

Matthew Rosel

From: Aaron Sutherland <aaron@sutherlandplanning.com.au>
Sent: Friday, 29 August 2014 1:07 PM
To: Rachel Lonie
Cc: Natalie.Bernuetz@aspect.net.au; Matthew Rosel; Chris Ryan; jhanley@imanager.net.au
Subject: RE: Kirrawee Brick Pit - MOD 3 - Response to Submissions (revised project)
Attachments: 13066_Kirrawee Brick Pit_S75W_07_B- STIF Comparison.pdf; Kirrawee Ecology Letter V2.pdf; STIF Comparison_response to Dept Planning.docx

Categories: Amendment, Important

Hi Rachel,

Further to my email on Monday in relation to your concerns, please find attached the following additional documentation:

- Amended STIF comparison which clarifies that the amended MOD 3 proposes to only remove 2,388sqm of STIF rather than the approved 2,793sqm, introduces 2,267sqm new STIF planting on site, and still maintains the commitment to provide 5,300sqm off site compensatory planting in accordance with Condition No. 10 of the approved Concept Plan;
- Letter from Aspect in response to the issues raised in your submission to the Department of Planning following exhibition of the amended MOD 3 scheme; and
- A letter from Cumberland Ecology addressing the issue of the ecological impact of the additional overshadowing of the park resulting from the increase in height of building A.

We trust that the attached satisfactorily addresses your concerns, however, if you have any outstanding questions please contact me on 0410 452 371 or Chris Ryan on 0408 220 683.

Kind regards

AARON SUTHERLAND
Director

SUTHERLAND & ASSOCIATES PLANNING
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From: Rachel Lonie [mailto:Rachel.Lonie@environment.nsw.gov.au]
Sent: Monday, 25 August 2014 2:13 PM
To: Aaron Sutherland
Cc: mark.brown@planning.nsw.gov.au
Subject: RE: Kirrawee Brick Pit - MOD 3 - Response to Submissions (revised project)

Hi Aaron

I am not available on Weds - Apologies but my phone message needs updating. I don't think we need the meeting in any case as I am happy to review the info you have sent through. And also I have received the info from Sutherland Council. I am not however likely to get to it this week but am aiming to get to it early next week. Any advice will be back to Planning however so I will liaise with Mark about that,

Regards Rachel

Rachel Lonie / Senior Operations Officer / Greater Sydney Region / Regional Operations Group / T: 9995 6837
Please note I do not work Wednesdays

From: Aaron Sutherland [<mailto:aaron@sutherlandplanning.com.au>]
Sent: Monday, 25 August 2014 11:35 AM
To: Lonie Rachel
Cc: Chris Ryan; John Hanley | IManage; Mark.Brown@planning.nsw.gov.au; natalie.bernuetz@aspect.net.au
Subject: RE: Kirrawee Brick Pit - MOD 3 - Response to Submissions (revised project)

Hi Rachel,

We have received your letter in relation to the amendment to MOD 3 (attached).

There seems to be some confusion about what Payce are intending in relation to the design of the park and STIF, perhaps due to as issue to do with clarity of documentation. The overarching intention is now to achieve a better outcome in relation to STIF in comparison to the approved Concept Plan.

Mark Brown from the Department of Planning has advised me today that he is comfortable for us to come and meet you to clarify the issue and to seek your direction in relation to documentation etc.

To this end, noting that you are only available on Monday's and Wednesdays, can we please arrange a 30 minute meeting with you this Wednesday 27th August? In attendance will be myself, Natalie Bernuetz from Aspect, and a Payce representative.

Kind regards

AARON SUTHERLAND
Director

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From: Aaron Sutherland [<mailto:aaron@sutherlandplanning.com.au>]
Sent: Friday, 22 August 2014 4:12 PM
To: 'rachel.lonie@environment.nsw.gov.au'
Cc: 'Chris Ryan'; 'John Hanley | IManage'; 'Mark.Brown@planning.nsw.gov.au'; 'natalie.bernuetz@aspect.net.au'
Subject: Kirrawee Brick Pit - MOD 3 - Response to Submissions (revised project)

Hi Rachel,

Thankyou for taking my call this afternoon, it was good to talk with you.

In your earlier correspondence to the Department of Planning in relation to MOD 3 you raised concern that the proposed modification to the Concept Plan attempted to remove more STIF that which has been approved for removal. You also raised concerns about the design of the park such as the location of the childrens playground, boardwalks and various paths and the potential detrimental impact to STIF.

