

29 February 2024

Kate Gowland
Branch Head
Department of Climate Change Energy, the Environment and Water
John Gorton Building, King Edward Terrace
Parkes ACT 2600

Cumberland Ecology
PO Box 2474
Carlingford Court 2118
NSW Australia
Telephone (02) 9868 1933
ABN 14 106 144 647
Web: www.cumberlandecology.com.au

Response to EPBC Act Submissions on the Coonara Referral (2023/09508)

Dear Kate,

The purpose of this letter is to provide a response to submissions that have been received on a Referral submitted by Mirvac to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEE) for the development of parts of the property known as 55 Coonara Avenue, West Pennant Hills, NSW (the Property).

The proposed action that is the subject of the Referral is the staged demolition of the existing office facilities and associated car parks and landscaping, including the removal and modification of existing infrastructure and the development of residential dwellings, communal facilities, public and private open spaces, and associated infrastructure generally on the previously disturbed portion of the Property (the Project).

A previous Referral (2021/8995) was submitted to the (previous) Commonwealth Department of Agriculture, Water and Environment (DAWE) in July 2021 for the Project and a determination was made by DAWE on 16 September 2021 that the proposed action did not comprise a Controlled Action and no further Commonwealth approvals were required for works within the Property.

Since the DAWE determination in 2021, the boundary of the Concept Masterplan was amended to address comments from the Hills Shire Council (Council) during the Development Application (DA) approval process with the updated footprint forming part of the approved DA plans. The amendments in response to Council comments have also resulted in some reclassifications of vegetation and subsequent changes in the vegetation mapping, including an increase in the extent of Blue Gum High Forest (as listed under the NSW *Biodiversity Conservation Act 2016* (BC Act)) and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) within the northern parts of the development footprint.

Therefore, an updated Referral (or re-Referral) was submitted to the DCCEEW in August 2023 (Ref 2023/09508). Since the previous Referral, works associated with the demolition of the office buildings, and some outdoor on-grade car parks have already occurred. As such, some of these areas are excluded from the current Referral. Section 1.2.1 of the current Referral provides further information regarding the extent of the development. The development, as modified, is now the subject of the current Referral, albeit with these specific areas excluded. The final proposed layout of the development (including the Excluded areas), showing locations of buildings, roads and landscaped areas is shown in Figure 11 of the Preliminary Documentation (see below).

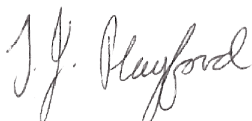
On 29 September 2023, DCCEEW determined that the proposed action comprised a Controlled Action and was to be further assessed via Preliminary Documentation. The Preliminary Documentation was prepared by Cumberland Ecology (21108RP9 – our ref) and submitted to DCCEEW in December 2023 and was put on exhibition for public submissions between 15 January and 5 February 2024. A total of 102 submissions were received by members of the public and community organisations. As required by the Referrals process, the submissions are required to be addressed and included in the finalised Preliminary Documentation.

Appendix A provides a response to each of the submissions received on the Preliminary documentation. Individual responses have been collated, and similar themes have been identified and responded to collectively to avoid repetition. The most common concern articulated in the responses was the loss of native vegetation, in particular BGHF and its associated habitat values and connectivity to the nearby Cumberland State Forest. Other responses identified include impacts to threatened species and impacts to creeks and riparian areas. Many responses were related to issues that were outside the scope of the Referral or did not relate to matters listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Where possible, these have been responded to, however in some instances these have been noted and no response provided.

Appendix B presents a table where all responses have been collated and the issues requiring response have been identified. Each of these issues is addressed in a separate subheading in **Appendix A**. Each respondent has been allocated a unique numerical identifier, and this has been listed at the beginning of each section to identify the respondents that raised each issue. Where feasible, each entire response has been included in the table, however where that was impractical due to size, they have been attached separately in **Appendix C**.

Note that the Preliminary Documentation has not been updated in response to the submissions received, and the response to the submissions is limited to this letter and the appendices.

Yours sincerely



Tim Playford
Senior Project Manager/Ecologist
tim.playford@cumberlandecology.com.au

APPENDIX A :

Response to Submissions



A.1. Introduction

A total of 102 submissions were received on the Project. The majority of these were emails that are reproduced in **Table B1** in **Appendix B** or were larger letters that are included in **Appendix C**.

The majority of the submissions were against the Project, and the most common issue raised was relating to the removal of Blue-Gum High Forest (BGHF). For many respondents this was due to its value as an endangered forest type, however others were concerned about the value of the vegetation to be cleared as habitat for wildlife. Some respondents were concerned about impacts on threatened species, and other issues identified included impact to the adjacent Cumberland State Forest, and impacts to the creek and riparian zone.

Although a wide range of submissions were received on the Project, this document mainly addresses those that are relevant to the Referral and matters listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Many respondents oppose the entire development, not just the component that is the subject of the Referral and have raised a range of issues regarding diverse aspects of the development that they object to, including the removal of trees, insufficient avoidance measures and the contribution of the Project to climate change. Although these concerns are valid, this document responds mainly on the submissions that raised concerns relating to the current Referral. Similarly, a range of concerns were raised related to biodiversity impacts as a whole or relating to objections in the state assessment process, however this document focuses on the potential impacts to Matters of National Environmental Significance (MNES) and matters covered by the Referral. That notwithstanding, in order to provide a comprehensive response, in some instances a response has been provided to submissions on issues that are not directly related to the current Referral or to issues that are not relevant to MNES. In some instances however, issues outside of the direct focus of the Referral have not been responded to and these submissions have just been noted.

A.2. Response to Key Issues

A.2.1. Impacts to Blue Gum High Forest

Submissions: 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89, 90, 92, 93, 94, 95, 96, 98, 99, 100, 101, 102

The main concern for respondents is the removal of BGHF as indicated by the number of submissions that were received on this issue.

As outlined in the Preliminary Documentation and reproduced below in **Table 1**, the impacts to BGHF will occur overwhelmingly on a highly degraded form of the community that comprises scattered canopy trees over dense weed infestations. Approximately 0.14 ha of this degraded form of BGHF is proposed to be removed, and an additional 0.15 ha will be modified for the APZ (total of 0.29 ha of impact). Only an extremely small area of high quality BGHF will be removed (0.1 ha). Taken together, the proposed action results in an impact to ~0.30 ha of BGHF comprising ~0.15 ha to be fully cleared and ~0.15 ha to be modified for APZ purposes.

Table 1 Extent of vegetation clearing within the Development Footprint

Vegetation Zone	MNES Status as per Ref: 2023/09508	Total extent within Development footprint (ha)	Extent cleared (ha)	fully cleared	Extent cleared/modified for APZ	partially cleared
VZ3a	Highly degraded form of BGHF	0.08	0.04			0.04
VZ5a	Highly degraded form of BGHF	0.21	0.10			0.11
VZ5b	Good condition BGHF	0.004	0.004			0.00
VZ5c	Good condition BGHF	0.005	0.005			0.00
Total – Degraded BGHF		0.29	0.14			0.15
Total – Good Condition BGHF		0.01	0.01			0.00

In some cases totals may not equal the appropriate total number due to rounding to two decimal places

As described in the Preliminary Documentation, the impacts to BGHF will occur predominantly in the lower quality occurrences of BGHF (VZ3a, VZ5a and Blue Gum High Forest_Scattered Trees as mapped by Cumberland Ecology) that are largely limited to a canopy of *Eucalyptus saligna* (Blue Gum) over dense infestations of *Lantana camara* (Lantana), *Ligustrum lucidum* (Large-leaved Privet) and/or *Ligustrum sinense* (Small-leaved Privet) or as scattered trees on the edges of an on-grade carpark. In these locations, the understorey layer contains 1 – 2 scattered individuals of native species, but also large infestations of exotic species. Exotic species present include *Lantana camara*, *Ligustrum lucidum*, *Ligustrum sinense*, *Ochna serrulata* (Mickey Mouse Plant), and *Phoenix canariensis* (Phoenix Palm) (see **Photograph 1** and **Photograph 2**).

One of the key weeds in the area of BGHF to be removed is Lantana. Invasion, establishment and spread of Lantana is listed as a Key Threatening Process (KTP) in NSW, and Lantana is listed as a Weed of National Significance (WoNS). Lantana is known to suppress less competitive native vegetation and seedlings through shading, surface-soil nutrient sequestration and smothering smothering (NSW Department of Planning and Environment 2021), thereby preventing their establishment under Lantana. As a result, this weed can arrest vegetation succession for decades.

Due to the dominance of Lantana in the area of BGHF to be removed its conservation value is low and it is unlikely to remain viable in the long term. There is currently no requirement for this area to be managed in any way, and if left in its current condition, the weeds would continue to proliferate and this patch would further degrade over time. Due to competition from weeds, recruitment of native species is unlikely to occur and over time, loss of canopy trees would occur due to natural processes, and these would not be replaced, resulting in an ongoing decline in the ecological quality and value of this area.

Photograph 1 Dense weed infestation under BHGF canopy trees in northern parts of the Property (Remapped areas of VZ5a)



Photograph 2 Dense weed infestation under BGHF canopy trees in northern parts of the Property (VZ5a/VZ3a areas)



As described above, a total of 0.14 ha of degraded BGHF will be entirely removed, and the remaining 0.15 ha will be managed as an APZ. As many canopy trees as possible will be retained in the APZ, and the extent of disturbance will be largely limited to removing understorey vegetation to reduce bushfire fuel loads. As outlined above, the main component of the understorey in this area is Lantana, and this species is known to increase the chance and severity of fire in plant communities (Weeds Australia 2019). Accordingly, the management of the understorey in the APZ by fuel reduction is considered likely to have a beneficial impact on BGHF by removing a key threat. After the Lantana has been removed, there is potential for a greater diversity of ground-layer native species to establish, which are permitted in the APZ provided there is some separation. This will provide greater floral diversity than which currently occurs, and will in turn support a greater diversity of ground-dwelling native fauna species.

In addition to the degradation due to weeds discussed earlier, the biodiversity value of the 0.14 ha of BGHF that is proposed to be removed is also significantly reduced as a result of edge effects due to its shape. As shown in **Figure 12** of the Preliminary Documentation, this area comprises a relatively narrow 'point' of vegetation extending west from the remaining areas of BGHF that are being retained. This area of BGHF extends into vegetation that is mapped as Landscaped Gardens and is near to car parks and roads which have no ecological value. As a consequence, this narrow area is very susceptible to "edge effects". Edge effects are impacts that occur at the interface between natural habitats, especially forests and disturbed land (Yahner 1988). When an edge is created, changes to ecological processes within the vegetation can occur including microclimatic changes in light, temperature, humidity and wind, which can favour a suite of different species and therefore cause significant changes to the ecology of the patch (Lindenmayer and Fischer 2006). Due to its shape, the area of BGHF to be removed is surrounded on three sides by landscaped vegetation (and hard stand areas beyond that), and as the area is very thin, there is no dense area of refuge habitat in the centre that is remote from disturbed areas. Accordingly, the value of the habitat in this area for native species is relatively low. By contrast, the areas of BGHF that are being retained to the east comprise a large, well-connected patch of vegetation that is less subject to edge effects.

A key component of the Project is the management and rehabilitation of areas of BGHF in the Property outside of the development footprint. The Property contains significant areas of native bushland, including BGHF, parts of which are proposed to be dedicated to the NSW State Government and managed by NSW Forestry Commission with the remainder retained within a Community Lot and placed under community title. A Vegetation Management Plan (VMP) has been prepared by Cumberland Ecology (21108RP1 – our ref) to guide the future management of the bushland areas retained within the Community Lot as well as Asset Protection Zones (APZs) and Hazard Reduction Areas. A total of approximately 0.8 ha of good condition BGHF occurs in the Community Title, as well as 0.9 ha of poor condition BGHF and 0.55 ha in the APZ. These areas will be managed for conservation including weed control and supplementary planting as required to develop them into high quality areas of BGHF. As outlined previously, in the absence of management, weedy degraded areas of native vegetation will continue to degrade, and the weeds would spread to nearby areas of good quality BGHF, with the overall decline in quality as a result. By the implementation of the VMP, the existing areas of BGHF will be managed and improved over time, and an additional 0.41 ha of BGHF will be established. This is a conservation outcome that will have long lasting effects and will contribute to the conservation of BGHF in the locality.

Several respondents submitted that the layout of the Project should change to avoid BGHF. The layout of the Project has been designed to already utilise previously cleared and impacted areas of the Property, and as such avoids the vast majority of the BGHF within the Property. The majority of the BGHF to be impacted, occurs in an area which has been subject to historical clearing, and extensive modification of the landform due to shifting of existing soils and deposition of spoil. This area has a canopy of BGHF species, but the shrub and ground layers are largely devoid of remnant or regrowth species, with the isolated occurrences in most cases likely attributable to drop of seeds by birds into the area, probably from fruit sourced within the adjacent Cumberland State Forest. As such the vegetation is has little remaining natural integrity or resilience, and the understorey is heavily dominated by exotic woody species such as *Ligustrum lucidum* and *Lantana camara*, to the extent the ground layer mostly consists of bare earth subject to erosion, due to shading of the exotic understorey inhibiting herbaceous species occurring, or it consists of infestations of shade tolerant exotic herbaceous species.

As such, the development has already been situated to avoid BGHF. Avoidance and minimisation of impacts to threatened biodiversity are an integral part of the assessment of the biodiversity impacts of a development under the BC Act. A BDAR must show clear demonstration of how the layout of a development has been specifically designed to avoid and minimise impacts to TECs and/or document the constraints to avoidance. Avoidance and minimisation of impacts to BGHF including design of the Project layout has already been demonstrated in the BDARs prepared for the Project.

Several submissions claimed that the extent of BGHF in the Development Footprint had been incorrectly mapped as corresponding to the definition of BC Act listed BGHF only in previous documentation including the Referral documentation and the Concept Masterplan BDAR.

The most recent documentation prepared is the Preliminary Documentation, and this shows the area of vegetation in the Development Footprint as BGHF and the document makes it clear this area is considered to be BGHF as listed under the EPBC Act. Potential impacts to BGHF were the reason for the Project being declared a Controlled Action under the EPBC Act and the Preliminary Documentation responds to the requirements of the EPBC Act.

A.2.2. Impacts to Habitat

Submissions: 1, 3, 7, 9, 14, 17, 18, 19, 20, 21, 25, 27, 31, 32, 34, 35, 36, 37, 39, 41, 42, 44, 45, 46, 47, 48, 49, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 75, 76, 80, 83, 85, 86, 93, 94, 95, 96, 98, 99, 100, 101

Numerous submissions raised concerns regarding the impacts of the Project on habitat for flora and fauna. Most of the points made previously regarding the impacts on BGHF are also relevant to flora and fauna habitat, however this section focusses on the impacts of the Project on habitat.

The location chosen for the development footprint is the area of least biodiversity value being where buildings, car parks, and planted gardens currently occur. Although it will have impacts on the landscaped gardens embedded in the car parks and surrounding the buildings (VZ 4a), as well as some impacts on the native vegetation around the boundary of the footprint and in the APZ, these areas have relatively lower biodiversity values, and all of the high-quality vegetation to the east of the site will be retained. These areas are directly

adjacent to Cumberland State Forest and provide a consolidated area of high-quality habitat with minimal edge effects.

The area of native vegetation to be removed comprises highly degraded areas of vegetation comprising a canopy layer of native trees that occur over a nearly entirely weed dominated understorey. Weedy areas provide limited habitat for native species, and the main habitat value of this area is the canopy trees. Areas containing only canopy trees are relatively widespread in the locality, including in parks and gardens, and it is unlikely that the fauna species that utilise this area are reliant on the habitat present in the development footprint.

Several submissions raised concerns regarding old growth trees being removed, or trees containing large hollows. Detailed surveys have been undertaken in the area subject to the Referral and the vegetation is not old growth, and it does not contain large hollows such as might be used by large species such as the Powerful Owl. Although some canopy BGHF trees are present and will be removed, they are relatively young and do not contain hollows.

As outlined previously, the shape of the vegetation to be removed means that it is subject to edge effects which limits the value of the vegetation as habitat for native species. This is due to impacts occurring along the large area of edge, and also due to the lack of sheltered interior habitat. The areas to be retained and transferred to NSW Forestry will increase the area of habitat in the Cumberland State Forest that will be protected in perpetuity.

As outlined previously for BGHF, the remaining native vegetation will be managed and rehabilitated in accordance with several VMPs. A VMP has been prepared to guide the management of vegetation being retained in the Community Lot, a VMP has been prepared for the management of vegetation within areas that are to be dedicated to the NSW Forestry Commission, and a VMP has been prepared for the Open Space in the development footprint. These VMPs identify and prescribe a range of management actions including weed control, supplementary plantings of native vegetation and ongoing monitoring and management. The implementation of these VMPs will arrest the current declining habitat value due to weed invasion and will result in a long term increase in ecological value which will improve and create more habitat for native species relative to what currently occurs.

A.2.3. Impacts to Threatened Species

Submissions: 1, 4, 14, 17, 18, 20, 31, 32, 33, 35, 36, 37, 41, 44, 46, 49, 51, 56, 58, 60, 61t, 62, 65, 85, 95, 96, 97, 99, 102

A number of submissions raised concerns regarding threatened species. Those of relevance to the Referral are threatened species listed under the EPBC Act. Threatened fauna species listed under the EPBC Act that have confirmed records within the Property include the Dural Land Snail (*Pommerhelix duralensis*) and Powerful Owl (*Ninox strenua*). Furthermore, the Grey-headed Flying-fox (*Pteropus poliocephalus*) is assumed present due to the presence of suitable foraging habitat.

Several additional microbat species listed as threatened under the NSW BC Act (but not under the EPBC Act) such as Large Bent-winged Bat (*Miniopterus orianae oceanensis*), Little Bent-winged Bat (*Miniopterus australis*)

Eastern False Pipistrelle (*Falsistrellus tasmaniensis*) and Greater Broad-nosed Bat (*Scoteanax rueppellii*) have been recorded on ultrasonic detectors across the wider Property. As these species are not listed under the EPBC Act, they are outside of the scope of the Referral and potential impacts to these species have already been assessed under the Project's BDARs.

The main impact to threatened species is the loss of potential habitat, and this has been addressed above in **Section A.2.2**. The Masterplan has been modified to avoid and minimise potential impacts to threatened species habitat, and the impacts to habitat of threatened species is minimal, primarily due to the poor quality of the habitat that is present. Accordingly, the habitat to be impacted is not likely to be important habitat for any of the threatened species recorded from the subject site or considered to have potential to occur, and these species will benefit from the substantial rehabilitation measures that will be implemented to restore areas of degraded native vegetation in the Property.

Potential impacts to specific threatened species are considered below.

A.2.3.1. Powerful Owl

The Powerful Owl has been recorded using nest trees in Cumberland State Forest during surveys by Keystone Ecological or Treehouse Ecology and it is considered likely to forage on the subject site. Although it was not detected breeding on the site during recent surveys period, a pair is known to have nested in the past in two trees on the site, and it is known to roost on the Property.

Habitat suitable for breeding, roosting (breeding and non-breeding), and foraging occurs in the forested parts of the Property, in adjacent Cumberland State Forest, and in nearby smaller and more fragmented habitats in parks, gardens, and golf courses. No breeding habitat is present in the disturbance footprint for the Referral, and due to the immature nature of the trees, they are not known or expected to contain hollows suitable for this species. Although not strictly required, a minimum 100m buffer has been applied to a Powerful Owl summer roost location in the northern part of the site.

Although heavily degraded and dominated by weeds, the development footprint may provide habitat for prey species of the resident Powerful Owls, the most favoured being Common Ringtail Possum, Grey-headed Flying-fox, and Australian Brush Turkey. Such habitat is common across the Property (most of which is to be conserved) and in the adjoining Cumberland State Forest. These prey species are also common in the surrounding urban areas.

The Powerful Owl preferentially roosts in dense canopy, and the areas with the most suitable canopy occur within the gullies. These gully habitats are all protected, being within the riparian zones of the creek lines. The only potential impacts to these habitats may arise from weed removal

Accordingly, it is considered that the Powerful Owl is unlikely to be impacted by the Project.

A.2.3.2. Dural Land Snail

The Dural Land Snail has been recorded from the Property, although not from within the area that is the subject of the Referral. Previous studies have estimated the density of this species at approximately 8 snails per hectare of suitable habitat. Although the habitat to be removed (0.14 ha) is not likely to be optimal habitat, if it is assumed that the species is present, and applying the 8 snails per hectare density measure to the 0.14 ha to

be removed within the development footprint, this means that one individual could be expected to be impacted. As the proposed mitigation measures for the Project includes relocation of snails from the footprint into adjacent secure habitat, any individuals present are expected to persist. Note that the impacts associated with the APZ are not expected to impact on the Dural Land Snail as the ground layer vegetation will remain.

Large areas of suitable habitat for this species will remain in vegetated parts of the Property and beyond in Cumberland State Forest. This is in turn directly connected to potential and realised habitat to the south west and beyond, as individuals have also been found in bushland associated with Darling Mills Creek and its tributaries to the west and north west (personal communication Dr Stephanie Clark). It has been estimated in the BDAR for the Concept Plan that the total area of connected bushland that potentially provides habitat for this species is over 300 ha; most of this habitat is in reserved land or land otherwise zoned for protection.

Accordingly, it is considered that the Dural Land Snail is unlikely to be impacted by the Project.

A.2.3.3. Grey-headed Flying-fox

The Grey-headed Flying-fox has been recorded foraging on the Property, although no breeding camps are present. According to the Concept Plan BDAR, the nearest permanent camps are the national-important ones at Parramatta Park (6 km to the south west) and Gordon (12 km to the east).

No camps were observed on or near the site during the years of survey of the Property, although individuals were recorded foraging on the trees in the northern end of the site in the summer of 2018-2019. It is considered that the site does not support suitable habitat for a breeding camp of this species although it may forage opportunistically on the site from time to time as part of a much larger foraging range. This is a highly mobile species, able to fly long distances between foraging sites and day camps and as such access resources from a wide area. Although it may forage from time to time on the trees proposed to be removed that are the subject of the Referral, it would only do so as part of a wide territory. This species would not rely on the minor resources available in the site, and large areas of higher quality vegetation occur in the locality that will remain. Furthermore, the species was considered present in the BDARs as an ecosystem credit species, and as such impacts to the species have been offset by purchase of PCT 1237 credits.

Accordingly, it is considered that the Grey-headed Flying-fox is unlikely to be impacted by the Project.

A.2.4. Impacts to Cumberland State Forest

Submissions: 1, 19, 20, 27, 42, 53, 54, 62, 63, 72, 77, 94, 95, 100, 101

Several submissions raised concerns about the potential impacts of the Project on the adjacent Cumberland State Forest. Cumberland State Forest is a large patch of native vegetation that occurs directly adjacent to the eastern boundary of the Property.

It is considered that there is low likelihood of the Project having a significant impact on the Cumberland State Forest as a substantial buffer zone of native vegetation will remain between the proposed development footprint and the forest. This buffer width varies between approximately 20 m to over 100m and will provide protection from most of the impacts of the Project on Cumberland State Forest such as light and noise. No habitat fragmentation will occur relative to current levels, as the Project will be developed primarily on areas

that have already been cleared previously consisting of car parks, buildings and landscaped gardens. The areas of native vegetation that will be retained outside the development footprint and adjacent to the Cumberland State Forest will be managed in accordance with a VMP which will specify weed control and regeneration with native species. These measures will improve the ecological integrity of the areas of native vegetation adjacent to the Cumberland State Forest and will mitigate the potential threat of weed invasion from the property, and from Cumberland State Forest back into the property.

The area in the north of the property, containing highly degraded BGHF, and the north-western corner of Cumberland State Forest, are both heavily infested in the understorey with woody weed species including *Lantana camara*, *Ligustrum sinense*, *Ochna serrulata*, and *Ligustrum lucidum*. These areas have likely been a large source of weed propagules further into Cumberland State Forest and within higher quality vegetation in the south of the property for many years. Management of the weeds within the property in this area will allow for potential future weed management of Cumberland State Forest, without the threat of reintroduction of weeds from the property. When compared to the current situation where the northern half of the property has high concentrations of weed species along the majority of the boundary with Cumberland State Forest, including Priority Weed species and Weeds of National Significance, the maintenance of a weed free forested buffer between the State Forest and the development footprint will be of benefit to the State Forest, and reduce what is currently a substantial area of edge effects, considering vegetation in this area is for the most part not remnant vegetation, and comprises highly degraded regrowth.

In addition, the development footprint is within its own catchment of a tributary of Darling Mills Creek and no areas are upslope of Cumberland State Forest. This lowers the probability that there will be other impacts to the state forest through processes such as sedimentation, transport of weed propagules by hydrological processes, or nutrient enrichment.

As part of the redevelopment of the Property, the existing lot is proposed to be subdivided into four lots, three of which are proposed to be dedicated to NSW Forestry Corporation, and one which is to be developed. The lots dedicated to the NSW Forestry Corporation contain significant areas of bushland which extend into the adjacent Cumberland State Forest and these areas are proposed to be incorporated into the Cumberland State Forest. This dedication will increase the size of the forest that will be managed for conservation in perpetuity and will increase the area available to be utilised by the public in this area. Accordingly, it is considered that the development of the Project will have a beneficial effect on the Cumberland State Forest. The size of the protected forest will be increased and managed under a VMP, and existing edge effects on the current forest area will be reduced.

A.2.5. Impacts to Creek and Riparian Zone

Submissions 1, 19, 27, 36, 51, 54, 58, 62, 85, 99

A number of submissions have raised potential indirect impacts to the creek within the Property as a concern, both due to water quality concerns and health of the riparian vegetation, some of which is BGHF, and due to the function of the creek as a fauna corridor. Within the Property the creek starts as a first order stream and runs from an existing dam located in the northern parts of the Property towards the south and south-west, before joining Darling Mills Creek, south-west of the confluence of Darling Mills Creek and Bellamy's Creek.

Prior investigations conducted within the Property determined that the upper parts of the mapped first order stream are modified/constructed, with overflow from the dam reaching the natural part of the gully via pipes and overland flow on a fill slope (Keystone Ecological, 2022). The mapped watercourse is located outside of the Development Footprint and flows through areas of vegetation that are to be managed under several VMPs. Although some stormwater discharge will occur into the creek, stormwater quality treatment measures have been proposed for the site as outlined in the Civil Engineering Report prepared by Northrop and presented in the BDAR. These measures include stormwater quality improvement devices, such as filters, pit baskets, gross pollutant traps and rainwater tanks. Such devices treat gross pollutants, suspended solids and nutrients such as phosphorus and nitrogen present in the stormwater and according to the Civil Engineering Report are expected to result in a reduction of between 45% and 90% of these pollutants relative to current levels. It should be noted that currently the creek is fed by urban areas in the north, and as such is likely already subject to substantial urban degradation, including contamination by pollutants and enrichment of nutrients. This is evidenced on site by weed species being present throughout the riparian areas of even the highest quality vegetation in the south of the property, with species such as *Ligustrum sinense* and *Tradescantia fluminensis* scattered along the creek and occurring in infestations in some areas.

The proposed action within the Development Footprint is largely restricted to the existing developed footprint that was previously excavated for the business park and has sought to incorporate the existing drainage outlets with improved stormwater controls. The proposed stormwater management measures generally utilise the existing discharge locations of the previous business park infrastructure to mimic current flow conditions to enable appropriate disposal of stormwater from the development in an efficient, equitable and environmentally sensitive manner to ensure the continued integrity of watercourses within the Property and surrounding areas. Stormwater will be treated to water quality best practices and detained at key strategic stormwater catchment locations around the development, before being released in a controlled manner to ensure the development does not increase downstream drainage flow rates and velocities or adversely impact adjoining or downstream properties. Further details on flood control and stormwater management are provided in a supplementary assessment by Northrop.

To limit potential for downstream impacts from any discharge into the 1st order stream, construction works to date within the Excluded Areas have included installation of stormwater onsite storage devices, gross pollutant traps, stormwater pipework, stormwater sediment basins and controls in accordance with approved flood control and water quality models. Surveys of areas downstream of the Excluded Areas, conducted on 25 July 2023, do not show any indication of increased sedimentation, weed outbreaks or other indirect impacts from the implemented works within the Prior Excluded Areas which indicates that the implemented control measures to date have suitably mitigated any potential indirect impacts from the implemented works. As the existing measures will continue to be implemented across the Development Footprint, the proposed action is not considered to have any impacts on vegetation, in particular, BGHF downstream of the proposed works.

