

## SECTION 15 BUSHLAND

### 15.1 INTRODUCTION

North Sydney's bushland contributes to an attractive environment in which to live and:

- (a) is a popular recreational resource, playing an important role in wildlife conservation;
- (b) is an integral part of the harbour foreshore scenery; and
- (c) contributes to the enjoyment of adjoining properties.

There are approximately 49 hectares of bushland in North Sydney with 47 hectares contained within public reservations. While bushland is typically located in narrow strips bordering urban development, there are some significant larger areas such as Balls Head.

Bushland is under pressure from both within and outside the bushland reserve system. Without significant commitment to the management of bushland degradation, biodiversity loss will continue to occur, resulting ultimately in increased costs for rehabilitation and maintenance and loss of ecosystem services. The high population density of North Sydney and limited opportunities for future open space reservations increase the need to effectively manage precious remnant bushland. As such, a holistic approach to bushland management needs to be taken.

Studies have found higher levels of bushland degradation occur along a bushland's boundary with residential properties. This is associated with excess runoff, dumping of imported fill soil and vegetation, siltation, leaching of fertilisers, infestation of introduced plant species, vegetation clearance and tree vandalism, unnatural fire regimes and inappropriately managed domestic animals.

Residents with properties adjoining bushland are encouraged to maintain their property in a way which complements the values and condition of adjoining bushland through providing additional habitat for indigenous flora and fauna. Volunteer Bushcare groups and Council staff undertake significant bushland rehabilitation activities within public reserves.

Council offers support to residents through the Bushcare Program that includes expert technical advice and training in bush rehabilitation, habitat creation, fauna management and home native gardening.

For further detailed information on this assistance, please contact Council's Bushland Management Co-ordinator or visit Council's website ([www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au)).

Whilst bushland can contribute to a pleasant visual outlook, it can also pose a risk to the loss of life or property in the event of a bush fire. Careful planning of development and regular vegetation maintenance is required to ensure this risk is minimised.

The provisions in this section of the DCP aim to assist in the appropriate design and management of land adjoining bushland.

The provisions in this section complement the management of bushland areas by Council and the community. The provisions are compatible with the long term conservation and management of remnant bushland in accordance with Council's *Bushland Plan of Management* (under the [Local Government Act 1993](#)) and the principles and objectives of Chapter 2 – Vegetation in non-rural areas to [SEPP \(Biodiversity and Conservation\) 2021](#).

#### 15.1.1 General Objectives

The general objectives of this Section of the DCP are to:

- O1 preserve, manage and rehabilitate bushland for its ecological, cultural, historical, scientific, educational, archaeological, geological, recreational, scenic and visual values;
- O2 protect and enhance viable native fauna populations and their habitats;

- O3 preserve remnant bushland on private properties;
- O4 avoid and mitigate adverse affects on bushland associated with urban development;
- O5 ensure that private landscaped areas compliment bushland by providing food and habitats for fauna, reducing water and fertilizer requirements and maximising the use of locally indigenous vegetation species;
- O6 ensure that vegetation is managed and maintained to reduce potential bush fire attack to residential dwellings.

### 15.1.2 When does this section of the DCP apply?

This Section of the DCP applies to development on land within the North Sydney LGA which is identified as *C2 Environmental Conservation*, Area A or Area B on the Bushland Buffer Map located at Appendix 4 to the DCP.

### 15.1.3 Relationships to other sections

Where relevant, this section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 3 – Non-residential Development in Residential Zones;
- (d) Part B: Section 5 – Child Care Centres;
- (e) Part B: Section 13 – Heritage & Conservation;
- (f) Part B: Section 16 – Tree & Vegetation Management;
- (g) Part B: Section 17 – Erosion and Sediment Control;
- (h) Part B: Section 18 – Stormwater Management;
- (i) Part B: Section 19 – Waste management;

### 15.1.4 Relationships to other policies and documents

Where relevant this section of the DCP should be read in conjunction with the following:

- (a) Commonwealth Environmental Protection & Biodiversity Conservation Act, 1999 ([EP&BC Act](#));
- (b) NSW Environmental Planning and Assessment Act, 1979 ([EP&A Act 1979](#));
- (c) NSW Environmental Planning and Assessment Regulation 2021 ([EP&A Regulation 2021](#));
- (d) NSW Biodiversity Conservation Act ([BC Act 2016](#));
- (e) NSW [National Parks and Wildlife Act 1974](#);
- (f) NSW [Rural Fires Act 1997](#);
- (g) NSW Rural Fire Service's *Planning for Bush Fire Protection* (as amended);
- (h) NSW [Biosecurity Act 2015](#);
- (i) NSW [Companion Animals Act 1998](#);
- (j) Protection of the Environment Operations Act 1997 ([POEO Act](#));
- (k) Chapter 2 – Vegetation in non-rural areas to [SEPP \(Biodiversity and Conservation\) 2021](#);
- (l) North Sydney Council's *Bushland Plan of Management*; and
- (m) North Sydney Council's *Bushland & Fauna Rehabilitation Plans*.

