



Office of
Environment
& Heritage

DOC18/174930
MP10_0076 MOD 8

Emma Butcher
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Butcher

OEH comments on Notification of Modification to Concept Plan – Kirrawee Brick Pit Mixed Use Development – 566-594 Princes Highway, Kirrawee (MP10_0076 MOD 8)

Thank you for your email of 22 March 2018 received by the Office of Environment and Heritage (OEH) requesting comments on the Environmental Assessment (EA) for a proposed modification to the Concept Plan for the Kirrawee brick pit mixed use development.

Reference is also made to Sutherland Council's email reply (dated 5 April 2018) to OEH in relation to the removal of an additional 350m² of Sydney Turpentine Ironbark Forest (STIF) from the site due to road widening works on Oak Road. The email clarifies that the road works were undertaken under a separate Part 5 approval and provides details in relation to the offsets provided. OEH notes the offset includes the planting of 700m² of additional STIF within the public park. As the EA refers to the removal of the additional 350m² of STIF, it is suggested the proponent's Response to Submissions includes details on this for clarity.

OEH appreciates DPE providing it with an extension in which to provide comments.

OEH has reviewed the following documents:

- MOD 8 Application report - Proposed modification to remove the lake from the development – dated February 2018
- Appendix A – Ecological Assessment
- Appendix B - Kirrawee Brick Pit – Microbat and Flying Fox monitoring report – July 2017
- Appendix C - Supplement to Kirrawee Brick Pit – Microbat and Flying-fox Monitoring Report (November 2017)
- Appendix D – Kareela Flying Fox camp history
- Appendix F – Preferred Landscape Plan for the Public Park

and provides the following recommendations and detailed comments in Attachment A.

Recommendations

- the proponent clarifies why the MOD 8 proposal shows a reduced area of 'existing STIF retained' on the site compared to the approved MOD 3
- The proponent clarifies if the MOD 8 proposal provides an additional 800m² of planted STIF within the public park
- a revised scaled plan is provided which clearly shows the location and area (m²) of:
 - 'existing STIF retained' at the site,
 - the 800m² of additional STIF to be planted as part of the MOD8 proposal,
 - the 700m² of additional STIF to be planted as an offset for the road widening
 - the location of the 907m² of new STIF required by the approved MOD 3 STIF Impacts Comparison Plan
- The MOD 8 Preferred Landscape Plan drawing (LD-SK102 Revision 3) is amended so that the 800m² of planted STIF is contiguous with the existing STIF.
- Terms of Approval A11 and A11A are amended as outlined in Attachment A.

If you have any queries regarding this matter, please contact Janne Grose on **t**:8837 6017 or **e**: janne.grose@environment.nsw.gov.au

Yours sincerely

S. Harrison 13/04/18

SUSAN HARRISON
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Attachment A

OEH comments on Notification of Modification to Concept Plan – Kirrawee Brick Pit Mixed Use Development – 566-594 Princes Highway, Kirrawee (MP10_0076 MOD 8)

The Office of Environment and Heritage (OEH) has reviewed the following documents:

- MOD 8 Application report - Proposed modification to remove the lake from the development – dated February 2018
- Appendix A – Ecological Assessment
- Appendix B - Kirrawee Brick Pit – Microbat and Flying Fox monitoring report – July 2017
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and provides the following comments.

Proposed removal of the lake

The modification application seeks to modify the approved Concept Plan (MP10_0076) to allow for the removal of the 'lake' from the public park component of the project. In the original 2012 concept approval, the lake was to provide a drinking source which was thought to be critical to the survival of threatened bat species (Grey-headed Flying Fox (GHFF) and Eastern Bent-wing Bat).

OEH does not have any concerns with the proposed removal of the lake from the site. Evidence about the use of the lake by GHFF was only anecdotal, and given further surveys have been done that show the GHFF do not use the site, and there are other sites that supply water for GHFF in the vicinity, removing the lake should not impact the GHFF or microbats.

Sydney Turpentine Ironbark Forest

There appears to be inconsistency between the MOD 8 proposal and the approved MOD 3 project in relation to the area (m²) of 'STIF to be retained' on the site. The MOD 8 Preferred Landscape Plan (Drawing No, LD-SK102 - Rev 3, dated 8 Nov 2017) shows a reduced area of 'existing STIF retained' on the site compared to the approved MOD 3 STIF Impacts Comparison Plan (Drawing No 13066 - S75W 07, dated August 2014).

