



29 March 2010

Marnie Stewart
Conservation Planning Officer
DECCW
PO Box 668
Parramatta NSW 2124

Dear Marnie,

Re: Major Project 08_0116 – Civil Works Stage 2 – Potts Hill Reservoir Site

I write in response to DECCW's letter of 3rd February 2010, which contained a number of comments to the Department of Planning on the Potts Hill Major Project (MP 08_0116) for Civil Works Stage 2. This letter provides a response solely relating to matters relevant to allow the proposed Conservation Agreement on the Sydney Water retained lands to proceed to exhibition.

From discussion with DECCW, it is understood that matters relevant to allowing the proposed Conservation Agreement to proceed are:

1. Infrastructure (primarily infrastructure located within the Conservation Agreement lands)
2. Vegetation Offset Ratio
3. Contamination in relation to Conservation Agreement lands

Responses in relation to these three matters are provided below. Landcom would appreciate DECCW's review of this information at the earliest possible opportunity, and notification whether the proposed Conservation Agreement can proceed to exhibition. If you would prefer to meet to discuss these issues, please contact the undersigned to coordinate a meeting.

It is noted that Landcom will respond fully to other issues raised in the DECCW submission via the Department of Planning.

1. Infrastructure

Landcom acknowledges DECCW's request that infrastructure, including all stormwater (eg. overland flow channel/swale), fencing and earthworks be removed from the Conservation Agreement lands.

Landcom agrees to remove all proposed infrastructure from the Conservation Agreement lands, and to amend all plans to exclude all infrastructure from the Conservation Agreement lands.



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With regards to fencing and retaining walls on the boundary between the residential and Conservation Agreement lands, a detailed construction management plan for works will be developed with Landcom's flora & fauna consultant, Eco-Logical Australia, to ensure the Conservation Areas are protected during the remediation of adjacent lands.

2. Vegetation Offset Ratio

Landcom acknowledges that DECCW seeks an offset ratio of 3.3 : 1 or greater. DECCW noted that the detailed plans show an increased loss of vegetation from 1.03 to 1.42 hectares of endangered and critically endangered ecological communities. They also identified concerns about a number of matters relating to the latest offset calculation, which were:

1. Vegetation intended to be retained to the north of the stormwater detention basin in the Brunker Road Park (basin no. 3) being impacted by batters associated with this basin. DECCW recommends that the offset ratio is recalculated excluding this vegetation.
2. Seeking advice on changes in the boundaries of the Conservation Agreement lands and a reduction from 5.24ha to 4.99ha of EECs within these lands.
3. The Ecological Assessment (page 17) identifying that 0.24ha of Cumberland Plain Woodland (CPW) will be contained within the Conservation Agreement lands, and that this vegetation should be excluded from the offset ratio calculations.

Responses to each matter are provided, and then the offset ratio is recalculated.

1. On review, it is acknowledged that there will be considerable disturbance to the vegetation to the north of basin no. 3. The area of additional vegetation affected, beyond that previously being treated as a loss, is 0.05ha. This vegetation will be treated as a loss for the purposes of the revised offset calculation (below).
2. It is acknowledged that the calculated total area of EECs within the Conservation Agreement lands has reduced. These adjustments to the calculated area occurred after the boundaries were traversed by one of Eco Logical Australia's ecologists, Dr Steven Ward, and surveyors. As DECCW would be aware, vegetation mapping, such as used for the Potts Hill assessment, is usually a combination of aerial photography and ground truthing to define the type and extent of vegetation communities. In this instance the subsequent more accurate boundaries from the survey data identified some differences to the previously mapped vegetation boundaries. To maintain consistency with previous assessments the mapped vegetation boundaries were not altered, but the surveyed Conservation Agreement lands boundary was utilised for calculation purposes. Also, in one location setbacks required by Sydney Water from the key water supply canal from reservoir 2 to water supply pipelines in the north of the site resulted in a reduction of EEC included within the Conservation Agreement lands.