Under the NSW *Water Management Act 2000* (WM Act), waterfront land means the bed of any river, lake or estuary, and the land within 40 metres of the riverbanks, lake shore or estuary mean high-water mark. Although the watercourse, a tributary of Darling Mills Creek, is outside of the Development Footprint, the proposed action nonetheless occurs on 'waterfront' land as defined under the WM Act as parts of the development are within 40m of the banks of the watercourse.

Therefore, a Controlled Activity Approval under the WM Act was sought for the proposed action. The following documentation, prepared for the Concept Masterplan DA, was provided to the NSW Department of Planning and Environment – Water to enable assessment of impacts to waterfront land and downstream areas:

- Civil Engineering Plans including:
 - Bulk Earthworks Cut and Fill plans;
 - Stormwater catchment plans;
 - Stormwater management plans;
 - Sediment and erosion control plans;
- Tree removal and Tree protection plans; and
- Vegetation Management Plan.

A controlled activity approval for construction of Internal Road, Bulk Earthworks, Construction of Dwellings, Vegetation Management was granted on 12 December 2022, subject to conditions for the purpose of protecting the environment from the impacts associated with the approval. The controlled activity approval was granted on the basis that adequate arrangements were proposed to be implemented to ensure that no more than minimal harm would be done to waterfront land as a consequence of the carrying out of the controlled activity. As part of the approval, the controlled activity must be carried out in accordance with provided Civil Engineering Plans, a Riparian offset plan and VMP.

Due to the above reasons, it is expected that there will be an increase in quality of vegetation with the riparian areas of the property, due to weed control and revegetation, versus the current situation where weeds have been spreading along the creek for a number of decades and are common in these areas due to nutrient enrichment from upslope urbanisation. Improvement and management of the vegetation will enhance the likelihood of utilisation of the riparian corridor by EPBC listed species, and the quality of their habitats, rather than impact them. Water leaving residential areas resultant from completion of the Project will be detained and treated to a greater extent than has historically occurred within the property during its utilisation by IBM.

A.2.6. Layout and Lot Yield

Submissions: 2, 4, 6, 7, 9, 11, 13, 14, 15, 17, 18, 19, 20, 32, 33, 34, 37, 38, 39, 51, 58, 60, 62, 66, 72, 75, 79, 80, 95, 96, 102

This section addresses the submissions that state that the development layout should be altered to avoid impact to this area, or that state the relatively small yield of houses is not appropriate for the removal of an area of BGHF. The layout of the Project has been designed to utilise previously cleared and impacted areas of the Property, and avoids the vast majority of the BGHF within the Property. The small area to be removed has been subject to historical clearing, and extensive modification of the landform. The vegetation has little remaining natural integrity or resilience, and the understorey is heavily dominated by exotic woody species such as *Ligustrum lucidum* and *Lantana camara*, to the extent the ground layer mostly consists of bare earth

subject to erosion, due to shading of the exotic understorey inhibiting herbaceous species occurring, or it consists of infestations of shade tolerant exotic herbaceous species.

Furthermore, the removal of a small area of degraded BGHF for houses has been offset by the purchase of biodiversity credits. Due to the consent conditions requiring retirement of far greater number of biodiversity credits for BGHF than is required by the BAM-Calculator, regardless of the number of houses built, the removal of a minor area of degraded BGHF will result in a substantial gain to the BGHF ecological community as a whole. Furthermore, within the Property to be managed in accordance with a range of VMPs, the entirety of the occurrence of BGHF will undergo substantial improvement, including the occurrence in the north-east contiguous to the areas to be removed, which currently is not a functional ecological community due to consisting of mostly only scattered canopy trees over weeds. It provides very little foraging resources besides fruit of exotic woody weed species, which when consumed by birds will be spread into surrounding areas including Cumberland State Forest.

As outlined previously, the vegetation to be removed is highly degraded, and due to its shape and location highly susceptible to edge effects. It would be extremely difficult to rehabilitate this area into a high-quality example of BGHF due to the even more disturbed land on either side. It would require intensive and ongoing maintenance to control the weeds and allow this area to function ecologically. The proposed layout minimises edge effects and provides for consolidated areas of native vegetation that will be conserved and managed, and consolidated areas of development.

A.2.7. Removal of Trees

Submissions 1, 6, 14, 19, 21, 24, 25, 28, 29, 30, 31, 34, 38, 39, 43, 49, 50, 52, 55, 61, 62, 71, 75, 84, 85, 86, 87, 91, 94, 99, 100

Many of the submissions object to the removal of trees, with various numbers of trees having already been removed and/or to be removed being reported. The majority of the trees to be removed do not have significance to the EPBC Referral beyond providing some habitat for some urban tolerant threatened species such as the Grey-headed Flying-fox. Impacts to threatened species and fauna habitats have been addressed in **Section A.2.2** and **Section A.2.3**.

BGHF trees to be removed are a relatively small proportion of the overall number of trees having been or to be removed, which are mostly native and exotic plantings in garden areas. The highly degraded BGHF area to be removed has a sparse canopy due to past impacts, uneven regrowth following historical clearing, and near complete absence of any subsequent generations of trees germinating since the first regrowth event due to dense shading of the ground layer by the exotic dominated understorey.

Although it is recognised that the Referral relates to EPBC Act listed entities, BGHF is also listed under the BC Act and therefore impacts to this community have been assessed in the BDARs that have been prepared. Under the BC Act, TECs are assessed and offset by area and quality of vegetation, and individual trees are not factored into offsets beyond their contribution to canopy coverage in the BAM calculator. The offsets already provided and to be provided for BGHF by Mirvac substantially exceed the required offsets for the Project when measured with the BAM calculator. BGHF credits far exceeding the required credits from the BAM calculator have already been retired, and substantial areas of BGHF and Sydney Turpentine Ironbark Forest (STIF) are to be conserved

in perpetuity and incorporated into public land managed by the Forestry Corporation of NSW. In addition, replanting of trees will be undertaken throughout vegetation areas to be retained and restored, and all trees within the Project area to be retained are subject to tree management protocols as advised by the Project arborist and described in the Project's BDARs. For these reasons impacts to trees are considered to have been assessed appropriately and offset as required by NSW biodiversity legislation.

A.2.8. Other Issues

This section provides responses to issues that are outside of the scope of the Referral, and which were raised by few respondents. As these issues are not directly relevant to the Referral, they are addressed relatively succinctly.

A.2.8.1. Impacts to Visual Amenity

Submission: 43

One submission included commentary regarding the loss of visual amenity along Coonara Avenue due to removal of planted native trees. The submission requested the details regarding which tree species will be planted in the 8m buffer area along the road frontage. This is outside the purvey of ecology, and the Project's landscape plan should be consulted.

A.2.8.2. General Impacts to Flora and Fauna

Submissions: 45, 72, 94, 96, 97

A number of submissions raise concerns generally about flora and fauna species outside of BGHF and the EPBC listed threatened species relevant to the Project. General impacts to flora and fauna species are not relevant to the EPBC referral. Impacts to native vegetation and associated impacts to flora and fauna habitat are assessed in the Project's BDARs and are offset in accordance with the BAM. Flora and fauna protection protocols are being implemented for the Project, to the specifications detailed in the BDARs and consent conditions. VMPs for the Project guide the restoration of retained vegetation across the property, resulting in improved habitat for flora and fauna species.

A.2.8.3. Contribution to Climate Change

Submission: 34

One submission mentioned potential impacts to climate change due to loss of greenery. This is broadly outside of the scope of the EPBC referral, however it should be noted that the Project will result in planting where required under VMPs throughout the remaining areas of the property outside of the development footprint. Furthermore, the large number of BGHF credits retired will result in offsite revegetation of greater areas of BGHF with BGHF species than those removed, including *Eucalyptus* spp. such as *Eucalyptus saligna* and *Eucalyptus pilularis*. These trees are hardwood species that store carbon for many decades, particularly as wet sclerophyll forests very rarely burn to the extent of loss of canopy trees. In addition, the intensity of a fire needed to result in death of BGHF canopy trees, is unlikely to occur in any areas of extant BGHF due to their close proximity to urban Sydney and associated fire management.

A.2.8.4. Likely Unpredictable Impacts

Submission: 14

Unknown, unpredictable or irreversible impacts are addressed in Section 4.3 of the Preliminary Documentation. This section concluded that the proposed action comprises a residential development within a highly urbanised area in NSW. Therefore, no unknown or unpredictable impacts are considered to be applicable to the Project.

A.2.8.5. Fails to Comply with Principles of Sustainable Development

Submission: 62

As identified in the Preliminary Documentation, the EPBC Act (Section 3A) defines principles of ecologically sustainable development as:

- Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making; and
- Improved valuation, pricing and incentive mechanisms should be promoted.

Project implementation of the ecologically sustainable development principles are reviewed in Table 8 of the Preliminary Documentation. This review indicated that on all counts, the Project is consistent with the principles of sustainable development. The impacts of the Project are well known and understood, and a comprehensive conservation outcome has been developed which will benefit biodiversity in the long term.

A.2.8.6. Does Not Address Priority Actions in Recovery Plan

Submission: 62

While there is no adopted or made recovery plan for BGHF, the listing advice (Threatened Species Scientific Committee, 2005a) and Conservation Advice (DoE, 2014a) list several priority recovery and threat abatement actions that are beneficial to BGHF. An assessment of compliance of the proposed action with these priority actions is provided in Table 7 of the Preliminary Documentation. This is a lengthy table and is not reproduced here, however it demonstrates that the Project convincingly addresses the priority actions in the listing advice.

A.2.8.7. Serious and Irreversible Impacts

Submission: 95

The potential for the Project to result in a serious and irreversible impact (SAIL) is a requirement to be considered in a BDAR for assessment under the BC Act and is not relevant to an assessment under the EPBC Act. An assessment of SAIL has been conducted and is presented in the BDAR prepared and approved to support the Concept Plan DA. This indicates that the Project is unlikely to result in a SAIL on BGHF.

A.2.8.8. Outdated BioNet data

Submission: 95

The ecological reports used BioNet data to support detailed and extensive field surveys of the Property. Where a species was considered to have potential to occur although it was not recorded, it was presumed to occur. This approach means that even if BioNet data was out of date, it would not affect the results of the assessment. The key issues are BGHF and threatened species, and these are well known and understood.

A.3. References

- DoE (2014). Approved Conservation Advice for Blue Gum High Forest of the Sydney Basin Bioregion. Canberra, Department of the Environment.
- Keystone Ecological (2022). Biodiversity Development Assessment Report (V2.2) Concept Development Application: Detailed Civil Works, Southern Housing Precinct and Apartment Precinct – Lot 61 DP 737386, 55 Coonara Avenue West Pennant Hills. Empire Bay, NSW, Keystone Ecological Pty Ltd.
- Lindenmayer, D. B. and J. Fischer (2006). Habitat fragmentation and landscape change: An Ecological and Conservation Synthesis. Washington D.C., Island Press.
- NSW Department of Planning and Environment (2021). "Invasion, establishment and spread of Lantana (*Lantana camara*) - key threatening process listing." from <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2004-2007/invasion-establishment-and-spread-of-lantana-key-threatening-process-listing>.
- Threatened Species Scientific Committee (2005, 2005). "Commonwealth Listing Advice on Blue Gum High Forest of the Sydney Basin Bioregion." from <https://www.dcceew.gov.au/environment/biodiversity/threatened/conservation-advice/blue-gum-high-forest-sydney-region>.
- Weeds Australia (2019). "Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage and Wild Sage." from <https://weeds.org.au/profiles/lantana-common-kamara/>.
- Yahner, R. H. (1988). "Changes in wildlife communities near edges." *Conservation Biology* 2: 333-339.

APPENDIX B :

Summary Table



This page intentionally left blank.

Table 1 Summary Table of Submissions

Respondent Number	Response	Issue Identified	Where addressed
1	<p>This is an objection submission lodged by the Hornsby Conservation Society against the proposal by MIRVAC to remove additional Blue Gum High Forest (BGHF) in the NE corner of the site at 55 Coonara Rd, Pennant Hills, adjacent to the Cumberland State Forest (CSF). A second federal referral application was lodged by MIRVAC with the Dept. Climate Change, Environment, Energy and Water (DCCEEW) in Sept. 2023 relating to this site. The DCCEEW have now determined that removal of BGHF is classified as a 'controlled action'. This is an objection submission lodged by the Hornsby Conservation Society against the proposal by MIRVAC to remove additional Blue Gum High Forest (BGHF) in the NE corner of the site at 55 Coonara Rd, Pennant Hills, adjacent to the Cumberland State Forest (CSF). A second federal referral application was lodged by MIRVAC with the Dept. Climate Change, Environment, Energy and Water (DCCEEW) in Sept. 2023 relating to this site. The DCCEEW have now determined that removal of BGHF is classified as a 'controlled action'. This area contains BGHF which is a Critically Endangered Ecological Community (CEEC) and contains a creek, providing a wildlife corridor to the CSF for this site. Having a water course with a healthy riparian zone feeding into a Forest dam renders this site a crucial habitat for native wildlife including the foraging of the Powerful Owl, the Vulnerable Fishing Bat and numerous microbat species, echidnas, possums, gliders, reptiles, birds of prey and many birds species, some of which breed in the area. Much of our native wildlife rely on a variety of natural tree hollows which may take 100+ yrs to form and are far superior to nest boxes. This site adjoins the CSF and removal of the BGHF will adversely have an impact on the CSF. Importantly, the removal of these trees would only enable the building of a few houses. Of note, a different layout of housing could avoid destroying this forest. The BGHF exists only in the Sydney Bioregion, is highly fragmented in small geographic remnants and every effort should be made to ensure its continued existence in perpetuity. MIRVAC have already removed 1,253 trees for the Demolition DA stage and another 1,877 are approved for</p>	<ul style="list-style-type: none"> Impacts to BGHF Impacts to habitat Impacts to threatened species Impact to Cumberland State Forest Impacts on creek and riparian zone Removal of trees 	<ul style="list-style-type: none"> Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.4 Section A.2.5 Section A.2.7

Respondent Number	Response	Issue Identified	Where addressed
	removal under the Concept Masterplan DA. We ask the DCCEEW to determine that it is unacceptable to remove this BGHF which would have an irreversible impact on our remaining BGHF.		
2	I do not agree with Mirvac's suggested that destruction of the BGHF is unavoidable. Clearly it is avoidable with a slight reduction in the number of dwellings. There may be a housing crisis, but we don't need to solve it by clearing critically endangered BGHF to build 4 dwellings!	Impacts to BGHF Layout and lot yield	Section A.2.1 Section A.2.6
3	Please save as much of the remnant Blue Gum High Forest as possible. Save it for the native wildlife, especially the powerful owl. Save it to keep the area cooler in this time of heatwaves. Save it to keep the air purer and give the community the calming emotional and health benefits of exposure to forests.	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
4	The distraction of the BGHF is avoidable and should be avoided. The removal of a few housing lots is a small price to pay to protect endangered fauna and flora.	Impacts to BGHF Impacts to threatened species Layout and lot yield	Section A.2.1 Section A.2.3 Section A.2.6
5	Blank		
6	"Death by a thousand DA's" Yet another DA seeking more wanton destruction of trees. Mirvac have been duplicitous in not submitting fully detailed DA's for the previous Forest destruction. They have been drip-feeding the DA's so as to deceive everyone on the true number of trees they want to destroy. We no longer have a dawn chorus in The Glade. The skyline is a continuous reminder of the damage caused by Mirvac. They should for go the 3 or 4 houses and preserve the trees.	Removal of Trees Layout and lot yield	Section A.2.7 Section A.2.6
7	I want that the critically endangered BGHF in the north of the site at 55 Coonara Ave should be preserved. The BGHF must not be cleared to provide housing and/or a related APZ. It makes no sense to get rid of the endangered species dwellings to make a couple of more houses, that shouldn't be there anyways!!!	Impacts to BGHF Impacts to habitat Layout and lot yield	Section A.2.1 Section A.2.2 Section A.2.6

Respondent Number	Response	Issue Identified	Where addressed
8	Please preserve BGHF at the Mirvac site WPH, stop the carnage please	Impacts to BGHF	Section A.2.1
9	I want that the critically endangered BGHF in the north of the site at 55 Coonara Ave should be preserved and not cleared to provide housing and/or a related APZ. It makes no sense to get rid of the endangered species dwellings to make a couple of more houses, that shouldn't be there anyways!!!	Impacts to BGHF Impacts to habitat Layout and lot yield	Section A.2.1 Section A.2.2 Section A.2.6
10	I strongly urge Mirvac to preserve the critically endangered BGHF by not building the 4 dwellings in the north site. Yes there is a housing crisis so will you destroy the forest to so? There are only 139 of these left in the world today. Sydney is losing all its green canopy and wild life to developers! We hope the Council and Minister do not agree to this proposal. I have already made many submissions as to why we need to protect BGHF. Thanking you	Impacts to BGHF	Section A.2.1
11	I support broadly the Mirvac plans for redevelopment of the 55 Coonara Avenue site. However, I do not support the most recent request to remove further forest to build four houses and remove further BGHF trees in the northern end of the site as set out in the documentation. It would be highly desirable to retain those BGHF trees and reduce the number of dwellings by the amount that are intended to be built on the relevant area. The significant removal of trees to support the existing building envelope proposed has already impacted the site and the view travelling down Coonara and the immediate surrounds. It would be highly beneficial for the benefit of future residents and the existing surrounding residents to retain the BGHF area in full to the north that is proposed to be cut down to allow for the four additional odd residences. There has already been more than reasonable concessions and allowances provided to the development of 55 Coonara Avenue in what is a delicate and sensitive adjacency to the last remaining forest in the area. While it is acknowledged that Mirvac will be replacing trees which have since been removed on the site, you can never replace what is significant and historic with something new even with the best of intentions.	Impacts to BGHF Layout and lot yield	Section A.2.1 Section A.2.6

Respondent Number	Response	Issue Identified	Where addressed
12	I am informed that Mirvac are requesting to remove another section of Blue Gum High Forest. I am writing to oppose this further removal. We (the locals) want to preserve the critically endangered BGHF in the north of the site at 55 Coonara Ave. The BGHF must not be cleared to provide housing and/or a related APZ.	Impacts to BGHF	Section A.2.1
13	It is with great disappointment and sadness to hear once again that for a total of 4 houses further destruction of this forest is to occur. IBM were hailed as conservation people when their buildings were put amongst the tree area that had to be retained and added too. Your Company is just determined to destroy what is so needed in this day of climate change with loss of wildlife habitat and in particular Blue Gums. How about thinking of the next generation and leave something for them to enjoy! I live in a West Pennant Hills and continually use this forest to walk in the cool, enjoy the birds, particularly the bellbirds and we should be retaining as much of this forest as possible.	Impacts to BGHF Layout and lot yield	Section A.2.1 Section A.2.6
14	Submission provided in Appendix C	Impacts to BGHF Impacts to threatened species Impacts to habitat Likely unpredictable impacts Removal of trees Incorrect mapping of BGHF Insufficient avoidance	Section A.2.1 Section A.2.3 Section A.2.2 Section A.2.8 Section A.2.7 Section A.2.1 Section A.2.6
15	I wish to submit that we need to preserve the critically endangered BGHF in the north of the site at 55 Coonara Ave. The BGHF must not be cleared to provide housing and/or a related APZ. It is such a rare environment performing such a critical function for endangered flora and fauna and while I understand that housing is necessary it is not appropriate to clear this special area for the construction of a few additional dwellings.	Impacts to BGHF Layout and lot yield	Section A.2.1 Section A.2.6

Respondent Number	Response	Issue Identified	Where addressed
16	We want to preserve the critically endangered BGHF in the north of the site at 55 Coonara Ave. The BGHF must not be cleared to provide housing and/or a related APZ.	Impacts to BGHF	Section A.2.1
17	<p>I've been very concerned about the development of 55 Coonara Avenue West Pennant Hills for a number of years and have lodged objections dating back to 2017.</p> <p>On this occasion, I am writing to ask that Mirvac save a small but significant patch of Blue Gum High Forest (BGHF) on the site which is critically endangered as it is so rare.</p> <p>I understand that in accordance with the EPBC Act, clearance of BGHF must be referred to the Federal Minister for approval. While Mirvac has referred some BGHF for approval, one significant section was left out and is now the subject of a second referral. Apparently, the Minister has deemed the clearance of this additional BGHF to be a 'controlled action' under the EPBC Act and has instructed Mirvac to provide further documentation and seek public comment. Therefore, I would ask that you include my comments publicly with those collated and reported to the Minister.</p> <p>As a Sydney Wildlife Rescue and BirdLife Australia Powerful Owl Project volunteer, I am very disturbed that the area proposed for clearing to make way for just 4 dwellings is adjacent to nesting and roosting trees of the vulnerable Powerful Owl (<i>Ninox strenua</i>). Powerful Owls have recently been recognised as the avian emblem of neighbouring Hornsby Shire.</p> <p>Further, the area in question provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis.</p> <p>I understand that Mirvac has suggested that destruction of the BGHF is unavoidable. Clearly it is avoidable with a slight reduction in the number of dwellings. There may be a housing crisis, but we don't need to solve it by clearing critically endangered BGHF to build just 4 houses and associated APZ!</p> <p>There is however a housing crisis for Powerful Owls, whose habitat is shrinking, so I ask that Mirvac preserve this important patch of BGHF which is critical to the survival of these</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p> <p>Impacts to threatened species</p> <p>Layout and lot yield</p>	<p>Section A.2.1</p> <p>Section A.2.2</p> <p>Section A.2.3</p> <p>Section A.2.6</p>

Respondent Number	Response	Issue Identified	Where addressed
	majestic apex predators. With thanks of your consideration of my concerns.		
18	I refer to the above and wish to protest the proposed extra clearance of this Blue Gum High Forest area as it is adjacent to nesting and roosting areas for many vulnerable wildlife species such as the Powerful Owl; and microbat species including the vulnerable Southern Myotis plus the Dural Land Snail. This area is listed as critically endangered because of its rarity. If this area is allowed to be cleared, then even more Blue Gum High Forest on the right of the extra proposed clearing area will have to be cleared to enable a bushfire asset protection zone. So much vegetation on the original IBM site is gone – which has greatly impacted wildlife in the area. Now more of this area is wanted – all for four measley extra dwellings! With all the development that is happening in the Hills and especially on this site, any preservation of habitat for endangered wildlife should be of the utmost importance. Would you please pass my feedback on to the Federal Minister -Thanking you.	Impacts to BGHF Impacts to habitat Impacts to threatened species Layout and lot yield	Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.6
19	Lodgement of an objection submission against the proposal by MIRVAC to remove additional Blue Gum High Forest (BGHF) at 55 Coonara Avenue, West Pennant Hills. I advise that I have been an ardent bird watcher for over 40 years and contributed to the records and monitoring of birds within NSW for the NSW Bird Atlassers Inc. Q I am objecting to this proposal at the top north east corner of MIRVAC’s site. A second federal referral application was lodged in September last year by MIRVAC with the Dept of Climate Change, Environment, Energy and Water (DCCEEW). This site contains BGHF which is a Critically Endangered Ecological Community (CEEC). This is a very important site, the referral documents state that this area has crucial habitat for many native animals which includes the Powerful Owl, numerous microbat species including the vulnerable Fishing Bat and the Dural Land Snail. The CAF and adjacent BGHF has supported a high number of bird records over past years due to regular bird club activities. A creek runs through the site which	Impacts to BGHF Impacts to habitat Layout and lot yield Impact to Cumberland State Forest Impacts on creek and riparian zone	Section A.2.1 Section A.2.2 Section A.2.6 Section A.2.4 Section A.2.5

Respondent Number	Response	Issue Identified	Where addressed
	<p>contains a healthy riparian habitat zone which runs into a dam. This forms an important wildlife corridor in its connection with the adjacent Cumberland State Forest (CSF). The removal of the BGHF is now determined a 'controlled action' by the DCCEEW under this referral. The removal of any more BGHF should not be supported at this site especially when it would only result in the building of a few houses and it could be avoided with a redesigned layout plan. The diminishing BGHF only exists in the Sydney Bioregion, is now highly fragmented and only exists in small geographical remnants. All of our remaining remnants should be protected in order to flourish in perpetuity and add an asset to the beauty of the rapidly expanding suburban area. The removal of this BGHF will have a significant impact on the ecology of the adjoining CSF. Natural tree hollows of various sizes are required for many of our native animals and are far superior to nesting boxes. It can often take 100+ years for suitable hollows to develop in mature trees and therefore all trees within the site should be retained. MIRVAC have already removed 1253 trees for the Demolition DA and another 1877 are approved for removal under the Concept Masterplan DA. I ask that the DCCEEW to not approve the removal of any more any more trees of the remaining BGHF at this site.</p>	Removal of Trees	Section A.2.7
20	Submission provided in Appendix C	Impacts to BGHF Impacts to threatened species Impacts to habitat Impacts to Cumberland State Forest Layout and lot yield	Section A.2.1 Section A.2.3 Section A.2.2 Section A.2.4 Section A.2.6
21	<p>I wish to express my concern for the felling of additional trees in the development particularly when they are in proximity to powerful owl nesting and roosting sites. The WPH valley needs to be treated as an environmental area, while allowing for density around transport hubs.</p>	Removal of trees Impacts to habitat	Section A.2.7 Section A.2.2

Respondent Number	Response	Issue Identified	Where addressed
22	I want to preserve the critically endangered BGHF in the north of the site at 55 Coonara Ave. The BGHF must not be cleared to provide housing and/or a related APZ.	Impacts to BGHF	Section A.2.1
23	All BHGF should be preserved. The development is already excessive.	Impacts to BGHF	Section A.2.1
24	<p>It seems that Mirvac may have already catastrophically vandalized the 55 Coonara Avenue, WPH site by its actions on so extensively destroying the natural forest area. Asking for comments after such vandalism has been done already is an insult to the notion of seeking community feedback. On 22 June 2022, I had made following submission: "I have been a resident in the Hills Shire for the past 32 years and now have two grandchildren who also live in West Pennant Hills. Notwithstanding this, when I had mentioned to my grandchildren (9 and 11), that the DA re 55 Coonara Avenue, would result in more than 1250 trees being removed – there was an enormous cry "PLEASE DON'T CUT THOSE TREES!" "We cannot afford to lose SO MANY trees, without SERIOUS AND IRREVERSIBLE IMPACT upon the future of the current and future young generations!". Unfortunately, these young generations don't have a vote currently, but I represent a humble PLEA from my grandchildren (and future generations) to stop the carnage and reject this DA Application. A decision to demolish the IBM buildings, clear fell more than 1,250 trees and remove all the wildlife from the 9ha development area is an appalling scenario as well a slap in the face of so many local Hills residents who had attended the Hills Council Meeting to register their opposition re the DA. The environmental impacts are unacceptable so the Development Application should be refused. Please consider the future of the coming generations of Hills children as well as the heritage that will be destroyed, before any decision is made to approve with the carnage and destruction of a rare natural environment for all the residents of New South Wales. " By putting up high screens in front of 55 Coonara Avenue, WPH whilst Mirvac proceeds with their destruction of so many trees, will NOT hide the damage it is doing to precious forests in West Pennant Hills (WPH). The reports (pages and pages)</p>	Removal of trees	Section A.2.7

Respondent Number	Response	Issue Identified	Where addressed
	cannot hide the damage being done - just walk to the area and see what damage Mirvac has done.		
25	I strongly oppose the destruction of the BGHF. This site is home to many native fauna and flora and to lose any more land in favour of more housing would be a loss to our Australian home. The removal of any more trees from this area would be to the detriment of our future. Please, I implore you, do not allow this to continue.	Impacts to BGHF Impacts to habitat Removal of trees	Section A.2.1 Section A.2.2 Section A.2.7
26	I am a long term resident of West Pennant Hills Valley and strongly object to the proposed action which is the subject of this second referral under the EPBC Act. The proposed action will have a direct impact on 0.3ha of Blue Gum High Forest, a Critically Endangered Ecological Community (CEEC). Significant areas of forest area have already been cleared from this site and this proposed development has caused enough destruction to the overall tree canopy without seeking to destroy even more. The additional 0.3ha of the forest area does not need to be cleared in order to achieve the developer's goals and MUST be excluded from the development footprint.	Impacts to BGHF	Section A.2.1
27	I am strongly against the clearing of this corner of Blue Gum High Forest (BGHF). BGHF is classified as critically endangered under the Biodiversity Conservation Act so every area is important for the continuing survival of this ecological community. Already too many trees have been cleared from 55 Coonara Road. The triangular shape of the lot may make it appear insignificant but it is next to a larger area of forest. It acts as a buffer from busy Castle Hill Road. It contains a riparian zone that is important for owl and bat species as it provides shelter during hot and dry weather and acts as a wildlife corridor. Clearing will affect the linkages with Cumberland State Forest next door that are important for the survival of species that nest or forage in the forest such as the vulnerable Powerful Owl, Fishing Bat and Grey-headed flying fox. Disturbance to the normal habitat of these species at night will harm their ability to breed. Many other species of animals have been identified in this area.	Impacts to BGHF Impacts to habitat Impact to Cumberland State Forest Impacts on creek and riparian zone	Section A.2.1 Section A.2.2 Section A.2.4 Section A.2.5

