

22 July 2022

# Response to Environment and Heritage Group Correspondence dated 18 July – SSD-8903-MOD 4

| Company Name  | Department of Planning and Environment   |
|---------------|--|
| Attn:         | Lucinda Craig  |
| Date:         | 22 July 2022   |
| Re:           | Response to Environment and Heritage Group (EHG) correspondence dated 18 July 2022 |
| Project Name: | Ivanhoe Estate Stage 1 SS DA – MOD 4 Tree Removal                                  |

Dear Lucinda,

Thank you for forwarding the EHG correspondence dated 18 July 2022.

As detailed within the Modification Application, an additional 7 trees are required to be removed to provide for the connection to Lyonpark Road approved as part of the Concept Masterplan and Stage 1 SSDA. The trees are located more than 2m above the proposed works footprint, however detailed design has revealed that excavation of the embankment adjacent to the crib wall is required to a depth of approximately 3m, which will result in significant impacts to the structural root zone of these trees. The trees have also grown over the crib wall and into the embankment within the Ivanhoe Estate site, compounding the impacts of the works required to deliver the new access to Lyonpark Road.

This correspondence notes that provided the Department of Planning (as the determining authority) is satisfied that the modifications sought will not result in an increased impact on biodiversity values, that a Biodiversity Development Assessment Report (BDAR) will not be required. Conditions are recommended by EHG within the advice, as extracted below. A response to each part of the EHG correspondence is provided below.



## Table 1

| Extract from EHG correspondence dated 18 July 2022   | Comme                | nt   |  |
|--|----------------------|--|--|
| Proposed tree removal  | Noted                |  |  |
| EHG noted three of the trees (Ficus macrocarpa - 936, 1016, 1017)<br>proposed to be removed have high retention value under the origina<br>Arboricultural Impact Assessment (AIA) and advised the RtS needs to<br>provide details on why the trees are considered to have high retention<br>value and whether any of the seven trees to be removed contain ness<br>dreys, hollows etc.   | l<br>n<br>ts,        |  |  |
| In response the RtS notes the "trees were considered to have high<br>retention value in the original AIA generally due to their<br>environmental, cultural, physical and social values in the case of<br>Trees 936, 1016 and 1017, they were given a high retention value by th<br>arborist due to the size and health of the trees" and it confirms that<br>"the high retention value noted within the submitted AIA does not<br>relate to biodiversity values". EHG notes that while the subject trees of<br>not contain nests, dreys or hollows, the fruit of Ficus macrocarpa is<br>likely to provide a food supply for fruit eating birds and bats that feed<br>on the fruit. | e<br>do              |  |  |
| Pre-clearance fauna surveys and Relocation of native fauna<br>EHG recommended pre-clearance fauna surveys are undertaken for<br>the removal of the seven trees and a qualified ecologist relocates any<br>resident native fauna to an appropriate nearby location. EHG advised<br>that the RtS should address whether any of the trees to be removed<br>have tree hollows or provide habitat.  |                      | Noted. Pre-clearance surveys and clearance supervision is required for hollow bearing trees via existing   |  |
|  |                      | condition B47a. As it has been confirmed that the seven trees that are the subject of this modification do not contain hollows, no pre-clearance surveys are required. |  |
| The RtS confirms that the subject trees do not contain nests, dreys o hollows. EHG considers it is reasonable to remove the requirement for pre-clearance surveys to be undertaken if there aren't hollows, nests dreys.   | or<br>or             |  |  |
| Reuse and removed trees and hollows  | See bel              |  |  |
| EHG recommended the MOD 4 proposal reuses native trees that are<br>be removed including hollows and tree trunks (greater than<br>approximately 25-30cm in diameter and 2-3m in length) and root ba<br>within the riparian corridor or other areas on the Ivanhoe Estate site<br>which are to be replanted with local native species. In response the F<br>notes the subject trees do not contain hollows and therefore the use   | to<br>Is<br>tS<br>of |  |  |
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these trees within the riparian area is not required. EHG considers the removed trees (tree trunks and root balls) can be used to enhance habitat in the riparian corridor and elsewhere on the site.

The Biodiversity Assessment Report and Offset Strategy (BAROS) for the Ivanhoe Estate Redevelopment SSD 17-8707 noted a total of two hollow bearing trees will be impacted in relation to the Ivanhoe Estate redevelopment. This implies hollow bearing trees are scarce across the entire site. The BAROS noted nest boxes are to be installed within the retained vegetation along Shrimptons Creek at a ratio of 1:4 (removed: replaced) to offset the removal of the two hollow trees.

