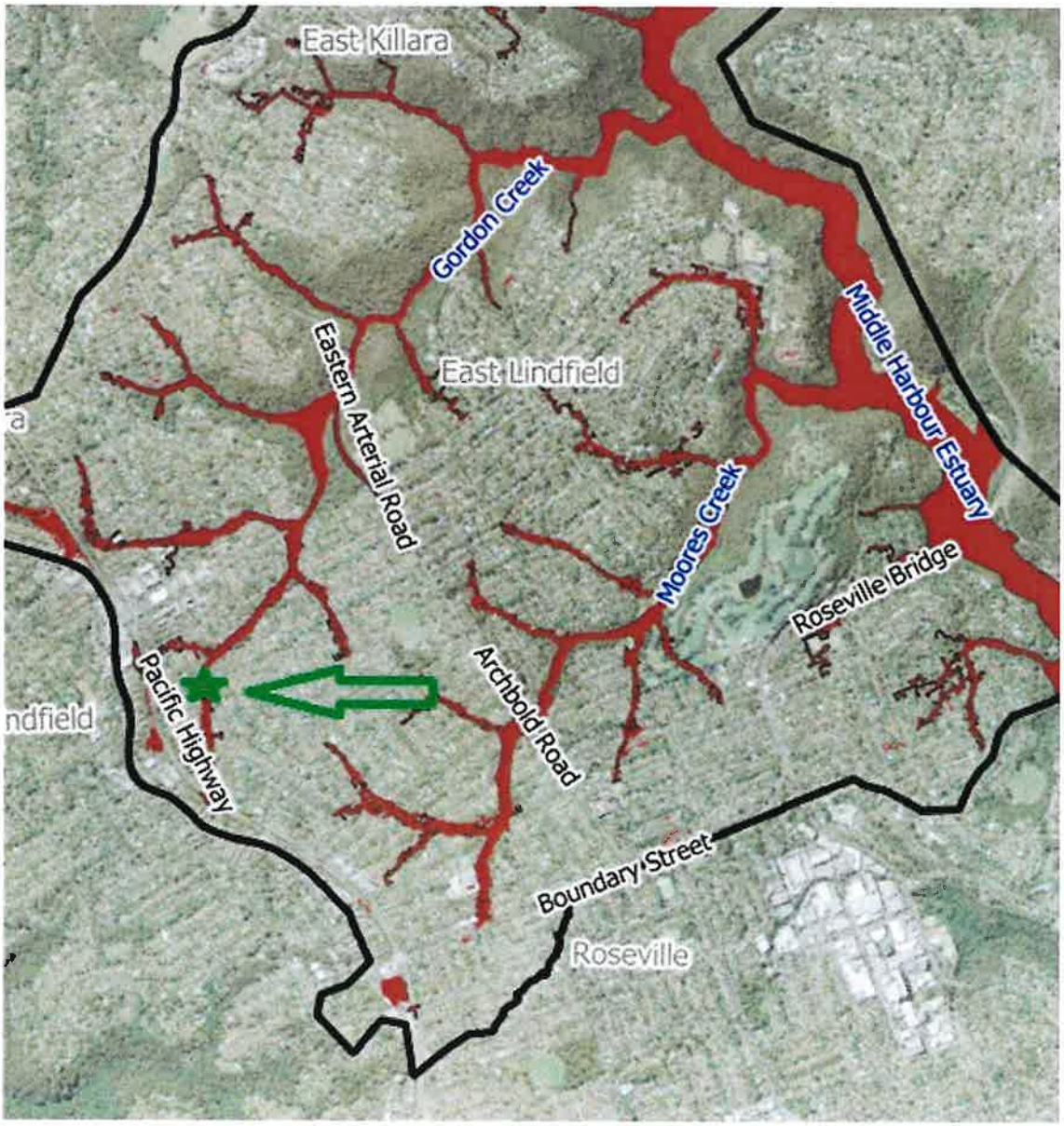
APPENDIX 4

Formal Objection to SSD-79276958
Proposed Residential Development at
59–63 Trafalgar Avenue and 1A & 1B Valley Road, Lindfield

Native Vegetation and Ecological Significance



The SSD-79276958 Proposed Residential Development at 59–63 Trafalgar Avenue & 1A & 1B Valley Road, Lindfield development site showing its proximity to Gordon Creek and Riparian Corridors shown in **red.**

The site adjoins the headwaters of Gordon Creek, one of seven creeks flowing east to Middle Harbour.