Respondent Number	Response	Issue Identified	Where addressed
28	I am writing to express my thorough opposition to the proposed Coonara housing development. As a long time resident of Sydney I am constantly frustrated that developers, councils and even the Greater Sydney Planning committee do not show any genuine consideration about what their proposals are destroying. The list of animals, many of whom are graded as vulnerable; the magnificence and therefore even greater loss of the Bluegum high forest and loss of smaller plants seem to not to make any impact on those planning this housing development. I'm sorry but the research provided clearly falls in favour of leaving this site alone, in fact I think it should be incorporated into the Cumberland state forest. This is a special tract of land it should be left for future generations.	Removal of trees	Section A.2.7
29	I find what Mirvac are doing in Coonara avenue utterly disgusting. They have destroyed so many trees. Who will our children blame. Shame on you council. I cannot support any more removal of trees. THIS HAS TO STOP!! This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved MUST be preserved! No more!!!!	Impacts to BGHF Removal of trees	Section A.2.1 Section A.2.7
30	The remaining blue gum forest at 55 Conewarra Rd must be saved for future generations. The state forest area is already very busy during weekends as people in surrounding areas, including my family, come to picnic in a green space. This will include people from the newly built apartments. This untouched area, instead of being cleared for housing, could be turned into a area protecting the native fauna as well as providing picnic areas and walking trails. Please save this area for the fauna, the climate and the residents of the area.	Impacts to BGHF	Section A.2.1
31	Mircac please preserve and not clear for housing and/or a related APZ, the section of BGHF in the north of the site at 55 Coonara Avenue which is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and which provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. BGHF is listed as critically endangered because it is so rare.	Impacts to BGHF Removal of trees Impacts on habitat Impacts on threatened species	Section A.2.1 Section A.2.7 Section A.2.2 Section A.2.3

Respondent Number	Response	Issue Identified	Where addressed
32	<p>I hereby formally lodge my objection to the removal of the Blue Gum High Forest by Mirvac at 55 Coonara Avenue, West Pennant Hills. There are many reasons for my objection, however, I am mainly concerned as this area is the habitat for a variety of native wildlife including the Powerful Owl, numerous microbat species and even the Dural Land Snail. Mirvac have already removed over 1000 trees as part of their development, so I strongly object to them removing any further trees, thereby impacting the local wildlife. Their proposal is made even more offensive by the fact that this destruction is so that they can build just a handful of houses. Do not let this development proceed. Thanking you in advance.</p>	<p>Impacts to BGHF Impacts to habitat Impacts on threatened species Layout and lot yield</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.6</p>
33	<p>It is essential that the critically endangered Blue Gum High Forest, in the north of the site at 55 Coonara Ave., be preserved, if for no other reason than the protection the Powerful Owl. The building of four dwellings in this area is totally unnecessary & will do nothing to relieve the housing crisis. This argument is absurd.</p>	<p>Impacts to BGHF Impacts on threatened species Layout and lot yield</p>	<p>Section A.2.1 Section A.2.3 Section A.2.6</p>
34	<p>I am writing to record my utter dismay upon reading that there is a proposal to remove a section of blue gums in Coonara Avenue. We have already lost so much tree cover due to the development you are undertaking there. These trees are essential to provide habitat for powerful owls, micro bats and other endangered animals. The removal of these trees will not only contribute to the potential demise of many animals but also exacerbate climate change at a time when we are all being urged to provide more greenery for our urban areas. Mirvac should see itself as part of the community and try and generate goodwill with those living in the area. The removal of those trees would surely be viewed as a classic example of corporate greed – all for the sake of so few extra homes. Once these trees are gone, they are gone forever! I urge you in the strongest possible terms to reverse any decision about the removal of these trees, and/or a related APZ, so that these magnificent examples of nature can be retained for the enjoyment of all citizens and wildlife.</p>	<p>Impacts to BGHF Impacts to habitat Layout and lot yield Removal of trees Contribute to climate change</p>	<p>Section A.2.1 Section A.2.2 Section A.2.6 Section A.2.7 Section A.2.10</p>

Respondent Number	Response	Issue Identified	Where addressed
35	As residents of West Pennant Hills, we believe that it is the responsibility of Mirvac to preserve the critically endangered BGHF in the north of the site at 55 Coonara Ave, considering you are wiping out everything else in the surrounds for the sake of making money. The BGHF must not be cleared to provide housing and/or a related APZ. The Powerful Owls live in the trees in this area and are endangered. What you are doing to this area is awful!	Impacts to BGHF Impacts to habitat Impacts on threatened species	Section A.2.1 Section A.2.2 Section A.2.3
36	I object to the removal of the Blue Gum High Forest patch. This patch adjoins the State forest and house a creek, the removal of it will have a negative domino impact on the threatened species and wildlife which is impossible or too hard and costly to reverse.	Impacts to BGHF Impacts to threatened species Impacts to habitat Impacts on creek and riparian zone	Section A.2.1 Section A.2.3 Section A.2.2 Section A.2.5
37	I totally object to this new proposal. I am a volunteer bush regenerator at the adjoining Cumberland forest for 22 years. I feel that the destruction of more forest will mean that the powerful owl and microbats will not have sufficient food. The environment does matter and the forest which adjoins the Coonara sight is popular with residents and tourists . Greenspace is essential for mental health and as the population increases and more units and houses with little yards increase the forest is important. Everyone likes to see the birds but they need homes. Mirvac could reconfigure their housing plans.	Impacts to habitat Impacts to threatened species Layout and lot yield	Section A.2.2 Section A.2.3 Section A.2.6
38	The Blue Gum High Forest (BGHF) of the Sydney Basin Bioregion is a wet sclerophyll forest found only in the northern parts of Sydney, New South Wales, Australia. It has been classified as CRITICALLY ENDANGERED, under the New South Wales government's Threatened Species Conservation Act 1995. Removal of additional BGHF as proposed by Mirvac at 55 Coonara Ave. (subject to a second referral under the EPBC Act) will only add to the further endangerment of these significant trees and its associated Critically Endangered Ecological Community (CEEC). Mirvac has already removed 1,253 trees for the Demolition DA stage and another 1,877 are approved for removal under the Concept Masterplan DA.	Impacts to BGHF Layout and lot yield Removal of trees	Section A.2.1 Section A.2.6 Section A.2.7

Respondent Number	Response	Issue Identified	Where addressed
	<p>The removal of additional BGHF to make way for a mere four additional houses is unnecessary and can be avoided. It seems that Mirvac gets approval for a development plan and then they keep chipping away at the constraints of that approved plan. Surely retaining tree canopy (especially that of critically endangered BGHF) is not only good for the environment but it is also be good for the amenity of their future residents. Originally Mirvac proposed 600 dwellings. They have subsequently reduced this to only 417 dwellings. However the proposed construction of the 417 dwellings HAS NOT reduced the development footprint. Their proposed layout could easily be amended to avoid any direct impact on the 0.3ha of BGHF/CEEC. The resulting small reduction in yield could be offset by changing the mix of apartments to include a few smaller apartments in line with the original planning proposal. I am in total agreement with the West Pennant Hills Valley Progress Association's submission, which is attached for reference. Mirvac's proposed destruction of an additional 0.3ha of BGHF/CEEC must be excluded from their development footprint.</p>		
39	<p>Objection to the proposed removal of Blue Gum High Forest at 55 Coonara Avenue West Pennant Hills. I most strongly oppose and am disgusted by Mirvac's proposal to remove Blue Gum High Forest (BGHF) native vegetation which forms a significant part of a Critically Endangered Ecological Community only found in the Sydney basin. This CEEC is being slowly eroded out of existence through ongoing clearing for development when the Mirvac and the government is most aware of its tenuous status. I am most pleased to hear that the removal has been determined as a "controlled action" by the DCCEEW but the retention of this forest MUST be set in stone with Mirvac made clearly aware that this CEEC cannot be cleared especially when this will result in no public interest, only the interests of the developer and will only provide housing via a few dwellings. The gain certainly does not justify a permanent loss of that which is "CRITICALLY" endangered. This is avoidable. The damage is predictable and permanent. Either drop these few dwellings from what is already an over developed site or at the very least move the proposed dwellings to a different part of the site. The damage will not only impact the BGHF onsite, it will destroy connectivity,</p>	<p>Impacts to BGHF Impacts to habitat Layout and lot yield Removal of trees</p>	<p>Section A.2.1 Section A.2.2 Section A.2.6 Section A.2.7</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>canopy cover, wildlife corridors required for genetic diversity, habitat for threatened species and their prey including the Powerful owls noted on this and the adjoining site and the massive old growth trees which provide hollows for numerous native fauna. These hollows cannot be replaced for another 150 years - offsetting does not provide any habitat within a human lifespan and most certainly not for the creatures who require hollows NOW. Removal of over three thousand trees has already been approved for this development. This is disastrous. There can be no more losses especially when BGHF is already known to be a rapidly dwindling resource o the brink of extinction. I request the Department determines the proposed loss of this Blue Gum High Forest CEEC is completely unacceptable.</p>		
40	<p>I'm a long term resident of West Pennant Hills Valley and love my local area with its unique wildlife. I object to the proposed action which is the subject of this second referral under the EPBC Act. The proposed action will have a direct impact on 0.3ha of Blue Gum High Forest (BGHF), a Critically Endangered Ecological Community (CEEC). Significant areas of BGHF have already been cleared from this site and the proposed development has caused enough destruction to the tree canopy without seeking to destroy even more. The additional 0.3ha of BGHf/CEEC does not need to be cleared to achieve the developer's goals and must be excluded from the development footprint. I look forward to your consideration of the issues raised.</p>	Impacts to BGHF	Section A.2.1
41	<p>I object to the proposed action which is the subject of this second referral under the EPBC Act. The proposed action will have a direct impact on 0.3ha of Blue Gum High Forest (BGHF), a Critically Endangered Ecological Community (CEEC). This section of BGHF is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. BGHF is listed as critically endangered because it is so rare. If Mirvac clears this patch of BGHF to build houses, there is another area of BGHF on the right of the proposed housing that will be partially cleared and modified to provide a bushfire</p>	<p>Impacts to BGHF Impacts to habitat Impacts to threatened species</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>asset protection zone (APZ). Significant areas of BGHF have already been cleared from this site and the proposed development has caused enough destruction to the tree canopy without seeking to destroy even more. The additional 0.3ha of BGHf/CEEC does not need to be cleared to achieve the developer’s goals and must be excluded from the development footprint.</p>		
<p>42</p>	<p>I strongly oppose the removal of any more of the Blue Gum High Forest for the construction of residential homes at Coonara Avenue. A different housing arrangement would allow for the construction of residential homes without the need to clear the Blue Gum High Forest. Only small geographical remnants of the Blue Gum High Forest remain in the Sydney Bioregion. The area of the Blue Gum High Forest that is along the ridgeline at Coonara Avenue is home to endangered wildlife. It adjoins the Cumberland State Forest, therefore the removal of this Blue Gum High Forest would adversely impact the Cumberland State Forest ecology. Native wildlife use tree hollows within the forest as their home. These only exist in mature trees and take many years to form. Nest boxes and plant saplings would be unsuitable replacements. Removal of even parts of the Blue Gum High Forest would significantly impact the wildlife ecosystem beyond the disruption that the noise pollution and other disturbances associated with the construction would bring. The removal of this part of the Blue Gum High Forest is unnecessary and unacceptable as it would irreversibly impact the Blue Gum High Forest’s <i>critically endangered ecological community</i>. The Blue Gum High Forest is precious and should be preserved so the endangered native species survive and flourish for future generations to enjoy. Therefore, I strongly oppose any further removal of the Blue Gum High Forest at Coonara Avenue.</p>	<p>Impacts to BGHF Impacts to Cumberland State Forest Impacts to habitat</p>	<p>Section A.2.1 Section A.2.4 Section A.2.2</p>
<p>43</p>	<p>As a very concerned resident of West Pennant Hills Valley for over thirty years, I would like to again request that no more trees be removed from the site at 55 Coonara Avenue, purely to fit more homes into the space. In a discussion I had some time ago with Mirvac representatives about the visual affectation of the proposed out of character development, I</p>	<p>Removal of trees Impacts to BGHF Impacts to visual amenity</p>	<p>Section A.2.7 Section A.2.1 Section A.2.8</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>was absolutely assured that there would be, at the very least, an 8 metre buffer at and along Coonara Avenue. Recently we drove past on Christmas Eve and to our dismay further trees on either side of your fence fronting Coonara Ave were being removed. There is no 8 metre buffer and this is devastating. It is clear that the entire area is now devoid of trees in favour of the construction proposed. Please confirm what trees will be replanted to the 8 metre buffer area all along Coonara Avenue. Please do not remove any more trees just for the sake of fitting in a few more houses. Please confirm what planting of new trees is proposed throughout the site. The additional blue gum high trees also being proposed for removal should not be removed in favour of new homes. The community is distraught and any further defiance or attempt to further stretch the approvals and replace nature with a couple of homes is just further insult to a community who originally were able to celebrate that the approval to progress this project at all was declined in a vote at council. As a concerned resident, witnessing the continued destruction of our local environment is distressing. Trees play a vital role in maintaining ecological balance, providing oxygen, and enhancing the overall well-being of our community. The excessive removal of trees not only disrupts the natural habitat but also contributes to environmental degradation. I urge your company to reconsider the current approach and explore alternative methods that prioritize environmental sustainability. Preserving our green spaces is essential for future generations, and responsible development should coexist with the conservation of our natural resources. I expect your company to take immediate action to cease removing any more trees, address this matter and implement more eco-friendly practices in your construction projects.</p>		
44	<p>I am writing to state that the critically endangered Blue Gum High Forest at the north of the site at 55 Coonara Ave must be preserved. It provides much needed nesting and roosting trees for many endangered animal species. The clearing of this site is avoidable by decreasing the number of dwellings built. It is sad to see that our area has already lost so many trees and the animals that rely on them for survival. Once they are gone they can never be replaced. Future generations cannot enjoy West Pennant Hills the way we have</p>	<p>Impacts to BGHF Impacts to habitat Impacts to threatened species</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3</p>

Respondent Number	Response	Issue Identified	Where addressed
	been so fortunate to enjoy before, so called, "development". The very small area of natural forest left must be preserved at all cost.		
45	More forest should not be cut down. Many local animals are housed there & we do not need more housing. Leave the animals in their natural habitat!!	Impacts to habitat Impacts to flora and fauna	Section A.2.2 Section A.2.8
46	I am writing regarding concern surrounding the development of the site at 55 Coonara Avenue, West Pennant Hills (EPBC 2023/09508), adjacent to the Cumberland State Forest. The area is a known breeding and roosting site for Powerful Owls. Known nest trees in the Cumberland State Forest and the 55 Coonara Avenue site are documented in the Fauna Management Plan for Demolition DA, 13 January 2022. The Powerful Owl is currently listed as Vulnerable in Queensland under the Nature Conservation Act 1992. Powerful Owls are dependent on old growth forest and hollows for raising their young. Mature trees with hollows, such as those found in the remnant vegetation at this site, can take hundreds of years to form. The habitat that mature trees provides cannot be replaced by nest boxes or by planting saplings. Development at this site should avoid any removal of blue Gum High Forest, especially hollow bearing trees or recruitment trees (those with the potential to become hollow bearing). Undisturbed buffer zones should be maintained around significant trees such as these.	Impacts to BGHF Impacts to threatened species Impacts to habitat	Section A.2.1 Section A.2.3 Section A.2.2
47	I seriously object to Mirvac's application to make changes to the NE corner of their property on Coonara Ave., West Pennant Hills. The application, if approved, will see the removal of further Blue Gum High Forest, to the detriment of the significant wildlife species that inhabit the general location. The area forms part of a wildlife corridor and therefore should remain intact.	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
48	I am writing to express my strong opposition to the proposed development application for the removal of Blue Gum High Forest at 55 Coonara Ave, West Pennant Hills. Preserving this forest is crucial for maintaining the habitat and biodiversity it provides to the local ecosystem.	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2

Respondent Number	Response	Issue Identified	Where addressed
	<p>The proposed development, especially the removal of even more trees, poses a significant threat to the delicate balance of the forest ecosystem. The site is already slated to bear the impact of multiple dwellings, causing continuous noise, disruption, and habitat loss for local fauna and flora.</p> <p>The irony lies in the fact that the development, named "Highforest" by Mirvac, claims to be inspired by the surrounding forest and nature, emphasizing a harmonious coexistence. However, Mirvac now seeks approval to remove even more trees, jeopardizing the very canopy they claim to draw inspiration from.</p> <p>Mirvac's initial commitment to preserving and enhancing the critically endangered forest appears incompatible with their current application to destroy additional parts of it. The at-risk area is recognized as a Critically Endangered Ecological Community, and the mature old trees in this forest provide essential habitat and foraging opportunities for many at-risk and endangered species.</p> <p>I urge the council and government to refuse the development application and consider alternative layouts that avoid further tree removal. Upholding the commitment to protecting the environment and maintaining the ecological balance of the area is crucial. Thank you for considering my concerns. I hope the council will prioritize the preservation of Blue Gum High Forest and deny approval for the proposed development.</p>		
49	<p>I write to express my objection to the further removal of Blue Gum High Forest (BGHF) and crucial habitat of native wildlife at the above development. This area is a critically endangered ecological area which provides habitat for many native and diverse flora and fauna which includes the Powerful Owl, numerous microbat species including the vulnerable Southern Fishing Bat, Grey-headed Flying Fox to mention a few. To remove further BGHF when a <u>different housing layout is an option</u> is totally irresponsible and unacceptable! Isn't it enough already, considering Mirvac has removed 1,253 trees for the Demolition DA and another 1,877 have been approved for removal under the Masterplan DA? It is critical that the further removal of BGHF be deemed unnecessary as it would gravely and irreversibly</p>	<p>Impacts to BGHF Impacts to habitat Impacts to threatened species Removal of trees</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.7</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>impact on threatened species, wildlife and flora. The further removal is AVOIDABLE, please don't let this happen, please consider what can be saved and preserved for future generations and let the remaining forest flourish.</p>		
50	<p>I write to say that I strongly object to anyone cutting down even more trees, specifically Sydney Blue Gums, simply for financial gain. Surely our rapidly disappearing native flora is far more important than even more buildings which will do absolutely nothing for our local environment except to make traffic conditions worse. Our beautiful trees help our environment while buildings do not.</p>	Removal of trees	Section A.2.7
51	<p>Thank you for the opportunity to comment on Mirvac's proposal to remove a stand of critically endangered ecological community of Bluegum High Forest (BGHF) from the 55 Coonara Avenue, West Pennant Hills site for the purpose of building houses. We are pleased to accede to the Department of Climate Change, Environment, Energy and Water (DCCEEW) request for comment.</p> <p>The Galston Area Residents Association Inc objects to this proposal because we are of the opinion that it will have an irreversible impact on the BGHF critically endangered ecological community, it will have a significant negative impact on wildlife which depend on this community, the destruction of the BGHF, as planned, is unnecessary and avoidable because the proposed small number of houses can be located elsewhere on the site.</p> <p>The DCCEEW referral relates to an important area of BGHF at the top of the north eastern corner of the property and the DCCEEW has determined that the proposal for the removal of the BGHF is a controlled action hence this review. The site provides critical habitat for the Powerful Owl, numerous microbat species, Grey headed Flying Fox and the Dural Land Snail. We note that one site of Dural Land Snail habitat has already been destroyed in another area of the 55 Coonara Avenue site. A creek with a vibrant healthy riparian zone connects with the Cumberland State Forest and forms part of the wildlife corridor through the site.</p>	<p>Impacts to BGHF Impacts to habitat Impacts to threatened species Layout and lot yield Impacts on creek and riparian zone</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.6 Section A.2.5</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>BGHF is unique to the Sydney Bioregion and only small remnants remain. It is under constant threat by so called development. The area of BGHD along the Castle Hill Road ridgeline at Coonara Avenue must, in our opinion, be preserved so that future generations can enjoy the critically endangered ecological community and hopefully watch it flourish well into the future.</p> <p>We know that it is not necessary to destroy this community of BGHF in order to build a small number of houses on the site. A different configuration of the proposed houses could yield the same home supply and save the forest.</p> <p>We are particularly concerned that the Forest has created many tree hollows over previous centuries that support arboreal wildlife. These cannot be replace by building a few nesting boxes. Tailoring nesting boxes to accommodate the existing wildlife is not practicable.</p> <p>We also know that the felling of this forest will eliminate the wildlife currently living there. The said BGHF links up with the Cumberland State Forest (CSF). The removal of the BGHF will have a negative impact of the wildlife reliant on both of these forest areas.</p> <p>This association implores the DCCEEW to determine against the removal of the BGHF critically endangered ecological community. We rely on the Department to preserve it for future generations.</p>		
52	Please keep this wonderful area for future generations...once gone nothing will bring it back.we need the trees to produce oxygen for all. Also remember the many animals who depend on this area...thank you	Removal of trees Impacts to habitat	Section A.2.7 Section A.2.2
53	I am writing to object to the removal of Blue Gum High Forest at the Mirvac Site, Coonara Avenue West Pennant Hills. This forest, and that in the adjoining Cumberland State Forest, has formed an important part of my life for many decades. Many visits to Cumberland State Forest as a child and in subsequent decades ensured I both got to know and love these tall forests and their grandeur. I walked the site long before it was built on by IBM and valued both the forest and historic features. This area should be kept so that future generations	Impacts to BGHF Impacts to habitat Impacts to Cumberland State Forest	Section A.2.1 Section A.2.2 Section A.2.4

Respondent Number	Response	Issue Identified	Where addressed
	<p>can enjoy it. More importantly the Mirvac site is home to significant areas of Blue Gum High Forest which is listed as a Critically Endangered Ecologically Community. This CEEC must not be cleared for any purpose. I'm sure that a solution can be found, either less houses or a creative redesign. Blue Gum High Forest is unique to the greater Sydney area and must be protected for preservation of wildlife (particularly hollows for endangered fauna such as Powerful Owls), flora and general ecosystem functioning. The proposed clearance of this area would down grade the ecological integrity of the Cumberland State Forest. The clearance is avoidable. I ask the Department to rule that the proposed clearance would have an unacceptable and irreversible impact on the Critically Endangered Ecologically Blue Gum High Forest.</p>		
54	<p>I would just like to say that Mirvac should make every effort to preserve the existing Blue Gum High forest on the site at Coonara Rd. It cannot be replaced and the loss of more forest in the NE part of the site will affect the creek system running into the Cumberland forest next door as well as wildlife habitat connectivity. IBM were required to preserve the forest when they developed the site back in the 1970's/ 80's when a lot more remained in the WPH valley so it is distressing to see even the little that is left still under threat.</p>	<p>Impacts to BGHF Impacts to Cumberland State Forest Impacts on creek and riparian zone</p>	<p>Section A.2.1 Section A.2.4 Section A.2.5</p>
55	<p>I am writing in strong objection to the planned destruction of any more Blue Gum High Forest (BGHF) in a critical area of this site. It is completely avoidable if planned differently and is another example of environmental vandalism under the thin veil of "creating housing". The BGHF is a Critically Endangered Ecological Community and any further removal of BGHF in this area shall significant impacts on the threatened species and other wildlife that we can currently be proud exist here. For example, BGHF site hosts a wealth of tree hollows that form in mature trees over 50 to 100 years, with specific conditions inside the hollows needed for powerful owls that cannot be replaced with nest boxes and saplings. I beseech you to please scrap the plans to remove a further 1877 trees (in addition to the</p>	<p>Impacts to BGHF Impacts to habitat Removal of trees</p>	<p>Section A.2.1 Section A.2.2 Section A.2.7</p>

Respondent Number	Response	Issue Identified	Where addressed
	1253 trees already removed in the Demolition DA) and protect this precious environment for generations to come.		
56	I walked through the Cumberland state forest yesterday and was disgusted at the amount of bushland that has already been destroyed to for this development. We have precious little natural habitat for so many of our threatened species left. crucial habitat for native wildlife including the Powerful Owl, numerous microbat species including the vulnerable Southern Myotis (Fishing Bat), Grey-headed Flying Fox and the Dural Land Snail. The application by Mirvac to remove more Blue Gum High Forest is an egregious act of environmental vandalism for the sake of a few more houses. We have so many species in this country on the verge of extinction and developers can only think of the profit. It has taken decades for this forest to establish and Mirvac have already made a huge impact on a large part of it. Surely given the state of our planet, the impending climate crisis and the extinction event we are currently facing you can not allow further destruction of this crucial habitat	Impacts to BGHF Impacts to habitat Impacts to threatened species	Section A.2.1 Section A.2.2 Section A.2.3
57	I hope this letter finds you in good health. I am writing to express my deep concern regarding the ongoing construction activities at West Pennant Hills, NSW and the potential destruction of the Blue Gum trees in the High Forest area. This forest is a natural habitat of vulnerable Powerful Owl and provides a habitat for Dural Land Snail. As a concerned member of the community, I urge you to reconsider and halt any actions that could lead to the removal or harm of these precious trees. While I understand the importance of the approved construction project, it is crucial that we strike a balance between development and environmental conservation. The presence of these rare trees contributes not only to the local ecosystem but also to the biodiversity of our region. I understand the necessity and importance of housing developments for community growth, I urge your company to reconsider the decision to remove these rare trees for just four dwellings. The ecological value of these trees extends beyond their aesthetic appeal, contributing significantly to the	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2

Respondent Number	Response	Issue Identified	Where addressed
	<p>local environment in terms of biodiversity, air quality, and overall ecosystem health. Preserving these rare species of trees aligns with the principles of sustainable development and responsible environmental stewardship. I propose that your company explore alternative solutions that allow for the construction of the four houses without compromising the existence of these valuable trees. Some potential considerations include:</p> <p>a) Conducting a thorough site assessment to identify ways in which the rare trees can be preserved during the construction process. b) Modifying the construction plans to work around the existing trees, ensuring their protection and longevity. c) Seeking guidance from environmental experts to implement best practices for sustainable construction in harmony with the preservation of the rare species. By taking these steps, your company can showcase a commitment to responsible development that balances the needs of the community with environmental conservation. This approach not only benefits the immediate surroundings but also contributes to a positive corporate image in the eyes of the community and potential buyers. I implore you to reconsider the decision to remove these rare species of trees and explore alternative solutions that promote sustainable development. Your cooperation in this matter is not only appreciated by concerned community members but also contributes to the overall well-being of our environment. Thank you for your time and consideration.</p>		
58	<p>I am a long term resident of the Hills Shire and the community has been fighting the removal of the Blue Gum High Forest (BGHF) in this forest for many years. The loss of the thousands of trees here will have a huge impact on the viability and sustainability of this area which is connected to the Cumberland State Forest (CSF) and home to many, many native protected and threatened species. New planting cannot replace this critically endangered ecological community. It has important soil structure, mid-storey and canopy plants which cannot be replicated by new planting. Mature hollows can take decades to form and provide essential habitat for so many species including Powerful Owls. They are known to forage in this EXACT area at the North East of this site and the works to date will</p>	<p>Impacts to BGHF Impacts to threatened species Impacts to habitat Impacts on creek and riparian zone Layout and lot yield</p>	<p>Section A.2.1 Section A.2.3 Section A.2.2 Section A.2.5 Section A.2.6</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>have already caused them serious disruption. They need to have areas to forage and this area around the northern dam is very important ecologically. This area is also close to where the Dural Land Snail breeds - another threatened species - and so many of the microbat species also prefer this northern end of the site because the creeks create an important habitat for them. This area is precious to the wildlife that lives here and to the many bird and bat species which use it when migrating through. This forest never should have been approved to become residential housing as Hills Shire Council stated they would have preferred it to remain a Business Park. It was always carefully managed under IBM tenancy to ensure the fauna & flora were protected and preserved. The only reason this forest was rezoned was due to the Covid 19 pandemic and the fast-tracking that took place by state government. The community and local council said No. Residential housing here WILL have a terrible effect on all the wildlife that calls this important site home and the community is very upset at the impacts of this development on this forest. To remove Blue Gum High Forest here IS AVOIDABLE. Removing this large section, which is directly connected to the CSF, is not appropriate or legal under the EPBC Act. I do not believe providing a few more houses is a good enough reason to destroy this critically endangered ecological community. This must be deemed a 'controlled action' and the department must determine this to be unnecessary and void all former approvals that may have been given for these vegetation works at 55 Coonara Avenue. Please protect this important area for our community and for generations to come. Thank you.</p>		
59	<p>This is to object to Mirvac's planned removal of Blue Gum High Forest at 55 Coonara Ave, WPH. With 1253 already removed and planned 1877 earmarked I believe everything should be done to preserve the remnant of this Critically Endangered Ecological Community. It's absurd to destroy this irreplaceable unique habitat for native wildlife just to make way for a few houses. This site should never have been sold for commercial development, but anything that can be done to preserve what remains of the BGHF should be instigated.</p>	<p>Impacts to BGHF Impacts to habitat</p>	<p>Section A.2.1 Section A.2.2</p>

