

8 July 2015

Tom Bitmead
Associate Director
Johnstaff
Level 12, 70 Pitt Street
Sydney NSW 2000

RE: Statement relating to the loss of Tree 49,50, 66 and potential loss of Tree 63 and 65 (172 Fox Valley Road, Wahroonga)

Dear Tom,

Cumberland Ecology
PO Box 2474
Carlingford Court 2118
NSW Australia
Telephone (02) 9868 1933
Mobile 0425 333 466
Facsimile (02) 9868 1977
Email: david@cumberlandecology.com.au

As you are aware, 172 Fox Valley Way, Wahroonga (the subject site) is part of the rezoned Wahroonga Estate. This letter provides explanation that clarifies how Cumberland Ecology determined that the potential loss of three (3) to five (5) trees from Sydney Turpentine Ironbark Forest (STIF) at the subject site is ecologically sustainable. This community is listed as a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and as an endangered ecological community under the *Threatened Species Conservation Act 1995* (TSC Act).

In preparing this letter, Cumberland Ecology has taken a precautionary approach and considered the potential loss of all 5 trees. The explanation is set out below:

1. Ecological Considerations during Rezoning

The Wahroonga Estate was rezoned and a Concept Plan for redevelopment approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The majority of native bushland within the Wahroonga Estate has been protected in perpetuity by the rezoning. The majority of threatened vegetation, including STIF and the closely related Blue Gum High Forest (BGHF), has been retained within E2 Environmental Conservation zoning. This is outlined within the Biodiversity Management Plan (BMP) for the Wahroonga Estate.

Figures taken directly from the BMP showing an aerial photograph (**Figure 1.1**), the zoning (**Figure 1.2**) and vegetation mapping (**Figure 2.1**) are provided in **Appendix A**.

As shown in **Figure 1.2** in **Appendix A**, the Rezoning Plan comprises the following:

- B1 Neighbourhood Centre;
- E2 Environmental Conservation;
- R1 General Residential;
- R2 Low Density Residential;
- R3 Medium Density Residential;
- R4 High Density Residential; and
- SP1 Special Activities.

As a result of the rezoning, the 66 hectare (ha) estate now includes 31.4 ha of native vegetation that is to be conserved and managed for conservation (zoned E2 Environmental Conservation). The extent of the conservation land was determined following an independent assessment conducted by Sinclair Knight Merz during the Part 3A Concept Plan approval process.

Cumberland Ecology prepared the ecological impact assessment for the original rezoning proposal and Part 3A project, the BMP for the Wahroonga Estate and the Flora and Fauna Assessment for the subject site. For this reason, Cumberland Ecology was well placed to evaluate the context of tree loss at the subject site.

2. Context for the Loss of Trees at the Subject Site

The vegetation on the subject site is a very small proportion of the native vegetation within the Wahroonga Estate. The vast majority of STIF is now conserved permanently within the E2 Environmental Conservation zone, as shown in **Figure 2.1** in **Appendix A**.

The decision to rezone the land comprising the Wahroonga Estate entailed an understanding that while the majority of the bushland would be conserved, small areas of bushland and/or scattered native remnant trees would be cleared within development zones. The conservation outcome provided by the rezoning of the Wahroonga Estate thus anticipated some clearing within the subject site and other developable areas.

The proposed development of the subject site would involve some replanting as well as limited tree removal. The proposed development of the subject site will include planting of local native plant species from STIF as shown in the Concept Landscape Master Plan (drawing **DA04**, **Appendix A**).

Cumberland Ecology prepared a Flora and Fauna Assessment for the SPD Commercial Project in October 2014 (ref: 12093RP1). The Flora and Fauna Assessment of the subject site assessed the predicted loss of 3 remnant canopy trees (trees 49, 50, 66) from the impact zone and the potential loss of a further 2 remnant canopy trees (trees 63 and 65) that are likely to experience major encroachment on the root zone.

The loss of 5 trees is small relative to the conservation outcome for STIF within the whole Wahroonga Estate as provided by the rezoning. When viewed in terms of Section 5A of the EP&A Act, this loss is not significant because the majority of the local remnant has been protected within the E2 Environmental Conservation zone. The development of the subject site will not clear a significant area of known habitat.

The loss of the 3 remnant trees will be addressed by the Concept Landscape Master Plan and permanent conservation of STIF in the E2 zoned lands. The 2 trees that may suffer root disturbance are intended to be retained. If there is doubt about their long-term survival, then a condition of approval could stipulate that in the event of tree death, they are replaced on a like for like basis.

3. Conclusion

We have assessed the potential loss of all 5 trees and conclude that this loss will not have a significant impact on STIF. In our view, having regard for the greater benefit derived as a result of the rezoning of the Wahroonga Estate and the inherent protection of substantial bushland under the E2 Environmental Conservation zoning, the proposed development of the subject site should be allowed to proceed, with conditions as recommended in this statement.