These environmental assets contribute to the ecological and visual character of the locality.

Photos taken from 32 Middle Harbour Rd and flowing East towards 32A Middle Harbour Road, Lindfield and onwards.

Photos taken from water flowing East from 36A through 38 Middle Harbour Road, Lindfield

The **Ku-ring-gai DCP Greenweb Map** identifies this area as part of a **core biodiversity support and buffer zone**, which includes remnant bushland and a mapped **20m riparian zone**.

It extends further along Middle Harbour Road than was identified by Landmark and their Consultants

Misrepresentation of Gordon Creek and Riparian Zone Classification

The BDAR (Biodiversity Development Assessment Report) significantly downplays the environmental value and proximity of Gordon Creek by characterising it merely as a "dry gully" located 39 metres away at No. 38 Middle Harbour Road.

This is a misleading and inaccurate representation. In reality, the creek corridor lies less than 50 metres from the proposed development site and forms part of a functioning riparian system that contributes to Ku-ring-gai's broader ecological network.

Within the Ku-ring-gai LGA, this area should be recognised as a **Riparian Zone Category 3** under local planning and environmental guidelines. These zones, while often narrow and highly modified, remain critical to maintaining downstream water quality and managing flood risk, even when located on private land.

The BDAR fails to acknowledge these crucial attributes.

Key Characteristics of Category 3 Riparian Zones in Ku-ring-gai

- **Limited Habitat Value**: Although vegetation may be sparse or modified, these zones still form ecological linkages.
- **Water Quality Protection**: They play a vital role in filtering stormwater and sustaining downstream aquatic ecosystems.
- **Flood and Erosion Risks**: Where watercourses have been piped or concrete-lined, the risk of flooding and erosion is heightened.
- **Private Property Location**: Many Category 3 riparian zones lie within private holdings, requiring proactive community and council collaboration for long-term stewardship.
- **Defined 10-metre Setback**: A 10-metre Core Riparian Zone (CRZ) is mandated from the top of bank to protect these areas from development impacts.
- **Discontinuous or Piped Watercourses**: Under Category 3a, even intermittent or piped watercourses require protection via a 10-metre buffer on each side.

IMPORTANT

Given the proximity of the development to this sensitive environmental feature, it is imperative that the ecological significance of Gordon Creek is properly assessed and safeguarded.

The BDAR's current characterisation undermines this obligation and must be revised to reflect the true environmental constraints of the site.

Protected Trees

The subject site contains a number of native vegetation specimens, including species identified as likely to be naturally occurring and others of local provenance that have been planted. According to the *Keystone Ecological Biodiversity Development Assessment Report (BDAR)*, a total of **18 native trees** have been recorded: **9 considered likely to be naturally occurring**, and a further **9 planted species indigenous to New South Wales**.

Of critical importance are **two remnant specimens of the Sydney Turpentine (Syncarpia glomulifera)**—designated as **T43 and T17**—located near the centre of the site. These trees are representative of the **Sydney Turpentine-Ironbark Forest (STIF)**, a now-fragmented native forest community historically found in this part of the Sydney Basin.

The BDAR explicitly recognises the ecological significance of these specimens, stating:-

"The most valuable areas of biodiversity are the two remnant STIF trees, T43 and T17. They occur more or less in the centre of the site and are proposed to be removed."

This is a matter of considerable concern. The **Sydney Turpentine-Ironbark Forest** has been formally listed by the **NSW Threatened Species Scientific Committee** as a **Critically Endangered Ecological Community (CEEC)** under *Part 1 of Schedule 2 of the Biodiversity Conservation Act 2016*. It is also recognised as a critically endangered ecological community under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

