



Blue Mountains Conservation Society Inc.

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

Phone: (02) 4757 1872

E-Mail: bmcs@bluemountains.org.au

Web Site: www.bluemountains.org.au

Nature Conservation Saves for Tomorrow

4 July 2014

Mr Robert Greenwood,
General Manager,
Blue Mountains City Council.

Re: Oasis Horticulture Development Application No: X/369/2014 (Bushfire Hazard Reduction)

Dear Mr Greenwood,

Please find below comments from the Blue Mountains Conservation Society, highlighting our concerns about the proposed Bushfire Hazard Reduction application by Oasis Horticulture Pty Ltd for 230 Singles Ridge Road Yellow Rock.

The Society is aware that the period for lodging formal comments is now closed, but there are a number of issues raised by the Application which are important, including the presence of endangered ecological communities on the site.

The Society is cognisant of the damage sustained by Oasis Horticulture at their Yellow Rock property during the bushfire of October 2013, of their need to maintain production on the site and to continue to provide significant employment in the region. We acknowledge their need to provide improved protection for staff and assets should another such fire occur.

However the Society considers that the Blue Mountains City Council should reject the Development Application for the clearing of a 100 metre fire break zone around the existing development of Oasis Horticulture at Yellow Rock for reasons that include the following:

1. The Development Application was not accompanied by a Flora and Fauna Report.

2. There is no Species Impact Statement as required under Section 110 of the Threatened Species Conservation Act 1995. A Species Impact Statement is required for this proposal because the Blue Mountains City Council Environmental map for the site to be cleared indicates the presence of two Threatened Ecological Communities and associated protective buffer zones:

2.1 Sydney Turpentine-Ironbark Forest. This is listed as a Critically Endangered Ecological Community under the Commonwealth Government's Environment Protection and Biodiversity Conservation Act 1999, and as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995. This is mentioned as possibly occurring on-site by the Consultant.

2.2 Shale/Sandstone Transition Forest. This is listed as an Endangered Ecological Community under both the EPBC Act 1999 and the TSC Act 1995. This community is not mentioned by the Consultant.

A thorough Flora and Fauna survey, which we acknowledge will be difficult given the recent fire, could also confirm the presence of individual plants, birds and other animals that are listed under these respective Acts.

It is apparent that neither the applicant, Oasis Horticulture, nor EMM the consultants for the proposal understand the significance of the native vegetation on the site and that it is their responsibility, not that of BMCC staff, to undertake appropriate studies and Species Impact Statements. EMM state the following (2014 p.10) with regards to Threatened Ecological Communities and species:

It is concluded that the proposal could affect some matters of NES [National Ecological Significance] being threatened ecological communities or possible threatened species or migratory species. This, however, cannot be confirmed until further investigations have been undertaken. We have been informed by Council that they have been working hard to ensure community safety and assist with the rebuilding of lives, homes and the community. **To this end, we understand that the Council will undertake the further ecological studies needed to determine if a referral of the application to the Commonwealth Environment Minister is required.**

3. There is no precise indication of exactly where the clearing will occur apart from a line on a map encircling the development. There is acknowledgement by the Consultant that steep gullies and slopes with undeveloped bushland occur to the north and west of the production area and that it **may** not be possible to hazard reduce these areas by clearing. BMCC maps and property information indicate that slopes range from 20% to 33+% and would **certainly** not be suitable for mechanical hazard reduction. There is additionally *Eucalyptus sclerophylla* Bench Woodland here that is classed as Significant Vegetation according to BMCC maps. This is not acknowledged by the Consultant.

EMM state (2014, p.5) that:

The **extent of such inaccessible areas will not be known accurately until the clearing of the 100 m zone is underway** and it is considered that a realistic and practical approach needs to be applied to this application. Based on this, the proposal seeks consent to clear the 100 m zone identified in Figure 2.1 except where topography limits the extent of possible clearing.

In other words Council is expected to provide blanket approval for a 100 metre clearance zone without clear planning and a management strategy and with no assurance that sensitive landscapes will not be affected. This is far from satisfactory.

4. The northern edge of the 100 metre line sits right against the boundary of the neighbouring property of Deerubbin Land Council and the north-eastern side encroaches onto that land. The Deerubbin land is zoned Recreation – Environment Protection, and Environmental Protection and should therefore not be cleared in this way by a neighbour. If clearing encroachment was to be permitted on property not owned by the Applicant this would set an

undesirable precedent encouraging other land owners to impinge on their neighbour's property in similar ways.

Furthermore there is no archaeological report accompanying the application nor has there been an assessment for scarred trees.

Additionally Figure 2.1 in the Statement of Environmental Effects indicates that clearing will not be undertaken to the south and south-east of the Oasis property because it would encroach on private residential land and the Sonters Fern Nursery. Why should native bushland with legislated listing protection be treated any differently?