Respondent Number	Response	Issue Identified	Where addressed
60	<p>As a local Hornsby Shire resident, I'm writing to object to the proposed clearing of bushland on the Mirvac development site at 55 Coonara Ave that contains a section of Blue Gum High Forest (BGHF) that is a Critically Endangered Ecological Community (CEEC). Just last week, I took my 4.5 year old son to see a talk about native birds at Taronga Zoo and, after we appreciated the beauty and intelligence of various Australian birds, the zoo keeper spoke about how essential it is to their protection that we preserve our native bushland.</p> <p>Not only do mature trees with hollows for nesting take many years to form and can't easily be replaced, but this section of BGHF in particular, provides critical habitat for the prey species that local Powerful Owls and other birds of prey forage upon.</p> <p>It's also home to the vulnerable southern myotis (fishing bat), and they and other species are at risk of becoming endangered if we continue to allow the clearing of CEECs such as this one, for the development of only a handful of new homes.</p> <p>I don't see how to justify this degree of devastation to local flora and fauna for such a small increase in residential housing. It hardly seems worth it. Especially when a different layout for this development could avoid the need to clear this precious area of forest. Why would Mirvac not revise its plans and make it a win-win for them and the local environment? It seems like a simple solution.</p> <p>At the end of the Taronga Zoo talk, my son looked up at me and said "mummy we need to protect the trees to help the birds." And I agreed.</p> <p>Hence, I'm upholding my promise to him by writing this letter. If locals don't stand up for native flora and fauna that we want our children and ancestors to be able to appreciate and enjoy for generations to come, then who will? It's our responsibility as caretakers of our land not to let the glitz and glam of progress stand in the way of what's truly important.</p> <p>Hence, I really hope the DCCEE will make the right decision and deny Mirvac's application to clear this critical bushland.</p>	<p>Impacts to BGHF Impacts to habitat Impacts to threatened species Layout and lot yield</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.6</p>

Respondent Number	Response	Issue Identified	Where addressed
61	Submission provided in Appendix C	Impacts to BGHF Impacts to threatened species Impacts to habitat Removal of trees	Section A.2.1 Section A.2.3 Section A.2.2 Section A.2.7
62	Submission provided in Appendix C	Impacts to BGHF Incorrect mapping of BGHF Impacts to threatened species Impacts to habitat Impacts on creek and riparian zone Impact to Cumberland State Forest Fails to comply with principles of sustainable development No avoidance measures Does not address priority actions in recovery plan Inadequate environmental initiatives - not enough solar panels Inadequate FMP Objects to payment into BCF Removal of trees	Section A.2.1 Section A.2.1 Section A.2.3 Section A.2.2 Section A.2.5 Section A.2.4 Section A.2.8 Section A.2.6 Section A.2.8 Not relevant Not relevant Not relevant Section A.2.7

Respondent Number	Response	Issue Identified	Where addressed
63	<p>I am writing to express my opposition to the removal of any more Blue Gum High Forest at this site.</p> <p>As you know Blue Gum High Forest is located in a very small number of locations all of which are in Sydney. This means that all Blue Gum High Forest is very precious and should be actively conserved and valued.</p> <p>The Blue Gum High Forest provides homes for a wide range of native animal species, from the Powerful Owl down to the humble Dural Land Snail. If we want our children and grandchildren to be able to see and enjoy these wonderful native animals, it is imperative that we take active steps to preserve them and their habitats.</p> <p>Hollows in the trees provide homes for many species of native animals. If these trees are destroyed, the homes they provide cannot be substituted for by nesting boxes. As the hollows take many years to form planting saplings cannot give the animals homes within a meaningful time frame. In removing their homes by destroying the Forest, you are therefore killing the animals that rely upon this habitat.</p> <p>There are many locations in Sydney where houses can be built, but the Forest habitat is unique and precious, and once destroyed will be gone for ever.</p> <p>I also note that the area to be built on is next to the Cumberland State Forest. The proposed changes to the Blue Gum High Forest will have to impact the ecology of the Cumberland State Forest negatively.</p> <p>I strongly believe that any removal of the Blue Gum High Forest is completely unnecessary and unwise.</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p> <p>Impact to Cumberland State Forest</p>	<p>Section A.2.1</p> <p>Section A.2.2</p> <p>Section A.2.4</p>
64	<p>Our community places great value on our green spaces, on our flora and fauna and too much has already been lost to Mirvac’s development of 55 Coonara Avenue. This development has not been supported by the West Pennant Hills community as it has marked the loss of another area of our green canopy. It is critically important to protect and preserve the remaining Blue Gum High Forest as it has become so rare, and it provides a</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p>	<p>Section A.2.1</p> <p>Section A.2.2</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>habitat for our wildlife. Its loss would hasten the extinction of more species and the effects of such a loss would be irreversible. The connection and co-existence between humans and the natural environment should be encouraged and preserved for future generations. This area of remaining forest is of far more value than 4 houses. Please ensure its survival.</p>		
<p>65</p>	<p>It is great distress to me that not withstanding having destroyed over a thousand trees already to provide housing, Mirvac intends to destroy more of the critically endangered Blue Gum High Forest (BGHF) in the north of the site at 55 Coonara Ave, purportedly to protect four new houses from bushfires. It would be nice if Mirvac could protect the environment in stead of maximizing its profit by destroying mature trees and increasing the heat stress mitigated by these trees. Not only that, this section of BGHF provides habitat an nesting hollows and roosting for the vulnerable Powerful Owl, territories for possums, nesting hollows for parrots, kookaburras and other birds, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. BGHF is listed as critically endangered because it is so rare. When will this destruction stop? Perhaps when there are no native animals left. Mirvac has suggested that destruction of the BGHF is unavoidable. Clearly it is easily avoidable with a little less greed from Mirvac and more respect for the community and our native animals.</p>	<p>Impacts to BGHF Impacts to habitat Impacts to threatened species</p>	<p>Section A.2.1 Section A.2.2 Section A.2.3</p>
<p>66</p>	<p>I strongly disagree with the proposed additional destruction of critically endangered Blue Gum High Forest (BGHF) at 55 Coonara Avenue, West Pennant Hills. Furthermore, the fact that the proposed section of BGHF is adjacent to the habitat of vulnerable and/or rare wildlife, renders the act even more appalling! The flow on effect of this additional clearance, being the need to also accommodate a bushfire asset protection zone (APZ), could very well result in even further clearing of BGHF; so where does the destruction of this critically endangered species stop! Finally, the suggestion that such destruction is unavoidable, is in itself abhorrent! There is ALWAYS an alternative to acts of destruction, and in this case it's as easy as not chasing the dollar, and building a few less dwellings. At some point enough</p>	<p>Impacts to BGHF Impacts to habitat Layout and lot yield</p>	<p>Section A.2.1 Section A.2.2 Section A.2.6</p>

Respondent Number	Response	Issue Identified	Where addressed
	has to be enough, and that point is now! It's time for the destruction to cease, and the environment to be prioritised, as well as the community.		
67	I have lived in the Pennant Hills and West Pennant Hills areas for almost 60 years. I object to the removal of any more Blue Gum High Forest from the IBM site. Due to recent global weather events, I cannot understand why the removal of a further parcel of irreplaceable, critically endangered bushland is even being considered. When will society accept that inappropriate actions will have a further devastating effect on our planet? I am horrified that we are even having this conversation. Our disregard for the environment will have repercussions for future generations.	Impacts to BGHF	Section A.2.1
68	I ask that you do not allow the removal of any more Blue Gum High Forest at this site. Given the government's recent announcement of transit-oriented rezoning around major stations, it seems nonsensical that we are considering the removal of a critically endangered ecological community for the sake of only a few houses. As you are aware, the BGHF supports a range of flora and fauna, some vulnerable such as the Powerful Owl. Old trees provide the most appropriate nest sites and habitat, which cannot be replaced by nest boxes and tree planting. The site is not isolated, being adjacent to the CSF, remains a valuable continuous habitat for wildlife and a precious gem for the Hills Shire council. I implore you to consider protecting this precious forest for future generations.	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
69	"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." Your development is negatively impacting the blue gum high forest and the precious community of wildlife within it. It must be protected. What remains is only a remnant of what once was. And now you want to further degrade it. Since white settlement, all that man has done is destroy nature for profit. This short sightedness is leading to our extinction and the extinction of native flora and fauna. Developments should only be on land that is already degraded. Degraded land should be redeveloped and rehabilitated. Forests, wetlands,	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2

Respondent Number	Response	Issue Identified	Where addressed
	savannahs, coastal estuaries, mangroves and all Greenfields should not be developed. We are here for just a short time, but the damage you are doing impacts many lifetimes. You are responsible. You can and should be more responsible.		
70	I absolutely object to the removal of highly critically endangered blue gum forest for any form of development. The loss of biodiversity and green space in suburban areas will increase the amount of pollution and loss of wildlife in the hills district and will amplify negative health impacts. The hills area has always prided itself on the leafy green and lush forests. It is up to us to preserve all native forest and preserve it for our wildlife. This type of blue gum feeds and houses many species of fauna. It takes decades to form these lush canopies and native forests are being destroyed all across NSW due to the NSW State government and developers. Noone in West Pennant Hills and surrounding areas has approved this development. We were overruled. We demand you stop this development at 55 Coonara immediately. It is not in line with the people of the Hills District and our greater good. Sydney is deteriorating as result and we all leave this state if you keep destroying it. The devastation by developers of the Sydney region has reduced the quality of our neighborhoods and reduced the value of our properties. Ban native forest logging!!!!	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
71	I am writing this submission in defence of our important and precious High Blue Gum Forrest at Coonara Ave. West Pennant Hills Mirvac building site. I am a 75yr.old retired nurse and a frequent visitor to the Cumberland State Forest Forrest area from Castle Hill. The Forest is a refuge for me from the busy Castle Hill area, it gives me a peaceful and safe space place to walk in instead of walking the hot streets. I have deep concerns with the further destruction of the Blue Gum High Forest by the Mirvac Construction Company. Mirvac have already destroyed 1,253 trees and are approved for a further 1,877 trees to be removed. How can this be in these days of increasing temperatures related to climate change and global warming? We need more tree canopy not LESS!! This destruction is avoidable with an adjustment of the housing layout. Our forests need preserving not	Impacts to BGHF Removal of trees Impacts to habitat	Section A.2.1 Section A.2.7 Section A.2.2

Respondent Number	Response	Issue Identified	Where addressed
	<p>destroying. They provide cooling, habitat for our precious and unique wildlife, including Powerful Owls, echidnas, possums, gliders, reptiles and many other bird species. The hollows in the trees are developed over many years of growth that cannot be replaced by bird boxes. The destruction of our important Blue Gum High Forest is totally unacceptable! Please do the right thing for our next generations and refuse permission to remove more trees from this important forest.</p>		
72	<p>YES – this is a list of objections to the destruction of Blue Gum forest at Pennant Hills, prepared by the Friends of the Forest, but that does not make it any less accurate or important. I have read it carefully and find nothing to disagree with. I urge the Ethos Urban to recommend rejection of the Mirvac proposal, and for the Department to accept this recommendation.</p> <ul style="list-style-type: none"> - The removal of any more Blue Gum High Forest in this forest, and particularly in this critical area of the site, should not be supported particularly when it will result in the building of just a handful of houses. - This destruction of BGHF here IS AVOIDABLE and a different layout of housing could save this area of precious forest. - Blue Gum High Forest exists only in the Sydney Bioregion and only in small geographical remnants. This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved for future generations to enjoy and to ensure this CEEC can flourish. - Mature trees with hollows take many years to form and cannot be replaced by nest boxes or by planting saplings. - This site adjoins the Cumberland State Forest and removal of this BGHF will impact adversely on the ecology of the CSF. - There are many diverse native fauna species on this site that this threatened ecological community supports, and any further removal of BGHF in this area WILL have significant negative impacts on these threatened species and other wildlife that we all love to see here. - Please ask the Department to determine that the removal of this BGHF is unnecessary and 	<ul style="list-style-type: none"> Impacts to BGHF Impacts to habitat Layout and lot yield Impacts on Cumberland State Forest Impacts to flora and fauna 	<ul style="list-style-type: none"> Section A.2.1 Section A.2.2 Section A.2.6 Section A.2.4 Section A.2.8

Respondent Number	Response	Issue Identified	Where addressed
	unacceptable and would impact irreversibly on BGHF 'Critically Endangered Ecological Community'.		
73	I was distressed to hear that there are plans to destroy an area of Blue Gum High Forest adjacent to Cumberland Forest. I belong to a bush-care group which maintains a small remnant area of Blue Gum High Forest in Beecroft. The gums are magnificent, and provide hollows for birds, possums and microbats. Attempts have been made to provide additional habitat by installing nesting boxes, but these have to be placed high in the trees, are usually not properly maintained and therefore have short life-spans. Blue Gum High Forest was once wide-spread in Sydney, but now is found only in small remnants. We do not have any to spare.	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
74	I am writing to express my grave concern for the proposed destruction of critically endangered Blue Gum High Forest, at 55 Coorana Avenue, Pennant Hills. Working in the field of bush regeneration, I have acquired detailed knowledge of bushland plant and animal communities, and the functions they provide to the ecosystem we are all a part of. This vegetation and the life within them CANNOT be replaced by landscaping and replacement planting. Australia's unique bushland and the diverse inhabitants that live within them are what make this country like no other. Building around this unique bushland, rather than destroying it, will preserve the irreplaceable plant and animal species that tourists and locals flock to experience. It will also work to mitigate increasing heat from residential structures, with the loss of heat absorbing vegetation. Allowing more and more clearing of the Blue Gum High Forest puts more and more pressure on the surrounding environment, and our unique bushland species. Mirvac is well known for disregarding these principles, despite superficial PR statements claiming otherwise. I believe it is our duty to care for the land in order to care for ourselves. Working with nature, preserving it, building around it.	Impacts to BGHF	Section A.2.1

Respondent Number	Response	Issue Identified	Where addressed
75	<p>I am writing this to defend our important and precious Blue Gum High Forest at 55 Coonara Ave. West Pennant Hills. I feel extremely concerned that Mirvac is not listening or caring about your moral responsibility our world. Please stop the amount of further removal/destruction of our precious Blue Gum High Forest. This Forest is home to so much wildlife diversity including Powerful Owls, unique echidna,gliders, reptiles, possums and many bird species. The removal of a further 1,877 trees is totally unacceptable! How can this occur at this time of increasing temperatures related to climate warming. We need more trees NOT LESS!!The loss of tree canopy will be devastating. This destruction can be avoided by adjustments to the housing layout. Please do the right thing for our planet and future generations.</p>	<p>Impacts to BGHF Impacts to habitat Removal of trees Layout and lot yield</p>	<p>Section A.2.1 Section A.2.2 Section A.2.7 Section A.2.6</p>
76	<p>I am writing to express my concern and objection to the proposed removal of a high blue gum forest at : 55 Coonara Avenue West Pennant Hills. This precious remnant of bushland is essential to retain habitat for powerful owls, micro bats and numerous other native species that reside and hunt for food in this suburb. There has already been a significant loss of habitat on this site and more tree removal approved for Mirvac development. Some areas of our expanding city are just too significant to be cleared for housing, and the removal of a pocket high blue gum forest is just unethical. Please respond to my email.</p>	<p>Impacts to BGHF Impacts to habitat</p>	<p>Section A.2.1 Section A.2.2</p>
77	<p>Please find our position/objection to proposals for MIRVAC’s further destruction of trees on the exIBM/155 Coonara Avenue Development Project. ‘High Forest’....</p> <p>Recent MIRVAC ‘High Forest’ promotions postulate that MIRVAC will sensitively respond to the natural landscape. To date, as our aerial photograph below demonstrates, we are grossly disappointed to note, there is no evidence of this “sensitive” position? The birds have largely gone and the wildlife is dying under the bulldozers. Enough is enough! This must now stop! In all of this, in the Perrottet/Stokes/Elliott/Kean/Elliott, et al State Government and their mandarins, in manipulating the Hills Shire Council and in their</p>	<p>Impacts to BGHF Impact on Cumberland State Forest</p>	<p>Section A.2.1 Section A.2.4</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>agreeing to MIRVAC proposals for a “Curated” community, we have lost our wildlife and additionally, placed the adjacent and un protected Cumberland State Forest under great threat of destruction. In this we are experiencing the greatest irony, with MIRVAC’s “Curated Homes” areas, with names such as ‘Hi Forest’ following their destruction of the real and highly regarded high forest. What is ‘The Great Irony’? We have noticed a great irony publicised on the MIRVAC promotional website, https://highforest.mirvac.com/ a document employing the unquenchable art of the ‘out-of-control’ real estate promotional copywriter and their controllers. Having now deliberately destroyed the MIRVAC (exIBM site) forests and wildlife, grossly insensitive play is made of forests and high trees, As a matter of fact, to quote MIRVAC promotions, “Oversized apartments across four buildings provide a sense of oneness with nature, deep balconies and large windows offering an outlook to a canopy of tall forest trees inspired by the idea of tree house living”. In this bold claim, we can only assume these tall forest trees s quoted, are the additional trees marked for destruction under the MIRVAC bulldozers? Having now bulldozed the best of the protected Blue Gum High Forest trees, the MIRVAC development juggernaut apparently now seeks to finish-off the rest? In this one fact, we must therefore implacably oppose permissions to destroy any further trees and the surrounding wildlife on the MIRVAC Coonara Avenue development site.</p>		
78	<p>I wish to protest strongly about the prospect of further clearing of endangered blue gum high forest at the north of the Mirvac site at 55 Coonara Avenue, West Pennant Hills. This is a location where such forest is special, important and valued by the community. Mirvac's claim that such clearing is "unavoidable" is absurd and cynical when the only issue is a matter of further profit for Mirvac.</p>	Impacts to BGHF	Section A.2.1
79	<p>i strongly disagree with Mirvacs proposal to add dwellings and which will result in clearance of BGHF due to APZ zone The Mirvac properties proposed should not be planned in such a way that any BGHF is destroyed. Number of dwellings should therefore be reduced. BGHF</p>	Impacts to BGHF Layout and lot yield	Section A.2.1 Section A.2.6

Respondent Number	Response	Issue Identified	Where addressed
	<p>are controlled vegetation and rare in Sydney, provide rare habitat for rare powerful owls, rare Dural snails etc and are critical vegetaton which cannot be replaced. Losing BGHF for the sake of Mirvac`s 4 additional dwellings also at a tme when Climate change is occuring and T are rising to unbearable levels requiring protecton of BGHF, makes this proposal completely unacceptable.</p>		
<p>80</p>	<p>I am writing to state my objections to the removal of any more trees from the above site. My reasons are:</p> <ol style="list-style-type: none"> 1. The loss of the trees does not make sense when compared to the small number of extra houses that would be built. 2. I am sure adjustments could be made to the plan that would deliver the houses without sacrificing the Forest. 3. There are many places to build residences in Sydney, but the Blue Gum High Forest can be found in only a few places in the World and only within Sydney. The Forest is so valuable to us for many reasons, including its biodiversity in terms of the native flora and fauna that it supports. The Forest needs to be protected and valued, once it is destroyed it is gone for good, and future generations will not be able to enjoy this precious resource. 4. In destroying the Forest, we are also destroying the habitat of many native animals and therefore depleting their populations. 5. Climate change has shown us that we need to think about our future environments now and to make decisions now that will sustain us. <p>I strongly believe that the Blue Gum High Forest is a very precious, invaluable resource and should be conserved and not destroyed.</p>	<p>Impacts to BGHF Impacts to habitat Layout and lot yield</p>	<p>Section A.2.1 Section A.2.2 Section A.2.6</p>
<p>81</p>	<p>We are so lucky to have Blue Gum High Forest areas essential for the continued survival of the critically endangered ecological community. To damage or remove this unique environment will have significant detrimental environmental impacts and cause a loss of</p>	<p>Impacts to BGHF</p>	<p>Section A.2.1</p>

Respondent Number	Response	Issue Identified	Where addressed
	enjoyment to current future generations. Once the forest is gone, it's gone forever. Walking through this forest is so relaxing and such a joy and its proximity is wonderful.		
82	I agree with everything in the submission from the Committee of the West Pennant Hills Valley Progress Association dated 2024-01. It is clear that the applicant is happy to use the magnificent trees on this site as a marketing tool for the new development, but is not trying to avoid removing 0.3ha of BGHF in the north of the site. This is a Critically Endangered Ecological Community that must be excluded from the development footprint.	Impacts to BGHF	Section A.2.1
83	I am writing to request that the removal of any more Blue Gum High Forest in this are should not be supported. This area of the site is critical, and destruction for the proposed minimal number of houses is not warranted, and in fact would be completely avoidable with a different housing plan. Blue Gum High Forest is now found only in small geographical remnants in the Sydney Bioregion, it is precious and it is imperative we save this and allow the critically endangered ecological community to flourish. Mature trees are necessary to provide hollows, this takes many years and simply replacing with saplings and nesting boxes will not allow the diverse native fauna, (some threatened species) to survive. The removal of this BGHF is unnecessary and unacceptable ant the destructive impact would be irreversible. Please protect this CEEC.	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
84	Please do not cut down the endangered Blue Gum High forest at 55 Coonara Avenue . Enough environmental damage has been done. Find a way around this. The place is looking like a desert now. It's appalling. I don't we realised how many trees have actually been cut down. You initially said only 1834 trees would cut down. And now we see Mirvac wanting to cut down another 1800 trees?!? PLEASE STOP!!!	Impacts to BGHF Removal of trees	Section A.2.1 Section A.2.7
85	We urge you to please pay heed to comments and submissions being made to protect the remains of our beautiful forest just for the development of a handful of houses thereby destroying our ecosystem further.	Impacts to BGHF impacts to threatened species Impacts to habitat Removal of trees	Section A.2.1 Section A.2.3 Section A.2.2

Respondent Number	Response	Issue Identified	Where addressed
	<p>Though Mirvac has referred some BGHF for approval one significant section is left out and is now the subject of a second referral.</p> <p>We are aware that the Minister has deemed the clearance of this additional BGHF to be a 'controlled action' under the EPBC Act and this is a very encouraging outcome. Mirvac as instructed by the Minister should provide further documentation and seek public comment. The referral documents relate to an important area at the top NE corner of the site which contains Blue Gum High Forest (BGHF) and crucial habitat for native wildlife including the Powerful Owl, numerous microbat species including the vulnerable Southern Myotis (Fishing Bat), Grey-headed Flying Fox and the Dural Land Snail. This area houses a creek which supports a healthy riparian zone which forms part of a wildlife corridor through the site and provides connectivity into the Cumberland State Forest. This area provides critical habitat for the prey species which the Powerful Owls forage upon in this valley. Many other animals thrive in this forest including our unique echidnas, possums & gliders, reptiles and so many bird species including other raptors.</p> <p>Mirvac has already removed 1,253 trees for the Demolition DA stage and another 1,877 are approved for removal under the Concept Masterplan DA. We are hoping and praying that can be stopped somehow and you our environment minister can perhaps look into this as well please.</p> <p>We therefore do not support removal of any more Blue Gum High Forest in this forest, and particularly in this critical area of the site! As it is many beautiful trees have been culled right in front of us which is heart wrenching to see as the whole eco system of the forest has been disrupted including our wild life and now this clearance should certainly not be supported as explained above just for Mirvac to build a handful of more houses. The forest has been damaged enough. In fact even 2 beautiful perfectly healthy trees (photo attached) out on the council's nature strip were chopped off by the Baulkham hills shire council just before Christmas right in front of our houses and when the council was asked all they could say was they were unstable and to us they did not look unstable. They were part of the</p>	<p>Impacts on creek and riparian zone</p>	<p>Section A.2.7 Section A.2.5</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>critically endangered Sydney Turpentine Ironbark Forest. In fact last year when another tree was being chopped, we asked the arborist and he said it was perfectly healthy and yet it was being chopped. We have lost faith in what Mirvac says to us and the department. Therefore this destruction of BGHF here is certainly avoidable. Clearing this space will only provide four houses which does not justify clearing this BGHF and further destruction of the forest and wildlife</p> <p>We are aware that Blue Gum High Forest exists only in the Sydney Bioregion and only in small geographical remnants. This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved for future generations to enjoy and to ensure this CEEC can flourish. Mature trees with hollows take many years to form and cannot be replaced by nest boxes or by planting saplings.</p> <p>This site adjoins the Cumberland State Forest and removal of this BGHF will impact adversely on the ecology of the CSF. We have been going to the CSF for years and to see this disaster happen to the CFS and to the BGHF just for development of houses should not be allowed. We urge the DCCEEW to please stop this destruction happening as a lot has been destroyed already in the name of development which should not have been allowed in a forest to begin with.</p> <p>There are many diverse native fauna species on this site that this threatened ecological community supports, and any further removal of BGHF in this area WILL have significant negative impacts on these threatened species and other wildlife that we all love to see here. We urge the Hon Minister to determine that the removal of this BGHF is unnecessary and unacceptable and would impact irreversibly on BGHF 'Critically Endangered Ecological Community'.</p> <p>Again we repeat this section of BGHF is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. BGHF is listed as critically endangered because it is so rare. If Mirvac clears this patch of BGHF to build</p>		

Respondent Number	Response	Issue Identified	Where addressed
	<p>houses, there is another area of BGHF on the right of the proposed housing that will be partially cleared and modified to provide a bushfire asset protection zone (APZ). Mirvac has suggested that destruction of the BGHF is unavoidable. Clearly it is avoidable with a slight reduction in the number of dwellings. There may be a housing crisis, but we don't need to solve it by clearing critically endangered BGHF to build 4 dwellings! We hope common sense prevails and further destruction of our beautiful forest is stopped thanks to our Hon Minister intervening.</p>		
86	<p>I write in support of retaining all of the remaining Blue Gum High Forest at 55 Coonara Ave, West Pennant Hills; and strongly object to any plans and actions that allow the removal of any more trees and vegetation on this site. With just remnants of this critically endangered ecological community left in the world, it would be highly unethical to allow any more Blue Gum High Forest and the native wildlife that depends on this vegetation for their survival, to be adversely and irreversibly impacted.</p> <p>With 1,253 trees already removed and another 1,877 soon to be bulldozed, you have taken more than enough of this precious bushland away from our community and the wildlife that depend on mature trees and vegetation for habitat and food. There is no need to further and significantly impact the native wildlife that rely on these trees for their survival.</p> <p>Taking away more of this critically endangered forest is unnecessary and not acceptable.</p> <p>Mirvac states they care about and are working towards sustainability, but sustainability is not just about net zero targets – sustainability encompasses protection of our environment. It is the environment that allows our species to exist - without it, we won't last very long.</p> <p>Prove to our community and your shareholders and customers that you do actually care about sustainability by not removing any more trees and vegetation at 55 Coonara Ave,</p>	<p>Impacts to BGHF Impacts to habitat Removal of trees</p>	<p>Section A.2.1 Section A.2.2 Section A.2.7</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>West Pennant Hills, please.</p> <p>Allow what is left of the Blue Gum High Forest and wildlife that includes threatened species on this site to exist so the ecological community can flourish, for future generations to enjoy.</p>		
87	<p>I am heartily sick of the number of trees the proposed Mirvac development has destroyed already. I believe some 3000 trees have been removed so far & if that isn't enough they also want to remove this small remaining patch of endangered Blue Gums. What's more is that this area does not really need to be cleared to achieve the housing targets for the project. So I say " enough is enough". This destruction has to be stopped now.</p>	Removal of trees	Section A.2.7
88	<p>I explicitly oppose this in its entirety.</p>	The entire proposal	This document
89	<p>Unfortunately, a significant area of Blue Gum High Forest, a Critically Endangered Ecological Community has already been lost from this site and yet this proposal seeks to remove even more. Remnants of Blue Gum High Forest are now scarce and under real threat of extinction.</p> <p>This critical area, although small, supports a healthy riparian ecosystem, providing valuable wildlife habitat and connectivity to the Cumberland State Forest.</p> <p>How we choose to grow our cities will have an important impact on the extent to which biodiversity and ecosystems are supported. There is a perception that the leafy suburbs in the northwest of Sydney are 'green enough.' This contributes to urban ecology typically being prioritised below that of jobs and housing targets and results in the ecological decline of the natural attributes our local community highly values. There should be enforceable provisions to support urban ecological outcomes that can't be overridden by development decisions.</p> <p>Extensive clearing in the Sydney Basin has already reduced habitat to small, isolated patches. Smaller patches of habitat support fewer species, will affect the long-term survival</p>	Impacts to BGHF	Section A.2.1