Given that some of the changes above resulted in reductions to the Conservation Agreement lands, other areas with regeneration potential for native species (though not mapped as EECs) were captured and included in the Conservation Agreement lands. Furthermore, the delineation of the boundaries for the Conservation Agreement lands were discussed with the Conservation Partnerships section of DECCW, including a site visit with DECCW officer Louise Brodie. Landcom believes that the proposed Conservation Agreement lands are

consistent with the essence of the offset arrangement negotiated with DECCW during the Concept Plan, and notes that all boundary adjustments have been kept as small as possible.

3. The Ecological Assessment does identify 0.24ha of CPW. The report intended to communicate that this vegetation is within the land retained by Sydney Water, but outside of the Conservation Agreement lands. It is noted that the vegetation within the Conservation Agreement Lands comprises:

Cooks River/Castlereagh Ironbark Forest	3.53ha
Sydney Turpentine Ironbark Forest	1.46ha
Total	4.99ha

Therefore, the 0.24ha of CPW was not counted for the offset calculations using the area of EECs within the Conservation Agreement lands.

The revised offset ratio is therefore 4.99ha of EECs within the Conservation Agreement lands vs 1.47ha of EEC loss (1.42ha + additional 0.05ha to the north of basin no. 3). The revised offset ratio of gain –v- loss is therefore 3.39 : 1.

Landcom notes that this meets the offset ratio of 3.3:1 sought by DECCW.

3. Contamination

Zone 3

Zone 3 is adjacent to the Southern Conservation Area. A stockpile known as “The Southern Laydown Area” partially straddles the boundary of the Zone 3 into the Conservation Area (refer Figure 2).

The Southern Laydown Area consists of fill materials such as re-worked natural materials, including clay, silt, crushed shale and sandstone. However, rubbish materials such as bitumen/asphalt, ash, slag, concrete, timber, scrap metal, fragments of Fibre Cement Materials (FCM) and Asbestos Containing Materials (ACM), glass, bricks, plastic etc were identified.

The edge of the Southern Laydown Area has been included in the Conservation Area and sites below of canopy from the Sydney Turpentine Ironbark Forest. The ground cover is low value grassy covered imported fill.

The environmental consultant has recommended that this small area of contaminated stockpile within the Conservation Area be removed. Landcom recognises the sensitivity of the works in this area, and offers to consult with DECCW prior to undertaking these works. A detailed methodology that minimises any impacts on the Sydney Turpentine Ironbark Forest will be developed with Landcom’s flora and fauna consultant, Eco-Logical Australia, and agreed with DECCW for incorporating into the Construction Environmental Management Plan.

Zone 1A

Zone 1 is adjacent to the Northern Conservation Area (refer Figure 3). Lead and/or copper concentrations above the adopted site assessment criteria identified at two sample locations. The contamination appears to be associated with minor and sporadic fragments of anthropogenic materials (e.g. ash, slag, asphalt, steel, bricks, coal and general refuse). The contamination, based on available assessment data, appears to be of limited extent.

Given the observed condition of the vegetation during completion of field investigations (i.e. no visibly obvious stressed or dying vegetation) and sporadic and minor distribution of anthropogenic materials, the contamination is unlikely to pose a significant risk to flora and fauna. Furthermore, given the expected low level of human activity (i.e. occasional and short term visitation) in the conservation areas, the sporadic nature of the contaminants, and their inert nature (generally bound into soils or other material), the risk to human health is considered to be low.

While the contamination within Zone 1A will be remediated, no remediation within the northern Conservation Area is proposed as the works would have significant adverse effects on the vegetation..

A detailed management plan for works adjoining the Conservation Areas will be developed with Landcom's flora & fauna consultant, Eco-Logical Australia, to ensure the Conservation Areas are protected during the remediation of adjacent lands.

I trust that this letter alleviates your immediate concerns regarding the Conservation Areas and that the Voluntary Conservation Agreement can proceed to exhibition as soon as possible. Landcom and Sydney Water are committed to the protection and enhancement of the Conservation Areas and look forward to a productive working relationship with DECCW in bringing the Potts Hill project to reality.

Please don't hesitate to contact me on 02 9841 8681 should you have any further questions.