Image Greenweb Map

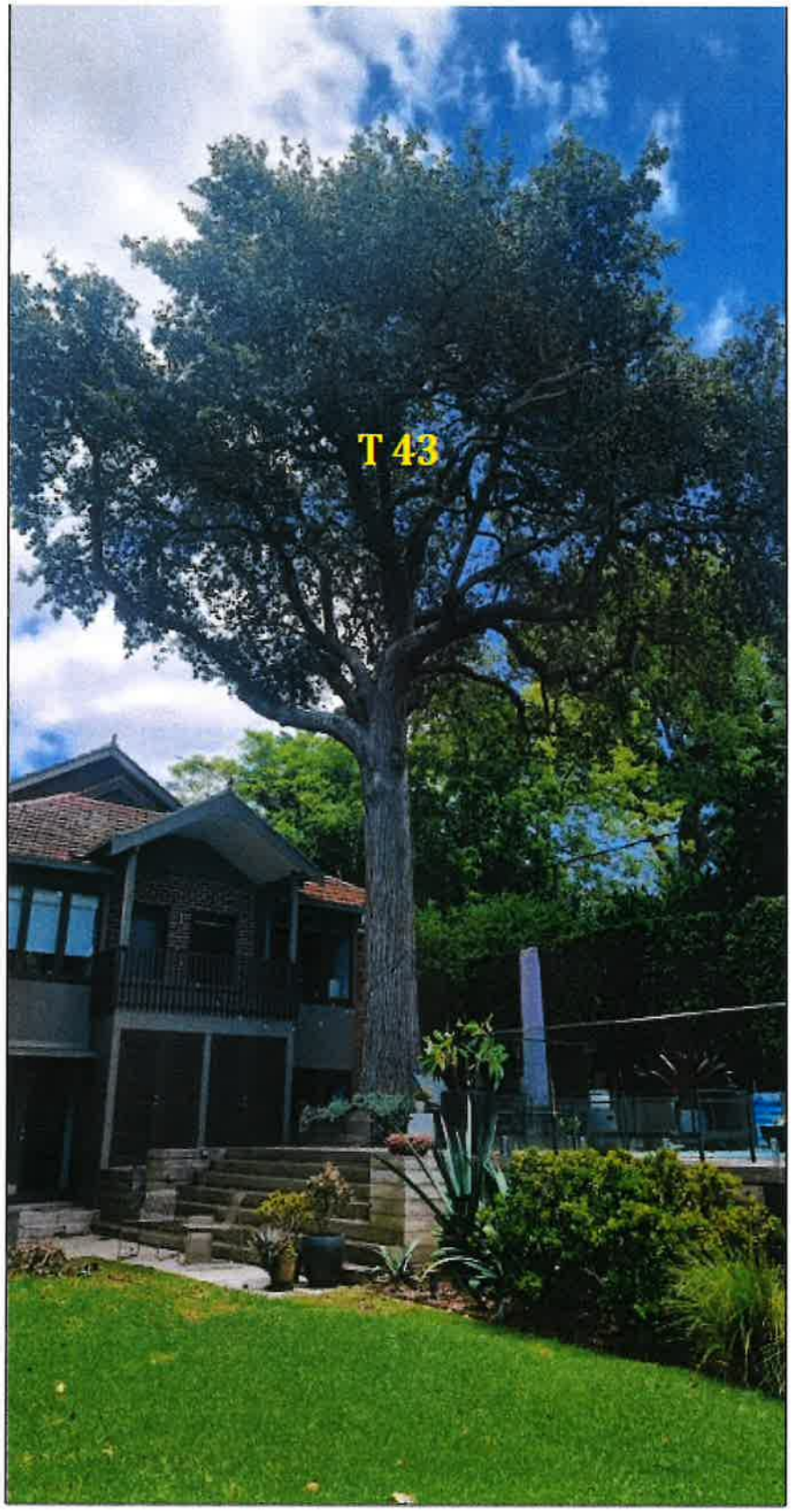


Figure 7: *Remnant Turpentine (tree 43) in the rear of number 59 Trafalgar Avenue. Note the built form surrounding the tree.*

The site contains mature native trees, some of which are over 50 years old and contribute to the ecological and aesthetic values of the HCAs.

The wholesale removal of these trees for excavation and construction would result in severe and irreversible environmental degradation, contrary to Council and State policies on tree canopy preservation and biodiversity.

There are 72 mature trees identified on the Site.

Of these 43 mature trees have been earmarked for removal, in a suburb known for its canopy is unacceptable and irrecoverable in ecological terms:

- Tree canopy provides crucial cooling, carbon sequestration, and habitat services.
- Replanting will not offset the lost canopy for decades.
- The site design fails to incorporate sufficient **deep soil zones**, breaching ADG and Ku-ring-gai DCP 2015 requirements.

This loss is particularly egregious given the potential for alternative, less damaging precincts to accommodate growth under Council's strategy.

