would provide the strongest long-term protection for the bushland but land ownership issues may make this difficult in the short term. The could outcome could be a goal for the longer term, once other protection measures have been implemented.

Nature Reserve

Nature Reserves are also managed by the National Parks and Wildlife Service. A nature reserve is defined by the National Parks and Wildlife Act 1974 as land being reserved to "identify, protect and conserve areas containing outstanding, unique or representative ecosystems, species, communities or natural phenomena.

The NSW government or Council would need to acquire relevant privately owned land in order to declare it a nature reserve.

State Conservation Area

State Conservation Areas, formerly referred to as State Recreation Areas, are managed by the NSW Department of Environment and Climate Change.

The NSW government or Council would need to acquire relevant privately owned land for this purpose.

Regional Park

Regional Parks are also managed by the Department of Environment and Climate Change.

The NSW government or Council would need to acquire relevant privately owned land for this purpose.

Aboriginal Area

Aboriginal Areas are managed by local Aboriginal communities and the Department of Environment and Climate Change. An local example is the Mount Kuring-gai Aboriginal Area.

Much of the bushland needing protection is owned by MLALC and, as noted above, has been proposed to become Gai-mariagal Aboriginal National Park.

State Park

State Parks are reserved for camping, water sports and recreational uses. State parks are maintained by the New South Wales Department of Lands and managed by community trust boards.

Narrabeen Lagoon and foreshores were declared a State Park in 2014 and expanded in 2017. Although the Park could potentially be extended to cover the Red Hill/Cromer Heights area it is considered that State Park status would not provide sufficient environmental protection.

Private land conservation agreement

Private land conservation occurs where a private landholder manages some or all of their land for biodiversity, nature or wildlife conservation purposes.

In NSW, a landholder can become involved in private land conservation by entering a private land conservation agreement with the Minister or the Biodiversity Conservation Trust (BCT) over some or all of their land under Part 5 of the Biodiversity Conservation Act 2016 (the Act). Landholders can also become involved via schemes run by non-government organisations (e.g. Land for Wildlife or Wildlife Land Trust).

There are three types of agreement:

- Biodiversity Stewardship Agreements (BSA) are in-perpetuity agreements and are registered on the property title. These sites generate 'biodiversity credits' which can be sold to offset the impacts of approved developments elsewhere. Landholders receive ongoing annual management payments and a potential profit from credit sales, once the credits are sold.
- Conservation Agreements are registered on the property title, and may be either in-perpetuity or for a fixed-term. In some areas of the State,

Conservation Agreements may attract annual management payments, providing an alternative income stream for landholders.

- Wildlife Refuge Agreements are an entry-level agreement for interested landholders wishing to protect biodiversity on their land. Wildlife refuges are in-perpetuity agreements that can be revoked by the landholder at any time.

BSAs would provide the best protection for the bushland in question.

Next steps

Due to the complex land ownership across the bushland in question it is likely that a combination of environmental protection methods will be required.

[draft points to be developed further]

Zoning of land

As described above, the land in question is effectively zoned non-urban and is listed as a "deferred matter" under the Northern Beaches LEP. It is very important that the issues raised in this discussion paper are taken into consideration in any review of the land zoning.

It is also important that the land a clearly noted as unsuitable for Seniors Living development.

Council land purchases

On 29th September Northern Beaches Council resolved to investigate the purchase of Beacon Hill/Cromer bushland.

It is likely that Council has limited funds for such purchases but some purchases may help to consolidate bushland protected by other means.

State Government purchases

In February 2019 The NSW government announced the Greener Greater Sydney initiative and allocated \$150 million for new and improved parklands across Sydney. Twelve hectares of land along the Wakehurst Parkway at Frenchs Forest was purchased under this initiative.

The NSW government could purchase privately owned land at Red Hill and fund extra protected of existing Crown Land and reserves.

The Draft Oxford Falls Regional Crown Reserve Plan of Management, prepared for NSW Land and Property Management Authority in 2010, provides some useful information about the land acquisition and conservation process.

Biodiversity Offsets Program

The NSW Biodiversity Offsets Program, administered by the NSW Department of Planning, Industry and Environment, facilitates the allocation of biodiversity

credits to land owners who sign a biodiversity stewardship agreement. They can then receive an annual income. The funds are partly derived from land developers who opt to pay into the Biodiversity Conservation Fund to meet NSW state and Commonwealth offset obligations of their development approval.

In the Northern Beaches area there are several major government projects that might contribute to the Biodiversity Offsets Program.

Relevant Red Hill/Cromer Heights landowners could be approached by Council or a government department to inform them about the scheme and the potential benefits.

Private purchase of land for sale

Individuals or a consortium could be encouraged to purchase land that is for sale and enter into a BSA to conserve that land.

Members of a consortium could effectively own shares in the land under company title provisions.

Aboriginal National Park

The proposal to create Gai-mariagal Aboriginal National Park could be re-visited by approaching officials of the MLALC.

A letter to Brad Hazzard MP from MLALC dated 29 August 2013 sets out the details of the proposal and the mechanisms by which the park could be created. It includes the possibility of an aboriginal education centre.

Adjoining bushland that is protected by other means could be progressively added to this park to consolidate the preserved areas into one large area.