Respondent Number	Response	Issue Identified	Where addressed
	<p>of some species, and likely cause the local extinction of those that require larger connected areas of habitat. Urban ecosystems can be critical for the conservation of threatened species and ecological communities. Sydney has a diverse urban matrix with the potential to provide niche habitats, (such as at 55 Coonara Avenue), and these should be protected. Continuing to clear more of this Critically Endangered Ecological Community flies in the face of the NSW State Government’s goal of integrating urban ecology as an intrinsic right and a liveability proposition, especially when it is avoidable if the developer chooses an alternate layout/ design.</p> <p>Protection of riparian zones and maintaining habitat connectivity is also crucial to maintaining the resilience of these ecosystems to climate change.</p> <p>Further, restoration of degraded riparian zones has been shown to be effective in adapting to climate change and mitigating against impacts of both climate change and land use change on local ecology. This also has significant benefits for the local human population. Diminishing this healthy riparian zone further by clearing it for housing is a backwards step towards achieving NSW Government biodiversity and climate change goals.</p> <p>Please support the local community in determining that the removal of this area of Critically Endangered Blue Gum High Forest is unnecessary.</p> <p>Thank you for the opportunity to comment.</p>		
90	<p>I object to the removal of more Blue Gum High Forest from this site, which is unique to the Sydney region and already recognised as a Critically Endangered Ecological Community. It's removal should be considered unnecessary and avoidable, particularly when there is limited community benefit to replacing them with a few more houses. Proximity to trees and forest is what makes this part of Sydney special, and is part of the appeal for people purchasing property as part of this development.</p>	Impacts to BGHF	Section A.2.1
91	<p>I totally agree with the submission (Jan 2024) by the West Pennant Hills Valley Progress Association with regard to 55 Coonara. Mirvac are happy to destroy this area, but are</p>	Removal of trees	Section A.2.7

Respondent Number	Response	Issue Identified	Where addressed
	wanting to use the magnificent trees on this site as a marketing tool. Mirvac has caused enough destruction on this site and further unnecessary destruction needs to be stopped.		
92	<p>I strongly object by the proposal of Mirvac to destroy a further 0.3ha of Blue Gum High Forrest on the northern side of the site.</p> <p>I agree with everything in the submission from the Committee of the West Pennant Hills Valley Progress Association dated 2024-01.</p> <p>It is clear that the applicant is happy to use the magnificent trees on this site as a marketing tool for the new development, but is not trying to avoid removing 0.3ha of BGHF in the north of the site. This is a Critically Endangered Ecological Community that must be excluded from the development footprint.</p>	Impacts to BGHF	Section A.2.1
93	<p>I adamantly oppose any further removal of the critically endangered Blue Gum High Forest at 55 Coonara Avenue, West Pennant Hills. I'm also concerned about the detrimental flow on effects of such an act, especially in relation to the precious wildlife that inhabits the area.</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p>	<p>Section A.2.1</p> <p>Section A.2.2</p>
94	<p>I wish to strongly object to the removal of any more Blue Gum High Forest at 55 Coonara Avenue, West Pennant Hills.</p> <p>The arguments for preservation seem quite obvious:</p> <p>Blue Gum High Forest exists only in the Sydney Bioregion and only in small geographical remnants. This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved for future generations to enjoy and to ensure this CEEC can flourish.</p> <p>This site adjoins the Cumberland State Forest and removal of this BGHF will impact adversely on the ecology of the CSF.</p> <p>There are many diverse native fauna species on this site that this threatened ecological community supports, and any further removal of BGHF in this area WILL have significant negative impacts on these threatened species and other wildlife</p> <p>Mature trees with hollows take many years to form and cannot be replaced by nest boxes or by planting saplings.</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p> <p>Impact on Cumberland State Forest</p> <p>Impacts to flora and fauna</p> <p>Removal of trees</p>	<p>Section A.2.1</p> <p>Section A.2.2</p> <p>Section A.2.4</p> <p>Section A.2.8</p> <p>Section A.2.7</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>Mirvac has already removed over 1,000 trees, and further destruction must not be approved.</p> <p>Please stop asking for increasingly devastating 'extra' tree removal – the original requests have been damaging enough.</p>		
95	<p>Submission provided in Appendix C</p>	<p>Incorrect mapping of BGHF Full BDAR should have been done No BAM plots in referral area Layout and lot yield Impacts to habitat Impacts to threatened species Serious and Irreversible Impacts (SAIL) may have occurred Area was listed under the Saving our Species and should be retained Impacts to the Grey-headed Flying Fox. Impacts to Cumberland State Forest Outdated BioNet data used A Fauna Management Plan should be submitted for each DA</p>	<p>Section A.2.1 Not relevant Not relevant Section A.2.6 Section A.2.2 Section A.2.3 Section A.2.8 Not relevant Section A.2.3 Section A.2.4 Section A.2.8 Not relevant</p>
96	<p>Vast areas of Blue Gum High Forest (BGHF) have already been cleared at 55 Coonara Ave for demolition which resulted in the purchase of 57 offset credits. I object to further clearing</p>	<p>Impacts to BGHF Impacts to habitat</p>	<p>Section A.2.1 Section A.2.2</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>of the proposed 0.3 ha of BGHF on the site. The area of BGHF under consideration at the northside of 55 Coonara Ave should be protected and must not be cleared! The planned houses to be built on this area should be removed from the development footprint and must not be built. I wholly support removal of any houses or other structures from the plan where BGHF is to be impacted.</p> <p>BGHF has undergone a very severe decline in its geographic distribution, of more than 95%. This particular area of BGHF is unique because it is in close proximity to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous micro-bat species including the vulnerable Southern Myotis, but also the Grey-headed Flying Fox. The development would also adversely affect dozens of other valued native species. In seeking to clear the BGHF area in a controlled action, Mirvac is not maintaining the health diversity and productivity of the environment for future generations. It is certainly not enhancing the environment by clearing it of a Critically Endangered Ecological Community. Offsets for clearing BGHF must not be accepted. Clearing BGHF for a few houses is not justified. Please halt the destruction and preventable degradation of BGHF on this site!</p>	<p>Impacts to threatened species Layout and lot yield Impacts on flora and fauna</p>	<p>Section A.2.3 Section A.2.6 Section A.2.8</p>
97	<p>The Cumberland State forest is already badly impacted by Mirvac’s construction . It is shocking to think it would be considered to take down any further forest there “at all ”. You need to get out of there and allow the forest ecology and the animals that live there recover . We all need to see more forest in the Hills District . It is already disturbingly over developed . The forest provides the relief to the forest flora and fauna that over development has caused here .. especially the endangered tree and animal species . We humans require the relief of healthy forest maintained around us . Enough of this intrusive development .. none of us who live here want it and it’s about time you listened and respected the wishes of this community</p>	<p>Impacts to threatened species Impacts to flora and fauna</p>	<p>Section A.2.3 Section A.2.8</p>

Respondent Number	Response	Issue Identified	Where addressed
98	Submission provided in Appendix C	Impacts to BGHF Impacts to habitat	Section A.2.1 Section A.2.2
99	<p>We urge you to please pay heed to comments and submissions being made to protect the remains of our beautiful forest just for the development of a handful of houses thereby destroying our ecosystem further.</p> <p>Though Mirvac has referred some BGHF for approval one significant section is left out and is now the subject of a second referral.</p> <p>We are aware that the Minister has deemed the clearance of this additional BGHF to be a 'controlled action' under the EPBC Act and this is a very encouraging outcome. Mirvac as instructed by the Minister should provide further documentation and seek public comment. The referral documents relate to an important area at the top NE corner of the site which contains Blue Gum High Forest (BGHF) and crucial habitat for native wildlife including the Powerful Owl, numerous microbat species including the vulnerable Southern Myotis (Fishing Bat), Grey-headed Flying Fox and the Dural Land Snail. This area houses a creek which supports a healthy riparian zone which forms part of a wildlife corridor through the site and provides connectivity into the Cumberland State Forest. This area provides critical habitat for the prey species which the Powerful Owls forage upon in this valley. Many other animals thrive in this forest including our unique echidnas, possums & gliders, reptiles and so many bird species including other raptors.</p> <p>Mirvac has already removed 1,253 trees for the Demolition DA stage and another 1,877 are approved for removal under the Concept Masterplan DA. We are hoping and praying that can be stopped somehow and you our environment minister can perhaps look into this as well please.</p> <p>We therefore do not support removal of any more Blue Gum High Forest in this forest, and particularly in this critical area of the site! As it is many beautiful trees have been culled right in front of us which is heart wrenching to see as the whole eco system of the forest</p>	Impacts to BGHF Impacts to habitat Impacts on threatened species Impacts on creek and riparian zone Removal of trees	Section A.2.1 Section A.2.2 Section A.2.3 Section A.2.5 Section A.2.7

Respondent Number	Response	Issue Identified	Where addressed
	<p>has been disrupted including our wild life and now this clearance should certainly not be supported as explained above just for Mirvac to build a handful of more houses. The forest has been damaged enough. In fact even 2 beautiful perfectly healthy trees (photo attached) out on the council's nature strip were chopped off by the Baulkham hills shire council just before Christmas right in front of our houses and when the council was asked all they could say was they were unstable and to us they did not look unstable. They were part of the critically endangered Sydney Turpentine Ironbark Forest. In fact last year when another tree was being chopped, we asked the arborist and he said it was perfectly healthy and yet it was being chopped. We have lost faith in what Mirvac says to us and the department. Therefore this destruction of BGHF here is certainly avoidable. Clearing this space will only provide four houses which does not justify clearing this BGHF and further destruction of the forest and wildlife</p> <p>We are aware that Blue Gum High Forest exists only in the Sydney Bioregion and only in small geographical remnants. This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved for future generations to enjoy and to ensure this CEEC can flourish. Mature trees with hollows take many years to form and cannot be replaced by nest boxes or by planting saplings.</p> <p>This site adjoins the Cumberland State Forest and removal of this BGHF will impact adversely on the ecology of the CSF. We have been going to the CSF for years and to see this disaster happen to the CFS and to the BGHF just for development of houses should not be allowed. We urge the DCCEEW to please stop this destruction happening as a lot has been destroyed already in the name of development which should not have been allowed in a forest to begin with.</p> <p>There are many diverse native fauna species on this site that this threatened ecological community supports, and any further removal of BGHF in this area WILL have significant negative impacts on these threatened species and other wildlife that we all love to see here.</p>		

Respondent Number	Response	Issue Identified	Where addressed
	<p>We urge the Hon Minister to determine that the removal of this BGHF is unnecessary and unacceptable and would impact irreversibly on BGHF ‘Critically Endangered Ecological Community’.</p> <p>Again we repeat this section of BGHF is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. BGHF is listed as critically endangered because it is so rare. If Mirvac clears this patch of BGHF to build houses, there is another area of BGHF on the right of the proposed housing that will be partially cleared and modified to provide a bushfire asset protection zone (APZ).</p> <p>Mirvac has suggested that destruction of the BGHF is unavoidable. Clearly it is avoidable with a slight reduction in the number of dwellings. There may be a housing crisis, but we don’t need to solve it by clearing critically endangered BGHF to build 4 dwellings!</p> <p>We hope common sense prevails and further destruction of our beautiful forest is stopped thanks to our Hon Minister intervening.</p>		
100	<p>No More Blue Gum High Forest - which is a ‘Critically Endangered Ecological Community’ (CEEC) - should be removed at 55 Coonara Avenue.</p> <p>It is ludicrous that a highly valued section of forest that is Wildlife habitat is being planned for destruction at this site. The Developers application is outside the bounds of reality and should not be approved. There is obviously a lot of money to be derived at the expense of wildlife and biodiversity.</p> <p>With modification the plans could accommodate the retention of these trees.</p> <p>It is a fact that these trees Blue Gum High Forest exist only in the Sydney Bioregion and only small pockets remain. The area proposed for destruction is on a ridgeline and is valued by the community. It should not be removed. Once its destroyed it cannot be replaced by planting a few small treea and putting up a few nestboxes in the future.</p> <p>Hollows are evident in this forest and take so many years to form. The manmade equivalent does not work and in fact often promised but not delivered as there appear to</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p> <p>Impact to Cumberland State Forest</p> <p>Removal of trees</p>	<p>Section A.2.1</p> <p>Section A.2.2</p> <p>Section A.2.4</p> <p>Section A.2.7</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>be loopholes where no signoff of completion is required. Anyway the animals will not use them if they are not surrounded with bush.</p> <p>I understand that Mirvac has already removed 1,253 trees for the Demolition DA stage and another 1,877 are approved for removal under the Concept Masterplan DA</p> <p>Biodiversity is a wonderful thing, and this threatened Ecological community provides support for much of it.. Many species of Flora are observed. Fauna of all sorts including threatened species are seen in the area and they call it home. To have had a large part of habitat removed is disastrous and then with more about to come crashing down this application should be refused.</p> <p>The site is right alongside the Cumberland State Forest and removal of these trees at this site will impose further strain and negatively impact the ecology of the Forest.</p>		
101	<p>As a long-time resident in this area (Cheltenham) of more than 30+ years, I am astounded that such a prestigious company as Mirvac would want to sully its reputation by desecrating the Blue Gum High Forest at the old IBM site. The blue gum forest which is a 'Critically Endangered Ecological Community' (CEEC) should receive ALL the protection that MIRVAC can afford to give it. Doing so can only serve to preserve vital habitat and ensure a legacy of biodiversity.</p> <p>Removal of any more Blue Gum High Forest in this forest should not be supported particularly when it will result in the building of just a handful of houses. This is an appalling outcome in contrast to what lasting ecological benefit can be achieved by preserving the remaining remnant of blue gum forest.</p> <p>Surely, the destruction of BGHF here IS AVOIDABLE and a different layout of housing could save this area of precious forest? Cannot MIRVAC see a way through redesign that will outstanding and lasting KUDOS to MIRVAC that can be used to enhance and benefit its commercial profile across the community?</p>	<p>Impacts to BGHF</p> <p>Impacts to habitat</p> <p>Impact to Cumberland State Forest</p>	<p>Section A.2.1</p> <p>Section A.2.2</p> <p>Section A.2.4</p>

Respondent Number	Response	Issue Identified	Where addressed
	<p>The Blue Gum High Forest exists only in the Sydney Bioregion and only in small geographical remnants. This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved for future generations to enjoy and to ensure this patch of blue gum high forest can flourish. Let this be Mirvac’s legacy not yet another housing estate development.</p> <p>Mature trees with hollows take many years to form and cannot be replaced by nest boxes or by planting saplings.</p> <p>Mirvac would be aware that this site adjoins the Cumberland State Forest and understand that removal of this BGHF will impact adversely on the ecology of the CSF.</p> <p>Mirvac would also know there are many diverse native fauna species on this site that this threatened ecological community supports, and any further removal of BGHF in this area will have significant negative impacts on these threatened species and other wildlife that we all love to see here.</p> <p>The Department of Climate Change, Environment, Energy and Water (DCCEE) should determine that the removal of this BGHF is unnecessary and unacceptable and would impact irreversibly on BGHF ‘Critically Endangered Ecological Community’.</p>		
102	Submission provided in Appendix C	<p>Incorrect mapping of BGHF</p> <p>Impacts to BGHF</p> <p>Layout and Lot yield</p> <p>Understorey clearing in the APZ will prevent regeneration of BGHF</p> <p>Vegetation removal will exacerbate edge effects</p> <p>All MNES should be fenced</p> <p>Dogs should be on a leash</p>	<p>Section A.2.1</p> <p>Section A.2.1</p> <p>Section A.2.6</p> <p>Section A.2.1</p> <p>Section A.2.1</p> <p>Noted</p>

Respondent Number	Response	Issue Identified	Where addressed
		APZ should not be in BGHF Impacts to Dural Land Snail Bikes and dogs must not be allowed into areas of MNES All paths must be removed from MNES areas as recommended by NSW DPIE	Noted Section A.2.1 Section A.2.3 Noted Noted

This page intentionally left blank.

APPENDIX C :

Submissions



Submission 14

2024-01 Submission from The Committee, West Pennant Hills Valley Progress Association

EPBC Act Referral 2023/09508 Preliminary Documentation

55 Coonara Ave, West Pennant Hills

The residents of West Pennant Hills Valley object to the proposed action which is the subject of this second referral under the EPBC Act. The proposed action will have a direct impact on 0.3ha of Blue Gum High Forest (BGHF), a Critically Endangered Ecological Community (CEEC). Significant areas of BGHF have already been cleared from this site and the proposed development has caused enough destruction to the tree canopy without seeking to destroy even more. The additional 0.3ha of BGHF/CEEC does not need to be cleared to achieve the developer's goals and must be excluded from the development footprint.

Comments on the Proposed Action

This is the second referral for the development at 55 Coonara Avenue, West Pennant Hills. The Concept Plan was assessed based on the first referral which contained known inaccuracies. This was a serious process failure on the part of the applicant and any approval based on misleading information should not influence the decision on this referral.

BGHF is listed as critically endangered because it is so rare and only one step away from extinction. The proposed action will have a direct impact on around 0.03% of the total extent of the BGHF community in the Sydney Basin. It will also have a direct impact on several threatened species of fauna. The proposed action is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis.

The Minister should not issue a permit for this Controlled Action. The 0.3ha of BGHF/CEEC must be excluded from the development footprint.

Misleading and Incorrect Information

We believe that some of the referral information in the following 2 documents is misleading or incorrect.

1. Referral Document dated 1st September 2023

Page 14 of this document states that the vegetation labelled VZ5a 'comprises BGHF under the NSW BC Act *only*'. The VZ5a vegetation, shown in orange on Figure 4. Current Vegetation Mapping (2023), is part of a larger area of BGHF that extends from the property into the adjacent Cumberland State Forest. It is our understanding that it comprises BGHF under the Commonwealth EPBC Act because the tree canopy cover is more than 10%, and the total patch area is more than 1 ha.

2. 55 Coonara Avenue Report, dated 21st December 2023

The document '55 Coonara Avenue Report', dated 21st December 2023 *'responds to the Preliminary Documentation additional information request from DCCEEW under Section 95A of the EPBC Act, to adequately assess the impacts of the proposed action.'*

The following comments highlight some of the inaccuracies and potentially misleading statements in this report.

- **Unknown, unpredictable or irreversible impacts**

Under this heading it is stated that *'The proposed action comprises a residential development within a highly urbanised area in NSW. Therefore, no unknown or unpredictable impacts are considered to be applicable to the project.'*

It should also be noted that the development site borders the Cumberland State Forest on one side and more than 10ha of remnant BGHF and STIF on another. It seems highly likely that there could be unpredictable impacts on the flora and fauna in the adjacent forest.

- **Avoidance**

- It is stated that *'The APZ has been applied from the outer edge of important vegetation inwards to the existing developed areas.'*
This is not true because the proposed action will partially clear and modify BGHF/CEEC to provide an APZ.
- It should be noted that the recent yield reduction in the northern end of the property amounted to the loss of just 1 dwelling.
- It is stated that *'This highly constrained approach in the design phase has resulted in the least direct impact to the bushland areas, in particular areas of BGHF and TIF.'*
The applicant has failed to discuss the solution of avoiding all direct impact on the BGHF/CEEC in the northern part of the site. It can be seen in Figures 11 and 12 in the report, that the 0.3ha of BGHF/CEEC in the north of the site could easily be excluded from the development footprint. It appears that this could be achieved with less than a 1% loss of yield. This loss could be offset by changing the mix of apartments to include more smaller apartments in line with the original planning proposal.

- **Public Consultation**

The report downplays the objections from local residents by concluding that *'It is important to note that in back in 2017 at the peak of public outcry an estimated 100 people attended a public information session, this is in stark contrast to the subsequent sessions which had only 18 attend.'*

The local distrust of Mirvac made it unlikely that objectors would attend Mirvac initiated meetings once approval to remove more than 3000 trees had been granted.

The true feelings of residents are revealed by:

- Hundreds of residents attending community organised protest meetings with many displaying objection posters on their own property;
- more than 4000 submissions objecting to the rezoning of this site, leading to the proposal being rejected by Hills Shire Council. This decision was later overturned by the Perrottet

government against the wishes of local residents, community groups, Hills Shire Council and Hornsby Shire Council;

- 545 submissions and 27 objectors speaking at the LPP meeting to consider the Demolition DA, and
- 744 submissions and 26 objectors speaking at the SCCPP meeting to consider the Concept Plan.

Nearly all of the submissions objected to tree removal and/or loss of fauna habitat.

- **Community Impacts**

It is stated that: *'Tree removal has also been a point of contention with the community, however messaging explaining the nonendemic nature of the tree's has help alleviate some concerns'*

This is a misleading statement which could suggest only non-endemic trees were removed:

- Although some non-endemic trees were removed, a large number of the trees removed were endemic BGHF and STIF species
- All the trees (whether or not endemic) were providing an essential food source, habitat and corridor for local wildlife, and residents objected to the removal of any of them.
- The majority of local residents are still very concerned that more than 3000 trees are being removed from the site. We know this from attendees at our community meetings, emails received and one-on-one conversations.

The statement that *'Zoning permits 600 dwellings on the site however we believe the appropriate response for the project is 417'* needs some explanation. The rezoning for 600 dwellings was based on smaller blocks and smaller apartments. The construction of only 417 dwellings has not reduced the development footprint. The proposed layout could easily be amended to avoid any direct impact on the 0.3ha of BGHF/CEEC and the resulting small reduction in yield could be offset by changing the mix of apartments to include more smaller apartments in line with the original planning proposal.

Thank you for the opportunity to comment.

Submission 20

CAUTION: This email originated from outside of the organisation. Do not act on instructions, click links or open attachments unless you receive them from the sender and know the content is authentic and safe.

Hello Mirvac and Ethos team,

The DCCEEW is requesting public comment on clearance of the BGHF at Coonara Avenue. Since Mirvac is to collate public comments and report to the Minister we sincerely hope and trust our comments and submission below will be added to your collation without being edited.

We want you to preserve the critically endangered BGHF in the north of the site at 55 Coonara Ave. The BGHF must not be cleared to provide housing and/or a related APZ.

Respected Hon Tanya Plibersek, Minister for Environment and water,(DCCEEW),

We urge you to please pay heed to comments and submissions being made to protect the remains of our beautiful forest just for the development of a handful of houses thereby destroying our ecosystem further.

Though Mirvac has referred some BGHF for approval one significant section is left out and is now the subject of a second referral.

We are aware that the Minister has deemed the clearance of this additional BGHF to be a 'controlled action' under the EPBC Act and this is a very encouraging outcome. Mirvac as instructed by the Minister should provide further documentation and seek public comment.

The referral documents relate to an important area at the top NE corner of the site which contains Blue Gum High Forest (BGHF) and crucial habitat for native wildlife including the Powerful Owl, numerous microbat species including the vulnerable Southern Myotis (Fishing Bat), Grey-headed Flying Fox and the Dural Land Snail. This area houses a creek which supports a healthy riparian zone which forms part of a wildlife corridor through the site and provides connectivity into the Cumberland State Forest. This area provides critical habitat for the prey species which the Powerful Owls forage upon in this valley. Many other animals thrive in this forest including our unique echidnas, possums & gliders, reptiles and so many bird species including other raptors.

Mirvac has already removed 1,253 trees for the Demolition DA stage and another 1,877 are approved for removal under the Concept Masterplan DA. We are hoping and praying that can

be stopped somehow and you our environment minister can perhaps look into this as well please.

We therefore do not support removal of any more Blue Gum High Forest in this forest, and particularly in this critical area of the site! As it is many beautiful trees have been culled right in front of us which is heart wrenching to see as the whole eco system of the forest has been **disrupted** including our wild life and now this clearance should certainly not be supported as explained above just for Mirvac to build a handful of more houses. The forest has been damaged enough. In fact even 2 beautiful perfectly healthy trees (photo attached) out on the council's nature strip were chopped off by the Baulkham hills shire council just before Christmas right in front of our houses and when the council was asked all they could say was they were unstable and to us they did not look unstable. They were part of the **critically endangered Sydney Turpentine Ironbark Forest**. In fact last year when another tree was being chopped, we asked the arborist and he said it was perfectly healthy and yet it was being chopped. We have lost faith in what Mirvac says to us and the department.

Therefore this destruction of BGHF here is certainly **avoidable** and Mirvac could have a different layout of housing thereby saving this area of precious forest at least as the forest and wildlife has been damaged enough already. Clearing this space will only provide four houses which does not justify clearing this BGHF.

We are aware that Blue Gum High Forest exists only in the Sydney Bioregion and only in small geographical remnants. This area of BGHF along the ridgeline at Coonara Avenue is precious and should be preserved for future generations to enjoy and to ensure this CEEC can flourish. Mature trees with hollows take many years to form and cannot be replaced by nest boxes or by planting saplings.

This site adjoins the Cumberland State Forest and removal of this BGHF will impact adversely on the ecology of the CSF. We have been going to the CSF for years and to see this disaster happen to the CFS and to the BGHF just for development of houses **should** not be allowed. We urge the DCCEEW to please stop this destruction happening as a lot has been destroyed already in the name of development which should not have been allowed in a forest to begin with.

There are many diverse native fauna species on this site that this threatened ecological community supports, and any further removal of BGHF in this area WILL have significant negative impacts on these threatened species and other wildlife that we all love to see here.

We urge the Hon Minister to determine that the removal of this BGHF is unnecessary and unacceptable and would impact irreversibly on BGHF 'Critically Endangered Ecological Community'.

Again we repeat this section of BGHF is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. BGHF is listed as critically

endangered because it is so rare. If Mirvac clears this patch of BGHF to build houses, there is another area of BGHF on the right of the proposed housing that will be partially cleared and modified to provide a bushfire asset protection zone (APZ).

Mirvac has suggested that destruction of the BGHF is unavoidable. Clearly it is avoidable with a slight reduction in the number of dwellings. There may be a housing crisis, but we don't need to solve it by clearing critically endangered BGHF to build 4 dwellings!

We hope common sense prevails and further destruction of our beautiful forest is stopped thanks to our Hon Minister intervening.

We hope more of our neighbours, community and supporters will write to DCCEEW to stop this disaster from happening.

Kind regards





Date: 1st February, 2004

To: Josie Leeson, Community Development Manager, MIRVAC.

CC: General Distribution.

Re: The Cumberland State Forest and Environs Civic Trust's public input to the current MIRVAC attempts to expand the destruction of protected trees of The Blue Gum High Forest, our local birdlife and wildlife under the EPBC Act Preliminary Documentation for their uncompleted 55 Coonara Avenue Residential Development, at MIRVAC's 155 Coonara Avenue. West Pennant Hills, development project. (EPBC 2023/09508)

As an introduction: It is important to note that The Cumberland State Forest and Environs Civic Trust is not a NIMBY group; we do not oppose the constructions of well purposed and properly located developments, we do not fight against the properly approved projects of property developers and their apartment proposals, or against the urgent creation of new housing, both social and executive. We enthusiastically support well targeted, non-politically-motivated (vote-catching) infrastructure growth together with all genuine local sporting facility improvements. We encourage transport expansions, and societal improvements serving our location. However, whilst our members and their views are patently ignored by the Liberal Party's Hills Shire Council, encapsulated within that wide ranging support, The Trust demands that developments are executed in their correct locations, our established locations are not destroyed, apartments in urban population centres (cities), housing planned as infill within suburban localities, therefore ensuring our environment is protected from the ravages of venally motivated businesses and Governments. The Trust is deeply concerned at the destruction of the local West Pennant Hills environment and the deliberate destruction of wildlife and wildlife habitats. The Trust must, and will always remain implacably imposed to the wanton destruction of our forests and our suburban arboreal splendour. We are a group of honest and rational taxpayers and ratepayers with a voice, but ignored; and in that ongoing deliberate indifference by Government, at all levels, supposedly serving us and our families, as a group of good citizens seeking rational outcomes in difficult times, we have come to expect that our views will be ignored. This must change and t of his current MIRVAC proposal EPBC 2023/09508 seeking a continuation of the destruction of our Blue Gum High Forest of remaining local protected tall trees must be stopped now!