In response to this, a fundamental ideological shift has been adopted in relation to the design of the park to preserve the natural setting and STIF to the greatest extent possible. All previously proposed elements such as playground and paths within the STIF area have now been removed and the amended MOD 3 now proposes to only remove 2,388sqm of STIF rather than the approved 2,793sqm. Based on the fact that less STIF is now proposed to be removed, compensatory planting of only 4,776sqm (2:1) ratio would be required instead of the required 5,300sqm under the approved Concept Plan.

As well as retaining more original STIF on site, the amended MOD 3 also introduces 2,267sqm new STIF planting on site, which reduces the required 4,776sqm off site compensatory planting down to 2,509sqm instead of the 5,300sqm under the approved Concept Plan.

Notwithstanding the above, Payce are retaining their commitment to the 5,300sqm of off-site compensatory planting and are not proposing any amendment to Condition No. 10 of the Concept Plan approval. This means that Payce will be providing 2,791sqm more compensatory planting than would be required at the 2:1 ratio for the removal of 2,388sqm of STIF from the site.

To avoid any confusion about this commitment to still provide 5,300sqm of off-site compensatory planting, the Comparative Analysis of STIF will be amended by Aspect early next week and provided to you and Mark Brown at the Department of Planning.

I trust the above clarifies the situation and is to your satisfaction. I will follow up with a phone call on Monday to discuss further.

Kind regards

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Director

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

4 September 2014

Response to Office of Environment and Heritage letter;

DOC14/139795, Rachel Lonie, 18/08/2014: OEH comment on re-exhibition of the Concept Plan Modification for the Kirrawee Brick Pit Site, Princes Hwy, Kirrawee (MP10_0076 MOD 3)

The Office of Environment and Heritage's (OEH) main concerns in regard to this proposal have been:

- retention of the endangered ecological community (EEC) Sydney Turpentine Ironbark Forest vegetation; and
- provision of an adequate water body as habitat for microbats and the Grey-headed Flying Fox. These matters are addressed below.

1.1 Sydney Turpentine Ironbark Forest (STIF)

OEH notes that the re-exhibited Concept Plan Modification relocates the children's playground out of the area of retained STIF, removes all boardwalks from the edge of the waterbody and removes the pathways and access points into the STIF area from Oak Road North.

The report states that the indicative landscape plan adopts the same approach as the approved landscape plan and has no intrusions into the existing STIF and ensures that greater than 1,973 square metres will be retained on the site.

Correct: 2378m2 to be retained on site

The *ST/F Impacts Comparison Plan* (dated July 2014) is however at variance with the approved Concept Plan in terms of retained STIF on original soil area, STIF to be reinstated and the compensatory STIF bushland off-site offsets.

Areas mapped in the *ST/F Impacts Comparison Plan* in red and orange are labelled 'STIF to be retained' and 'STIF to be reinstated' respectively. Differences to the original mapping are that the red is larger than the area originally mapped as 'STIF on original soil' and the area mapped in orange is now less than half the original 'retained STIF regenerating on quarry walls'.

The area shown red is STIF to be retained (on original soil, as well as regenerating on quarry walls).

The area shown orange is new STIF, reinstated to areas where regrading of the site has required removal of STIF. This should not be confused with 'retained STIF regenerating on quarry walls'.

There appears to be no justification for reducing the northern section of the area on the quarry wall from the retained STIF area, although OEH notes that the Schematic Water Management Diagram shows that the constructed wetland

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cell/swale treatments extend into this area.

Regrading of the site to RL 100 will require removal of STIF on the bank where existing levels are below RL 100.

To the southern end, we have proposed reinstating the STIF area with new compensatory planting (shown orange), and to the north, new swale planting.

All areas of STIF at RL100 and above will be retained.

OEH considers that the areas identified to be retained both on the original soil and regenerating on the quarry walls should not be reduced in size. Retaining STIF vegetation around the waterbody was originally intended to provide habitat for the Grey-headed Flying Fox (GHFF). The *Addendum to the Biodiversity Management Plan* for the MOD 2 (approved 16 May 2014) states in Section 2.2 (iv)(iii) that the pond must be located adjacent to suitable roosting habitat for GHFF.

The total area of existing STIF to be retained on site (both on original soil and regenerating on quarry walls above RL 100) is 2378m²; 405m² greater than the ecology report at 1973m².

OEH does not consider the indicative landscape plan clearly provides a plan for STIF vegetation to be retained, protected and reinstated as originally proposed. Inconsistencies in the information presented and the lack of detail does not provide assurance that this will be the case. For example, in the photomontage 1 - *Near Oak Road and Flora Street* it appears that the retained STIF area is largely grassland. The photomontage 3 - *New Park and Lake* shows that STIF area to be reinstated on regraded batters is largely boulders and grassland/shrubs rather than a reinstated full ecosystem with canopy and mid storey species. This is reinforced through information presented in the section AA that shows only grasslands in this zone.

