

Patrick Copas

From: Katherine Lafferty <KLafferty@cityofparramatta.nsw.gov.au>
Sent: Friday, 1 February 2019 10:43 AM
To: Patrick Copas
Cc: Myfanwy McNally; Ferdinando Macri
Subject: Council Submission - Viva Energy (formerly Shell) Clyde Terminal (SSD 5147 MOD 1)

Categories: Council Response

Good morning Patrick

COUNCIL SUBMISSION

Viva Energy (formerly Shell) Clyde Terminal (SSD 5147 MOD 1)

I refer to the public exhibition of the above modification application seeking approval for the following:

- demolition of the State Office Building, the former 33kV switch yard (MTS1), Tank 106 (slops tank), two LPG spheres (V137 and V140), and the LPG loading gantry
- retention of Tanks 40 and 41 for gasoline storage
- extension of the approved construction period from 4 years to 5 years, to allow for the completion of the Green and Golden Bell Frog habitat restoration works
- administrative amendments to modify or remove completed conditions.

Council has reviewed the application package and wish to provide the following comments:

Tree Removal

The modification states that there is a need for tree removal, however there are no details provided on the extent of tree removal or nature of the trees to be removed. Approval should not be granted without details of the tree removal as a proper assessment of their removal cannot be appropriately undertaken.

In this regard, an Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) prepared by an AQF Level 5 arborist must be provided for assessment. The AIA shall identify all trees equal to or greater than five (5) metres in height located within the subject site and adjoining properties where located within three (3) metres of the common property boundary or where a tree protection area extends into the development site. The report must identify all trees proposed to be retained or removed as a result of the proposed works and quantify any potential impacts incurred.

- (a) The arborist report must provide a tree removal/retention plan at 1:100 or 1:200 scale showing the location of all trees equal to or greater than five (5) metres in height located within the subject site and all affected trees and located on the adjoining properties within three (3) metres of the common property boundary.
- (b) The plan must include survey detail and show the existing ground levels at the base of each tree, the actual canopy spread to scale, the location of and diameter at breast height (DBH) of the trunk of the tree and a tree number (All trees shall be plotted by a registered surveyor).
- (c) A schedule documenting botanical and common name, age class, dimensions inclusive of, height, canopy spread, trunk diameter at breast height (DBH), calculated Tree Protection Zone (TPZ), Structural Root Zone (SRZ), calculated development incursions (if any), the health, structure, condition of the tree and provide recommendations in relation to retention values in accordance with AS4970-2009 Protection of Trees on Development Sites.
- (d) The report must include a tree protection plan where trees are proposed to be retained. The tree protection plan shall identify the tree protection area for each tree and clearly identify the percentage of development encroachment to the root system and canopy of the tree. The tree protection plan shall be site specific and show all proposed development works, including the location of the above and below ground structures and services.

- (e) The report must list all documentation referenced during the assessment process and demonstrate due consideration to the development in its entirety. The report must address all likely impacts of the proposed development on all trees recommended for retention, and particularly any tree that may require site specific protection measures to minimise impact. Potential development impacts will include all above and below ground structures and services and any potential impacts to the tree canopy. [DO NOT include generic tree protection information that is not site specific].
- (f) Detail methodology that has been used to evaluate the health and condition of the trees; determine retention values and determine tree protection zones.

Where retained trees have a development setback and tree protection zone established, a recommended tree protection specification and diagram must be provided in accordance with AS4970-2009 Protection of Trees on Development Sites. All site plans are to be amended to indicate the tree protection zone requirements as set forth in the arborist's report along with any other note requirements that the arborist deems necessary to ensure the long term health and sustainable retention of the trees.

Protection of Duck River/Wetlands/Riparian Vegetation

The tank, spheres and gantry to be demolished are located in close vicinity to the wetlands/saltmarsh/riparian areas. Appropriate protection of these areas are required to be implemented and there is to be no removal/damage to vegetation. As well as being of ecological value, they are also listed local heritage items.

Duck River and the wetlands/riparian vegetation are to be protected at all times, with appropriate measures in place to protect from any potential contamination during demolition works including drainage runoff, dust accumulation and the like. It is noted that the existing management plans for the site may already cover these matters.

Potential Presence of Microbats

The original EIS identified historical anecdotal evidence of microbats nesting within structures on the site, and the additional structures to be removed may provide suitable habitat for microbats. In accordance with the 'precautionary principle' of ecologically sustainable development, the structures should be assessed by a suitably qualified ecologist to check for the presence of microbats prior to commencement of any works. Should any microbats be detected then appropriate relocation measures will need to be implemented prior to the commencement of works.

Modification to Conditions

It is considered that conditions should not be deleted as a result of the condition being met (unless the condition is satisfied through a new plan/documentation which is now incorporated into the modified consent). For example, the proponent requests that Condition C15 be removed as a stack demolition management plan was completed and the stacks have been demolished. The condition should remain on the consent as it was a requirement of the consent. If conditions are deleted then it is as if the condition never existed at all. It is recommended that all of these conditions should remain as they were relevant at the time of the approval.

It is noted that Council officers have not carried out a detailed assessment of the proposed development.

Council appreciates the opportunity to comment on the above application and looks forward to further consultation on this matter.

It would be appreciated if you could also acknowledge the receipt of this submission.

Should you wish to discuss the above matter, please contact me on the details below.

Kind Regards,

Kate Lafferty

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I acknowledge the Traditional Owners of the land I work on, the Darug Peoples, and pay my respects to their Elders past and present.