To be clear, we are not alone in our views about the casual sacrificing suburban aboral quality being subjugated to the positioning of high-density apartment sites; in January, highly respected TV's global housing expert, Kevin McCloud visiting Sydney, stated he is not blind to the importance of heritage buildings, nor is he anti or pro-developer, nor an advocate of destroying suburban environmentally valuable sites for overly tall apartment towers devoid of character being plonked on suburban locations – allegations levelled by critics against Australia's nascent yimby movement. Rather, McCloud is scathing of large developers **"who've shifted from delivering volume to profits" and is adamant much tighter rules are needed to ensure the industry builds quality homes and ceases in its "corrosive undermining of what contributes to a decent civilised society"**.

A QUICK REMINDER OF LOCAL FEELINGS: A Blast From The Recent Past. And the battle raged on and on, the local people, the locality, the forest and wildlife lost to political influence and dirty money...



In The Hills, we quickly discovered we do not live in a democracy. The Mirvac DA on the forested and huge ex- IBM site adjacent to the Cumberland State Forest was for numerous and valid reasons, rejected time and time again. The NSW State Premier, in rejecting democracy, gave the Planning Minister ABSOLUTE POWERS (yes that is right, the King and Queens of centuries gone by ruled by their DIVINE RIGHT TO RULE OVER THE PEASANTS ABSOLUTELY). The Planning Minister Bob Stokes approved the Mirvac DA. Money and influence won again - hopefully ICAC, investigating the Hills Shire Council, will find the causes. It is DISGRACEFUL!



Our Unchangeable View: We implacably oppose all permissions to destroy any further trees and the surrounding wildlife on and around the MIRVC Coonara Avenue development site.

Why do we continue in this fight for our forest and valley wildlife? We are advised that In accordance with the EPBC Act, clearance of Blue Gum High Forest must be referred to the Federal Minister for approval. Although Mirvac referred some BGHF for approval, one significant section was left out and is now the subject of a second referral. The Minister has deemed the clearance of any additional BGHF to be a 'controlled action' under the EPBC Act and this is a position for further discussions. We are advised Mirvac has been instructed by the Minister to provide further documentation and for MIRVAC to seek and report public comment. The public comment will be collated by Mirvac and reported to the Minister. We believe this to be a strange and unacceptable request in not seeking the independent views of locals residents, now with the possibility of being further negatively affected by Minister/MIRVAC association. This letter forms our public comment and will be provided directly to the Minister's office for consideration. We are not fighting for ourselves, personal gain, money or influence, we are fighting for our forest, the wildlife, the birdlife and future benefits for our families and our children.



The Challenge We Face:

**Please take one moment
to think things through:
Should we allow our forest
to be lost today, it's lost
to our children, and to
their children, for ever!**

Why are we sure of the logic for denial of the proposal? There was a time (pre-MIRVAC) when the Hills Shire (once proudly recognised as 'Sydney's Garden Shire') residents having established their lives adjacent to the West Pennant Hills and the forest environs, awoke to the sounds of the forest and the symphony of birdsong; they experienced the majesty of towering, established trees and appreciated the infinite wonder of their local nature. Today, every day, and for months past, we awake to the rumble of MIRVAC contractor's earth moving machinery and are increasingly experiencing the stark reality of our missing/destroyed wildlife and our eroding social amenities.

In MIRVAC's draft application it clearly states that MIRVAC is committed to creating a new, wealthy-family community on the Coonara Avenue (ex IBM) project site. It appears that this can only occur following the cutting down of thousands of mature (mostly protected) trees and in doing so destroying much of the inhabiting bird life and the ground dwelling wildlife. Should MIRVAC are allowed to further destroy protected and mature trees, in addition via plans previously encouraged and hurriedly approved by the Perrottet State Government,

COMMUNITY OPPOSITION

Developer's plan to clear 3000 trees

Andrew Taylor

Thousands of trees will be bulldozed as part of a residential development in northern Sydney despite opposition from residents and a local council.

Property developer Mirvac has lodged plans to build 418 apartments and houses on the old IBM site at West Pennant Hills, next to the Cumberland State Forest.

A Mirvac spokeswoman said the project would transform "obsolete" office buildings, car parks and roads into a "family friendly residential community".

However, the project involves the removal of more than 3000 trees, prompting opposition from community groups and The Hills Shire Council, which is dominated by the Liberal Party.

The Hills Shire Liberal mayor Peter Gangemi said he was disappointed the council's rejection of Mirvac's plans for the site had been overturned by the NSW government.

"It's incredibly disappointing that councillors have been sidelined and unable to make decisions on local planning matters, especially on issues which residents feel passionate about," he said.

Mirvac initially wanted to build more than 1500 homes on the 26-hectare site, but its current plan proposes 164 houses and 252 apartments in four buildings up to eight storeys.

The state government fast-tracked

Mirvac's planning proposal in 2020 to rezone the site - after it was rejected by the council - allowing development applications to be lodged. Mirvac's earlier plans for the site were also opposed by the National Trust.

Mirvac's spokeswoman declined to say how many trees would be bulldozed, but the developer has approved to cut down 1881 trees as part of the demolition of existing buildings on the site. Mirvac has since lodged DAAs seeking approval to remove a further 1877 trees.

The spokeswoman said about 10 hectares of remnant forest would be protected and handed over to the state government as public open space.

"This forest will become publicly accessible for the first time in 100 years," she said. "Presently the site is private land with no public access."

Trees planted in the 1980s business park development will be cut down and replaced with species more sensitive to the area, she said. "Mirvac's current tree replacement strategy will see 15 trees planted for every tree removed."

The \$200 million development is opposed by some residents who have raised concerns over traffic, impact on the environment and especially the destruction of thousands of trees.

The project prompted 12 community groups opposed to Mirvac's plans to join forces under the banner Forest in Danger. Its spokeswoman Jan Primrose



The IBM site in West Pennant Hills is making way for 418 apartments and houses. Photo: Nick Moir

rose said there was significant concern about the amount of blue gum forest that will be cut down.

Residents have also lodged objections to proposed building heights, which Primrose said "will loom over the surrounding forest and residential areas and visually impact on the adjacent Cumberland State Forest".

She said the redevelopment would add to the existing strain on public infrastructure such as schools. "The community would have preferred not to have had medium and high density housing on such an ecologically sensitive site."

Gangemi said he did not support the Mirvac project because of its environmental impact, the loss of employment land and a lack of infrastructure to

support new residents. "There's also more pressure that will be placed on our roads, parks and reserves that are already at capacity," he said.

Some changes have been made to the project, including a reduction in the area zoned residential and an expansion of the Cumberland State Forest, but Gangemi said "it still doesn't address what we've been calling for and that's for the land to be retained for existing use."

The redevelopment of the old IBM site was one of 101 projects approved in 2020 under the NSW government's Planning System Acceleration Program to boost jobs and investment during the COVID-19 pandemic.

The rezoning changed planning rules on the site, including height limits and rezoning land from a business park to a mix of recreation, environmental conservation and residential.

NSW Greens planning spokeswoman Cate Faehrmann said the Mirvac project will lead to an "unacceptable loss" of critically endangered forest.

Faehrmann said the NSW government should ensure development is sustainable, with homes built around major transport hubs and services - not at the expense of our urban bushland.

"Most people would find it abhorrent that developers are able to get the tick of approval to clear some of the best patches of a critically endangered forest found nowhere else on earth," she

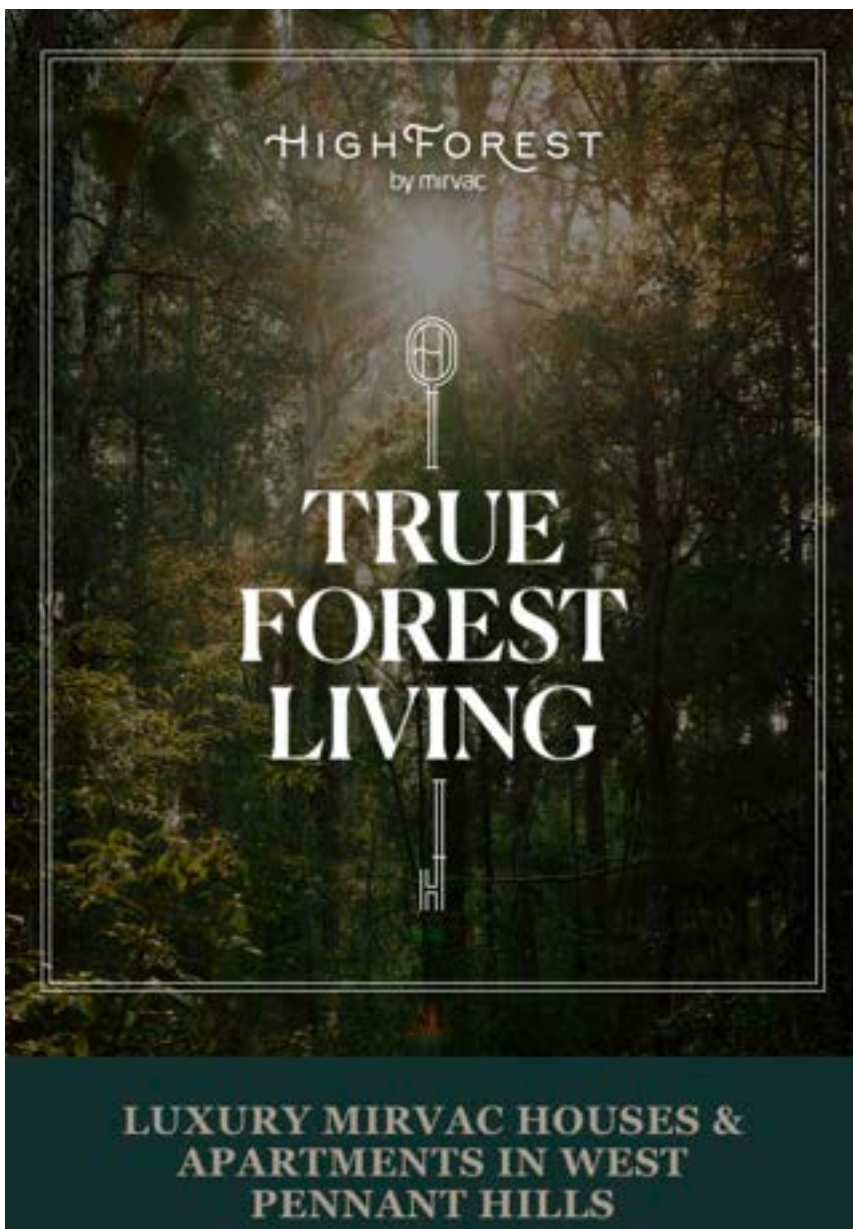
Awaken each day to the sounds of the forest and the symphony of birdsong.

Explore forest trails where the sheer majesty of towering established trees and the infinite wonder of nature elevates your every sense and feeling of wellbeing.

MIRVAC promotions postulate they will sensitively respond to the natural landscape. To date, as our aerial photograph above demonstrates, we are grossly disappointed to note, there is no evidence of this "sensitive" position? The birds have largely gone and the wildlife is dying under the bulldozers. This must now stop! In all of this, in the Perrottet/Stokes/Elliott/Kean/Elliott, et al State Government and their mandarins, in manipulating the Hills Shire Council and in their agreeing to MIRVAC proposals for a "Curated" community, we have lost our wildlife and additionally, placed the adjacent and un protected Cumberland State Forest under great threat of destruction. In this we are experiencing the greatest irony, with MIRVAC's "Curated Homes" areas, with names such as 'Hi Forest' following their destruction of the real and highly regarded high forest. **What is 'The Great Irony'?** We have noticed a great irony publicised on the MIRVAC promotional website, <https://highforest.mirvac.com/> a document employing the unquenchable art of the 'out-of-control' real estate promotional copywriter and their controllers. Having now deliberately destroyed the MIRVAC (exIBM site) forests and wildlife, grossly insensitive play is made of forests and high trees,

As a matter of fact, to quote MIRVAC promotions, “**Oversized apartments across four buildings provide a sense of oneness with nature, deep balconies and large windows offering an outlook to a canopy of tall forest trees inspired by the idea of tree house living**”. In this bold claim, we can only assume these tall forest trees s quoted, are the additional trees marked for destruction under the MIRVAC bulldozers? Having now bulldozed the best of the protected trees, the MIRVAC development juggernaut apparently now seeks to finish-off the rest? **In this one fact, we must therefore implacably oppose permissions to destroy any further trees and the surrounding wildlife on the MIRVAC Coonara Avenue development site.**

Let’s get around to talking about some Introductory ‘Ironic Facts’ as extracted from <https://highforest.mirvac.com/> ... and....._In this ephemeral moment of awakening, the chainsaws now silent, bulldozers gone, buyers have the opportunity to experience MIRVAC’s awakening dream. We can only assume you are referring to the forest and wildlife elements destroyed in pursuit of developer profit. It appears the lack of forest to achieve the dream today appears to be “the bridge you will cross when you come to it”?



Also extracted from the MIRVAC promotion: “In a unique forest setting Mirvac presents a collection of luxurious homes, inspired by nature, tailored for your comfort and wellbeing. Awaken each day to the sounds of the forest and the symphony of birdsong, secure in the knowledge your future belongs at Highforest, a place where living well comes naturally. Oversized apartments across four buildings provide a sense of oneness with nature, deep balconies and large windows offering an outlook to a canopy of tall forest trees inspired by the idea of tree house living.” And today using a picture taken from a QANTAS plane on January 28th, 2024 we can examine MIRVAC’s progress of the Stage 1 operations, together with the target of MIRVAC’s demands for destroying ever more trees and the accompanying wildlife... Enough is enough?



To Explain: The main area of BGHF occurring in the north of the site is shown in solid orange on the map as extracted from Mirvac’s referral documentation: [Northern Vegetation map](#). The area of mature old growth trees we are trying to save lies between the yellow arrows, roughly in line with the upper dam (shown in blue). On the other map, you can see that Mirvac plans to clear this area to add a mere 4 dwellings.

We are also told that Mirvac has suggested that their destruction of the remaining Blue Gum High Forest is an unavoidable event. Clearly it is avoidable with a very slight reduction in the number of dwellings. There may be



a housing crisis, but we don't need to solve it by clearing critically endangered BGHF to build 4 dwellings! (see MIRVAC pics above)

This section of BGHF (Blue Gum High Forest) is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous microbat species including the vulnerable Southern Myotis. The BGHF is listed as critically endangered because it is so rare. If Mirvac clears this patch of BGHF to build houses, there is another area of BGHF on the right of the proposed housing that will be partially cleared and modified to provide a bushfire asset protection zone (APZ).

The new residential community, replacing the trees and wildlife will includes some 417 dwellings, houses and apartments with an unwanted 10 hectares of existing forest, at some later time, probably being rezoned to C2 environmental conservation and being dedicated to NSW Government as public open space. Ironically, having cut down all the tall and protected trees, you have the bare-faced irony to name the development MIRVAC 'Hi Forest' and creating a further irony, MIVAC have used the 'High Forest' identification concept to promote the benefits at living at the Coonara Avenue location, the final ironic touches will be complete.

To reiterate: We understand MIRVAC has submitted an additional proposal to clean up the remaining trees for house building lots, adding to parts of the project located at 55 Coonara Avenue, West Pennant Hills. The proposed MIRVAC action will destroy more trees and supported birdlife and wildlife, seemingly is to be determined by a "controlled action" under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) and will therefore require assessment and approval under the EPBC Act before it can proceed. The controlling provision under the EPBC Act is "Listed threatened species and communities" (Sections 18 and 18A) and the assessment approach is through Preliminary Documentation. We understand the draft preliminary documentation for this proposal includes the referral information downloadable in the document library and will be on public display from Monday 15 January to Monday 5 February 2024. Example: The Federal Minister has deemed the clearance of this additional BGHF to be a 'controlled action' under the EPBC Act and this is a position for further discussions. The Minister appears to have delegated authority for MIRVAC, the interested developer, to manage public input on this critical matter. **Mirvac has now been instructed by the Minister to provide further documentation and seek public comment.** We are advised the public comment will be collated by Mirvac and reported to the Minister. In the light of this unusual arrangement, and in the general widely held distrustful views postulated within the West Pennant Hills Valley residents and the Civic Trust membership, our submission will be forwarded as instructed to MIRVAC, together with coverage to a wide ranging list of interested parties in this particular matter.

Our Unchanging View: We implacably oppose all permissions to destroy any further trees and the surrounding wildlife on the MIRVC Coonara Avenue development site and local environs.

We dispute the validity of many of the "facts" stated in supporting reports. It is impossible not to be startled by the enormous scope of MIRVAC supporting reports and documentation: Understanding that MIRVAC are experts, skilled in manipulating situations to gain ascendancy over oppositions, they are both wealthy and well managed practitioners in sourcing reports written to support their views of issues and situations. **In this present matter we must dismiss these supporting arguments** through 'independent' reports, as being of little or zero value in this decision making process. It is said the majority of the supporting reports were written at MIRVAC's specific request, by people in businesses who sought to please MIRVAC in the expectation, that having satisfied their client's demands, they quite naturally, as specialist businesses, expected monetary reward. And furthermore, in generating that satisfaction, to be favourably considered for further project work. This matter has been discussed with Hills Shire Council during the original exIBM/Coonara Avenue battles against the government planning committees. We fought to protect the forest and wildlife before and during the pandemic period, but our views were dismissed as irrelevant. It seemed that Council persons were considered 'Professionals', as were the MIRVAC's contracted Supporting-Report writers, and in that understanding, Council planners automatically believed the contents of the reports. Apparently it was the 'done thing' between

professionals, in spite of the fact that the MIRVAC support reports had been effectively 'written to order' in participants seeking specific commercial advantages. Our logical 'Conflict Of Interest' suggestions referring to the various independent, non-council supervised approval systems, taken together with the conflicts-of-interests generated through so-called professional trust methodologies, were judged as offensive. However, the situation remains, the only genuine career options for Planning Specialists in any career change when seeking to leave the Local Body or State Governmental employment career environment, is exclusively with a BIG DEVELOPER. Surely we can ask whether this is an iovestikous situation in the areas of independent assessment? Evidence through meeting minutes, attendees and voting statistics, shows us that In the past, through the original development proposals for the area, the residents formally and legally exercised their right and proper say and were ignored, the Council Planners always supported the developers proposals with the planning committees. In this, many developers, including MIRVAC, through the Hills Shire Council, servants of Perrottet's State Government got their own way. This was basically wrong and today we see the evidence of these manipulations in very way, during every day. **The forest and environs was always "ours", we want it back!**

WORKING TOGETHER,
CAN WE SAVE OUR
FOREST, WILDLIFE
AND OUR LIFESTYLE?

YES WE CAN!

WE MUST NEVER FORGET IT'S OUR:

- ✓ STATE FOREST!
- ✓ WILDLIFE!
- ✓ ENVIRONMENT!
- ✓ ENVIRONS!
- ✓ LOCALITY!
- ✓ LIFESTYLE!

THE TIME HAS COME – WE WANT IT BACK!

YOUR CIVIC TRUST IN ACTION

"What did we do to deserve a neighbour like MIRVAC?"

OUR STATE FOREST, OUR ENVIRONS, OUR LIFESTYLE AND OUR WILDLIFE, IN DANGER – IN NEED OF PROTECTION. OUR CUMBERLAND STATE FOREST IS UNDER ATTACK FROM ALL SIDES! "The enemy is at the gates", together we must protect it, or we will lose it, For-Ever!

Therefore to remind readers, we implacably oppose all permissions to destroy any further trees and the surrounding wildlife on the MIRVC Coonara Avenue development site.

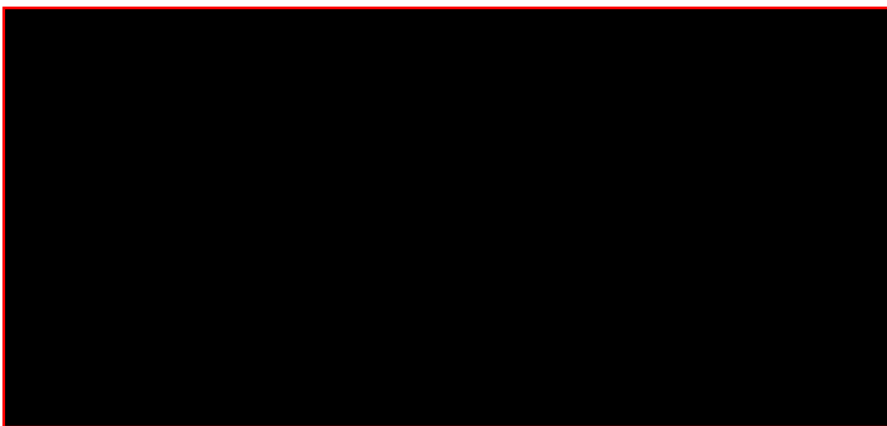
Finally, **An extra-special note explaining one more reason for our mistrust:** Contained within the MIRVAC web publicity, unforgivably crass and all for mere money, was demonstrated when Mirvac states on the web.....

“Mirvac acknowledges Aboriginal and Torres Strait Islander people as the Traditional Owners of the lands and waters of Australia and we pay our respect to their Elders past, present and emerging. We recognise that West Pennant Hills is located on the land of the Dharug people and we thank them for their care of this special place since time immemorial”.

In MIRVAC’s publicly thanking our First Nation peoples for their care of the site over millennia, (time immemorial), we see a further demonstration of gross insincerity being used as a promotional tool. It’s dreadfully inappropriate to thank the traditional owners for “donating” their cared-for “special place”, looked after for millennia, and then wrecking the site, the entire kit and caboodle, knocking down all the trees and killing or driving off the wildlife.

I am sure we can agree that Time Immemorial is a really long time! - but we will never give up! As Australian citizens living close to this ‘Special Place’, we are more interested in the realities things affecting our lives today and into the future, what benefits for our families, the children and the future? Of course having fought in defence of the forest and wildlife for years, we find it difficult to accept or forget the immense disappointments suffered when BIG-DEVELOPER aligns with STATE GOVERNMENT and LOCAL COUNCIL against the better interests and reasoned, legal and logical demands of the local citizens, ratepayers and residents alike. At risk of repeating our message: **Our Unchangeable View - We implacably oppose all permissions to destroy any further trees and the surrounding wildlife on the MIRVC Coonara Avenue development site.**

We will be happy to discuss this matter in detail at time of your choosing, sincerely,



"When looking into the light, it makes some grin and some grimace."

The late and much-loved Les Murray - Australian and Poet.



Submission to the EPBC Act Preliminary Documentation for Residential Development at 55 Coonara Avenue, West Pennant Hills (EPBC 2023/09508)

To Mirvac and to the Ministry of the Environment. Please find my enclosed public comment on the controlled action of clearing Blue Gum High Forest at 55 Coonara Ave.

Significant areas of Blue Gum High Forest (BGHF) have already been cleared at 55 Coonara Ave for demolition resulting in the purchase 57 offset credits. I object to further clearing of the proposed 0.3 ha of BGHF on the site. The area of BGHF under consideration at the north end of 55 Coonara Ave must be protected and **must not be cleared**. The planned houses to be built on this area must be removed from the development footprint and must not be built. I wholly support removal of any houses or other structures from the plan where BGHF is to be impacted.

Potentially misleading and incorrect information provided by the applicant

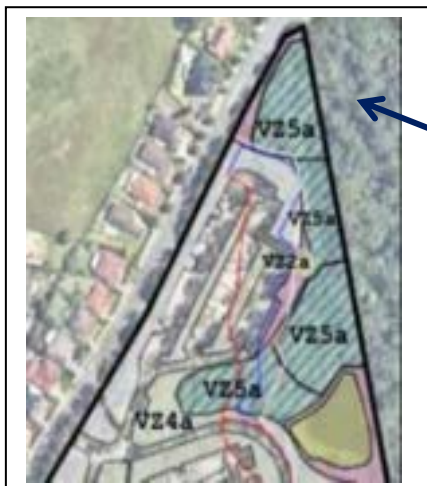
I would like to comment on the misleading statement on page 14 of the referral document which states:

“As per the Keystone Concept Masterplan BDAR VZ5b and VZ5c comprise BGHF as listed under the NSW BC Act and EPBC Act, **VZ5a comprises BGHF under the NSW BC Act only**”

To state that VZ5a comprises BGHF under the NSW BC act only is incorrect. The Commonwealth Approved Conservation Advice for BGHF states the following definition

“Occurrences of the Blue Gum High Forest of the Sydney Basin Bioregion ecological community are considered to be part of the nationally listed ecological community if they’re greater than one hectare in size and have a canopy cover greater than 10%”.

With consideration of the excerpt of the vegetation map shown below, the VZ5a BGHF section is adjacent to other VZ5a BGHF areas within the site and also adjacent to the Cumberland State Forest. The combined areas comprise an area greater than one hectare and the section also has canopy cover greater than 10%.”

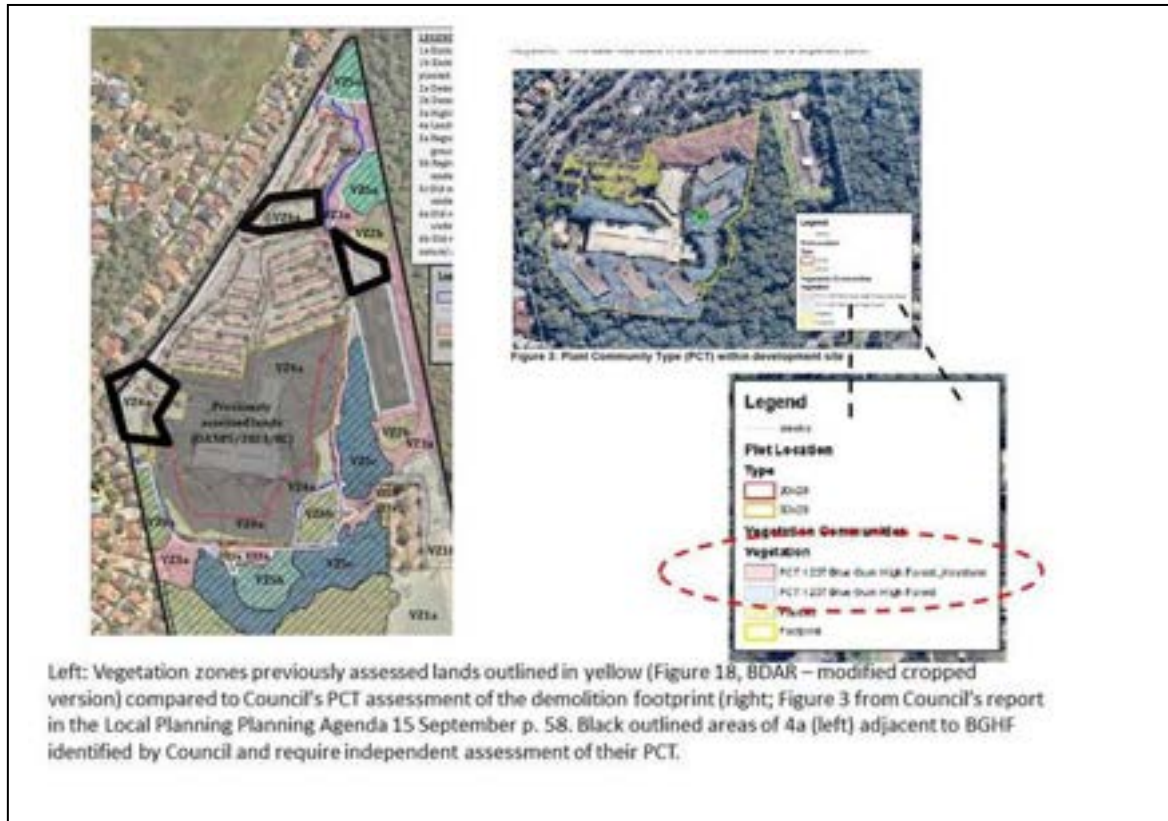


Adjacent Cumberland State Forest BGHF

Excerpt from Figure 4. Current Vegetation Mapping (2023) showing the extent of the combined VZ5a.

