



Our ref: DOC19/608942  
Your Ref: MP05\_0142 MOD 2

Ms Ania Dorocinska  
Senior Environmental Assessment Officer  
Planning & Assessment Group  
Department of Planning, Industry & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Dorocinska

**EES comments on Aldi Distribution Centre – Modification 2 – internal alterations and additions, extension of car park, landscaping and associated works – MP05\_0142 MOD 2**

Thank you for your email of 12 July 2019 requesting comments on the Modification 2 application for the above major project.

Please note, the former Office of Environment and Heritage (OEH) responsibilities and functions have been transferred to the Department of Planning, Industry & Environment's Environment, Energy and Science Group (EES).

I apologise for the delay in replying. EES provides its recommendations and comments at Attachment A.

If you have any queries regarding this matter, please contact Janne Grose, Senior Conservation Planning Officer, on 8837 6017 or at [janne.grose@environment.nsw.gov.au](mailto:janne.grose@environment.nsw.gov.au).

Yours sincerely

*S. Harrison 22/07/19*

SUSAN HARRISON  
Senior Team Leader Planning  
Greater Sydney  
Climate Change and Sustainability

## Attachment A

**Subject: EES comments on Aldi Distribution centre – Modification 2 Internal alterations and additions, extension of car park, landscaping and associated works – MP05\_0142- Mod 2**

Environment, Energy and Science Group (EES) has reviewed the following documents:

- Modification report (MR) - Amendment to the Design of the ALDI Distribution Centre - July 2019
- Arboricultural Impact Assessment (AIA) – 26 April 2019
- Landscape plans by Conzept

and provides the following comments.

**Biodiversity**

The MR states the modification proposal does not require a Biodiversity Development Assessment Report (BDAR) as *“the development is not likely to significantly affect threatened species or ecological communities or their habitats”* (see page 19). In accordance with Section 7.17 (2)(c) of the *Biodiversity Conservation Act* a BDAR does not need to be prepared for modification proposals if the decision maker considers there will not be an increase in the impact on biodiversity values. EES recommends that the applicant be asked to demonstrate that the MOD 2 proposal will not increase impacts on biodiversity values. As part of this, the applicant should clarify if:

- the planted areas (which are now proposed to be cleared as part of Mod 2) were previously provided to offset the loss of the endangered ecological community Shale-Gravel Transition Forest (STF) from the site
- the planted areas (which are proposed to be cleared as part of Mod 2) are in areas referred to as ‘vegetation enhancement works’ or ‘Environmental Offset Area’ in the Project Approval for MP05-0142.

The project approval for MP05\_0142 required ‘vegetation enhancement works’ and environmental areas to offset the loss of STF from the site. Condition 13 of the Project Approval for MP05\_0142 states:

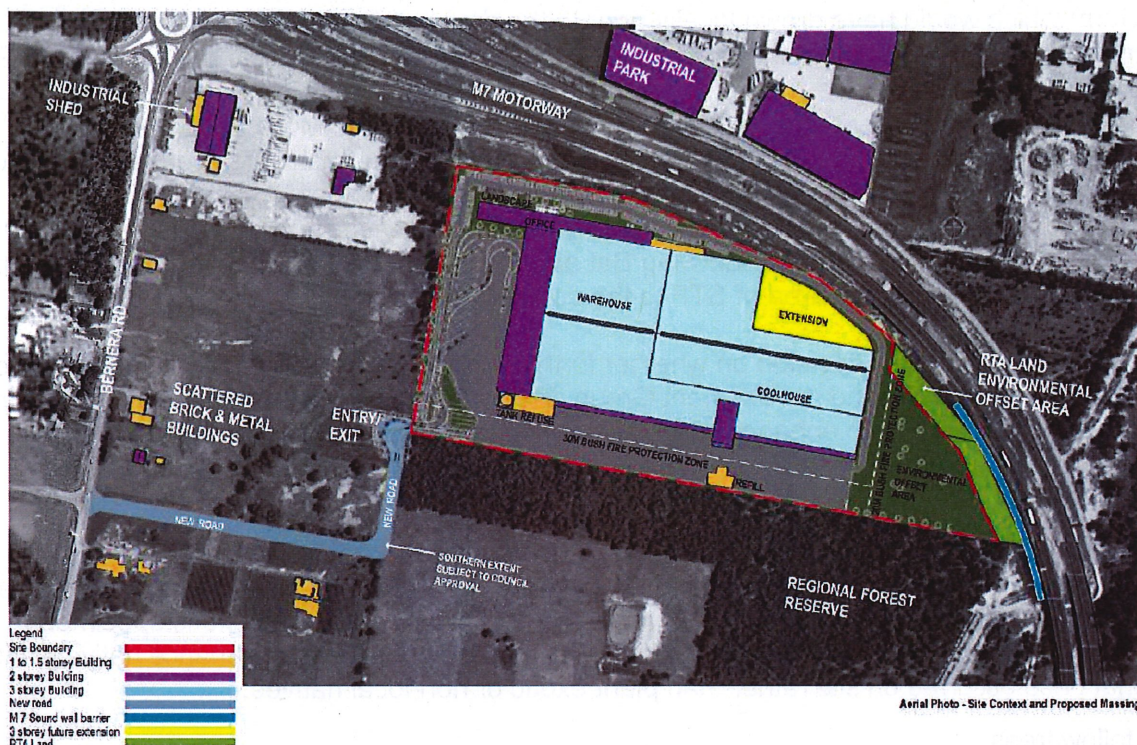
*13 Prior to commencement of construction, the proponent shall:*

