

Department of Planning and Environment

Our ref: DOC23/889756

Your ref: PP-2022-658

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Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
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9 November 2023

Subject: Proponent response to EHG advice – Planning Proposal 95-97 Stanhope Road, Killara

Dear Renee

Thank you for your emails dated 9 and 16 October 2023 seeking to consult with the Environment and Heritage Group (EHG) in relation to the proponent's response to EHG's advice dated 3 August 2023 (DOC23/628482) on the above planning proposal (PP). Thank you for your further email dated 6 November 2023 seeking consultation with EHG under section 3.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

EHG has reviewed the proponent response letter and attachments dated 6 October 2023, as well as the response matrix by ACS Environmental and Ecologique dated 16 October 2023 and the Scope of Works letter prepared by ELA dated 12 October 2023.

EHG recommends that should the PP proceed to finalisation:

- C2 Environmental Conservation zoning is applied to Sydney Turpentine Ironbark Forest Critically Endangered Ecological Communities and Swift Parrot habitat on the site, with this land to be protected and managed for conservation
- a vegetation management plan is prepared and implemented for the site as part of any future development application.

Detailed advice is provided at Attachment 1.

If you have any queries, please contact Dana Alderson, Senior Project Officer Planning via dana.alderman@environment.nsw.gov.au or 02 8837 6304.

Yours sincerely



Susan Harrison
Senior Team Leader Planning
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Attachment 1: EHG comments – Proponent response to EHG advice – Planning Proposal 95-97 Stanhope Road, Killara

EHG has reviewed:

- the letter prepared by FPDplanning dated 6 October 2023 and Attachments 1-7, with specific focus on:
 - Attachment 2: Updated Biodiversity Development Assessment Report Prepared by ACS Environmental and Ecologique dated October 2023 dated 5 October 2023 (updated BDAR)
 - Attachment 3: Letter from Eco Logical Australia (ELA) to respond to all issues raised by EHG in relation to Eco Logical Australia's previous advice dated 13 September 2023 (ELA letter), and
 - Attachment 5: Lourdes Retirement Village – Asset Protection Zone Requirements letter prepared by Blackash and dated 28 September 2023 (APZ advice letter)
- the response matrix by ACS Environmental and Ecologique dated 16 October 2023 (response matrix)
- the Scope of Works letter prepared by ELA dated 12 October 2023 (ELA scope of works).

Recommended outcomes

EHG considers that the proposal is likely to adversely impact biodiversity values on the site including:

- Sydney Turpentine Ironbark Forest Critically Endangered Ecological Community (CEEC) (PCT 3262)
- Sydney Coastal Enriched Sandstone Forest (PCT 3592) which is habitat for the threatened species *Lathamus discolor* (Swift Parrot), *Chalinobus dwyeri* (Large-eared pied bat) and *Cercartetus nanus* (Eastern pygmy-possum).

Sydney Turpentine Ironbark Forest CEEC and the Swift Parrot are Serious and Irreversible Impact (SAIL) entities under section 6.5 of the *Biodiversity Conservation Act 2016* (BC Act).

EHG recommends that the PP be amended to achieve improved biodiversity conservation outcomes for the values present around the perimeter of the site. The PP should ensure:

- the following biodiversity values are protected via C2 Environmental Conservation zoning:
 - Sydney Turpentine Ironbark Forest Critically Endangered Ecological Community – labelled as “PCT 3262 mgm zone” on Figure 21 (reproduced below), and
 - habitat for the threatened Swift Parrot and adjoining vegetation – labelled “Swift parrot species polygon” and “PCT 3592 mgm zone” in Figure 21.
- the C2 land is managed for conservation and is not to be used as an APZ, open space, or grassed/garden/landscaped area
- a vegetation management plan (VMP) is prepared as part of any future development application for the C2 land. The VMP must:
 - identify management zones, PCTs, fencing and signage locations

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- include key performance criteria including benchmark goals for native species density and diversity both in the short (5 years) and long term (perpetuity)
- be implemented in perpetuity, with a minimum of 5 years for rehabilitation and ongoing management requirements for maintenance thereafter
- include a table of responsibilities, key actions and their timing for the first 5 years of rehabilitation and a separate table for ongoing works
- address weed management across the site.

