

OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION

Attachment to online submission — NSW Planning Portal

Application No: SSD-100293708 (Early Works at 300 Burns Bay Road, Lane Cove)

Applicant: Lane Cove Developments No.1 Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Submission type: Objection

Submitted by: Resident of 290 Burns Bay Rd, Lane Cove NSW 2066

Date: 29 June 2026

PART 1: OBJECTION

I object to the State Significant Development application SSD-100293708 for Early Works at 300 Burns Bay Road, Lane Cove.

As an adjoining landowner/occupier, I am concerned about the impacts of the proposed early works, in particular the removal of 32 trees, exposure of soils, dust generation, and amenity impact ahead of any approval of the permanent development for the site.

I ask the Department to consider issuing a **CONDITIONAL CONSENT** only, on the basis of the conditions set out in Part 2 of this submission. My grounds for objection and the evidence supporting each ground are set out in Part 3.

PART 2: CONDITIONS OF CONSENT SOUGHT

A. Proposed Conditions of Approval

The following conditions are proposed in lieu of unconditional approval of the Early Works:

1. All built form to be removed, other than the removal of the lowest level of slabs and hard surfaces across the subject site, to ensure that exposed soils do not create a dust bowl effect until permanent works are approved.
2. No removal of any soil from the site.
3. No removal of any trees until permanent works are approved.
4. The site to be permanently mechanically swept and watered until permanent works are approved, to reduce dust generation and related amenity impacts on surrounding properties.

B. Standard Conditions of Consent for Demolition

Prior to Commencement of Works (including Demolition) — Management Plans

- Construction Environmental Management Plan
- Construction Traffic and Pedestrian Management Sub-plan
- Construction Noise and Vibration Management Sub-plan
- Air Quality Management Sub-plan
- Construction Waste Management Sub-plan

- Construction Soil and Water Management Sub-plan

Pre-Construction Documentation and Measures (including Demolition)

- Survey certificate
- Pre-construction dilapidation reports
- Protection of public infrastructure and street trees

Remediation:

- Unexpected finds protocol
- Remediation action plan
- Validation report

Notifications and Commencement of Works:

- Notification of commencement

Utilities and Services:

- Dial before you dig service
- Demolition

During Construction (including Demolition)

- Site notice
- Hours of construction
- Implementation of management plans
- Construction noise limits and vibration criteria
- Air quality
- Shoring and adequacy of adjoining property
- Tree protection
- Erosion and sediment control
- Cut and fill
- Disposal of seepage and stormwater
- Asbestos
- Contact telephone number
- Uncovering relics or Aboriginal objects
- Incident notification, reporting and response
- Non-compliance notification
- Water access licence

PART 3: GROUNDS OF OBJECTION

My objection is based on the following grounds, which are supported by a review of both the Environmental Impact Statement (EIS) prepared by Colliers Urban Planning (1 June 2026) and the Streamlined Biodiversity Development Assessment Report (SBDAR) prepared by Narla Environmental (Appendix Z to the EIS).

Ground 1: Internal Inconsistencies in the EIS Regarding Tree Numbers

The EIS contains significant internal inconsistencies in the stated number of trees on the site and the number proposed for removal. The Department and the applicant should be required to correct these discrepancies before consent is granted.

Specifically:

- Section 2.2 (Site Description) states there are 85 trees located on the site.
- Section 3.2 (Tree Removal) states the site contains 54 trees, of which 32 are proposed for removal.
- Section 6.4 (Tree Removal Assessment) reverts to stating 85 trees were assessed, of which 32 are proposed for removal and 53 are to be retained — which does not reconcile with the 54-tree figure in Section 3.2.

A discrepancy of 31 trees in the stated total is not a minor drafting error.

Ground 2: Six High-Retention-Value Trees Proposed for Removal Without Justification

The applicant's own Arboricultural Assessment (Appendix I, summarised in Section 6.4 of the EIS) categorises the 32 trees proposed for removal as follows:

- 2 trees: priority for removal
- 19 trees: low retention value
- 5 trees: medium retention value
- 6 trees: high retention value

The EIS provides no specific justification for removing the 6 trees rated by the applicant's own arborist as having high retention value, nor for removing the 5 trees with medium retention value, at this Early Works stage. No analysis is offered as to why these trees cannot be retained pending the outcome of the Main Works application (SSD-87925706), which remains under assessment and has not been approved.

The removal of trees with high retention value prior to the approval of permanent works is premature and not adequately justified. These trees should be retained until the Main Works consent is determined.