- Identify the range of **vegetation enhancement works** to be carried out in the surrounding area to offset the flora and fauna impacts of the proposal in consultation with council, and*
- Pay Council \$342 912.45 to assist with the implementation of these works*

*Note: bold text is EES emphasis*

Condition 14(a) of the Project Approval requires the proponent to enhance vegetation in the Environmental Offset Area as shown in the Site Plans in Appendix A. Based on the aerial photo (copied below) from Appendix A it is unclear if the Environmental Offset Area includes the olive-green area (which is marked in black text “Environmental Offset Area”); the bright green narrow strip (which is marked in white text “RTA Land Environmental Offset Area”) and all of the other olive-green areas. The legend to this figure is incomplete and it is unclear what the olive-green areas are meant to be. If the offset areas include all the olive-green areas, the Mod 2 proposal would impact these areas. Condition 14 (b) of the Project Approval places a covenant on the Environmental Offset Area to protect it from future development and ensure it is appropriately managed for conservation purposes.





The applicant needs to provide details on the location(s) and area (ha) of all the Environmental Offset areas associated with the Project Approval both on and offsite site. Based on:

- the Project Approval - Appendix B - (Statement of Commitments):  
*"1.52ha of Shale Gravel Transition Forest will be conserved in the eastern corner of the site."*
- the Project Approval - Appendix C (Submissions Report) attached to Appendix B:  
*"The basis of the offset will be approximately 5 hectares of vegetation, which relates to the area of existing Shale Gravel Transition Forest on the site."*
- The Director General's Assessment Report indicates MP05\_0142 resulted in the loss of 5ha of SGTF and states:  
*"Aldi, Council and the Department negotiated an offset strategy incorporating the following:*
  - an agreement in accordance with Council's Biodiversity Strategy that provides for a financial contribution of \$342,912.45 for Council **to restore an area of vegetation within the LGA equal to that which will be removed on site;***
  - provision of a covenant over the 1.5ha area of land on site** (shown as the Environmental Offset Area in the EA) to ensure no future development and provide for long-term maintenance and protection of the vegetation; and*
  - implementation of a vegetation management plan to enhance the 1.5 ha area of land to high quality SGTF and detail the scope and timing of works to restore an area of vegetation within the LGA equal to that which will be removed on site.*

Note: bold text is EES emphasis

While the Project Approval indicates that 1.5 ha of the Environmental Offset Area is meant to be located on the site, it is unclear where the remaining 3.5 ha offset area is located. The applicant needs to clarify if the previous loss of 5ha of STF has been offset and identify where this has been implemented. If 5ha of offset area has not been provided, the MOD 2 proposal would increase the impact on biodiversity values as:

- the MOD 2 proposal proposes to remove 51 trees from the site and only plant 36 replacement trees resulting in the further loss of trees and the habitat they provide from the site

- 22 of the trees to be removed are planted specimens of *Eucalyptus tereticornis* (Forest Red Gum) which would have grown locally prior to the development of the site
- the proposal requires the removal of 35 semi-mature trees (20 of which are Forest Red Gum trees) and 8 mature trees
- the southern boundary of the site adjoins high quality STF. The MOD 2 proposal could potentially result in indirect impacts on the biodiversity values of this adjacent area, caused for example by the invasion of exotic species from the site (see below)
- the EA for MP05\_0142 recorded two endangered fauna species on the site, the Cumberland Plain Land Snail and Eastern Bentwing Bat and the Cumberland Plain Land Snail is recorded in the adjoining remnant area of STF to the south of the site.