The photo-montage, sections and colored plans are indicative illustrative content for the DA submission. We have included a STIF comparison plan and table, S75W- 07, to clearly outline the proposed areas of STIF to be retained, removed, re-instated on site and provided as compensatory planting off-site.

The area mapped in yellow and identified as '*STIF to Eastern Boundary*' is a landscape area only already identified in the approved Concept Plan as an 8 metre wide landscaped edge. OEH considers this additional area cannot be considered to be STIF as the area has not been identified as STIF habitat and is already approved as a landscaped area.

This area of compensatory planting is calculated 'in addition' to the 5300m² replacement provided off-site. If not considered viable as STIF habitat, it will be provided as a landscape buffer.

The reduction of compensatory STIF bushland to 2509m² is also not justified. The Biodiversity Offset Package was a condition of approval for the Concept Plan and provided for a minimum of 5,300m² of replacement STIF replantings at sites to be agreed upon by Council and OEH. Even on the current reassessed STIF area to be removed (i.e. 2388m² down from the Approved Concept Plan amount of 3296m²), 4,776 m² of compensatory STIF offsets are required. OEH considers that the impacts on STIF need to be fully offset and that the eastern landscaped edge should not be used in this

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calculation.

The table is misleading, and assumed that replacement areas on site would form part of the total of 5300m² compensatory planting required. This is not the case, please refer to the attached updated plan and table.

Total STIF to be removed is 2388 (405m² less than the approved concept)

Total STIF compensatory planting off-site is 5300m² (no change. Please note that this is above the 2:1 ratio based on the total to be removed)

Total STIF compensatory planting on site is 2267m² (or 907m² if the eastern boundary is not a viable option. This total is in addition to the requirement of 5300 off site)

2. Water Body

Although the proposed modification removes the boardwalk and pathways around the water body the amended application shows that the fringing vegetation will be impacted as a result of overshadowing from the revised heights of building A (8 stories to 13 stories). OEH considers that the proponent should demonstrate that this overshadowing will not adversely impact on the water quality in the pond and the ability for fringing vegetation to be successfully established and maintained

A Drainage and Stormwater and Water management overview report has been prepared by Northrop that outlines the maintenance of water quality and the proposed system for retaining and re-circulating water within the pond. A species list for the wetland and swale will be prepared as part of detailed landscape design that is appropriate to the location, aspect role in water quality management.

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29 August 2014

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KIRRAWEE ECOLOGY LETTER: POTENTIAL IMPACTS TO STIF

Dear Adrian,

The purpose of this letter is to confirm some advice I provided recently regarding the additional overshadowing of the northwest building [Building A] over the parkland proposed for the Kirrawee Brickpit. In particular this advice related to whether the shading would be problematic for the flora and fauna in and around the pond or to any of the Sydney Turpentine Ironbark Forest (STIF) that might be present towards the north part of the site along Oak Road.

I have taken a look at the series of models relating to sun and shade over the park (Midwinter Solar Access to Park), and the images of the same area during the equinox. In terms of ecological effect, I don't believe that the new models will result in a decrease in ecological amenity. The old model would still throw significant shade at midwinter in any case, and although the new model will result in increased levels of shade, it is not likely to be significant.

One of the main concerns relating to this development was the use of the pond by both microchiropteran bats and the Grey-headed Flying fox; however I seen no reason to think that this will restrict their ability to use the water source. Microchiropteran bats are nocturnal in any case, and will utilise the pond at night. The Grey-headed Flying fox is well adapted to urban areas and would still be able to use the pond as a water source.

Regarding the STIF and flora species, it is only a small area of the park that will experience increased shade, and this is only for approximately 3 additional hours in midwinter. The equinox models show negligent increase in shade levels. This increase in shade is unlikely to place the STIF at risk and is unlikely to change the species composition of this patch. Many areas of vegetation occur naturally near rocky outcrops or mountain ranges, and therefore experience increased shade in midwinter. The levels of light at other times of year appear to be relatively unaffected.

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If you have any questions, please feel free to contact me at any time.