The applicant has a history of misclassifying BGHF as planted vegetation

The applicant’s demolition application to The Hills Shire Council in October 2020 incorrectly mapped vegetation in the demolition footprint to include no BGHF. Contrary to this, The Hills Shire Council identified BGHF in the demolition footprint equivalent to 57 offset credits.



As demonstrated in the above diagram, the applicant previously misclassified vegetation in VZ4a as non-BGHF, which was later determined to be VZ5a BGHF. I don’t believe the previous referral to the EPBC Act in July 2021 for the Demolition DA and Concept DA footprints included all the areas of BGHF on the site. It likely did not include the areas that council identified (57 offset credits). The previous referral to the EPBC Act only covered 134.82 sq metres of BGHF.

Additional areas of VZ4a/VZ5a already demolished and may also have contained BGHF which was not discovered due to lack of independent assessment. Meaning the applicant may potentially have cleared additional BGHF without submitting enough referrals to the EPBC act.

All remaining and remnant BGHF at 55 Coonara Ave is Critically Endangered and must be conserved and not cleared for development

The Commonwealth Conservation Advice states that BGHF of the Sydney Basin Bioregion is listed as critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999*. According to the Final Determination at the following Government website, there was only approximately 200 ha of BGHF remaining in Australia in 2003

[REDACTED]

(<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2004-2007/blue-gum-high-forest-sydney-basin-bioregion-critically-endangered-ecological-community-listing>). Considering this estimation was made almost 20 years ago, there is highly likely to be less BGHF now especially with the recent Mirvac clearing of BGHF at other parts of the site at 55 Coonara Ave West Pennant Hills. BGHF exists only in the Sydney Bioregion and only in small geographical remnants. Proposed clearing of this BGHF will result in even less of this CEEC occurring and will push it closer to extinction. This must not occur.

The Commonwealth Conservation Advice states that The Threatened Species Scientific Committee (TSSC, 2005) advised that BGHF ecological communities meet three of the six eligibility criteria for listing as threatened under the EPBC Act. The 3 criteria met are that

- 1.) BGHF has undergone a very severe decline in its geographic distribution, of more than 95%
- 2.) BGHF has a very restricted geographic distribution that makes it likely that the action of a threatening process could cause it to be lost in the immediate future; and
- 3.) BGHF has experienced a reduction in its ecological integrity across most of its range that is very severe, as indicated by the loss of key vegetative components, key fauna components, weed invasion, the high degree of fragmentation, and the degradation of habitat values.

A report by Mark Tozer on “The native vegetation of the Cumberland Plain, western Sydney: systematic classification and field identification of communities” states on page 21 that “small remnants constitute a large proportion of the remaining vegetation, therefore the protection of these remnants is required to maintain vegetation cover at its present level” and “the protection of all remnants is required to minimise the loss of floristic diversity.” Also “the degradation of remnant vegetation through rubbish dumping and recreational vehicle damage is extensive and ongoing....Nevertheless, it is a sad fact that **preventable** degradation is ongoing.”(<https://d-nb.info/1081088729/34>). It appears that preventable degradation of BGHF is occurring on this site.

Value and uniqueness of the BGHF at 55 Coonara Ave

This particular area of BGHF is unique because it is adjacent to the nesting and roosting trees of the vulnerable Powerful Owl, and provides habitat for the endangered Dural Land Snail plus numerous micro-bat species including the vulnerable Southern Myotis, also the Grey-headed Flying Fox. This area provides critical habitat for the prey species which the Powerful Owls forage upon in this valley.

This BGHF area under consideration contains a creek which supports a healthy riparian zone and forms part of a wildlife corridor through the site providing connectivity into the Cumberland State Forest. Removal of this BGHF will impact on fauna using the site for housing, foraging and travelling. It will also impact on the adjacent Cumberland State Forest. Many other fauna species are on the site including echidnas, possums & gliders, reptiles and so many bird species including other raptors. It is inappropriate to develop so close to a creek, the integrity of the creek must be maintained and now subject to run-off pollution.



Mirvac fails to comply with the principles of ecologically sustainable development outlined in section 3A of the EPBC Act in points c and d.

“c. The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;”

In seeking to clear the BGHF area in a controlled action, Mirvac is not maintaining the health diversity and productivity of the environment for future generations. It is certainly not enhancing the environment by clearing it of a CEEC.

“d. The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making ”

It does not seem that conservation of biological diversity and ecological integrity has been a fundamental consideration in decision making. To conserve the site, Mirvac can easily amend its plans and not build any houses on the area of BGHF.

There have been no Avoidance measures taken

I will further comment on the document titled “55 Coonara Avenue Report” Chapter 5. “Avoidance, mitigation, management and offset measures”. This section does not describe any avoidance or mitigation measures related to removal of 0.15 ha of BGHF for development and a further 0.15 ha for an APZ. Avoidance could easily occur by keeping the BGHF in place and amending the plans to exclude development in this area of Vz5a.

Comment on section 5.4 Compliance with Recovery Plan/Threat Abatement Plan

The following priority Actions have not been complied with

“Prevent further clearing or fragmentation of the ecological community through the protection of protected remnants and/or local council zoning.”

To address this the applicant mentions existing zoning, however this is not relevant to the VZ5a area under consideration. As per the priority action, VZ5a areas must be zoned as C2 conservation. The applicant mentions “low quality” areas and low quality areas of BGHF throughout the document. Whether the area is low or high quality is also irrelevant because all areas can be restored to high quality with good management. The applicant has neglected the bushland on the site for many years. Any low quality vegetation is due to applicant neglect.

Additional priority actions which could be addressed by not clearing BGHF are listed in Table 7; “Restore and enhance existing areas of BGHF to create buffer zones and to link fragments.” “Avoid removal of isolated canopy trees...or isolated patches of remnant vegetation”. The applicant attempts to address these actions by referring to land on other parts of the site which is not relevant to the area VZ5a under consideration. Other areas on the site zoned as C2 conservation must not be developed by law, the applicant is not keeping out of these areas to address the priority actions, the applicant is retaining these areas because of the zoning.

Inadequate Environmental initiatives

Comment on 6.1 Environmental initiatives

[REDACTED]

Giving 6.6 kW of solar panels to each home is inadequate. At least 12kw per home is required with a battery storage system to carry electricity into the night. There is no mention of solar panels for the apartments, the apartments must also be adequately powered by solar power and have battery storage.

Inadequate fauna management plan

Chapter 5 page 41 describes a fauna management plan under responsibility of an ecologist and clearing contractors. I object to these professions having responsibility for the fauna management plan. Ecologists and clearing contractors have no training in animal capture and care. A licenced veterinarian must hold responsibility for the fauna management plan and be on site full time for works.

The claimed previous relocation of 4000 animals from the site is shocking. It demonstrates probably a portion of the animals that have lost their homes due to this development, and more will follow if development on VZ5a is allowed to occur. The claim that the animals were successfully located is most likely false as the death rate of re-location is approximately 90% due to other animals existing in new territories and scarce food sources.

Additional misleading statements in the 55 Coonara Avenue report

Statements on page 54 are misleading and incorrect including “Tree removal has also been a point of contention with the community, however messaging explaining the non endemic nature of the trees has help alleviate some concerns”. Removal of 3000+ trees from the site is a contentious action and the community concerns **have not been alleviated**. To state that the trees removed were non-endemic is also misleading. The applicant has already removed native trees of BGHF and STIF species despite community opposition. The community is concerned about removal of all vegetation, even the non-endemic trees.

There have been no “avoidance” measures taken and offsets have been paid before approval has been granted.

The applicant states on p. 55 “Once all avoidance and minimisation efforts are considered, the proposed action results in an impact to ~0.30ha of BGHF comprising ~0.15 ha to be fully cleared and ~0.15ha to be modified for APZ purposes.”

There have been no avoidance or minimisation efforts. Avoidance efforts must be enforced. The development footprint must be changed to exclude the ~0.30 ha of BGHF slated for removal and APZ.

Instead of avoidance, the applicant has already made a payment to the Biodiversity Conservation Fund for a total of 19 credits for PCT 1237, being BGHF. I object to this early payment of credits as it is based on the assumption that the Federal Government will approve clearing of BGHF. Has the Federal Government already approved removal of BGHF? If yes, then the purpose of this community consultation period is questionable.

I further object to payment of credits into the Biodiversity Conservation Fund because audits by the Independent Pricing and Regulatory Tribunal (IPART) have demonstrated that the Biodiversity Conservation fund is not fit for purpose.



The Biodiversity Offsets scheme is not fit for purpose

In December 2023 IPART recommended an overhaul of the state's biodiversity offsets scheme including phasing the policy allowed developers (like Mirvac) to pay into a fund in order to meet their offset obligations. There have been major problems discovered with the fund including payments being made 5 times faster than sites could be found for offsets. IPART has recommended the government phase out the option to pay into the fund and "establish interim measures to manage the change while the market develops".

Due to the lack of Avoidance measures demonstrated by Mirvac and the failure of the Biodiversity offsets program, the Federal Department must not allow the removal of BGHF on this site. I will support the Department if the Department will determine that the removal of this BGHF is unnecessary and unacceptable and would impact irreversibly on BGHF CEEC. We must not aim to simply prevent complete annihilation and extinction of the CEEC BGHF, we must protect all remaining remnants to keep them stronger together and even let them thrive and grow into the future. Offsets for clearing BGHF must not be accepted. Clearing of BGHF for a few houses is not justified. The first action must be avoidance of clearing of BGHF. The applicant can easily amend their plans to keep this remaining BGHF in VZ5a and not build in this area.

Submission provided by the [online submission form](#), and emailed to josie.leeson@mirvac.com.

The removal of Blue Gum High Forest has been determined a ‘Controlled Action’ under S.75 and S87 of the EPBC Act 1999. Controlling provision under Part 3 of the EPBC Act, S18 and 18A.

The aerial photo below was included in reports for DA 11/2024/JP – Central and Northern Housing Precinct and it clearly shows how vegetation knows no arbitrary boundaries. The area included in this referral forms an important vegetative connection to the adjacent Cumberland State Forest, it creates wildlife corridors and habitat for foraging. You can see the dam and there is a creek that flows from it towards the south-west corner of the site. This area is not an isolated remnant but forms part of a much larger area of BGHF.

As part of my submission, I would like to detail some of the planning history of this proposed development and outline just a few of the concerns that have been raised by thousands of community members over several years. This site was purchased in 2016 by Mirvac and yet here we are in 2024 and there has still been no construction of housing. This shows just how much opposition there has been to this rezoning by the local community, The Hills Shire Council, politicians from across all parties and now we have concerns raised by the Federal Department for the clearing of endangered ecological communities.

This is a development that I believe everyone knows should NOT be happening.

North →



Summary of concerns

1. Referrals must contain accurate information
2. The BGHF meets the criteria for EPBC Act protection
3. Streamlined BDAR ONLY for the Demolition stage
4. Preservation of the BGHF will NOT have significant impacts for the proponent
5. Inconsistent reporting of vegetation
6. Residential Housing on this site was rejected by Local Council
7. Significant DPIE constraints applied at time of rezoning
8. ‘Saving our Species’ program
9. Topographical significance of the location of this BGHF
10. Grey-headed Flying Fox National Recovery Plan
11. Dural Land Snail impacts not outlined in the Referral
12. Impacts on Microbats
13. Mirvac Biodiversity Policy
14. Connection with Cumberland State Forest
15. Hills DCP & Impacts of housing
16. BioNet Data not updated since 2019
17. Precautionary Principle & Biodiversity Offsets

1) Referrals must contain accurate information

Many community members believe the earlier Referral (2021/8995) contained misleading information which played an important part in the subsequent approval for the original Demolition DA 585/2021/HC given by the Hills Shire Local Planning Panel. The panel were waiting on the referral decision before giving *their* approval for these development works to proceed. The referral decision was made on 16th September 2021 and the Demolition DA approved on the 20th September 2021. Some information in the original referral did not agree with council reports with regards the extent of Blue Gum High Forest (BGHF) present on this site.

After hearing the results of the referral, the planning panel stated that they were, '*satisfied that the development subject of the DA is unlikely to result in a serious and irreversible impact on the BGHF*'.

The original referral outlined that just 134sqm of BGHF would be impacted.

The Hills Shire Council officers had determined that in fact, **1.85ha of 'CEEC'** would *likely be impacted* if the works were to proceed according to their estimates and there were calls for the Biodiversity Development Assessment Report (BDAR) to be a full BDAR rather than a Streamlined BDAR as requested and written by Mirvac consultants, Keystone Ecological and Cumberland Ecology.

If comprehensive surveys of the vegetation had been undertaken, it may well have been determined then, *in 2021*, that this was in fact a 'controlled action' and these devastating works may have been prevented.

A Daily Telegraph article at the time outlined this discrepancy and stated that, "*local environmental groups feared that a larger area of critically endangered trees was at risk*" - see link below https://www.dailytelegraph.com.au/newslocal/hills-shire-times/west-pennant-hills-mirvac-development-minister-to-make-call/news-story/e7754aa5a41fd78f57ca68feb7c2b612?rsf=syn:news:nca:nl:spa:edm&utm_source=DailyTelegraph&utm_medium=email&utm_campaign=Editorial&utm_content=NL-HA_LATESTNEWS_BREAKING-CUR_01&net_sub_id=335711901&type=curated&position=1&overallPos=1

The article outlines that Mirvac NSW Residential Development manager at the time, Toby Long indicated that only "0.01ha of BGHF" on the site might be impacted. Yet of 1,253 trees removed for the Demolition DA, over 450 were estimated by local community groups to be 'large, mature trees' identified in the arborist reports to be 'CEEC' of Blue Gum High Forest (BGHF) and Sydney Turpentine-Ironbark Forest (STIF) species. **450 trees** suspected as CEEC were removed for the Demolition phase of these works.

Local community groups have previously estimated that **2.2 hectares of BGHF** will have been removed for this development if all 3,000 trees are cleared for this housing.

Under current planning rules, it is only developers or local councils that can make a Federal Referral. The Australian public must be able to trust that only accurate information is submitted. These referrals are the last critical barrier for the protection of species on the brink of extinction.

2) The BGHF meets the criteria for EPBC Act protections

The vegetation in Vegetation Zone 5a (VZ5a) constitutes Blue Gum High Forest (BGHF) as protected under both the EPBC Act 1999 *and the* Biodiversity Conservation Act 2016. This is outlined by examining criteria for nationally listed BGHF of the Sydney Basin Bioregion ecological community, as below:-

- If they are greater than one hectare in size;
- Have a canopy cover greater than 10%; or
- Have a canopy cover less than 10% and occur in areas of native vegetation in excess of five hectares.

The Office of Environment & Heritage statement below outlines that one of the biggest threats to BGHF are **fragmentation** and understory disturbance.

The main threat to this community is further clearing for urban development and subsequent impacts of fragmentation, understory disturbance such as mowing that stops regrowth, urban run-off that leads to increased nutrients, sedimentation and weed invasion and inappropriate fire regimes (OEH, 2011).

The Matters of National Environmental Significance (MNES) report states:-

*“The extent of this community on the Property, as per the assessment by Cumberland Ecology, totals 5.49 hectares and **is directly and functionally connected** to other native vegetation on the Property and in the local area, **including a larger patch of BGHF in Cumberland State Forest directly to the east.**”*

The area being examined as part of this referral is greater than 1 hectare, has canopy cover greater than 10% and is contiguous with the BGHF which grows to the border of the development footprint and into the Cumberland State Forest. The area being considered for removal is not to be considered in isolation according to federal definitions outlined under Commonwealth legislation. Therefore, this BGHF is nationally listed under the EPBC Act 1999. Any statements that it is does not meet this definition are misleading.

3) Streamlined BDAR ONLY for the Demolition stage

On 23rd July 2021, Cumberland Ecology sent a Peer Review to Mirvac outlining what assessment reports are recommended depending on the ‘*predicted magnitude of ecological impacts that a proposed development may have*’.

Pg. 4 – Appendix A, Peer Review by Cumberland Ecology

*“The Keystone SBDAR was prepared in accordance with the Streamlined assessment module: Planted Native Vegetation under the 2020 Biodiversity Assessment Method (BAM 2020) as **all the vegetation within the proposed development footprint was assessed as planted native vegetation** in accordance with Appendix D, Section D.1 Decision-making key of BAM 2020. The Keystone SBDAR was submitted to Hills Shire Council (Council) as part of the information package for DA585/2021/HC.*

*The Council assessment **determined that further investigation is needed to verify that the Planted Vegetation module of the Biodiversity Assessment Method 2020 is appropriate** for the proposed DA. It is understood that **Council maintains the position that at least a proportion of the vegetation within the development footprint does not comprise planted vegetation and that the ecological assessment should be conducted as a full BDAR, not a SBDAR.**”*

See link-

https://apps.thehills.nsw.gov.au/ApplicationTracking/Document/Download?key=_9rQY6F6RE6Q_tGmAlQaAwj aWrB2Pzi07L33dL1lGigXpRDden9wXlral91WcmCA-a--FAhZa0mWm&pageNo=1&rend=PDF

Cumberland Ecology carried out this Peer Review as a ‘**desktop exercise only**’ to support the decision by Keystone Ecological to only select a ‘Streamlined Biodiversity Development Assessment Report’ (SBDAR). This was deemed appropriate for this site based upon their determination that the

ecological impacts of this development were, “of a minor scale to vegetation that mainly comprises planted native trees and shrubs”.

As this peer review determination was carried out solely as a desk top exercise, no further surveys of this critical area of the site footprint informed this decision.

The report acknowledged at the time that, “factors such as accuracy of vegetation mapping, field survey effort etc’ did not form part of this peer review.

As a result, the vegetation at 55 Coonara Avenue was only categorized using BAM plot methodology. You can see from the map below that there were no BAM plots in the area that is the subject of this referral.

Left side shows BAM plot map below outlined on pg. 16 of the original BDAR;
Right side shows Floristic surveys, pg. 19 undertaken as part of the Nov 2021 BDAR;

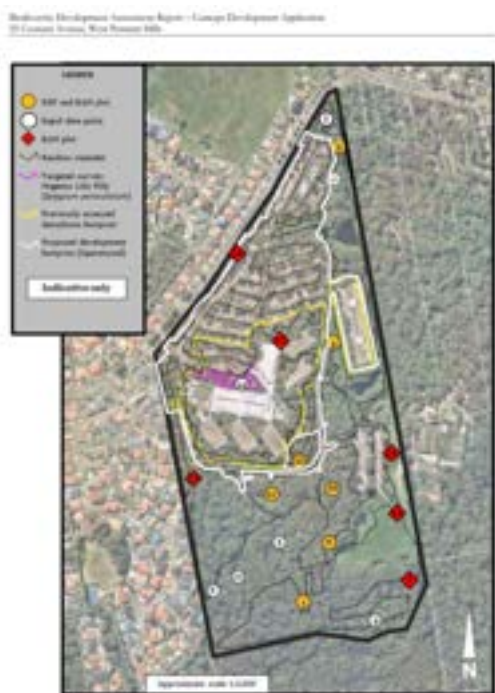


Figure 7: Floristic surveys undertaken across the subject lot (black outline) and within the development footprint (white outline).

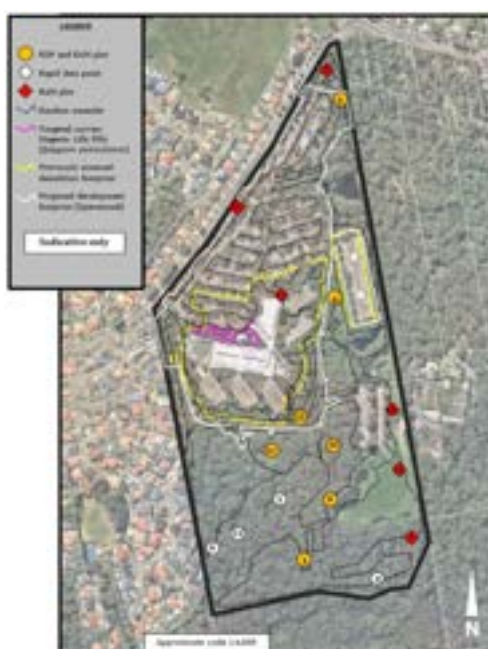


Figure 7: Floristic surveys undertaken across the subject lot (black outline) and within the development footprint (white outline).

It is interesting to note that in the BDAR for the Demolition DA, pg. 38 dated August 2021, Keystone Ecological stated, *“It is noteworthy that the plots were not located randomly and therefore not strictly in accordance with the BAM methodology. However, this was due to the landscaped areas being generally too small to accommodate the floristic plots and BAM plots, so plots were located in **garden areas of sufficient size**”*. **The BAM plots selected did not strictly adhere to BAM plot methodology.**

The peer review was requested because *“Council maintained that Item 1 of the decision-making key applied to the vegetation within the proposed development”*. That is:

“Does the planted native vegetation occur within an area that contains a mosaic of planted and remnant native vegetation and which can be reasonably assigned to a PCT known to occur in the same IBRA subregion as the proposal?”.

Council maintained their position that a full BDAR was warranted as a proportion of the vegetation within the development footprint did not comprise planted vegetation.

Many believe that a full BDAR should have been carried out for this development site considering the critically endangered ecological communities and threatened fauna species known to live and breed in this precious forest.

I question that there were no BAM plots in the area included in this referral.

I am further concerned that in the referral document, 1.2.6, para. 9, Mirvac has outlined that, “the Demolition DA was supported by a “Biodiversity Development Assessment Report” – the ‘Demolition BDAR’” when in fact this was only a streamlined BDAR and referred to as such in earlier DA reports as the ‘SBDAR’. I believe it should be noted as part of this referral that the first BDAR was not a FULL BDAR and the vegetation was identified using ONLY BAM plot methodology with no BAM plots located in the NE corner.

4) Preservation of the BGHF will NOT have significant impacts for Mirvac

As part of the requirement for this referral process, the Developer needs to consider alternative ways to ‘AVOID’ this proposed removal of the BGHF ‘CEEC’.

Comparing the design map in the BDAR (June 2022) Fig. 1 as compared to the Vegetation Mapping outlined on pg. 17 of the same BDAR, preserving this area of BGHF in VZ5a will only impact on the planned installation of just a few houses (I think no more than 6) which will not impact significantly on the Developer’s profits or the economic viability of this project to proceed. This area is easily removed from the Concept Plan and these irreversible impacts avoided by simply redesigning this area of the site.



During the Planning Panel meeting in 2021, Adrian Checchin – Mirvac Development Director for this site stated that, “*there are no EEC’s in the demolition footprint*”. This statement could be deemed false and/or misleading to the planning panel and the local community. However, this statement and previous commentary by Mirvac to the community directly, indicates that they agree that there should be no impacts on CEEC’s for this development and they should therefore be more than willing to redesign this area of proposed housing in order to preserve this significant area of BGHF.

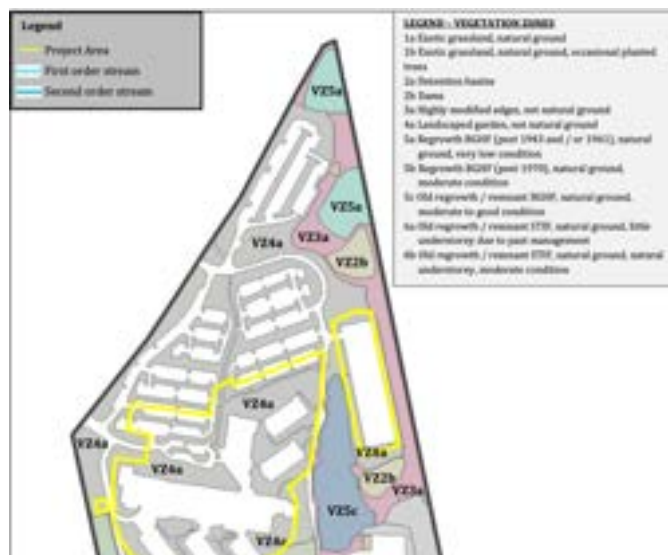
Mr Checchin stated in private correspondence on 11 October 2022 that, “we absolutely understand the criticality of the subject site and are **aligned to ensure the protection** of important wildlife and flora & fauna”.

Any further loss of BGHF on this site for the purpose of residential housing cannot be justified – for any reasons may they be economic, environmental or social. The developer must demonstrate their willingness to avoid this impact entirely and this is easily done by removing housing in this zone. It is not necessary to impact ‘critically endangered’ forest for these 6 houses.

5) Inconsistent Reporting of Vegetation

There have been three BDARs produced for this site across the Demolition and Concept Masterplan DA’s. Keeping track of the classification of this vegetation has not been easy for the community, and probably also for council staff, as each BDAR has exhibited a different map of this northern area of the site.

In August 2021, the mapping is shown in the original streamlined BDAR for the Demolition DA, Fig. 10 on pg. 80 and shows this northern area of the site classified as below:-



In the first BDAR for the Concept DA, Ver 2.1, dated 29th November 2021, Fig. 8 pg. 20 shows the vegetation classification below:-



It is worth noting that on pg. 34 of this BDAR, it shows the following detail where **Vegetation Zone 5a is missing from the table**. This was confusing for community and council staff analysing this report and likely why Version 2.2 was requested.

Other than built form, the Development Concept Stage project area comprises:

- 0.06 hectares of Vegetation Zone 2a – basins and dams
- 0.37 hectares of Vegetation Zone 3a – highly modified edges
- 2.59 hectares of Vegetation Zone 4a – planted native vegetation
- 0.01 hectares of Vegetation Zone 5b – even-aged BGHF regrowth
- 0.01 hectares of Vegetation Zone 5c – BGHF

Thus, the Development footprint contains 2.98 hectares of native vegetation made up of 4 Vegetation Zones.

In the BDAR, Ver 2.2, dated June 2022, pg. 53 the following map is shown:-



As a layman, I am not sure how easy it is to confuse 'Landscaped Garden – not natural ground' which later becomes 'Regrowth BGHF (post 1970), natural ground, very low condition EEC' but I think it warrants some questions.

Furthermore, in the Recreation Area DA Bushfire Report, Fig. 4, pg. 10 mapping shown below, the Vegetation Mapping according to Cumberland Ecology in 2023 once again highlights inconsistencies. The mapping that has been exhibited across the numerous DA's lodged individually but for THE SAME enormous development is different each time.

Again, as a layman, I am not sure if this is regular practice but I find it hard to see how the vegetation classifications can change from one DA to another, or one report to another - or why the necessity for the maps to all change colour and the legends to similarly change colour each time.

All it does is to confuse – and maybe that is the intention.



Figure 4. Vegetation Management Zones within the Subject site

Figure 03: Vegetation Management Zones (Cumberland Ecology 2023)



Given the apparent difficulty in categorising the vegetation and retaining consistency over the various reports exhibited, the request by OEH and Hills Shire Council to do detailed vegetation surveys in 2019 and in 2021 would have provided certainty at the beginning of this process to ensure all vegetation was correctly categorised. The proponent and their consultants staunchly insisted on a Streamlined BDAR and so only BAM plot methodology determined the vegetation classification on this site footprint.

As it stands, the community has struggled to have confidence in the vegetation classification documented by the proponent and their consultants during the lifetime of this project.

There are DA's still being submitted and seeking approval for this development site. The community is concerned about the ongoing removal of vegetation and the impacts on the threatened ecological communities and threatened fauna species for proposed 'recreational areas'. There are still a further 1,877 trees to be removed for this current DA with more DA's to follow.

6) Residential Housing on this site was rejected by Local Council

The Hills Shire Council voted AGAINST approving the rezoning of this site on the basis that this area would be more valuable to the Hills District if it was retained for Business purposes.

At the council meeting on 28/3/17, the following reasons were given by council to reject the rezoning of this site from business to residential;

The site has a number of constraints that inhibit its suitability for residential development including:

- steep topography,
- EEC's,

- Bushfire Risk,
- Water courses traverse the site,
- Poor accessibility,
- Constrained by infrastructure,
- Pressure on the greater local road network,
- Does not align with the State or local strategic plan for the Cherrybrook precinct.

They stated that more housing in this location was not desired due to the lack of available areas in the district that could offer local jobs. They determined this site would be more valuable retained as a business park and the local community concurred- offering ideas for a TAFE campus, or a wildlife hospital – all which would have provided local jobs and been supported by local residents across the Hills district.

