

# **Memorandum**



To: May Li – Senior Town Planner

From: Kerry Heatley – Assistant Manager, Open Space

Date: 24/2/12

Subject: DA 7-13 Centennial Ave, 92-96 Gordon Cres: Bushland Comments

CC:

Ref No: DA11/233

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I have inspected the site and reviewed the documents (dated 9/1/12) regarding the DA for 7-13 Centennial Avenue, 92-96 Gordon Crescent. The major bushland issue with the proposed development is the construction of a large Asset Protection Zone on the Gordon Crescent road reserve, which is managed as a part of Batten Reserve bushland. I do not agree with the proposal to construct an APZ in the Council bushland area as there will be substantial environmental damage and the maintenance of an APZ will be a considerable financial burden to Council in future years. This development application should not proceed unless the applicant is able to contain the required APZ within private land and the existing road – to the lower kerb only.

## ***Bushland and Natural Areas***

### **1. Endangered Ecological Communities**

- In 2009 Storm Consulting was employed to map the vegetation communities in major reserves of the Lane Cove Municipality. The section of the reserve along Stringybark Creek immediately south of the proposed development site was classified as Coastal Escarpment Littoral Rainforest and Sydney Turpentine-Ironbark Forest. Both communities are listed as Endangered Ecological Communities (NSW Threatened Species Conservation Act 1995).
- In 2009 the Sydney Metropolitan Catchment Management Authority also mapped the section of reserve immediately south of the proposed development site. The area was classified as Sydney Turpentine-Ironbark Forest.
- The Turpentines and Angophoras on the development site are part of the Turpentine-Ironbark Community of Batten Reserve and surrounds
- The proposed Asset Protection Zone on the Council Road Reserve/Batten Reserve is classified as a Sydney Turpentine-Ironbark Community. In order to satisfy Rural Fire Services requirements there would need to be considerable alteration of this vegetation for the area to function as an APZ.

- The Department of Environment and Heritage : Final Determination for Sydney Turpentine/Ironbark – ‘The structure of the Community was originally forest, but may now exist as woodland or remnant trees’. Therefore, the remnant trees on the development site are considered as a part of the Endangered Sydney Turpentine-Ironbark Forest.
- The development will result in the loss of native trees, including trees which are part of the Threatened Turpentine-Ironbark Vegetation Community: 3 Turpentine (*Syncarpia glomulifera*) , 1 Smooth barked Apple (*Angophora costata*), 1 Sweet Pittosporum (*Pittosporum undulatum*).
- The Flora and Fauna Study by Keystone Ecological included a 7 part test on the significance of the Turpentine/Ironbark Community present on the development site. The test concluded that the proposed development will not have a significant effect on the vegetation community.
- The landscape plan includes the planting of 9 Turpentine (*Syncarpia glomulifera*) and 2 White Stringybark (*Eucalyptus globoidea*). The latter species is not characteristic of the Turpentine/Ironbark vegetation community. Smooth Barked Apples (*Angophora Costata*) should also be planted to replace the tree proposed for removal and enhance the Turpentine/Ironbark vegetation community.
- The proposed development includes the restoration of the native vegetation in the riparian zone on the south-western side of the site. This will include the removal of weed species and the planting of local native seedlings. In order to prevent the site from becoming overrun by weeds in the future, this site will require long term maintenance by a qualified bush regeneration contractor. Only indigenous plant species are to be planted in this zone.
- A Bushland Rehabilitation and Maintenance Plan prepared by a suitably qualified and experienced environmental consultant specialising in bushland management will need to be submitted (as per Part H of the DCP). The plan should include an assessment of the existing bushland and its potential to regenerate with suitable management. The Plan should also included proposals for the removal of weeds from the bushland area and an extended maintenance program for a minimum 5 year period.

## **2. Threatened Fauna Species**

- Threatened species such as Powerful Owls and Grey-headed Flying Foxes have been recorded in Batten Reserve. These species frequently use large native trees on bushland margins for foraging/hunting.
- The pruning of large trees in the proposed APZ (as per RFS requirements) will reduce foraging habitat for Powerful Owls and Grey-headed Flying Foxes.
- The presence of these Threatened fauna species highlights the importance of ensuring that replacement local native trees are planted in the riparian area of the property.

## **3. Fauna Habitat and Wildlife Corridor**

- The trees on the proposed development site are significant as they provide an important link in the wildlife corridor along Stringybark Creek. The report from Keystone indicated that ‘these trees contribute to the local wildlife corridor along the riparian bushland and beyond to rows of trees within the backyards of houses along Gordon Cres and Mowbray Rd to the north’.

- The report by Keystone has indicated that the loss of foraging trees will be compensated for by the implementation of the landscape plan which includes spring flowering native trees, and trees that produce autumn fruits favoured by the Grey-headed Flying-fox.
- The report by Keystone has indicated that the loss of the hollow-bearing tree will be compensated for by the installation of 2 nest boxes suitable for microchiropteran bats.

#### **4. Riparian Assessment**

- The Consultant's report by GHD has classified the adjoining stream as a 1<sup>st</sup> Order Stream – which requires a riparian zone minimum width of 10 metres.
- GHD recommends that canopy species, indicative of STIF, be retained throughout the riparian corridor and that vegetation restoration within the riparian zone is to be of local provenance.
- The proposal to construct an APZ on the road reserve, which is managed as a part of Batten Reserve, will result in the loss of streamside vegetation. This has the potential to lead to soil erosion on the steep slope, resulting in a reduced water quality.