5. Should the hazard reduction clearing be permitted there will be **degradation of both the cleared site and surrounding bushland**. For example:

5.1 The area of clearance will be prone to weed invasion and erosion

5.2 Bushland on the fringes of the cleared zone will be subjected to degrading edge effects from exposure to unaccustomed wind and increased sunshine, as well as from invading weeds

5.3 Once bushland is cleared there may be the temptation for the Oasis nursery activities to encroach on this land that may become a dumping ground for discarded materials from site activities which will themselves become hazardous.

5.4 It may also be possible that once such an extensive area is cleared that this may be used as an opportunity for Oasis to expand its buildings and facilities, thereby turning the application to hazard reduce into a de facto development application for its future commercial activities. This would also negate the purpose of the clearing for bushfire hazard reduction.

6. The Applicant intends to **remove all trees** from the 100m zone and to continue to remove all tree regrowth. Such clearing will cut an ugly swathe through existing bushland that will be able to be seen by local residents and from local roads. All vegetation is proposed to be cleared from the immediate boundary with residents to the south of the site, removing a necessary visual, noise and dust screen and seriously reducing resident amenity. Again this sets a **highly undesirable precedent**.

7. The **100 metre fire hazard reduction clearance is just one of the management procedures that have been recommended by RM4C Pty Ltd who undertook the Bushfire Risk Assessment** for Oasis Horticulture as required for the facility to comply with Australian Standard AS3949 for the construction of buildings in bushfire prone areas (EMM letter to BMCC 22nd April 2014).

It is apparent in reading the report provided by RM4C that:

7.1 While the October 2013 fire could not have been stopped from impacting on the western side of the property measures could have been taken to provide greater fire resistance for existing buildings and structures. It is stated in the RM4C Bushfire Risk Assessment report (2014, p.8) that:

Three of the five areas where damage occurred was as a direct result of adjacent fire load catching alight, such as external storage of combustible goods, or hedges (refer Figure 3). The remaining two areas were on the Western end of the site, most exposed to the fire front. **The control of combustibles adjacent to buildings is therefore a key control recommendation.**

7.2 RM4C have provided Oasis with detailed advice on site management such as more appropriate landscaping, removal of pine trees, better storage of combustibles and importantly how existing and new structures can be altered or built to comply with the requirements of AS3949. These will not be repeated here as they are in submitted documents. It is noted however that each section in the RM4C report is followed by the **escape clause** that:

If a clearance of 100m could be achieved for all buildings no additional work would be required. We have recommended that the maximum possible clearance zones be implemented. Some of the required construction features will not be relevant when clearance distances increase and exposure levels fall.

We are therefore concerned that Oasis Landscaping is looking to an easy, and perhaps cheap option for fire risk management as provided for them in the above clause. If they clear the bush for 100m then they don't have to bother with all of the required improvements to buildings, other structures, internal landscaping, storage of onsite flammable materials etc. This however is **not an ecologically appropriate action.**

7.3 We acknowledge that lightweight and highly combustible greenhouses made from polyethylene sheeting or shade cloth are difficult to fire proof and that these structures occupy 89% of the production area of the nursery. EMM (2014, p. 5) state that:

It is noted in the bushfire assessment report that clearing will not be possible in some of the inaccessible areas. Where this occurs and a 100 m clearance zone cannot be established, alternate measures such as protection by manually activated spray systems will need to be implemented.

If it is acknowledged that spray systems will have to be used in some parts of the facility, why then cannot they be used throughout the greenhouse complex and around the perimeter of the site. It is apparent that a sprinkler system in addition to good risk management in the actual developed area (ie between and over existing structures), rather than just extensive land clearing is a viable option. In the Risk Management Report, RM4C clearly state that:

The nature of construction of the greenhouse and shade cloth structures will make them very difficult to protect from bushfire. However, the recent bushfire demonstrates that the greatest threat is from radiant heat or flame impingement resulting from either adjacent combustibles or nearby vegetation. To manage this risk we therefore focus on eliminating adjacent combustible loads, maximising clearance distances to vegetation and providing the ability to wet down greenhouses within 100m of vegetation (2014, p.12).

8. **There is no guarantee that even after such a major vegetation clearance that fire would not impact again on the site.** Ember attack from distances further away than the 100m zone could still bring fire to the site. There is evidence that trees can act as spark arrestors and that a managed understorey with well placed sprinklers may therefore provide a less ecologically devastating alternative.

To conclude, we consider that for Oasis Horticulture to hazard reduce by manual/ mechanical means a 100m perimeter around the developed site, would set an undesirable environmentally damaging precedent for other land users in the Blue Mountains to follow, particularly but not exclusively where Threatened Ecological Communities and individual species are present. We trust that Council will reject their Application and encourage the operators of Oasis to consider instead the alternative combination of risk management practices within the existing developed area that have been suggested to them by their Risk Management Assessor RM4C.

Thank you for considering our submission.

A handwritten signature in black ink, appearing to be 'AP', written in a cursive style.

Yours sincerely,
Mr Alan Page,
President,
Blue Mountains Conservation Society