The MOD 3 STIF Impacts Comparison Plan shows 2378m² of STIF is to be retained on site whereas the MOD 8 Landscape Plan only shows 1434m² is to be retained. It is unclear why the plan only shows 1434m² is to be retained. While an additional 350m² of existing STIF has been removed from the site due to road works, subtracting 350m² from 2378m² equals 2028m² and not 1434m². The proponent needs to clarify why the area of existing STIF to be retained has been reduced by an additional 594m².

The AR states *"the deletion of the lake will allow for the provision of an additional 800m² of the endangered ecological community Sydney Turpentine Ironbark Forest to be provided within the public park"* (section 1.2, page 5). The MOD 8 Landscape Plan shows 'additional STIF' is proposed to be planted along the northern and eastern boundary of the central lawn area and to the south-east of the lawn area but the MOD 3 proposal already requires trees/vegetation to be planted around the northern, eastern and southern edge of the park (see Envelope Plan Basement - Drawing No Drawing No A-SK-700-005). The proposed planting of STIF in a narrow strip around the edge of the central lawn area is likely to result in the understory being trampled by people using the lawn area and/or mown.

The text on the Landscape Plan which shows the areas of 'additional STIF' is difficult to read. It is unclear if the MOD 8 proposal provides an 'additional' 800m² of STIF as:

- the MOD 8 Landscape Plan shows 'additional STIF' is to be provided to the south west of the proposed playground area but the MOD 3 approval already appears to require 907 m² of STIF to be reinstated in this location (see Drawing No 13066 -S75W 07, dated August 2014).

- The road works requires an additional 700m² of STIF to be planted in the public park to offset the removal of 350m²

OEH recommends a revised scaled plan is provided which clearly shows:

- the location and area (m²) of existing STIF to be retained at the site
- the location of the 907m² of new STIF required by the approved MOD 3 STIF Impacts Comparison Plan
- the location of the 700m² of additional STIF required to offset the road works
- the location of the 800m² additional STIF proposed by MOD 8.
- the 800m² of planted STIF should adjoin the existing STIF rather than be planted in a narrow strip around the edge of the central lawn area
- any revegetated area of STIF should consist of a diversity of native trees, shrubs and groundcover species propagated from local provenance where possible

OEH notes the deletion of the lake will provide “a larger active open space together with adventure playground” (Section 4.2 of the Application report, page 18). Increased recreational use of the park has the potential to increase impacts/disturbance of existing and revegetated areas of STIF.

Term of Approval A11 Public Park

OEH does not support the proposed amendment to the Term of Approval A11 as the modification refers to Drawing LD-SK102 Revision 3 (MOD 8 Landscape Plan). As noted above, OEH recommends this drawing is amended so the 800m² of planted STIF adjoins the existing STIF. In addition, the discrepancy between the MOD 8 Landscape Plan and the MOD 3 proposal needs to be clarified in relation to the area of existing STIF to be retained on the site.

As the modification proposes to remove the lake from the site, it is recommended A11(b) is deleted and A11(g) deletes the reference to preparing the VMP in accordance with the Office of Water guidelines for vegetation management plans on waterfront land. The following amendments to A11 are recommended:

- ~~b) include a lake which can be located as shown on Drawing 13066-S75W07B (dated August 2014) or in a location agreed to by Council~~
- c) provide for the conservation of the remnant Sydney Turpentine Ironbark Forest **and revegetate an additional 800m² of this vegetation community so that it adjoins the existing remnant within the public park**
- g include a Vegetation Management Plan that **provides details on the management and maintenance of existing remnant and planted Sydney Turpentine Ironbark Forest at the site in perpetuity** ~~is consistent with NSW Office of Water's Guidelines for vegetation plans on waterfront land~~

Term of Approval A11A Voluntary Planning Agreement – Community Benefits

OEH does not support the proposed amendment to the Term of Approval A11A as the modification refers to drawing LD-SK102 Revision 3 which needs to be amended.

(END OF SUBMISSION)