Figure 8: Looking to the south eastern corner of the rear garden of number 61 Trafalgar Avenue where the BAM plot was located. The remnant White Cedar (tree 17) is located in the perimeter garden bed.

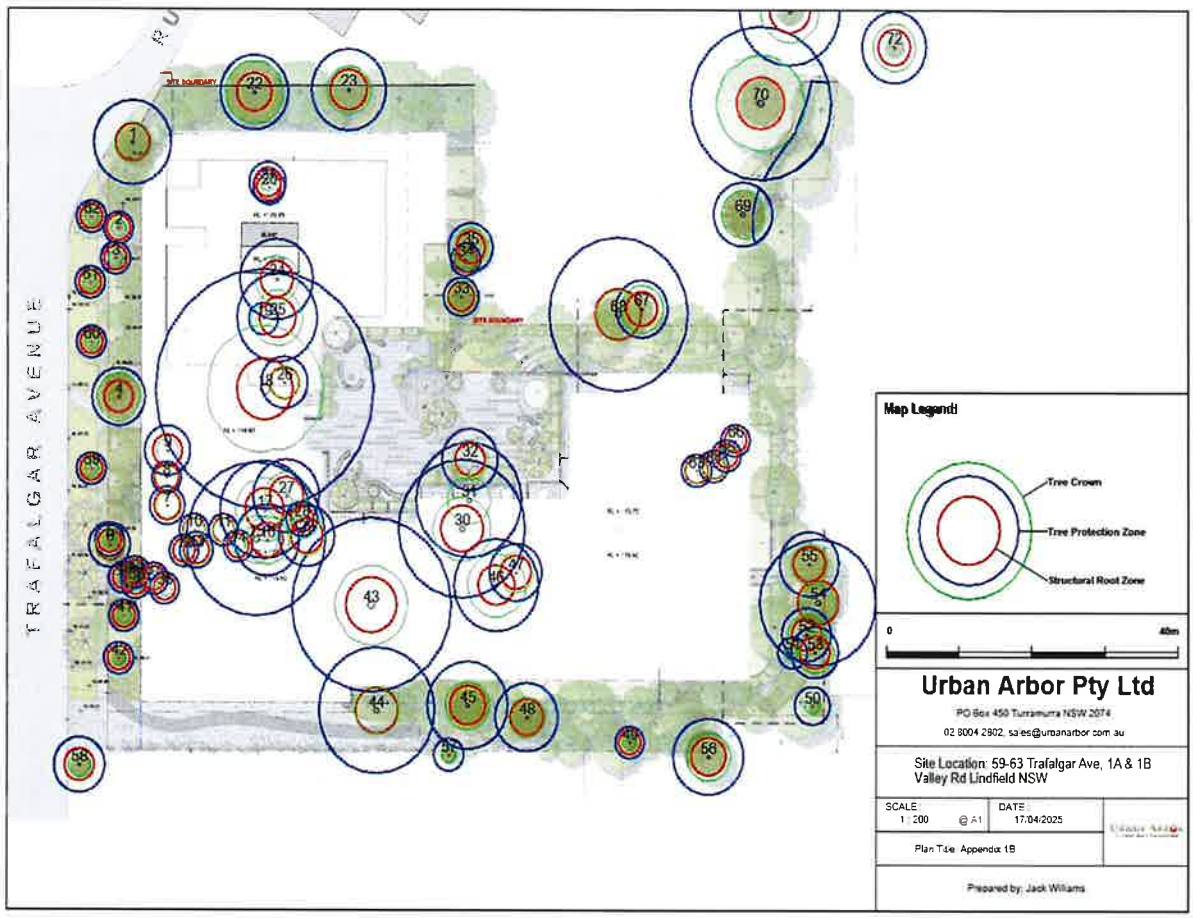
The proposed development presents a significant and insufficiently addressed threat to numerous mature and significant trees both within the site boundaries and on adjacent land.

The applicant's consulting arborist report identifies extensive encroachments into the Tree Protection Zones (TPZs) and Structural Root Zones (SRZs) who has identified that

- 47 trees will be removed
- 18 trees need root investigation
- 7 trees to be retained

These encroachments arise from proposed construction activities, including the installation of paved surfaces, retaining walls, stormwater infrastructure, and driveway construction.

