



Lane Cove Bushland & Conservation Society Inc

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The Sydney North Planning Panel,
chaired by Ms Julie Savet Ward

LCB&CS Submission: 266 Longueville Road, Lane Cove DA117/2017

Planning Panel Reference 2017SNH069- 1 September 2021

The Lane Cove Bushland and Conservation Society welcomes the opportunity to forward our Submission on **266 Longueville Road, Lane Cove DA117/2017** as the development adjoins a valuable wildlife corridor of mature trees and bushland. The LCBCS has been advocating for the environment for 50 years, working to preserve the natural bush and wetlands of the Lane Cove area and to advance ecologically sustainable development for the urban and natural environment.

The LCBCS is an independent, respected community group in our local Council area, having representatives on Council Advisory Committees, including for Bushland Management. We provide our recommendations having carefully considered the documents provided and visited the adjoining sites.

Recommendations:

1. Size and scale of the development

The height compatibility clause was removed from the previous SCC determination on 28th May 2020 and should be reinstated for reasons stated below.

2. Potential conflict of interest

We believe that as Mr Michael Mason has been the Executive Manager of Planning at Lane Cove Council until very recently, he has been involved in the proposal at Lane Cove Council for over 5 years. The LCC has a \$32M interest in the lease of this property. Mr Mason should recuse himself from this determination to ensure no conflict of interest exists.

3. Submissions and Stakeholders

The adjoining E2 bushland is SEPP 19 Bushland, part of the environmental heritage of all Lane Cove residents and therefore of significance to a much wider group of stakeholders than the immediate residents. Therefore, all stakeholders' submissions should be considered relevant.

4. Light Spill effects for wildlife into E2 bushland and Setbacks

Light spill at night from the 7 storeys of development on the off-site adjacent E2 bushland on the eastern side is an issue that should be addressed. Only the effect of night light, shadowing and solar access for adjacent residents has been addressed in the response from the applicant. The effects for wildlife of light spill into bushland at night is important. The Ecological Report

confirms the presence of Threatened species to the west of the 'Bush Line' and habitat degradation will only increase with any reduction in the 10 metre eastern setback.

We object to the conclusion that there are "no ecological impacts on adjacent E2 land' as the effects of light spill for native wildlife and habitat has not been addressed.

(Council Supplementary Report, 4 August 2021. Table 1: Summary of Applicant's Response to SNPP Deferral Matters)

Please note Lane Cove Council's determination on light spill and its effects on fauna of Ordinary Council Meeting 19 April 2021.

Clause 9, SEPP 19 Bushland states that a public authority shall not grant development consent unless it has taken into account... (e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes. Light spill is a relevant matter.

5. We object to the location of part of the Buffer Area within the E2 zone and object to use of the **DCP Part J Bush Line**, called bushland **ground truthing line**, in the documents for this development proposal.

The 10 metre eastern setback must be strongly enforced and not reduced for the following reasons:

- The adjacent healthy bushland and its function as habitat can be negatively impacted not only by light spill but by hard surfaces, land fill, run-off and soil erosion .

- Council's adjacent sloping land and bushland contains many valuable mature tree species which are part of a 'Wildlife Corridor' that extends down to the Greenwich coastline, so must be protected by the full 10 metre eastern setback. It is also part of contiguous vegetation that forms a linkage with remnant bushland in Lane Cove Bushland Park to the east.

6. **A dangerous precedent would be set** that may see Lane Cove further denuded of mature trees and shrubs necessary for climate mitigation, for passive recreation and to provide food resources and habitat for native fauna.
7. **Council's commitments to reduce the impacts of a 'Climate Emergency'**
The reduction of a 10 metre setback is at odds with Council's declaration of a Climate Emergency.

We object to the recommendation for medium to dark roof colouring as it's not best practise considering the Climate Emergency. Lighter colours are preferable as they reflect heat whereas dark colours absorb heat.

8. We support the Recommendation that all setbacks should be landscaped with native species specified in the landscape plan (SEE 2020).
9. **Ecological Assessment Report, Biodiversity and Vegetation Management Plan, Landscape Plans, Construction Environmental Management Plan, Tree Protection Plan.**

Recommendations in the Ecological Assessment Report for mitigation measures during the construction period and after, to minimise adverse impacts, should be incorporated into the other plans submitted with this application – but have not been incorporated into any.

We support these recommendations which include a Biodiversity and Vegetation Management Plan (BVMP) to be developed in association with the detailed Landscape Plans, and a Construction Environmental Management Plan (CEMP) incorporating a Tree Protection Plan (TPP) to be developed in association with the Civil Soil and Stormwater Management Report.

The detailed Landscape Plans need to incorporate fully the recommendation of the Ecological Assessment Report. The Landscape Concept Plans should be remedied to include details of the soil treatment of the imported fill in the Buffer Area - as they currently do not.

There are no details of proposed earthworks and imported fill to be used and there is potential damage from construction sediment on sloping ground which presents the likelihood of damage to the bushland below.

Biodiversity and Vegetation Management Plan

We support the consent conditions proposed to ensure the protection and enhancement of the bushland. We support the condition for a detailed Biodiversity and Vegetation Management Plan (BVMP) to be prepared to manage vegetation removal pre-construction and to address protection of native vegetation, weed control and rehabilitation of any disturbed areas post-construction.

We agree that the BVMP should be for a minimum of three years and include both the buffer area and the bushland to the east of the site (E2 Zone).

A Construction Environmental Management Plan incorporating a **Tree Protection Plan** should be developed in association with the **Civil Soil and Stormwater Management Report**.

We need clear confirmation that certain trees will be preserved, particularly those in the North Eastern of the site and trees no Trees 92 and 93.

Regards,
Shauna Forrest (President) and Sue Ingham (Executive)
on behalf of the Lane Cove Bushland and Conservation Society.
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References:

COUNCIL SUPPLEMENTARY REPORT - 4 August 2021 by Robert Montgomery, Montgomery Planning Solutions.
[file:///C:/Users/Shauga_2/Shauna-PC/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Assessment%20Report%20-%20266%20Longueville%20Road%20Lane%20Cove%20%20%20July%202021%20\(1\).pdf](file:///C:/Users/Shauga_2/Shauna-PC/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Assessment%20Report%20-%20266%20Longueville%20Road%20Lane%20Cove%20%20%20July%202021%20(1).pdf)

The State Environmental Planning Policy No 19 - Bushland in Urban Areas (SEPP 19) applies to land in the Lane Cove Local Government Area with the aim of protection of bushland within urban areas identified in the SEPP. **It is important that the development application also assesses the adjoining bushland, because of effect of the proposed development on bushland as per Clause 9.**

Specific aims of the policy are: protection of habitats for rare or native flora and fauna, protection of wildlife corridors and vegetation links with other bushland as well as the recreational potential of bushland.

An assessment must provide information about the potential direct and indirect impacts of the development on flora and fauna and their habitats, including consideration of the adjacent land zoned E2, and threatened species, populations and endangered ecological communities;

Clause 9 of the SEPP applies to land which adjoins bushland zoned or reserved for public open space purposes. This clause states that a public authority shall not carry out development or grant development consent unless it has taken into account the following:

- (c) the need to retain any bushland on the land,
- (d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and
- (e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.