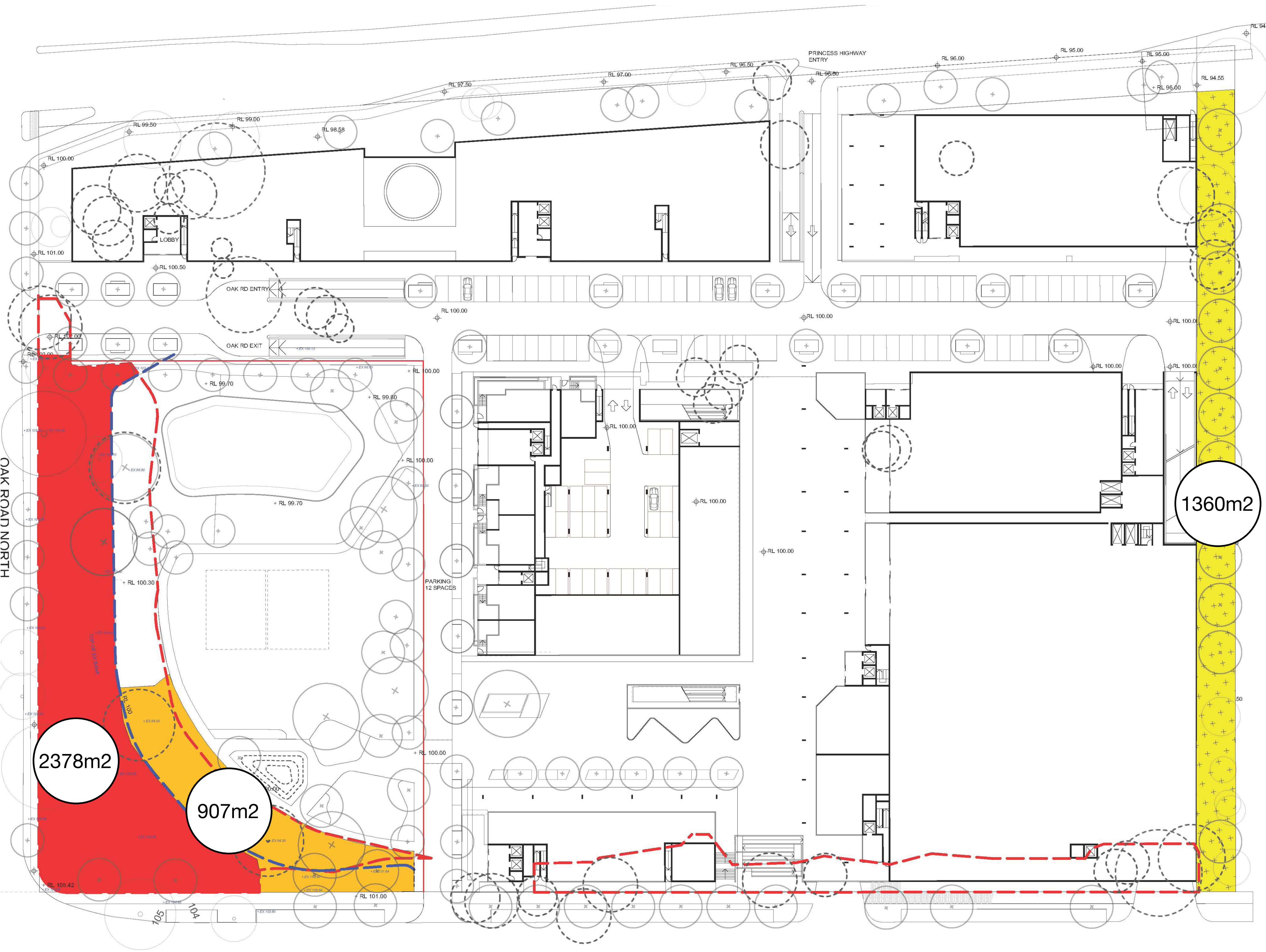
Yours sincerely



Tim Playford

Senior Ecologist

tim.playford@cumberlandecology.com.au



- STIF: EXISTING AREA
- STIF TO BE RETAINED
- STIF TO BE REINSTATED TO REGRADED BATTERS
- STIF TO EASTERN BOUNDARY

STIF Impacts Comparison

Description	Cumberland Ecology report (m ²)	Proposed S75W (m ²)	Difference (m ²)
Current extent of STIF			
Current extent of existing STIF vegetation	4766	4766	0
Existing STIF vegetation to be retained on original soil	1973	2378	+ 405
STIF to be removed	2793	2388	- 405
Compensatory Planting			
Required compensatory STIF bushland planting replacement (2:1 ratio)	5300	5300	
New areas of STIF			
New areas of STIF on re-graded soil batter on site	0	907	+ 907
New areas of STIF on eastern boundary on site	0	1360	+ 1360
New STIF bushland planting off-site	5300	5300	-
Total compensatory STIF provided	5300	7567	+ 2267