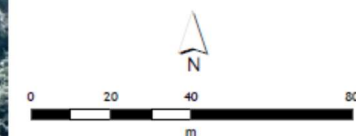


Lourdes Retirement Village

Figure 21.
Offsets required & proposed

Legend

-  Subject land
-  PCT 3262 mgm zone
-  PCT 3592 mgm zone
- Swift parrot**
-  Species polygon



Coordinate System: MGA Zone 56 (GDA 2020)

Image source: Nearmap 20 June 2023

Data source: BAM Swift_Parrot_Important_Areas.shp

Data drawn: 30 September 2023

Figure 21. from updated BDAR

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Impacts to vegetation on the site

Vegetation identification and mapping

The updated BDAR does not consistently identify and map the vegetation on the site and impacts to it. For example, in the updated BDAR:

- there are multiple maps of PCTs that are in conflict: Figure 17 shows “Vegetation avoided”, but Figure 21 “Offsets required & proposed” shows the same vegetation being identified as needing an offset due to APZ management actions
- the Summary on p.iv states that ‘vegetation’ will not be cleared within mapped PCT 3262 and remnant PCT 3592 but ‘remnant PCT 3592’ isn’t mapped in Figure 17 so it is unclear which vegetation this refers to
- Figures 13 and 17 are inconsistent with the Appendix G. Eco Logical Australia – PCT Mapping.

Avoidance

Stage 2 of the BAM requires that a proposal is designed to avoid and minimise impacts to biodiversity values within the site, including impacts to SAI entities. Figure 17 of the updated BDAR shows vegetation that has been avoided within the site, but as noted above this is also identified as needing an offset due to impacts from APZ management actions.

According to the APZ advice letter, the whole of the site will not necessarily need to be managed per the Inner Protection Area guidance in *Planning for Bushfire Protection 2019*. Instead, the APZs can comprise a “combination of fuel free areas (i.e., roads, paths, etc), intensely managed areas (i.e., mown grass) and pockets of garden and retained vegetation (i.e., native gardens, native vegetation)”.

EHG therefore considers that there is an opportunity to identify areas of the site with high biodiversity values which must be avoided and not managed for APZ purposes, i.e., no removal of vegetation (trees, shrubs, groundcovers), leaf litter or debris. In addition, management actions should be implemented to regenerate and retain these biodiversity values in perpetuity.

EHG recommends this is achieved via C2 Environmental Conservation zoning for the Sydney Turpentine Ironbark Forest CEEC and Swift Parrot habitat, and supplemented by avoidance, mitigation and management measures implemented at development application stage.

Intensification of use

In addition to impacts from APZ management, the intensification and densification proposed will have indirect and prescribed impacts. Future development will need to avoid and mitigate against (but not be limited to) the following indirect and prescribed impacts associated with intensification of use:

- access to retained vegetation
- additional impacts including but not limited to increased human traffic, hydrological changes, fauna vehicle strikes, reduced habitat connectivity, introduction of non-native vegetation, weed infestations, and increased nutrient loads from landscaping
- erosion and sedimentation because of site disturbance, especially downslope of the areas of construction.

Adequacy of BDAR

EHG advises that whilst the updated BDAR addresses many concerns that were raised previously, it should not be relied on to support future development applications. Considerations for future assessment include:

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- locate and design the proposal to avoid and minimise direct and indirect impacts
- clarification of vegetation mapping including further justification for why STIF has not been mapped in the central part of the site
- the Vegetation Integrity (VI) scores only incorporate APZ management impacts and have not accounted for the impacts from intensification of development on the site. The VI scores could therefore be an underestimate, and do not accurately represent the full extent of potential impacts as a result of the future development
- mitigation measures for indirect and prescribed impacts because of APZ management and intensification of use
- consideration of whether mapping STIF in small discrete patches marked as individual trees is appropriate in an ecological community context.

END OF SUBMISSION