If you would like to discuss this matter further, please contact me on 02 9868 1933.

Yours sincerely,



Dr David Robertson

Director

david.robertson@cumberlandecology.com.au

Appendix A

Figures



Figure 1.1. Subject Land



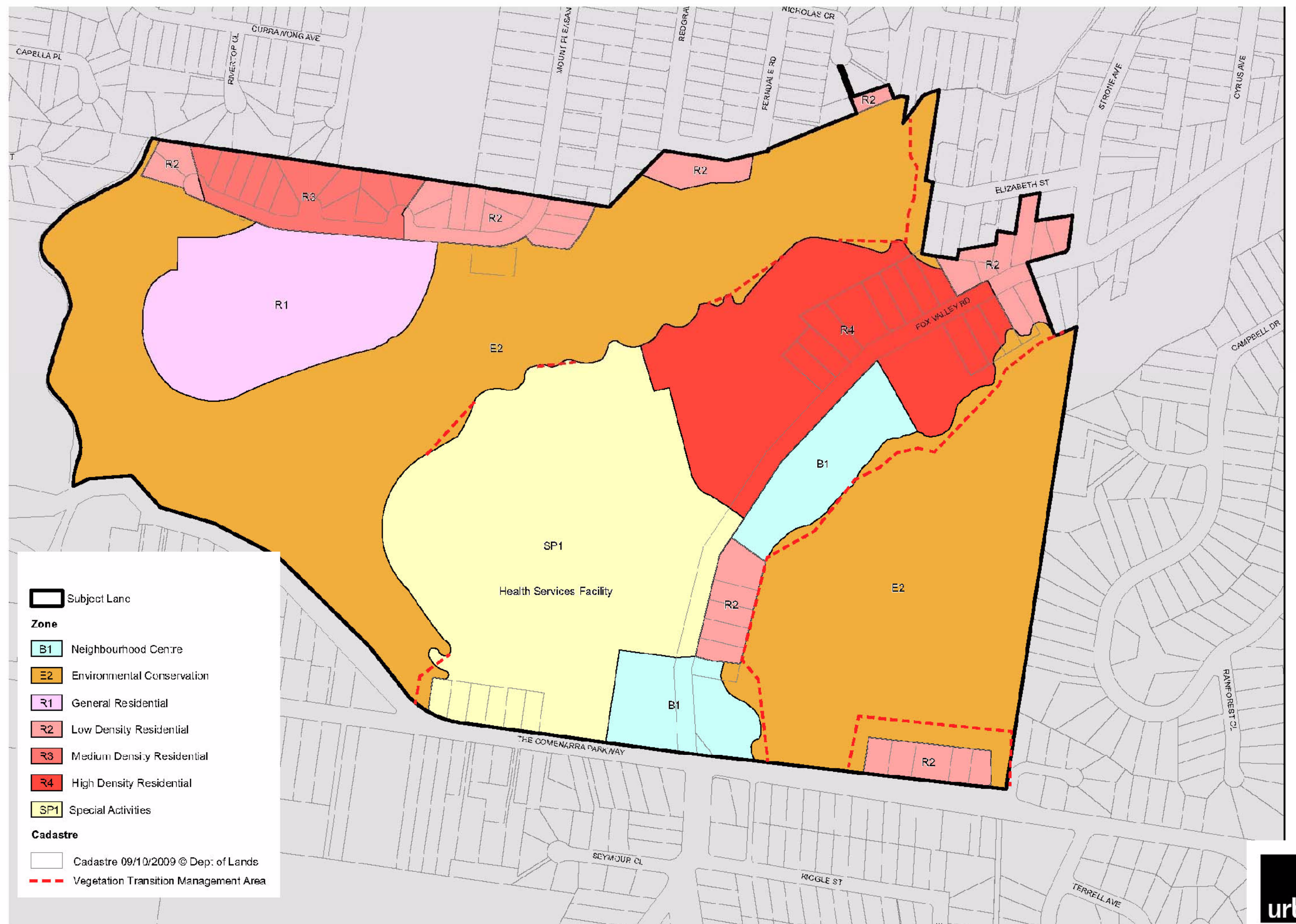


Figure 1.2. Wahroonga Estate Rezoning Plan

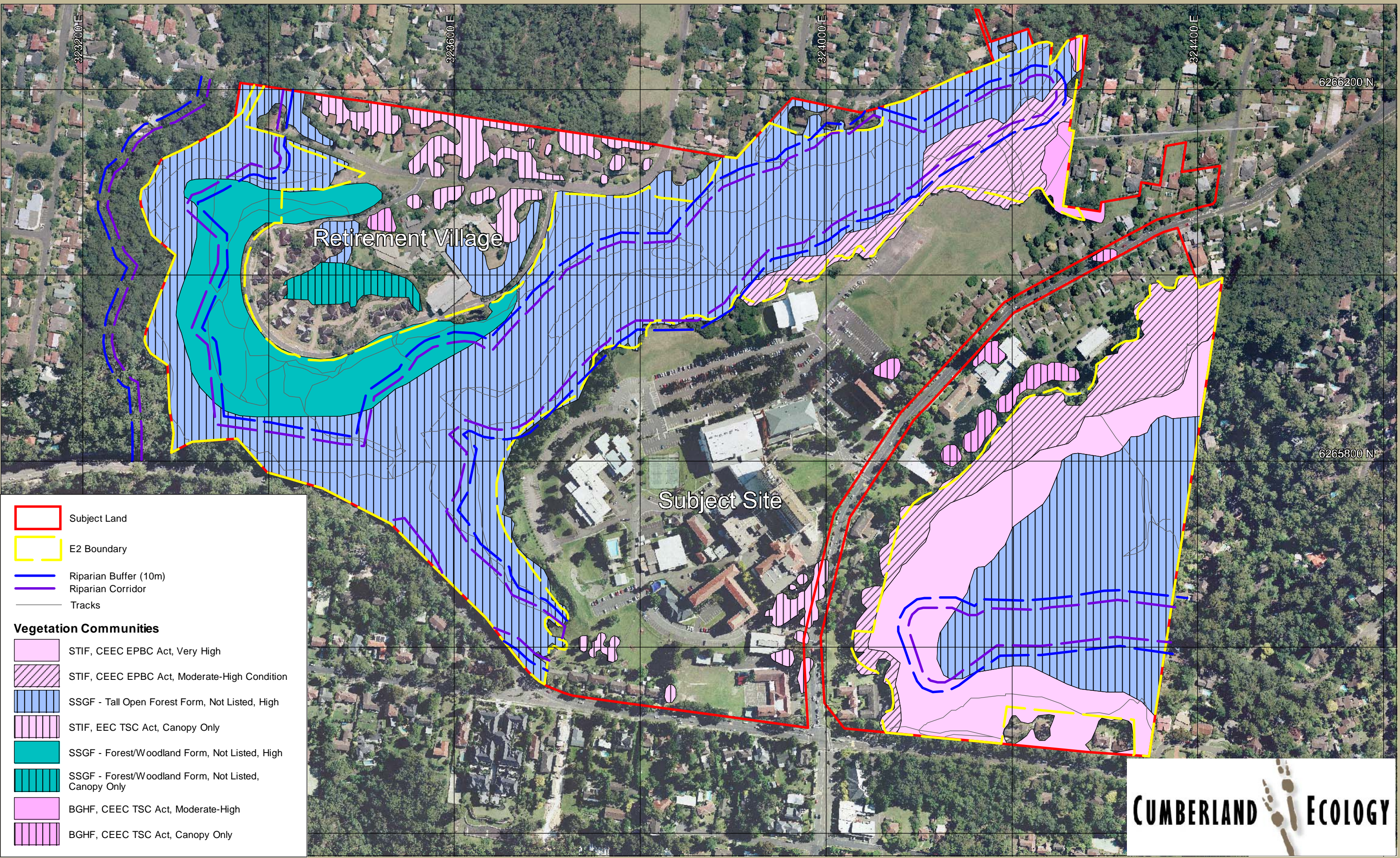


Figure 2.1. SKM Vegetation Communities of the Subject Land



ARCHITECT:
MORRIS BRAY MARTIN OLLMANN

PROJECT:

