



Our ref: DOC21/1094920

Senders ref: SSD-8903-MOD3

Ms Lara Fusco
Industry Key Sites
Planning and Assessment Group
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Fusco

Subject: EES comments on Response to Submissions for Modification Application for Stage 1 of Ivanhoe Estate, Macquarie Park - SSD-8903-MOD 3

Thank you for your email of 8 December 2021 requesting advice on the Response to Submissions (RtS) for the Modification Application (MOD 3) for this State significant development.

The Environment, Energy and Science Group (EES) has reviewed the RtS for this proposal and provides its recommendations and comments at Attachment A.

EES asks that it not been assigned a consultation role in the conditions of consent for this project unless EES agrees to the role and the condition.

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'.

14/12/21

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation
Environment, Energy and Science Group**

Subject: EES comments on Response to Submissions for Modification Application for Stage 1 of Ivanhoe Estate, Macquarie Park - SSD-8903-MOD 3

The Environment, Energy and Science Group (EES) has reviewed the following reports on the Response to Submissions for this MOD 3 proposal:

- Additional Information from Ethos Urban – 8 December 2021
- Appended letter by Ecological Australia – 1 December 2021

and provides the following comments.

Biodiversity

Proposed tree removal

EES queried whether any of the three trees to be removed contain nests, dreys, hollows etc. In response Ethos Urban state the presence of nests, dreys and hollows is addressed as part of the endorsed Biodiversity Management Plan (BMP) under Condition B47 of the Stage 1 consent and the BMP provides processes for the pre-clearance survey of vegetation and the replacement of removed hollows at a rate of 1:4. As the BMP has not been provided to EES as part of the RtS, EES recommends Industry Key Sites ensures this requirement is clear in the existing consent and the BMP to ensure pre-clearing surveys occur for the MOD 3 proposal. If there is any doubt, EES recommends a condition is included for the MOD 3 proposal to provide clarify and to ensure pre-clearance surveys are undertaken by an appropriately qualified ecologist for the MOD 3 proposal, any resident native fauna are appropriately relocated and replacement hollows are provided if required for this proposal.

Proposed tree retention

EES previously advised no details had been provided on the two trees that are now proposed to be retained (trees 960 and 961) such as tree height, diameter at breast height (DBH), retention value and whether they are local native species or exotic. Ethos Urban confirm the trees to be retained are mature *Casuarina cunninghamiana* and the Appended letter by Ecological Australia includes details on the tree species, height and diameter.

Pre-clearance fauna surveys and Relocation of native fauna

EES recommended 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 tree 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. EES recommended a condition of consent is included in this regard.

As noted above, Ethos Urban state the BMP includes processes for the pre-clearance survey of vegetation and replacement of removed hollows at a rate of 1:4. Ethos Urban considers the existing consent has an appropriate framework in place for determining whether the trees contains nests, dreys, hollows etc and providing compensatory hollows and that a further condition is not required. EES recommends Industry Key Sites ensures that this requirement is clear in the existing consent and the BMP to ensure pre-clearing surveys occur for the MOD 3 proposal. If there is any doubt, EES recommends a condition is included for the MOD 3 proposal to provide clarify and ensure pre-clearance surveys are undertaken by an ecologist for the MOD 3 proposal, any resident native fauna are appropriately relocated and that replacement hollows are provided if required for this proposal.

Reuse and removed trees and hollows

EES recommended the MOD 3 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. The RtS does not specifically address this and EES repeats its recommendation that a condition of consent is included to this effect

Tree replacement ratio

EES previously 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 the replacement trees consist of local native provenance species, particularly as the three trees to be removed were initially approved for retention, and no information had been provided on the two trees proposed to now be retained. As noted above, the RtS now provides information on the two trees to be retained. Ethos Urban also state further native vegetation will be planted across the Master Plan site with each progressive stage of the project in accordance with Condition A17 of the Master Plan consent. Ethos Urban also confirm the replacement ratio remains greater than 1:1 across the Master Plan site.

EES recommended a condition of consent is included in relation to this issue but Ethos Urban consider a further condition of consent is not required. If there are likely to be further modification proposals which also require tree removal, EES considers the inclusion of a condition which outlines the tree replacement requirements for each Modification proposal would be useful for clarity.

End of Submission