

PCU019683

Your reference: MP08_0207 & MP10_0219
Our reference: DOC10/56944
Contact: Richard Bonner, 9995 6833

Mr Michael Woodland
Director, Metropolitan Projects
Department of Planning
GPO Box 39
Sydney NSW 2001

Department of Planning
Received
18 FEB 2011
Scanning Room

Attention: Simon Truong - Planner

Dear Mr Woodland

Re: Concept Plan (MP08_0207) & Project Application (MP10_0219) – Exhibition of Environmental Assessment for residential development at Avon, Beechworth and Arilla Roads, Pymble

I refer to your letter dated 13 December 2010 inviting comments from the Department of Environment, Climate Change and Water (DECCW) in relation to the above Concept Plan and Project Application.

DECCW has reviewed the Environmental Assessment Report (EAR) and associated specialist reports and provides the following comments in relation to the biodiversity, contamination and car parking aspects of the proposals.

Biodiversity

DECCW has reviewed the Flora and Fauna (FF) Assessment, the Vegetation Management Plan (VMP) and the Arborist report and understands the site contains a remnant of the critically endangered ecological community, Blue Gum High Forest (BGHF), albeit degraded with a weedy understorey.

DECCW considers the FF Assessment to be inadequate as:

- it states that there are weeds in the understorey, but it is difficult to determine the extent of weed invasion across the site and the native vegetation cover that remains;
- it only discusses impacts from removal of trees, not removal of the critically endangered ecological community;
- potential direct and indirect impacts on BGHF from increased urbanisation have not been considered eg overshadowing, soil compaction, trampling, altered drainage patterns, increased nutrient levels, root damage from provision of basement car parks, etc;

DECCW also considers the VMP to be inadequate as it proposes implementation for only one year. The exotic species on the site are notoriously difficult to eradicate and given the level of infestation, DECCW recommends a VMP should be implemented for at least 5 years.

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water



It is also unclear how many trees will be removed as a result of the development. The FF Assessment states that the development will lead to the removal of 8 Blue Gums, 3 Turpentine and a Blackbutt. However, according to the Arborist report all 12 trees to be removed will be Blue Gums.

Although the site is degraded, it does provide important corridor values for nearby remnants such as Sheldon Forest and others in the headwaters of the Lane Cove River valley. Sheldon Forest is a significant BGHF remnant, as demonstrated by its categorisation as a Type 1 high quality remnant patches in the distribution advice for BGHF under the *Environment Protection and Biodiversity Conservation Act 1999*. The proposed development, particularly building 4, will significantly reduce the connectivity values of vegetation on the site, which may in turn reduce the viability of neighbouring BGHF remnants.

DECCW notes that the development proposes replacement plantings of trees and native understorey species. However, these will not replace lost ecological values in the short to medium term. In addition, it does not appear that the replacement plantings will be able to recreate an ecological community that could be classified as BGHF, given the plantings will be within garden beds, subject to edge effects and provision of asset protection zones.

Contamination

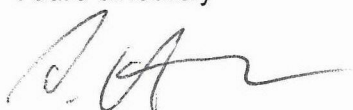
Key issue 16 of the Director-General Requirements (DGRs) requires the EA 'to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55'. Appendix 27, an August 2010 report 'Stage 1 Environmental Site Assessment', includes a recommendation that an investigation including sampling and analysis be undertaken, ideally after vegetation has been cleared from the site. DECCW recommends that a detailed soil investigation be carried out at the site, with the need for groundwater investigations assessed based on the results of the soil contamination assessment. Depending upon the results of the soil investigations, the development and implementation of a groundwater sampling plan and/or remedial action plan may be necessary. If significant contamination is identified, consideration should be given as to whether a site auditor accredited under the *Contaminated Land Management Act 1997* should be engaged to review the consultant's work and ultimately provide a site audit statement commenting on site use suitability.

The statement of commitments (Appendix 38) does not appear to include a commitment to undertake a detailed contamination assessment of the site and possible remediation works (dependent upon the results of the investigations). DECCW recommends these actions be included as a condition of consent (or an amended statement of commitments). Should investigation and remediation works be required they should be conducted and reported in accordance with relevant guidance, including *Guidelines for Consultants Reporting on Contaminated Sites* (Environment Protection Authority, September 2000).

Car Parking

It is noted the development incorporates 477 car parking spaces – 192 more than the minimum required by Ku-ring-gai Council's parking requirements. Given the close proximity of frequent public transport services and the recently released Metropolitan Plan for 2036 objective to reduce greenhouse gas emissions, DECCW recommends DoP consider reducing the motor vehicle dependence of this development and encouraging public transport by reducing the number of car parking spaces.

Yours sincerely



15/2/11

STEVE HARTLEY
A/Director Metropolitan
Environment Protection and Regulation