#### **5 Fire Hazard Issues – building in fire prone area**

The proposed development involves the construction of a substantial Asset Protection Zone on the road reserve, which Council manages as bushland as a part of Batten Reserve. Any proposed dedication of land for Council maintenance as part of a subdivision proposal requires Council approval and a Plan of Management before the issue of a Bush Fire Safety Authority from the Rural Fire Service. In regards to Asset Protection Zones on Council land, the RFS would not consider this if this cannot be guaranteed by Council then it may be necessary that the applicant revise their design to meet the required Asset Protection Zone in accordance with the requirement of *Planning for Bush Fire Protection 2006*.

In order to comply with the RFS requirements for an APZ, hazard reduction works would need to be undertaken and maintained by Council in perpetuity.

*Hazard reduction methods that would be required to reduce bush fire fuel in proposed APZ for development at 7-13 Centennial Ave, 92-96 Gordon Cres (from RFS Standards for Asset Protection Zones):*

1/ Raking or manual removal of fine fuels – ground fuels such as fallen leaves, twigs (less than 6 mm in diameter) and bark should be removed on a regular basis. Fine fuels can be removed by hand or with tools such as rakes, hoes and shovels

2/ Mowing or grazing of grass – grass needs to be kept short and, where possible, green

3/ Removal or pruning of trees, shrubs and understorey

The control of existing vegetation involves both selective fuel reduction (removal, thinning and pruning) and the retention of vegetation.

Prune or remove trees so that there is not a continuous tree canopy leading from the hazard to the asset. Separate tree crowns by two to five metres. A canopy should not overhang within two to five metres of a dwelling.

Native trees and shrubs should be retained as clumps or islands and should maintain a covering of no more than 20% of the area.

The above hazard reduction works would need to be undertaken on a regular basis, at a considerable cost to Council

The RFS Standards for Asset Protection Zones also outlines the measures that need to be taken to prevent soil erosion. As the proposed APZ includes a very steep slope, it would be difficult to comply with the required Standards for Asset Protection when undertaking the necessary hazard reduction works. The combination of an unstable slope and the high volume of water that enters the reserve at this point mean that there is the potential for landslip to occur.

The construction of an APZ at this location would also result in the loss of current and future wildlife habitat. The vegetation community in the proposed APZ is classified as Sydney Turpentine-Ironbark Forest, an endangered Ecological Community; the proposed APZ would degrade this community and limit any capacity for regeneration and planting in the future.

### **CONDITIONS OF DEVELOPMENT CONSENT: BUSHLAND**

If the development is to proceed the following conditions will need to be included:

(new) The applicant is required to submit a Bushland Rehabilitation and Maintenance Plan, as per Part H of the DCP, for the development to the Principal Certifying Authority and Council **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

The plan is to be produced by a suitably qualified and experienced environmental consultant specialising in bushland management and is to be prepared in accordance with the following:

- The plan is to include an assessment of the existing bushland and its potential to regenerate with suitable management. The Plan should also include proposals for the removal of weeds from the bushland area and an extended maintenance program, with bush regeneration works proposed for the following 5 year period.
- All plant species to be used for rehabilitation in the riparian area must be species indigenous to the adjacent Batten Reserve. A species list for this reserve is available on request.

(305) All Aboriginal sites and relics in NSW are protected under the National Parks and Wildlife Act 1974. If during the course of construction an Aboriginal site or relic is uncovered, works must cease and the Metropolitan Local Aboriginal Lands Council and the NSW National Parks and Wildlife Service must be notified immediately.

(306) All materials brought onto the site must be weed free.

(307b) Any weeds in the bushland area listed under the Noxious Weeds Act must be continually eradicated using suitable bush regeneration methods ensuring there is no long term re-establishment. Refer to council's website [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au) for further information.

(308) Rubbish must be stored in a locked container / cage. Any building rubbish that is not contained must be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.

(321) There shall be no access through the adjacent park/reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.

(323) A 1.8 m high fence of impermeable mesh fencing shall be erected along the common property boundary and the adjacent public reserve. The fenced area shall not be used for the storage of

building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.

A waterproof sign must be placed on every second panel stating 'NO ENTRY COUNCIL LAND – this fence and sign are not to be removed or relocated for the work duration'. Minimum size of the sign is to be A3 portrait with NO ENTRY COUNCIL LAND in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Such fencing and signage must be erected **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE** including demolition or site preparation and remain in place for the duration of the construction work.

(329) The recommendations set out in the Predevelopment Flora and Fauna Impact Assessment prepared by Keystone December 2011 (page 23-24), must be followed at all stages of the development. The recommendations set in the Predevelopment Riparian Assessment, prepared by GHD December 2011 (page 9) must also be followed at all stages of the development.

(332) During construction / landscaping the designated riparian area within the property and adjacent public bushland area must be kept clean of all building materials and rubbish. Any rubbish that is blown into these areas must be immediately cleaned up.

(333) In the event that there occurs any accidental or intentional dumping of building material in the bushland area, Council's Assistant Manager, Open Space must be notified immediately.

(335) All outside lighting must be appropriately baffled to minimise light pollution into the bushland area.

(384) Three replacement *Angophora costata* trees must be planted in a suitable location within the riparian area to replace the *Angophora costata* proposed for removal. Turpentine (*Syncarpia glomulifera*) and other indigenous species listed on the landscape plan are to be planted in the riparian area prior to the issue of the Certificate of Occupation.

(396) Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified bush regeneration contractor, for a period of 5 years from the date of issue of the Certificate of Occupation.

Kerry Heatley

**Assistant Manager, Open Space**