## 15.2 BUILDING DESIGN AND SITING

Each property has a different relationship with the adjoining bushland in terms of the size of a property's boundary with the bushland, the extent of existing development, the available landscaped area and the topography. In site planning and building design these differences need to be taken into consideration to ensure that development complements the bushland character and is appropriately set back from the boundary with the bushland.

### 15.2.1 Siting and design

#### Objectives

- O1 To minimise any impacts of development on nearby bushland.
- O2 To ensure landscaping protects and enhances North Sydney's urban biodiversity.
- O3 To minimise the risk of loss of life or property in the event of a bush fire.

#### Provisions

- P1 Development located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned *C2 Environmental Conservation* must be setback a minimum of 10m from all bushland boundaries.
- P2 Buildings and structures should be sited and designed to minimise any negative impacts on, and be complementary to, nearby bushland.
- P3 Landscaped areas, as required under this DCP, should be predominantly concentrated at the boundary with bushland in order to create a buffer between the bushland and development.
- P4 Sites with one or more boundaries adjoining bushland will be given special consideration, in terms of setbacks and location of landscaped area.
- P5 Buildings and other structures, such as swimming pools and decks, should not be located directly adjacent to bushland. However, minor works relating to landscaping and stormwater containment may be appropriate adjacent to bushland, providing the initial and ongoing impacts on bushland are considered negligible by the Council.
- P6 Buildings and structures must be designed to respect the topographical features of the site (e.g. buildings should not be cantilevered, but step down with the topography).
- P7 Fencing should not incorporate a continuous foundation at its base along the boundary of a site adjacent to bushland, in order to reduce the impact of construction and improve visual aesthetics on the adjoining bushland.
- P8 Do not excavate, fill, level or retain land adjacent to bushland.
- P9 Access to proposed developments through or across land zoned *C2 Environmental Conservation* will not be permitted under any circumstances.

### 15.2.2 Bushland and Bushfire Hazard Management

#### Objectives

- O1 To minimise the risk of loss of property and life through a bushfire.
- O2 To maintain the landscape and environmental qualities of a locality.

#### Provisions

- P1 Development of bushfire prone land as identified on Council's Bush Fire Prone Land Map must conform to the specifications and requirements of *Planning for Bush Fire Protection* (as amended) produced by the Rural Fire Service.

**Note:** Not all properties located adjacent to land zoned *C2 Environmental Conservation* are Bush Fire Prone Land. Bush fire protection measures such as asset protection zones, must be contained within the private property boundary and not encroach upon public land.

- P2 Landscape design at the bushland interface should seek to achieve the dual objectives of bushfire mitigation and biodiversity conservation by protecting remnant vegetation and enhancing habitat opportunities.
- P3 Bushfire mitigation controls must be integrated wholly within the boundaries of the land being developed. Asset Protection Zones or other mitigation controls must not be placed on Council land.
- P4 Properties adjoining bushland not designated as 'bushfire prone' should consider bushfire threat mitigation in regard to building location and landscaping design/species selection.
- P5 Sites are to be maintained where possible to minimise bushfire hazard without unduly altering the natural qualities of the area.
- P6 Unencumbered access to bushfire prone properties is to be provided to assist in mitigating bushfire hazards.

### 15.2.3 Materials and colours

#### Objectives

- O1 To minimise the visual impact of development upon bushland settings.

#### Provisions

- P1 Materials should complement the bushland setting.
- P2 Use colours and materials that are non-reflective and earth toned or selected to blend with the colours of the bushland.

## 15.3 LANDSCAPING AND STORMWATER MANAGEMENT

The character of the bushland adjoining a residential property can be reflected in landscaping on that property through the compatibility of plant species, the preservation of existing trees and remnant bushland on the property and by limiting the amount of levelling, cutting and filling.

Local indigenous plants require much less fertiliser and water than exotic plants and provide food and habitat for local fauna species. The regular use of fertiliser will contaminate nearby bushland and water courses.

The potential for excessive storm water run-off and soil erosion occurs when vegetation cover is removed especially during urban construction or land development, and in the subsequent earth movement and land shaping that follows. Sediment moved in this way can destroy bushland and encourage the spread of weeds and exotic plants. For those properties with a boundary to bushland, effective stormwater management and sediment control can reduce the spread of introduced species both within the bushland and on properties with a bushland boundary.