Development at 172 Fox Valley Way Wahroonga

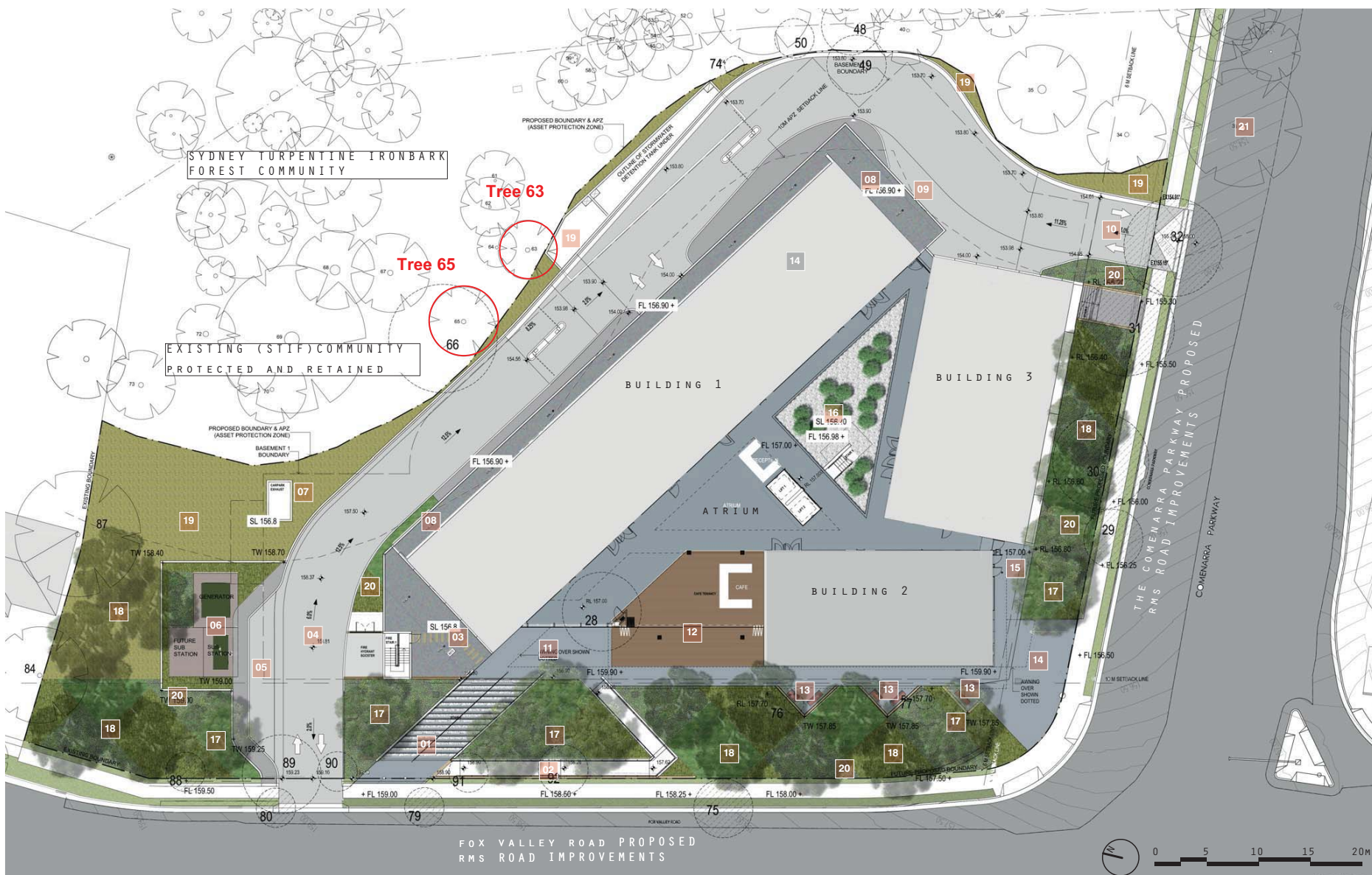
CONCEPT
LANDSCAPE
MASTER PLAN

October 2014



PROJECT NO: MBM01
DWG NO. MBM01_DA03
SCALE: 1:200 @ A1 / 1:400 @ A3

Issue	Code	Description	Date
A	CA	DA Issue to Council	15.02.13
B	CA	DA Issue to Council	14.05.14
C	CA	DA Issue to Council	28.05.14
D	CA	DA Issue to Council	03.06.14
E	CA	DA Issue to Council	15.10.14

DA04



LEGEND

- | | | | | | |
|-----|--|-----|--|---|--|
| 01/ | Entry stair with Stainless Steel bollards to boundary, wide landings and colour contrast nose paving | 08/ | Decorative pebbles mulch to external maintenance path to Building 1 | 16/ | Atrium planting of bamboo sp. within decorative pebble mulch |
| 02/ | Disabled access ramp to main entry | 09/ | External loading dock | 17/ | Feature tree planting at entry points - <i>Angophora costata</i> |
| 03/ | Fire stair egress with stone steppers in decorative pebble mulch | 10/ | Entry/egress driveway to loading dock and underground parking | 18/ | Feature native trees to screen built form. Species selected from Sydney Turpentine Ironbark Forest Community |
| 04/ | Entry/egress driveway to underground parking | 11/ | External pavement area leading into building atrium and cafe area | 19/ | Native ground covers planted within APZ easement |
| 05/ | Set down bay | 12/ | Undercroft area with cafe / restaurant facilities | 20/ | Mix of native and native cultivar species to building frontage |
| 06/ | Substation and Generator location within mulch bed | 13/ | Private breakout space with formal seating | 21/ | Existing trees removed as part of the RMS road widening |
| 07/ | Car park exhaust shaft within landscape | 14/ | Increased entry / threshold to the corner of Fox Valley Rd and Comenarra Parkway to provide improved street activation |  | Existing site trees to be removed and identification number |
| | | 15/ | External pavement to building fire egress & evacuation points |  | Existing trees to be removed due to RMS road widening and identification number |