While the RtS confirms that the trees proposed to be removed for the MOD 4 proposal do not contain hollows the removal of the existing trees and the benefits that they provide, will take decades for a juvenile tree to grow and replace. The removal of some of these seven trees may also remove the potential supply of future hollows that would be expected to form in time. EHG recommends that in addition to the tree hollow replacement requirements included in the BAROS to replace the two hollow bearing trees impacted by the overall lvanhoe Estate redevelopment that the MOD 4 proposal includes a condition which requires additional nest boxes or replacement habitat (artificial hollows using a HollowHog tool (https://www.hollowhog.com.au/) to be installed along the riparian corridor and remnant vegetation that is to be conserved to mitigate the loss of the future potential supply of hollows and to improve biodiversity on the site.

Also, EHG repeats is recommendation that a condition of consent is included to reuse the tree trunks and root balls from the removed native trees (please see below).

It is suggested the removed tree trunks/root balls are placed on the ground in small, scattered piles within the riparian corridor/remnant vegetation on the site to provide shade, shelter and habitat for fungi, moss and lichens, insects, reptiles, frogs etc which will subsequently provide a food source for other native fauna, potentially including threatened species. The decaying wood also provides nutrients as it slowly decays.

If the proponent is not able to reuse the removed trees on the Ivanhoe Estate site, the proponent should consult with community restoration/rehabilitation groups, Landcare groups, and relevant public authorities, local councils, and Greater Sydney Local Land Services prior to removing the native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work.

The Proponent must where it is practicable reuse any of the native trees that are to be removed, including tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), and root balls to enhance habitat on the Ivanhoe Estate site

If removed native trees are not able to be entirely re-used on the site, the proponent should consult with local community No objection is raised to a condition which required a further seven nest boxes or other replacement habitat to account for the removal of the trees that may have developed hollows in the future. It is suggested that existing condition B47 is amended to include this requirement, with draft wording of the condition being provided below, with additions in **bold italics**.

b) the replacement of all removed hollows with artificial nest boxes or the removed hollows at a ratio of 1:4 (removed/replaced), *plus an additional seven nest boxes or replacement habitat* (such as Hollowlog or similar) to account for additional trees to be removed, with installation occurring within the retained vegetation adjacent to Shrimptons Creek or the Epping Road ecological corridor as part of the Vegetation Management works, in accordance with advice from a suitably qualified and experienced ecological consultant,

It is noted that there are benefits in reusing native tree balls and trunks within areas of native planting due to the potential for the trees and other organic matter to provide shelter and habitat. In the case of the subject site, the Vegetation Management Plan (VMP) area, and area where native plantings are to be enhanced is the Shrimptons Creek Riparian area and Epping Road corridor. The VMP area is shown at Figure 1 below. The project team are committed to protecting and enhancing these areas as part of the broader project.

restoration/rehabilitation groups, Landcare groups, and relevant public authorities, local councils, and Greater Sydney Local Land Services prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented.



Figure 1 Extract from the Biodiversity Management Plan Source: Ecological

Notwithstanding, concerns are raised regarding the draft condition recommended by EHG. Existing condition B47 requires the preparation of a Biodiversity Management Plan (BMP) and for the site. The BMP has been prepared in accordance with this condition and is dated 7 May 2021. The BMP includes a requirement for any woody debris, including trees and other wood, at least 100mm in diameter and 500mm long to be considered for reuse in a suitable location. Please see below extract from the BMP:

### RELOCATION OF WOODY DEBRIS AND BUSH ROCK

Many native fauna species utilise wood debris and bush rock for shelter, basking to hide from predators, find food and avoid extreme weather. When woody debris and bush rock are required to be removed from a development site, consideration should be given to finding suitable locations for re-use of these important habitat features.

| Term         | Definition  |
|--------------|---|
| Woody Debris | Trees and wood, whether living or dead, at least 100 mm in diameter and 500 mm long, including hollows. |
| Bush Rock    | Loose rock occurring on rock or soil surfaces.  |

Prior to relocation of woody debris and bush rock, consultation should be undertaken with a suitably qualified and experienced ecologist or bush regenerator to determine a suitable location for re-use to ensure it does not have a negative impact on the receiving environment. For example, in areas of high quality bushland, there may already be enough suitable hollows, fallen logs or bush rock and adding more may cause unnecessary disturbance or create a fire hazard. Once a suitable relocation area has identified, the Project Manager and Site Supervisor should ensure the following best practice methods are undertaken during relocation:

- Removal, stockpiling, transportation and relocation of woody debris and/or bush rock is carried out in a manner that minimises disturbance to native vegetation (including the canopy, shrubs, dead trees, fallen timber and groundcover species) or bush rock
- The spread of any weeds or pathogens that may be in the soil is avoided when relocating woody debris and bush rock from stockpiles
- The Site Ecologist is consulted with to provide advice on positioning woody debris and bush rock in designated relocation areas
- Topsoil disturbance is kept to a minimum and is not heaped up against woody debris or bush rock because of the potential to provide habitat for rabbits
- Woody debris is placed evenly across the site
- Where woody debris is to be mulched the Project Manager and/or Site Supervisor should ensure that weeds are separated from native vegetation.