Appropriate species selection will also assist in the uptake of water from any absorption pits and may reduce erosion during prolonged wet periods when absorption trenches overflow.

### 15.3.1 Weeds

#### Objectives

- O2 To ensure that environmental and biosecurity weeds do not spread into bushland areas.

#### Provisions

- P1 Environmental and biosecurity weeds (as listed on Council's website - [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au)) must be eradicated from the property before the commencement of works.



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- P2 Locally indigenous vegetation species should not be removed from the boundary of a site.
- P3 Land adjoining bushland should not remain un-vegetated for any period of time.
- P4 All weeds must be fully and continuously suppressed for the duration of the development.
- P5 Weed control must not adversely affect existing native vegetation on the site (or on adjoining land).

**15.3.2 Landscaping design**

**Objectives**

- O1 Ensure that landscaping complements the adjoining bushland character and species.
- O2 To ensure that landscaping on properties directly adjoining or opposite bushland not designated as bushfire prone meets the dual objectives of bushfire hazard mitigation and biodiversity conservation.

**Provisions**

- P1 Development located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned *C2 Environmental Conservation* must be setback a minimum of 10m from all bushland boundaries.
- P2 Retain any bush-rock in-situ or if removed re-use on-site.
- P3 Retain the natural soil profile as much as possible.
- P4 Use landscaping that will reduce potential fire hazards such as a disconnection between vegetation layers (i.e. ground covers, shrubs and canopy).
- P5 Trees are planted in clumps, not with a continuous canopy between the bushland interface and the building line.
- P6 Landscaping is maintained through fuel reduction, overhangs on roofs clipped, mulch minimised and garden well watered.
- P7 Landscape design on properties adjoining non-bushfire prone bushland should achieve biodiversity objectives without exposing the property to increased bushfire risk. Guidance for achieving this provision can be found in the RFS's *Planning for Bush Fire Protection* (as amended).

**15.3.3 Indigenous vegetation**

**Objectives**

- O1 To enhance the habitat of local flora and fauna species.
- O2 Indigenous trees and plants are preserved.

**Provisions**

- P1 Developments located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that are required to incorporate a 10m wide vegetated buffer to bushland boundaries must submit a landscape plan to Council showing that the buffer will be vegetated using 100% local native species (as listed on Council's website). Landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife.
- P2 Developments located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that will significantly alter existing vegetation, ground levels, or drainage conditions must submit a landscape plan to Council with at least 80% of the overall number of trees, shrubs and groundcovers being locally occurring native species (as listed on Council's website). The landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the

landscaped area for local wildlife. Exemptions may apply for heritage properties or properties within a heritage conservation area.

- P3 Developments located within Area B as shown on the Bushland Buffer Map (refer to Appendix 4) that will significantly alter existing vegetation, ground levels, or drainage conditions must submit a landscape plan to Council with at least 50% of the overall number of trees, shrubs and groundcovers being locally occurring native species (as listed on Council's website). The landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife. Exemptions may apply for heritage properties or properties within a heritage conservation area.
- P4 Sites containing remnant bushland greater than 500m<sup>2</sup> must submit a Bushland Rehabilitation Plan prepared by a suitably qualified ecological consultant specialising in bushland regeneration.
- P5 Retain all remnant bushland on the site undisturbed and protected during any construction or works undertaken.
- P6 Do not disturb remnant bushland.
- P7 Give consideration to soil depth, underground water flow, natural drainage, the understorey canopy and sufficient space around trees to ensure the long term conservation and health of indigenous trees and plants.

#### **15.3.4 Stormwater run-off and soil erosion**

##### **Objectives**

- O1 To minimise the negative impacts of stormwater runoff and soil erosion on bushland vegetation, soil biota and catchment health.

##### **Provisions**

- P1 Development within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) must submit a *Drainage Plan* to Council addressing the requirements of Part B: Section 18 – *Stormwater Management* in addition to the provisions of this Section.
- P2 Development should not result in any increase in volume, concentration or rate of stormwater run-off to those which existed prior to development.
- P3 Development should seek to improve the condition and function of stormwater management infrastructure from the pre-existing level.
- P4 Existing site contours, topography and soil levels should be maintained.
- P5 Stormwater collected from roofs, driveways and other impervious paved areas should be retained on site and discharged into the Council's stormwater system.
- P6 Excavation for stormwater retention tanks should be minimised.

### **15.4 CULTURAL RESOURCES**

There is potential that any undiscovered archaeological sites or Aboriginal sites or relics, would be found in the undisturbed areas of bushland within North Sydney. Therefore, care needs to be taken when undertaking works on properties adjoining bushland.