As the consent authority, the decision on whether further biodiversity assessment is required needs to be made by the Planning and Assessment Group. This should not prevent mitigation measures being required by the Group to enhance biodiversity within the site, as recommended below.

### Site landscaping

The MR proposes to plant a mixture of exotic and native species to retain compatibility with the existing landscaping design (page 12). The AIA, however indicates that most trees that have been planted on the site are locally and non-locally indigenous species rather than exotic specimens (Section 2, page 3). EES preference is for the site landscaping to use local provenance native plant species that once occurred on site rather than plant exotic or non-local natives.

#### Chinese tallow trees

The Landscape Plans for MOD 2 propose to plant 16 Chinese tallow trees (*Sapium sebiferum*) on the site. Prior to approving the modification, it is recommended the Planning and Assessment Group considers information relating to the Chinese tallow tree available for example on the NSW Department of Primary Industries website – see NSW Weedwise link at: (<http://weeds.dpi.nsw.gov.au/Weeds/Details/38>).

The NSW Weedwise link indicates Chinese tallow tree (*Triadica sebifera*) is still widely available from nurseries under its previous scientific name (*Sapium sebiferum*) and it is fast becoming an invasive environmental weed of watercourses and native vegetation areas. It notes it can replace native plant species in a relatively short period of time. Chinese tallow tree reproduces by seed and root suckers. Seeds are spread by birds and mature seed pods float and are carried in floodwater.

The applicant needs to demonstrate that the Chinese tallow trees will not potentially spread from the site, particularly as:

- high quality STF adjoins the southern boundary of the site
- Maxwells Creek is near the eastern boundary of the site and it flows into Cabramatta Creek further downstream and River- Flat Eucalypt Forest (an endangered ecological community under the BC Act) occurs these creeks.

If there is potential for Chinese tallow tree to spread from the site it is recommended it is removed from the Landscape Plans.

EES recommends the Landscape Plans are amended and the site landscaping uses a diversity of local native provenance trees, shrubs and groundcover species from STF plant species that once occurred on the site. The proponent should demonstrate that the plant species list comprises local provenance STF plant species.

### Urban Tree Canopy

The MOD 2 proposal, as noted above proposes to remove 51 trees from the site (see AIA, page 13) and only plant 36 replacement trees (see Landscape Plans 1-3). Of the trees to be removed 35 are semi-mature and 8 are mature trees. The loss of existing trees from the site and the many benefits that trees provide takes years for a juvenile tree to grow and replace.

As the site occurs within an area covered by the Western City District Plan (WCDDP) it is recommended the MOD2 proposal is consistent with Planning Priority W15 (increasing urban tree

canopy cover and delivering Green Grid connections). Objective 30 of this Planning Priority is that urban tree canopy cover is increased. Planning Priority W15 outlines the NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40 per cent.

The numerous benefits of urban tree canopy cover are noted in the WCDP including green cover assists to:

- mitigate the urban heat island effect
- support cleaner air
- provide local habitat
- slow and store stormwater and improve water quality and filter pollution before it reaches the District's waterways.

To assist mitigate the urban heat island effect at the site and improve the urban tree canopy and local habitat it is recommended the modification proposal:

- first avoids removing the trees from the site where possible, particularly local native tree species
- replaces any removed trees at a ratio greater than 1:1
- replaces the trees with local provenance species from STF
- uses advanced local native trees, preferably with a plant container pot size of 100 litres, or greater
- provides enough area/space to allow the trees to grow to maturity.

### **Recommended Conditions**

If the modification proposal is approved EES recommends the following are included as conditions of consent:

- 1) The landscape plan shall use use a diversity of local native provenance trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the Sandstone-Gravel Transition Forest vegetation community which once occurred on the site.
- 2) The landscape plan shall include details on a list of local provenance tree, shrub and groundcovers to be used in the landscaping, the quantity and location.
- 3) Trees removed from the site shall be replaced at a ratio greater than 1:1
- 4) The landscaping shall use advanced and established local native trees preferably with a plant container pot size of 100 litres, or greater to increase urban tree canopy cover.
- 5) Native trees to be removed are salvaged and used in Environmental Offset Area on site to enhance habitat including tree hollows and tree trunks (greater than approximately 25-30cm in diameter and 3 m in length).

(END OF SUBMISSION)