Subsequently, we believe that the requirements of the BMP are sufficient to ensure that appropriate material to provide shade, shelter and habitat for fungi, moss and lichens, insects, reptiles, frogs etc is provided by the BMP, within the VMP area. This process is already well underway on site, with a number of trees and other woody debris already stockpiled for use within the VMP area.

Further, in the case of the trees the subject of this modification, concern is raised as to the size of the trees and the associated root balls and the practicality of detangling the roots from the crib wall and other existing structures. The size of the trees and root balls and the associated machinery that would be required to relocate these trees within the VMP area would also likely cause additional damage to these environments. Advice from our ecological consultant is that there is sufficient natural material stored from tree removals undertaken elsewhere on the site, to be located within these areas to provide a high quality habitat, and that the addition of the subject root balls would not provide any material benefit, and would be more likely to result in further impacts to these areas, which are currently the subject of early VMP works.

| As such, it is our view that the retention and placement of trunks and root balls within he VMP areas of the site should not be required.   |
|---|
| We would however be happy to accept an amended version of the condition recommended, as per the below. This would allow the works to continue to progress, with the trees and root balls to be stockpiled on site whilst the consultation occurs. Should any local community or restoration group have use for the trees and root balls, they could be collected from the site at a later date.   |
| If removed native trees are not able to be entirely re-used on the site, The proponent should<br>consult with local community restoration/rehabilitation groups, Landcare groups, and relevant<br>public authorities, local councils, and Greater Sydney Local Land Services <del>prior to removing any</del><br><del>native trees</del> to determine if the removed trees can be reused in habitat enhancement and<br>rehabilitation work. This detail including consultation with the community groups and their<br>responses must be documented. |

#### Tree replacement ratio

EHG recommended the trees proposed to be removed are replaced at a ratio greater than 1:1 (for trees not covered by a biodiversity offset strategy) and recommended a condition of consent is included to this effect to mitigate the urban heat island effect and to enhance tree canopy and habitat on the site. In response the RtS states "Further native vegetation is to be planted across the site with each progressive stage of the project, in accordance with condition A17 of the Concept Approval consent. The replacement ratio remains greater than 1:1 across the site, and therefore a further condition is not required. "

The seven trees proposed to be removed by the MOD 4 proposal were initially approved to be retained by the Concept approval. As previously advised by EES in its submission on the RtS for the MOD 3 proposal if there are likely to be further modification proposals which also require tree removal, EHG considers that for clarity the inclusion of a condition which outlines the tree replacement requirements for each Modification proposal would be useful. We are happy to accept a condition that requires the replacement of the subject trees at a ratio of 1:1, in addition to the 950 trees required to be planted via condition A17 of the Concept Approval, resulting in a compensatory plantings for the subject trees at a rate of 1:2 (being a total of 860 trees to be removed across the site [853 approved for removal plus the seven additional sought by this modification] and condition A17 requiring 950 trees to be planted at the site, plus an additional seven trees).

With regard to the location of these trees, the streets, VMP areas and landscaped area proposed as part of Stage 1 have been reviewed and there is minimal opportunity to provide for any additional large tree planting within these areas of the site due to the existing density of trees and the proposed planting schedule . The location of the existing trees is also considered to be unsuitable, given the grade of the land and the services and infrastructure which are required to be installed. Therefore, any further tree planting is to be incorporated into the landscape design of the site more broadly. It is suggested that conditions B29 and B30 be amended to reflect this. A suggested condition is provided below:

B29. A minimum of 476 483 new trees are to be planted comprising:

(a) 47 trees within the Building A1 site

(b) 48 trees within the Building C1 site

(c) 381 trees adjacent to new streets.

### (d) 7 trees elsewhere on the site.

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

There is no intention to lodge further modifications to the consent to request additional tree removal. Subsequently, it is suggested that the draft conditions suggested above are sufficient to ensure that the appropriate replacement planting is provided.



We trust the above provides the Department of Planning an Environment sufficient information to finalise the assessment of the modification.

Please don't hesitate to contact me should you wish to further discuss.

Yours sincerely,

Heal

Jessica Saunders Principal Planner