The preservation and documentation of any archaeological sites or Aboriginal relics found ensures evidence of previous settlement patterns of the local area can be maintained for future generations.

##### **Objectives**

- O1 To protect, record and maintain archaeological sites and Aboriginal sites and relics.

##### **Provisions**

- P1 Consideration is given to the objectives and requirements of cl.5.10 of NSLEP 2013 and Part B: Section 13 – *Heritage and Conservation* of the DCP where archaeological

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sites and Aboriginal sites and relics are discovered before, during or after work is to be undertaken.

### 15.5 THREATENED SPECIES

The protection of threatened fauna and flora species is a legal requirement that must be considered to ensure that works not only complement the bushland setting but reinforce and conserve the natural habitat for flora and fauna species. Lists of threatened species are available on the NSW Department of Environment, Energy and Science's website - [www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species](http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species). Information pertaining to known threatened species and endangered ecological communities present within North Sydney is available on Council's website [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au) or by contacting the Bushland Management Coordinator.

#### Objectives

- O1 That development is undertaken in an environmentally sensitive manner with appropriate measures undertaken to minimise any adverse effects on threatened flora and fauna species, populations or ecological communities.

#### Provisions

- P1 All development must be undertaken in accordance with the requirements of the NSW [BC Act 2016](#) and the Commonwealth's [EPBC Act 1999](#).

### 15.6 WETLAND AREAS

Wetlands in the form of Coastal Saltmarsh occur in certain locations around the North Sydney foreshore. It is important to note that Coastal Saltmarsh is listed as an Endangered Ecological Community under the NSW [BC Act 2016](#) and therefore requires special consideration where development activities may directly or indirectly impact on the community or its habitat. Whilst most of these wetlands are situated within designated bushland conservation reserves, some impacts related to urban development such as stormwater pollution, erosion, sedimentation and unauthorised access can cause negative impacts. Coastal Saltmarsh is known to occur on the foreshores of Gore Cove, Lavender Bay and Willoughby Bay. Current mapping of this community may uncover further locations on both Council and private land where this community occurs. Please contact Council's Bushland Management Coordinator for the most up-to-date mapping information for Coastal Saltmarsh in North Sydney.

Wetland environments provide habitat for important flora and fauna. In addition, surrounding vegetation can assist in lowering flood water velocities, intercept silt and aid in the uptake of nutrients to improve water quality.

#### Objectives

- O1 To preserve the aesthetic, social and economic values of wetland areas.
- O2 To ensure water entering into natural wetlands is of sufficient quality to ensure that wetland conservation values and functions are not compromised.
- O3 To maintain or restore the physical, chemical and biological processes existing in wetlands by minimising changes to wetland hydrology from land uses in wetland catchments.

#### Provisions

- P1 Maintain existing wildlife corridors and provide habitat links between isolated areas.
- P2 Provide landscaping and planting of locally occurring species, at the site's boundary with the wetland in order to create a buffer between wetlands and development. This will provide additional protection and habitat.
- P3 Wetland vegetation must not be removed.



- P4 Development must not result in alteration of local surface runoff and groundwater flows to the wetland and ensure appropriate water flow regimes are maintained to the wetland.
- P5 Development must not result in major changes to water flow processes including changes to current and wave patterns and tidal regimes.
- P6 All stormwater runoff should be detained on site before draining to Council's stormwater system.
- P7 Despite P6, if stormwater cannot be contained on site ensure a dispersed pattern of stormwater flow into the wetland as opposed to a concentrated flow.
- P8 Ensure the quality of stormwater flowing into wetlands is maintained or improved through the use of WSUD on-site (refer to Part B: Section 17 - *Erosion and Sediment Control* of the DCP).
- P9 Where nutrient control devices and other pre-treatment measures are proposed, ensure that they are located away from wetland areas.
- P10 Avoid sewage overflows in catchments upstream of wetlands.
- P11 Minimise visual impacts on wetland through use of natural and non-reflective materials, muted colours and landscaped screens.
- P12 Enhance and maintain social, educational and recreational values of wetland areas through appropriately sited boardwalks, information signs, collection of background information and consideration of European and aboriginal heritage. (Refer to Part B: Section 13 - *Heritage and Conservation* of the DCP).
- P13 Submit a Wetland Effects Statement if the proposed development may impact on the ecology and habitat, hydrology and/or water quality of the wetland. The Wetland Effects Statement must address the assessment criteria set out in the Model DCP for *Protecting Sydney's Wetlands* published by the Sydney Coastal Council Group (2001).
- P14 Only plant species which occur locally should be used for landscaping and revegetation near wetlands.