The absence of a Root Mapping investigation constitutes a substantial deficiency, failing to comply with multiple applicable planning controls and guidelines, including but not limited to:



Description and Ecological Role of STIF

STIF is a **medium to tall open forest** typically found on **shale and shale-enriched sandstone soils** along ridgelines and upper slopes in the Sydney Basin. The community is dominated by canopy species such as **Turpentine (Syncarpia glomulifera)**, **Blackbutt (Eucalyptus pilularis)**, **Red and Grey Ironbarks (Eucalyptus paniculata and E. crebra)**, and **Smooth-barked Apple (Angophora costata)**. The understorey commonly features native shrubs and groundcovers including **Parramatta Wattle**, **White Dogwood**, native grasses, and forbs.

STIF plays a vital role in local biodiversity and ecosystem function. Mature canopy trees, such as those on the subject site, provide crucial habitat features including **nesting hollows for the Powerful Owl and Glossy Black-Cockatoo**, both of which are threatened species. The forest also contributes to **urban cooling**, **pollinator support**, **stormwater filtration**, and **soil health**, making it a key natural asset in an urban context.

Impacts of the Proposed Development

The proposal, as currently designed, seeks to remove both STIF remnant trees (T43 and T17) due to their central location on the site, which is earmarked for built form and does **not contain deep soil planting zones**. The BDAR notes that opportunities for the **retention of native trees are minimal**, due to their spatial distribution across the site. It also states:

"The opportunity for restoration and enrichment of native vegetation is afforded in the areas of deep soil to be the subject of the Landscape Plan."

However, the removal of the last remaining **naturally occurring STIF specimens** on the site, without a meaningful mechanism for their retention or in-situ rehabilitation, represents a **serious conflict with the principles and objectives** of both State and Commonwealth environmental legislation. Critically, these trees are not replaceable within any meaningful timeframe, and any proposed offsets or compensatory planting will **not equate to the ecological value of mature, remnant trees**, particularly within an endangered ecological community.

Moreover, the proposal **does not adequately consider redesign alternatives** that would allow for the **integration of the STIF trees within the landscape or building setbacks**. Given the location of the trees in the central portion of the site and the absence of deep soil in this area, the development must consider **expanding the depth of street and side setbacks** to enable **deep soil zones** suitable for ecological enhancement and vegetation retention. Without this, the opportunity to support and restore remnant vegetation of this conservation value will be permanently lost.

Figure 5: *BAM plot location. Shown also are the locations and numbers assigned to the locally native tree species that are likely to be naturally occurring (green) and those native to NSW that have been planted (yellow).*

Figure 10: *The extent of PCT 3262 (VZ1, red and purple polygons), and its relationship with the native trees on site (green = naturally occurring, yellow = planted). The impact of the footprint is demonstrated in the colour of the VZ1 polygons (red = direct loss, 7 trees, 0.04 hectares; purple = retained, 2 trees, 0.004 hectares).*

Yellow dot = native green dot = planted

Conclusion and Recommendation

The proposed removal of two mature **remnant STIF trees** (T43 and T17) constitutes a significant loss of biodiversity and directly undermines the **intent and protective provisions** of the *NSW Biodiversity Conservation Act 2016* and the *Commonwealth EPBC Act 1999*. Given the extreme rarity of STIF remnants in Ku-ring-gai and the critical ecological functions they provide, their retention must be a priority in any development of the site.

It is recommended that the proposal be redesigned to:

- **Retain Trees T43 and T17 in situ**, incorporating them into communal or public open space;
- **Expand street and side setbacks** to create viable **deep soil planting zones** that allow for ongoing regeneration of native species, including other STIF-compatible plantings;
- Ensure alignment with **state and federal biodiversity protection frameworks**; and
- Demonstrate a commitment to **long-term ecological sustainability and local landscape character** preservation.

Irreversible Loss

Failure to preserve these critically important native trees would constitute an irreversible loss to Ku-ring-gai's natural heritage and would further contribute to the decline of one of Sydney's most endangered ecological communities.

Appendices uploaded to the Planning Portal supporting this Submission

Appendix No's

1. SSD 79276938 Submission letter from the Owner of 36 Middle Harbour Road, Lindfield.
2. Design Review by Jim Koopman Design Collaborative.
3. Easement A on Title review – considerations.
4. Native Vegetation and Ecological Significance.