Ground 3: Threatened Species Obligations Not Satisfied Prior to Tree Removal

The SBDAR (Appendix Z) identifies that three threatened microbat species must be assumed present on or adjacent to the site due to the existence of suitable habitat and the absence of targeted surveys:

- *Chalinolobus dwyeri* (Large-eared Pied Bat) — Endangered
- *Miniopterus australis* (Little Bent-winged Bat) — Vulnerable
- *Miniopterus orianae oceanensis* (Large Bent-winged Bat) — Vulnerable

All three species are classified as Serious and Irreversible Impact (SII) entities under the Biodiversity Assessment Method. The SBDAR explicitly requires that a qualified, licensed Project Ecologist must undertake an extensive pre-clearing survey delineating habitat-bearing trees and shrubs before any clearing commences, and must supervise all vegetation removal to capture, treat and/or relocate any displaced fauna.

The EIS acknowledges these requirements but does not guarantee they will be met prior to Early Works commencing. At Section 7.2.2.1, the EIS dismisses the precautionary principle on the basis that no serious threat of irreversible damage has been identified — yet the SBDAR itself treats three SII-listed species as assumed present. This is a direct contradiction.

Tree removal should not proceed until targeted surveys for these species have been completed and the pre-clearing ecologist supervision requirement from the SBDAR is formally imposed as a condition of consent.

Ground 4: Biodiversity Offset Credits Not Secured Prior to Tree Removal

The SBDAR calculates that the proposed development requires the retirement of:

- 2 ecosystem credits for impacts to PCT 3176 (Sydney Enriched Sandstone Moist Forest)
- 12 species credits (4 each for the three threatened bat species listed above)

The EIS acknowledges at Section 4.4 that conditions of consent will be imposed to require the retirement of these credits. However, no mechanism is described to ensure the credits are retired before trees are removed during Early Works. The removal of trees before the offset obligations are fulfilled undermines the integrity of the Biodiversity Offsets Scheme and should be addressed as a condition of any consent granted.

Ground 5: Dust and Amenity Impacts If Tree Removal Precedes Permanent Works Approval

Neither the EIS nor the SBDAR addresses what will happen to the site if the 32 trees are removed and the soil is exposed during Early Works, and the Main Works application (SSD-87925706) is subsequently delayed, modified, or refused.

The SBDAR itself acknowledges that the vegetation to be removed includes native canopy trees in a landscaped setting. Removal of these trees and the associated root systems, combined with bulk excavation, will leave substantial areas of exposed soil on a sloping site in proximity to the Lane Cove River and adjacent residential properties. Without the permanent works proceeding promptly, this creates a significant risk of dust, erosion, and amenity impacts on surrounding residents that could persist for an extended and indeterminate period.

This risk is not assessed in the EIS. The EIS treats the Early Works and Main Works as a continuous sequence, but they are legally separate applications. If the Main Works consent is not granted, or is subject to substantial delay, the Early Works site could be left in a disturbed and degraded state with no remediation pathway.

The conditions sought in Part 2 of this submission directly address this risk.

Ground 6: The SBDAR's Own Findings Support a More Cautious Approach

The SBDAR, prepared by the applicant's own consultant (Narla Environmental), acknowledges at multiple points that:

- Complete avoidance of impacts to vegetation could not be achieved, and that efforts to minimise impacts 'as much as possible' were required.
- The project deliberately avoided areas of intact bushland in the eastern portion of the property — recognising that not all tree removal is equally justified.
- The vegetation to be impacted is described as 'highly altered and disturbed' — a characterisation that further undermines the urgency of removing the 6 high-retention-value trees before permanent works are approved.

The applicant's own biodiversity report therefore supports a graduated approach: remove only what is genuinely necessary for the Early Works (demolition of structures and limited hard surface removal), and defer tree removal until the permanent works are approved and the full suite of biodiversity conditions can be properly applied.

PART 4: REQUESTS TO THE DEPARTMENT

On the basis of the above, I respectfully request that the Department:

5. Require the applicant to correct the internal inconsistencies in the EIS regarding the total number of trees on the site (Sections 2.2, 3.2 and 6.4 are inconsistent) and resubmit an accurate, reconciled tree inventory before consent is determined.
6. Impose a condition of consent that no trees are to be removed until the Main Works SSDA (SSD-87925706) has been determined and permanent works consent has been granted.
7. Impose a condition of consent that a pre-clearing survey by a qualified, licensed Project Ecologist must be completed and reported to the Department before any vegetation clearing or tree removal commences, in accordance with the requirements of the SBDAR (Appendix Z).
8. Impose a condition of consent that biodiversity offset credits (2 ecosystem credits and 12 species credits) must be purchased and retired before any tree removal or vegetation clearing commences.
9. Impose a condition of consent that, if tree removal is permitted at the Early Works stage, the site is to be permanently mechanically swept and watered, and exposed soils stabilised, until permanent works are approved and construction commences, to prevent dust, erosion and amenity impacts.
10. Have regard to the conditions proposed in Part 2 of this submission, including all standard conditions for demolition works.