

Our ref: DOC22/464239

Your ref: SSD-8903-MOD 4

Ms Lucinda Craig
Industry Key Sites
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

16 June 2022

Subject: EHG comments on Environmental Assessment for the Modification Application - Ivanhoe Estate, Macquarie Park - Stage 1 (Midtown) - SSD-8903 MOD 4

Dear Ms Craig

Thank you for the email of 7 June 2022 requesting advice on the Modification Application (MOD 4) for this State significant development.

The Environment and Heritage Group (EHG) has reviewed the MOD 4 proposal and provides its comments and recommendations at Attachment A.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "S. Harrison".

Susan Harrison

Senior Team Leader Planning
Greater Sydney Branch, Biodiversity and Conservation
Environment and Heritage Group

Subject: EHG comments on the Modification Application to Ivanhoe Estate (Midtown), Macquarie Park - Stage 1 - SSD-8903 MOD 4

The Environment and Heritage Group (EHG) has reviewed the following reports for this Modification application to State Significant Development (SSD):

- Modification Application by Ethos Urban – 3 May 2022
- Attachment A – Arboricultural Impact Assessment - Tree advice letter– 2 May 2022
- Attachment B – Ecological Impact Assessment

and provides the following comments.

Background

The MOD 4 proposal seeks to remove seven trees (934, 935, 936, 938, 1015, 1016 and 1017) that were approved for retention. Due to further investigations into the structure of a crib wall and the location of structural roots, these trees are not able to be retained as part of site preparation works and the delivery of the road connection to Lyonpark Road undertaken as Stage 1 of the Ivanhoe Estate (Midtown) redevelopment.

The Modification Application report notes the proposed modifications are minor and will not result in any adverse or significant new environmental impacts, including with respect to biodiversity and the approved offset strategy for the Ivanhoe Estate redevelopment. The trees proposed to be removed are not part of any threatened ecological community (TEC) under the *NSW Biodiversity Conservation Act 2016* (BC Act) or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and are not threatened species under this same Act. These trees may host Grey-headed Flying-foxes but there is no evidence that they have ever used these trees

Biodiversity

Under section 7.17 of BC Act a biodiversity development assessment report (BDAR) is required to be submitted with an application unless the authority or person determining the application for modification of the original development consent is satisfied that the modification will not increase the impact on biodiversity values. EHG notes a BDAR has not been provided with this modification application.

Proposed tree removal

Section 6 of the Modification Application report notes a few of the subject trees were considered to have high retention value under the original Arboricultural Impact Assessment (AIA). The AIS indicates this means “these trees are considered important and should be retained and protected” (see Section 1.9 of the AIA). EHG notes the high retention value trees are three *Ficus macrocarpa* trees (936, 1016, 1017). The RtS needs to provide details on why the trees are considered to have high retention value and whether any of the seven trees to be removed contain nests, dreys, hollows etc.

Pre-clearance fauna surveys and Relocation of native fauna

The BDAR for the previous MOD 3 proposal which sought consent for the removal of three trees outlined that clearing of vegetation would be undertaken via a two-stage clearing process and that clearing will not be undertaken until a pre-clearance assessment is conducted and the results communicated by qualified ecologists. It outlined that ecologists would be present for all vegetation clearing. Stage 1 of the clearing process involved marking of habitat features, and removal of all vegetation except habitat features. Stage 2 involved removal of habitat features under the supervision of ecologists to relocate resident fauna. The ecological assessment for the current MOD

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4 proposal includes no such mitigation measure and it is unclear why. Details are required if any of the trees to be removed have tree hollows or provide habitat. The RtS should address this.

EHG recommends pre-clearance fauna surveys are undertaken for the removal of the seven trees and a qualified ecologist relocates any resident native fauna to an appropriate nearby location. If any hollow dependent native fauna are found using existing hollows, compensatory tree hollows should be provided prior to removing the hollows and prior to the release of the hollow dependent fauna unless the removed tree hollows can be relocated and installed on the same day they are removed.

EHG recommends a condition of consent is included in this regard for this MOD 4 proposal should the 7 trees be approved for removal.

Reuse and removed trees and hollows

To enhance habitat, EHG recommends the MOD 4 proposal reuses native trees that are to be removed including hollows and tree trunks (greater than approximately 25-30cm in diameter and 2-3m in length) and root balls within the riparian corridor or other areas on the Ivanhoe Estate site which are to be replanted with local native species. Please note the diameter of the log (greater than 25-30 cm in diameter) is important because it impacts thermal qualities and longevity of the material. EHG recommends a condition of consent is included to this effect.

Tree replacement ratio

As the seven trees were initially approved to be retained, EHG recommends the trees proposed to be removed are replaced at a ratio greater than 1:1 (for trees not covered by a biodiversity offset strategy) to mitigate the urban heat island effect and to enhance tree canopy and habitat on the site. The loss of existing trees and the benefits that they provide can take years for a juvenile tree to grow and replace.

The replacement trees should consist of local native provenance species from the relevant native vegetation communities that occur or once occurred on the site (rather than use non-local native Australian or exotic species). EHG recommends the RtS provides details on this and a condition of consent is included to this effect.

End of Submission