



Office of
Environment
& Heritage

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MP09_0180 MOD 7

Emma Butcher
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Dear Ms Butcher

OEH comments on Modification Seniors Living Housing Development, 34-36 Memorial Avenue, Kellyville (MP09 0180 MOD 7) – Response to Submissions

I refer to your email received 9 May 2018 by the Office of Environment and Heritage (OEH) requesting comments on the Response to Submissions (RTS) and accompanying document for the Modification Request (MOD 7) to modify the Project Approval for a Seniors Housing Development at 34-36 Memorial Avenue, Kellyville.

OEH has reviewed the RTS for MOD 7 and provides its recommendations and comments 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 30/05/18

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

Attachment A

OEH comments on Modification Seniors Living Housing Development, 34-36 Memorial Avenue, Kellyville (MP09 0180 MOD 7) – Response to Submissions

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

- Response to Submissions – 16 April 2018
- Attachment 1 – ecological response from Travers bushfire & ecology – 6 April 2018
- Revised Stormwater Management Report - 9 April 2018
- Cumberland Plain Woodland Extent – Taylor Brammer - 7 May 2018
- Site Plan DKO

and provides the following comments.

Biodiversity

The RTS includes recommendations by Travers bushfire & ecology which relate to the Cumberland Plain Woodland (CPW) issues, including a recommendation to update the Landscape Restoration Management Plan (LRMP) and landscape plans. OEH agrees the LRMP and landscape plans should be updated.

The RTS also requests that appropriate conditions be imposed on any approval to reflect the RTS recommendations. If the MOD 7 proposal is approved, OEH agrees conditions of approval should be provided which incorporate the Travers bushfire & ecology recommendations and OEH suggested amendments below.

Appendix 1 of the RTS confirms that trees T024 and T037 have already been removed (page 3) and the modified development will only require the removal of five trees rather than seven trees as indicated by the EA (see Section 4.2.7 of EA, page 9). The Landscape Restoration Management Plan (LRMP) accompanying the EA proposes to replace lost trees at a minimum of 1:1 ratio (section 4.1, page 18). OEH advised in its submission on the EA that the replacement of lost trees at a ratio of 1:1 is too low and recommended the offset is in accordance with Biodiversity Offset Principle 6 which outlines that offsets should aim to result in a net improvement in biodiversity over time. The RTS recommends planting a minimum of 28 new CPW trees to achieve a 5:1 offset ratio and proposes to plant them within the CPW open space reserve and the 10m defendable zone. The LRMP needs to be amended to reflect this revised offset ratio.

OEH supports the replanting of 28 new trees on the site but it is unclear if they are planted in the 10m defendable zone if they will be protected in the long term once the trees grow to maturity, or if they will require removal or lopping in the future due to bushfire risk/hazard reduction purposes. If there is potential for the trees to be removed/lopped from within the defendable zone, it is recommended they are planted in the CPW reserve, as the reserve is meant to be managed in perpetuity for conservation purposes and the following condition of approval is included in the development consent:

- *28 new trees consisting of local provenance CPW species are to be planted within the CPW open space reserve within 3 months of obtaining development consent.*

The Cumberland Plain Woodland Extent plan shows that part of the CPW will incorporate a 10m defendable space which includes slashed native grass. It is unclear what will delineate the CPW to protect it from maintenance slashing encroaching into it where it is located adjacent to the 10m defendable space. The proponent needs to clarify if the 10m defendable space is to be managed differently to other parts of the CPW reserve area, and if so how will the CPW areas outside the 10m defendable space be delineated and protected from slashing.

OEH recommended in its submission on the EA that the nest boxes are monitored on an ongoing basis to determine if they are being used by native fauna. In response, the RTS recommends that the nest boxes and repurposed hollows are monitored for effectiveness, pest control and damage rectification and Appendix 1 indicates the monitoring should be undertaken in perpetuity (page 3). OEH supports this. The LRMP needs to be amended to reflect this. OEH agrees that a condition of

approval should be included which requires the nest boxes and hollows to be monitored on an ongoing basis in perpetuity and recommends the following condition of approval is included:

- *the nest boxes and repurposed hollows installed at the site are to be monitored for effectiveness, pest control and damage rectification on an ongoing basis in perpetuity.*

OEH recommended that the trees to be removed are salvaged and used to enhance habitat in the CPW Park rather than be mulched as proposed in the LRMP. In response, the RTS recommends harvesting of up to 4 trunk sections 3-4m in length and for these to be relocated onto the CPW reserve for on-ground habitat. The LRMP needs to be updated to include this. It is noted Appendix 1 of the RTS advises the proponent can consider retention of one or two large log sections less than 5m in length (page 2). OEH recommends the following condition of approval is included:

- *4 trunk sections (3-5 m in length) are to be salvaged from the 5 trees to be removed at the site and the trunk sections are relocated onto the CPW reserve.*

OEH recommended all trees to be removed which have hollows are sensitively dismantled, to protect and reuse the hollows. Appendix 1 of the RTS confirms that the existing affected hollows are not suitable for salvaging and relocation and advises that up to 10 modified hollows could be installed in the reserve (page 2). It is noted the RTS recommends the installation of 23 repurposed natural hollows. OEH supports the RTS recommendation to install 23 repurposed natural hollows and recommends the following condition of approval is included:

- *23 repurposed natural hollows are to be installed within the CPW reserve within 3 months of obtaining development consent.*

Flood

OEH's flood submission dated 6 March 2018 requested some details of the overland flow for the full range of the events.

The proponent provides a brief discussion on overland flow paths as outlined in Section 4 of the Revised Stormwater Management Plan associated with the RTS. The RTS indicates that the proponent undertook simple DRAINS modelling to assess the safety for a proposed 10m unobstructed overland flow paths as shown in Figures 3 to 7 for the PMF, 100 Year ARI, 50 Year ARI, 10 Year ARI and 5 Year ARI respectively. The results indicate an unsafe situation for the PMF storm event.

Due to the vulnerability of the land use in the site, it is prudent in the detailed design stage that an emergency response plan is prepared, including safety signs in relation to the areas adjacent to proposed flow paths and consideration for emergency evacuation for medical or other reasons during rarer storm events. The preparation and implementation of an emergency response plan will help ensure the safety of senior residents, carers, visitors and other members of the community in larger and rarer storm events.

(END OF SUBMISSION)