Yours sincerely,


Nick Chandler
Senior Development Manager

CC: Alix Capenter, NSW Department of Planning



Figure 1 – Conservation Areas

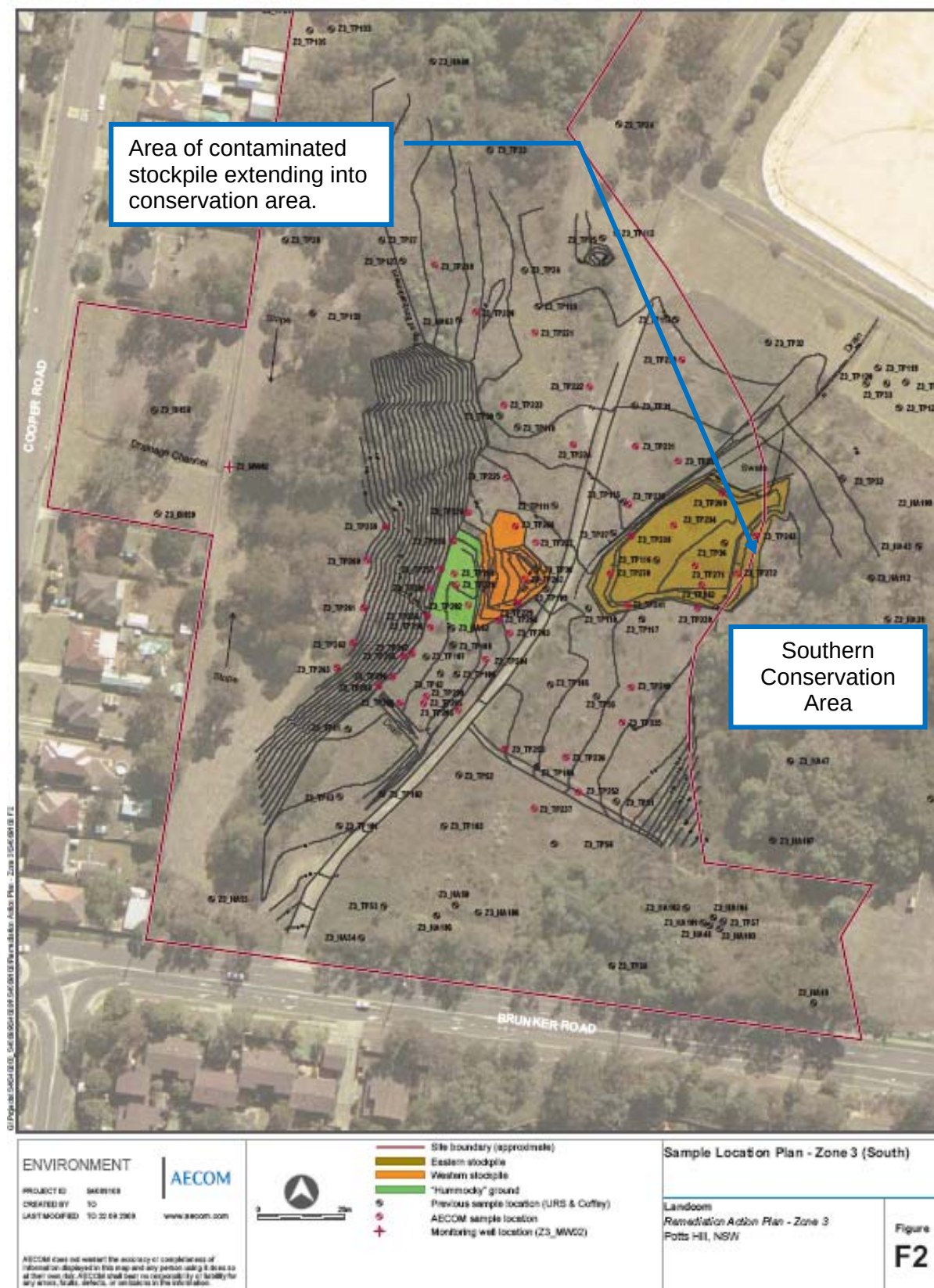


Figure 1 – Zone 3 & Southern Conservation Area