This decision by council to reject this rezoning was overthrown when the Covid pandemic hit, and State Government created a ‘list’ of development projects to fast-track that were supposedly almost approved and ‘shovel-ready’ and could be built quickly to boost the economy in this unprecedented crisis. If it were not for this special State government approval, this site would not have been rezoned for residential housing as it was deemed ‘*too ecologically significant*’ to be cleared. It supports high levels of biodiversity with numerous threatened species known to inhabit this site.

Mayor Michelle Byrne, on Hills Shire Council at the time of the original approval, stated that she never supported the rezoning of Coonara Avenue and still did not. The loss of this forest is a devastating blow to the community, to the city of Sydney and to the ecological sustainability for BGHF as a species.

The provision of residential housing on this site was REJECTED by The Hills Shire Council in 2020 who determined this housing was not required. Council would have preferred this area remained zoned for a business park and the forest protected for its ecological value.

Mirvac cannot argue that this housing is essential. They must prioritise avoiding unnecessary impacts on the BGHF as part of the development criteria.

7) Significant DPIE constraints for rezoning

A submission from OEH, Environment, Energy & Science Dept in September 2019, prior to the original rezoning approval, outlines the following key issues that had not been adequately addressed by the proponent:-

- **The protection of critically endangered Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF) on the site**
- **Adequacy of flora survey – it is preferable to undertake adequate threatened species surveys at the planning proposal stage**
- The Powerful Owl and potential impacts on other native fauna
- **The impact of increased residential population** and companion animals needs to be assessed
- The draft DCP needs to be amended to use local native provenance species on the site
- **Future management and ownership of the bushland reserve**

The OEH submission outlined that the ‘*development footprint allowed by the planning proposal will result in the modifications of almost 1 hectare of critically endangered BGHF and STIF*’ and recommended that, ‘the Site Masterplan be amended to protect remnant BGHF and STIF’.

The correspondence noted that Keystone Ecological had not provided a final figure of the amount of vegetation to be impacted in their response to the Department.

There were also concerns that some species could potentially occur given the habitats on site, in particular for *Epacris purpurascens* var. *purpurascens*, *Pimelea curviflora* var. *curviflora* and *Syzygium paniculatum* and requests for flora surveys were put forward.

At the time of rezoning, DPIE put significant constraints on this development, one of which was that Asset Protection Zones (APZ's) should not require clearing or management of critically endangered ecological communities and that the Developer should ensure all APZ's will not encroach upon ANY CEEC (DPIE Final Determination, pg. 10- note that this document has not been exhibited as part of this referral).

The Department also stated, "*the zoning approach also recognises the significant environmental value of the CEEC lands, even if some are in a disturbed state*" and DPIE reduced the footprint of the development site to specifically protect these areas.

It was also recommended that NO BGHF and STIF species be cleared on site and that it is zoned E2 Environmental Conservation.

A further recommendation by OEH EES experts was that the bushland reserve is fenced for its protection and that pathways and walking trails are kept to a minimum. It recommended that some existing paths are closed and revegetated, and any new paths located outside the bushland reserve to minimise impacts caused by people and domestic/feral animals.

I believe that Serious and Irreversible Impacts (SAIL) may have occurred *or are occurring* on this site as detailed flora surveys and assessment of the vegetation was omitted as part of the original planning process. There has been disparity in the reports exhibited particularly with respect to this north-eastern area of the site.

DPIE recommended that in order to protect the biodiversity on this site, impacts caused by people and companion animals are minimized.

8) NSW 'Save our Species' program

In 2016, this site was one of only six included in the 'Saving our Species' (SoS) program by the NSW State Government, recognised for its high biodiversity levels and the ecological value of this forest. The 'SoS' program identifies significant environmental areas which should be given extra resources and protection due to the 'Critically Endangered Ecological Communities' (CEEC's) they support and the habitat they provide for various Threatened and native species.

This site at Coonara Avenue was included in the program in 2016 due to the mature and significant vegetation it contains and because of its geographical location cementing it as an important 'stop gap' for migratory bird species, including foraging for endangered Grey-headed Flying Fox that have been observed on this site.

The purpose of SoS is to '*secure the future of Australia's unique plants and animals*' by increasing the number of threatened species that are secure in the wild in NSW for 100 years and control the key threats facing our threatened species and animals.

This site also contains critical waterways and wildlife corridors. This area at the top of the site is one of the most ecologically significant due to the healthy riparian zone created by the creek and dams which are filled due to the high volume of rain that falls along this ridgeline. The microbats inhabit this area and forage for insects along this riparian zone and around the dams.

The Powerful Owls that nest in the nearby Cumberland State Forest (CSF) but which forage for prey in this area must be given a large buffer from the proposed residences in order to mitigate the impacts this development will have on this breeding pair. If you visit this area nearest the CSF, the sound of birdsong is almost deafening and in February 2022, the north-eastern area of this development footprint is where a Birdlife Australia volunteer spotted a pair of adult Powerful Owls on the site footprint itself.

The BDAR, Ver 2.2, pg. 13 outlines the importance of 'connectivity' for this site with respect to the movement of fauna and flora and Keystone Ecological have stated, "*the vegetated parts of the development lot and the adjacent Cumberland State Forest contain the most valuable areas for biodiversity by virtue of their size and diversity of habitats contained therein.*"

Retention of this precious BGHF would provide these vulnerable birds and bats and the other threatened and native species in this location important habitat which includes much needed hollows for breeding. This site was one of only 6 areas in NSW selected as part of the 'Save our Species' program which unfortunately carries no legislative weight but which highlights how important this highly biodiverse forested area is our state.

9) Topographical significance of the location of this BGHF

The location and steep topography of this site at Coonara Avenue is essential for the growth of the BGHF species which is defined as a 'wet sclerophyll forest, strictly found in northern parts of Sydney, where the annual rainfall is over 1100mm and with trees between 20-40 metres tall' (Ecology of Sydney). The top northeast corner of this site is situated along a ridgeline with a dam located between this area and the adjoining Cumberland State Forest.

The referral application document 3.1.4 states, "*The highest point of the subject lot sits at 170 metres ASL at the northern end near Castle Hill Road*" dropping to "*100 metres ASL in the southeast corner near Darling Mills Creek*". The BGHF that is the subject of this referral sits at the top end of the site along a 'ridgeline'.

The factsheet below states that threats to BGHF include, "*clearing of ridgelines*" and "*fragmentation of the forest – creating challenges for regeneration*".

https://assets.cdn.thewebconsole.com/S3WEB5702/images/BGHF_Factsheet_August_2014.pdf

The steep topography of this site is the reason why this BGHF has thrived in this location – along the ridgeline- and its removal will be very damaging for the remaining forest. The BGHF provides weather protection and absorbs huge amounts of water annually. Removing this species threatens the rest of the remnant BGHF and the ongoing health of the dam, creeks and waterways on this site as well as the valley residents.

10) Grey-headed Flying Fox National Recovery Plan

The location of this site also means it is an important 'waypoint' for migratory birds and for many vulnerable bat species including the Grey-headed Flying Fox (*Pteropus poliocephalus*).

In 2021, a National Recovery Plan for this species was put in place under the EPBC Act 1999. According to the government website, *'The purpose of this plan is to set out the management and research actions necessary to stop the decline of, and support the recovery of the GHFF over the next 10 years'*. One aim of this plan is to:-

- **Identify, protect and increase key foraging and roosting habitat,**
- Improve the community's capacity to coexist with flying foxes and
- Increase awareness of the threats they face and the important ecosystem services they provide as seed dispersers and pollinators.

It is documented in the Fauna Reports that this species has been observed here and this location provides foraging and an important stop along routes between Parramatta and areas to the north of Sydney. This area being examined under this referral is significant due to the proximity to the northern dam and the first order stream which dissects the site from the South/South-west to the North-east linking the Darling Mills Creek to the Cumberland State Forest and onwards to the north. This waterway means that this area of the site is a healthy riparian zone where many flora and fauna species thrive.

Commonwealth Preliminary Documentation report, pg. 2 states:-

A first order stream is mapped within the Property and runs from an existing dam located in the northern parts of the Property towards the south and south-west, before joining Darling Mills Creek, south-west of the confluence of Darling Mills Creek and Bellamy's Creek. Prior investigations conducted within the Property

Furthermore, this species is currently in decline due to rising temperatures and the occurrence of more frequent and severe heat events. The recent ABC article below outlines that there is a *'widescale starvation event down the East coast that has left the already vulnerable species at more risk'*. (https://www.abc.net.au/news/2024-01-07/grey-headed-flying-foxes-mass-starvation-wildlife-carer-shortage/103284832?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web)

I question why there are no Offset Credits proposed for the impacts on the GHFF despite this species having been observed foraging on this site. Suitable roosts for this species are dwindling and this forest is an important spot for this species.

The removal of BGHF in this north-east corner of the site WILL have serious implications for the ability of this area to support threatened and native fauna species which in turn, will negatively affect the overall health of this BGHF 'CEEC' and its ability to thrive going forward. Grey-headed Flying Foxes are recognised as valuable pollinators and this ecological community relies on them and the other microbat species here to remain healthy. The flora and fauna coexist and removal of any more BGHF will put additional stress on all of these species.

11) Dural Land Snail impacts not outlined in the Referral

The Recreation Area DA 362/2024/HC was lodged on 10th September 2023 around the same time as this second Federal Referral but the impacts upon the Dural Land Snails (DLS) are not included in this referral. This seems an important oversight.

This species is mentioned in the accompanying MNES report and is known to inhabit the northern end of this site. I personally feel details of its proximity to this area should have been noted in the referral documentation. The BDAR, June 2022 states that, "linked habitats provide movement corridors" and that this is "particularly so for species that have limited mobility such as snails or

It also states that there are two entities at risk of Serious and Irreversible Impacts (SAII) which are the BGHF and the Large-eared Pied Bat.

The Large-eared Pied Bat is a 'data deficient species' according to the BDAR but it goes on to state that this species has been recorded within 2 kms of this site which provides suitable roosting habitat. The report also outlines how the "***gully forest and large expanse of fully structured BGHF and STIF in particular may contribute to the foraging habitat for this species.***"

The Southern Myotis or Fishing Bat has also been recorded on the site around the northern dam.

However, the Keystone Ecological report outlines 6 species of concern, including Yellow-bellied Sheath-tail bat, Eastern Coastal Free-tailed bat, Eastern False Pipistrelle and the Broad-nosed Bat. All of these species are listed as Vulnerable and hollow roosting. Each of these species is recorded in the BDAR but do not have Biodiversity Offset credits or Ecosystem credits applied.

Council increased the offsets on this site from the proponents recommendation of 41 credits to 62 credits yet these bat species are not included still.

This area that forms part of this referral is an integral part of the larger ecosystem categorized by the BGHF on this site and in the adjacent CSF. It is one of the most biodiverse areas on this site due to the healthy riparian zone, dam and waterways. It provides shelter and food/water for wildlife and is an area where much of the terrestrial fauna congregate including the Powerful Owls.

The BDAR states, 'sufficient survey was not carried out' for the Large-eared Pied Bat or the Southern Myotis.

Every effort must be made by the proponent and the Department to preserve this area in its entirety for the preservation of this precious ecological community and the rare biodiversity it supports. Mirvac is paying 17 offsets for impacts on these 2 bat species alone – for residential housing which is not 'necessary'.

13) Mirvac Biodiversity Policy

Mirvac group talks about their Biodiversity policy and how it demonstrates a "*commitment to protecting existing biodiversity, enhancing biodiversity on a site and restoring biodiversity*". I believe if Mirvac truly wanted to protect the unique biodiversity for this development, they would not be removing ANY BGHF for housing nor clearing any critical habitat for Threatened species like the Dural Land Snail, the Powerful Owls, the Grey-headed Flying Fox and the numerous microbat species that they know live, breed and forage on this site, and in this location.

For the most recent DA's lodged for the Recreation Area (DA 362/2024/HC) and the Open Space Area (DA 599/2024/HC), the Developer has not voluntarily submitted a Fauna Management Plan despite this being a Condition of Consent for the earlier DA's lodged. This does not seem to align with their marketing messages which outline how they have a commitment to protecting existing biodiversity.

How can Mirvac promote a Biodiversity Policy and not submit a Fauna Management Plan for each DA that is lodged for significant works on this site which is known to contain CEEC and threatened species? The same Conditions of Consent must be applied to each DA despite them being lodged separately.

14) Connection with the Cumberland State Forest

It is not an isolated area but is contiguous with the vegetation that leads into the CSF. These works will:-

- a) lead to a long-term decrease in the size of a population of the species,
- b) reduce the area of occupancy of the species,
- c) fragment an existing population into two or more populations,
- d) disrupt the breeding cycle of a populations,
- e) modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

This is not just removing trees – it's shaving a chunk off a significant remnant of a 'CEEC' which extends into the adjacent Cumberland State Forest.

The BDAR for the Concept DA, Ver 2.1, pg. 33 shows the BGHF as mapped by OEH in 2016

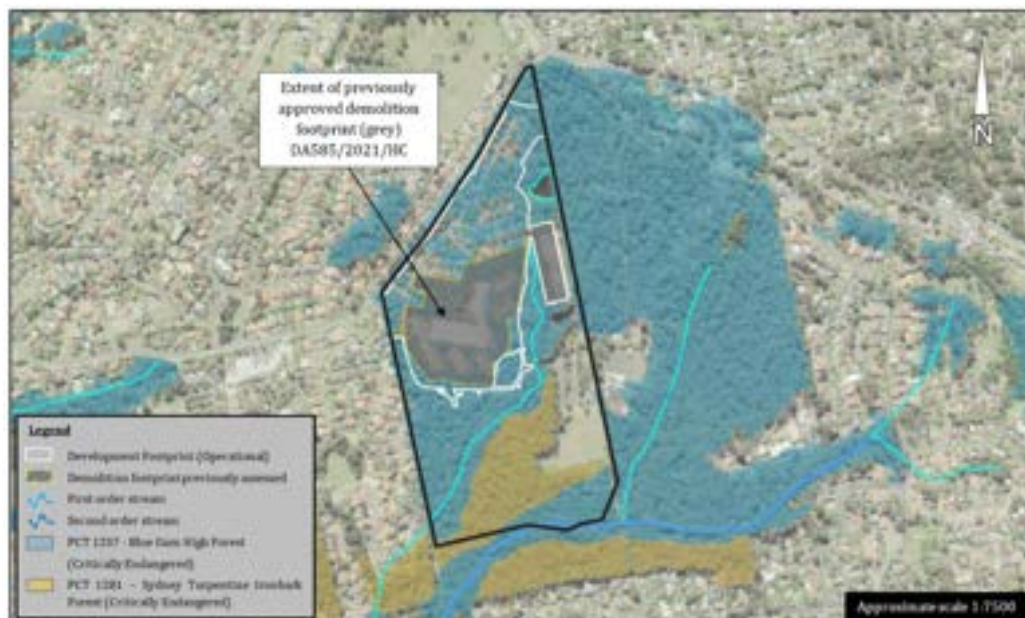


Figure 9: Vegetation map of the site and surrounds produced for the Sydney Metropolitan Area by the NSW Office of Environment and Heritage (V3.1 2016 E_V05 4489) [available at https://geo.seed.nsw.gov.au/Public_Viewers/index.html?viewer=Public_Viewers&locale=en-AU]. This shows the previously developed and landscaped parts of the site as supporting Blue Gum High Forest, a Critically Endangered Ecological Community.

You can see that the BGHF on this site is fully connected to the BGHF in the Cumberland State Forest and in the significant remnant to the south, and that the waterways form important wildlife corridors through the site from the SW corner up and through to the NE section. The BGHF that relates to this referral is crucial in supporting the threatened and native wildlife species that rely on this forest for their survival.

The BDAR, Ver 2.2 has the map below on pg. 117 showing the 'extent of BGHF' and states that '***BGHF ground-truthed on site forms part of the larger patch within Cumberland State Forest***'.



As documented earlier in this submission, the mapping is different between the reports which makes accurately identifying the vegetation on this site particularly taxing for the local community and council staff.

A specialist ecologist at the September 2021 Planning Panel meeting stated that, “maintaining large, consolidated areas of BGHF is the best way to provide resilience for this critically endangered ecological community. Taking bits and pieces off it is exacerbating the extinction process” and concluded that this development, “will have a serious and irreversible impact on both BGHF and STIF”.

This area must not be cleared as it forms part of a much larger remnant which extends off the site and into Cumberland State Forest.

15) The Hills Development Control Plan

The houses and apartments that will be built on this site will cause further edge-effects on the surrounding forest that will exacerbate the extinction process for this CEEC. Leaving it intact is allowing the detrimental human impacts to be mitigated by leaving a larger buffer for wildlife while at the same time allowing the residents in this estate to have more tree canopy which will provide a cooling effect and will improve wellbeing and mental health.

The Hills Development Control Plan (THDCP) Residential 2012, 1.2 states Council’s objectives are:
ii) Ensure that development will **not detrimentally affect the environment of any ADJOINING lands** and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.

And v) **Implement the principles of Ecologically Sustainable Development.**

Furthermore, the topography of this area is very steep – the BGHF at the north of the site presently forms a barrier along the Castle Hill ridgeline. Consideration must be given to how any approval for tree removal will impact residents further down the valley in West Pennant Hills because right now this BGHF provides a buffer from adverse weather events and they also absorb a high volume of water.

Retention of the BGHF in this area of the site will provide a buffer for all residents further down the valley, both inside and outside the development footprint. These trees only grow in areas which have over 1100mm of rainfall per annum and the entire ecosystem will be impacted if this area is cleared for a few extra houses.

16) BioNet Data not updated since 2019

Application, S4.1.4.2 makes mention of consideration of BioNet data for the potential impacts of these works but a recent article has revealed that this government statistical database has **not been updated since 2019** (refer: <https://www.abc.net.au/news/2023-09-05/four-years-of-wildlife-records-missing-from-bionet/102814854>) which leaves vulnerability for the Threatened species known to inhabit and forage in this mature forest.

BioNet data cannot be relied upon to provide up-to-date information on native wildlife at this location and this is especially relevant since the devastating bushfires of 2019/20 which saw billions of native wildlife perish. The true impacts of these fires on our native species is still unknown.

Mirvac is using BioNet data to document the fauna species on this development footprint but this data is not accurate and many species may be using this forest than is currently documented. Impacts upon the many threatened and native fauna species here will be exacerbated by the removal of further BGHF.

17) Precautionary Principle & Biodiversity Offsets

We must adopt the 'Precautionary Principle' – a new guideline in environmental decision making when there are conflicting pressures from those who seek to balance economic growth with environmental protection. There are 4 central components as follows:-

- **Taking preventative action in the face of uncertainty,**
 - Shifting the burden of proof to the proponents of an activity,
 - **Exploring a wide range of alternatives to possibly harmful actions,**
 - Increasing public participation in decision making.
- a) The true impacts of the BGHF being removed may have been underestimated by the proponent. Throughout this planning process, local community members have identified inconsistencies in reports which have made it difficult to be confident that the true impacts of this vegetation removal have been properly quantified.
 - b) Estimates of the amount of BGHF that remains in NSW are uncertain and fragmentation is a known threat to the species.
 - c) There are serious concerns regarding the Biodiversity Offset Scheme (BOS) and its failure to prevent species extinction. The Independent Pricing and Regulatory Tribunal (IPART) report in 2022-23 stated that a submission they received from the Independent Commission Against Corruption (ICAC) noted, "inadequate governance arrangements undermine confidence and introduce the risk of corruption".

It also said ICAC's submission raised issues with the scheme's transparency, including that a lack of public information made it difficult to discern whether ecologists accredited to work in

the scheme were 'engaging in fair trading'. Penny Sharpe, NSW Minister for Climate Change and the Environment, has said that the BOS requires reform.

- d) Mirvac must not be permitted to clear BGHF and pay offsets for its removal. Further fragmentation and removal on this site *will* exacerbate the extinction of this species and impact severely on the numerous threatened fauna species which rely on the vegetation in this specific location to supply them with enough food for their survival.

Any conditions applied for this referral for the protection of the BGHF and the STIF and the many threatened species in this forest should be applied across the entire area of this development site and not just in this small area noted in this referral.

The current referral and ongoing DA reports mention additional walking trails and bike tracks entering the bushland reserve as part of this development. The DA's for the Recreation Area and the Open Space Area mention fire pits and live music on the terrace. All of this is highly concerning to local residents and will have serious detrimental impacts on the future of this forest and its inhabitants. How can the impacts be mitigated when each DA is lodged separately and the overall protection of this forest and the *adjoining* Cumberland State Forest are at risk?

The Precautionary Principle emphasizes caution, pausing before leaping into decisions which may prove disastrous. When scientific evidence about an environmental situation is uncertain and the stakes are high, we must all err on the side of caution.

Removal of a CEEC for 'some housing' would set a very concerning precedent especially when it is easily avoidable.

Conclusion

It is naïve to consider this area as *unimportant* and consider it in *isolation*. This ignores the impacts on the nearby Cumberland State Forest, the impacts on the soil quality and critical waterways and ignores impacts that will further affect the threatened flora & fauna if this does become residential housing – impacts such as noise and light pollution, reduced air and water quality and the harm caused by general increased disturbance to the BGHF and the increased heat effects of removing tree canopy and putting in housing.

The proponent has published numerous documents as part of this **second** referral which outline lots of statistics of how they have estimated this, or estimated that, all written by consultants that are in their employ. Yet there has been no detailed survey of the vegetation on this site despite its recognised ecological significance and that of the protected fauna it supports. The reports have relied on BAM plot methodology backed up by desk-top peer reviews when challenged about the information being put forward.

Cumberland Ecology website states, "*CE has earned a reputation for being the 'go-to' consultancy for clients working with a range of government agencies, due to our excellent relationships and high-quality ecological assessments*" and that they are, "*expert in negotiating positive outcomes*".

If all is in order, why did Mirvac contest that a detailed survey of the forest be carried out in 2021 and only present a streamlined BDAR?

From microscopic algae to towering trees, every plant and animal has a role to play in creating a healthy natural environment and needs our protection. Seeing a small shrub or tiny lizard going

extinct may not seem significant, but losing these species would create holes in our ecosystem and have a butterfly effect on biodiversity.

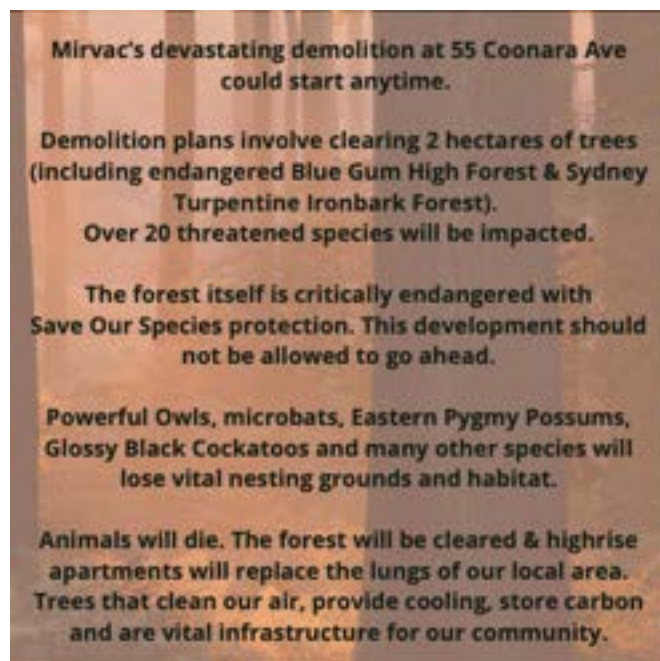
The more biodiversity we have, the healthier our ecosystem is. A loss of biodiversity can negatively impact air and water quality, pollination, pest control and even the economy, making it vital to conserve all our native species, great and small.

The NSW Scientific Committee decides what plants, animals and ecological communities are listed as threatened in NSW. Factors taken into consideration include: decreases in population size, changes in geographical distribution and habitat quality, sensitivity to human activities and the number of mature individuals in the wild.

*“NSW has one of the world’s most diverse and beautiful natural environments”, “yet despite our natural wealth, NSW has nearly **1000 species** on the verge of extinction – Mark Speakman, then Minister for the Environment in 2021.*

This forest is valued by the local community which is apparent from the fact that 4,600 people made objections to the rezoning, the high number of attendees and speakers at the planning panel meetings, the holding of rallies and vigils by the community for this forest and the number of politicians from all political parties that have spoken out and lodged their objections.

On 4th February 2022, the local community held a vigil for the loss of this forest. It stated the following community sentiments which are still relevant today.



All protections which have been put in place for this site have been done so as a **direct result of community objections and media attention**. I believe the original intention of this proponent was to clear-fell the entire site and put in 1500 houses. The BGHF and STIF on this site are only still standing now because residents, council, environmental & community groups, politicians and the Department all put in submissions and spoke out about the loss of this forest ecosystem. There are alternative ways of going about this development- which many think should never have been given approval in the first place.

This removal of BGHF is not '*necessary*' and goes against the concerns of DPIE when the rezoning was first approved.

This is a 'controlled action' and this entire site is precious and must have controls put in place which will prevent any further harm from occurring, either to the endangered ecological communities or the threatened and native protected fauna & flora species that are known to inhabit this site.

I am unhappy that the original referral excluded this area from the decision and that by declaring an impact on only 134sqm of BGHF in 2021, the forest here has been forever impacted instead of preserved for future generations.

I believe penalties should apply for providing false or misleading information in a federal referral.

Thank you.



2nd February 2024

Residential Development 55 Coonara Ave West Pennant Hills

Reference (EPBC 2023/09508)

The aim of Friends of Berowra Valley is to protect the natural landscape, heritage and biodiversity of Berowra Valley.

Our main concerns with this project are that it should not be a matter of debate whether or not a Critically Endangered Ecological Community (CEEC) should be built on. The very nature of “Critically Endangered” means that they must be preserved at all cost before they are lost entirely.

The referral often mentions areas that are weedy in a CEEC as if they are unimportant and can be sacrificed. I’m sure the ecologist is aware of a whole industry dedicated to restoring degraded areas. It is called Bush Regeneration. Mirvac is a very wealthy company and can easily afford to protect these precious areas and restore them to their former glory.

Ignorance can no longer be an excuse, burying hibernating echidnas has already occurred on this project.

Pennant Hills is a known area for Gang Gang cockatoos *Callocephalon fimbriatu*, Glossy Black Cockatoos *Calyptorhynchus lathami lathami* and Brown Treecreepers *Climacteris picumnus victoriae* however they are being observed less and less. Every effort should be made to preserve habitat for them. The referral however doesn’t seem to consider it very important. It is pleasing to note that Dural Land Snail *Pommerhelix duralensis* protection is being considered more seriously.

Blue Gum High Forest of the Sydney Basin Bioregion and Turpentine-Ironbark Forest of the Sydney Basin Bioregion are critically endangered and represent a ‘red line’ that cannot be touched. Areas beyond can easily be regenerated and protected as well.

Yours sincerely



Friends of Berowra Valley.

Preliminary Documentation under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) - (EPBC 2023/09508)

Coonara Residential Development at 55 Coonara Avenue, West Pennant Hills, NSW

SUBMISSION

We wish to make clear at the outset of this submission that we are not in any way suggesting that any person, company or entity has done or intends to do anything that is unlawful or illegal.

The Referral EPBC2021/8991 was WITHDRAWN by Mirvac on 18 September 2023 (see DCCEEW correspondence Appendix 1 of this submission). Therefore there is NO Referral that covers the clearing of over 1,800 trees of which more than 450 were Blue Gum High Forest species that have been removed. Mirvac cannot be allowed to simply withdraw a Referral, which was the subject of a complaint, when the works covered by that Referral have already been done.

The new 'actions' that Mirvac seeks approval for in the above Referral EPBC 2023/09508 would:

1. Clear an area of critically endangered Blue Gum High Forest in the north-east corner of the Mirvac site at 55 Coonara Ave, West Pennant Hills
2. Remove a wall to the east of the multi-storey car park that is the principle habitat of the Dural Land Snail (*Pommerhelix duralensis*) on the site; and
3. Extend the area of Additional Permitted Uses shown on the Hills Shire Council LEP APU Map Sheet 24 Item 24, into the critically endangered Sydney Turpentine-Ironbark Forest to the south of Item 24, which is zoned C2 Environmental Conservation.

BLUE GUM HIGH FOREST

The area of Blue Gum High Forest (BGHF) in the north-east corner was omitted by Mirvac from their original Referral EPBC 2021/8991 (now withdrawn). That area is shown in the Cumberland Ecology figure below (Diagram #1) in orange and pink and is denoted in the current Referral as being Blue Gum High Forest (BGHF) VZ5a and VZ3a.

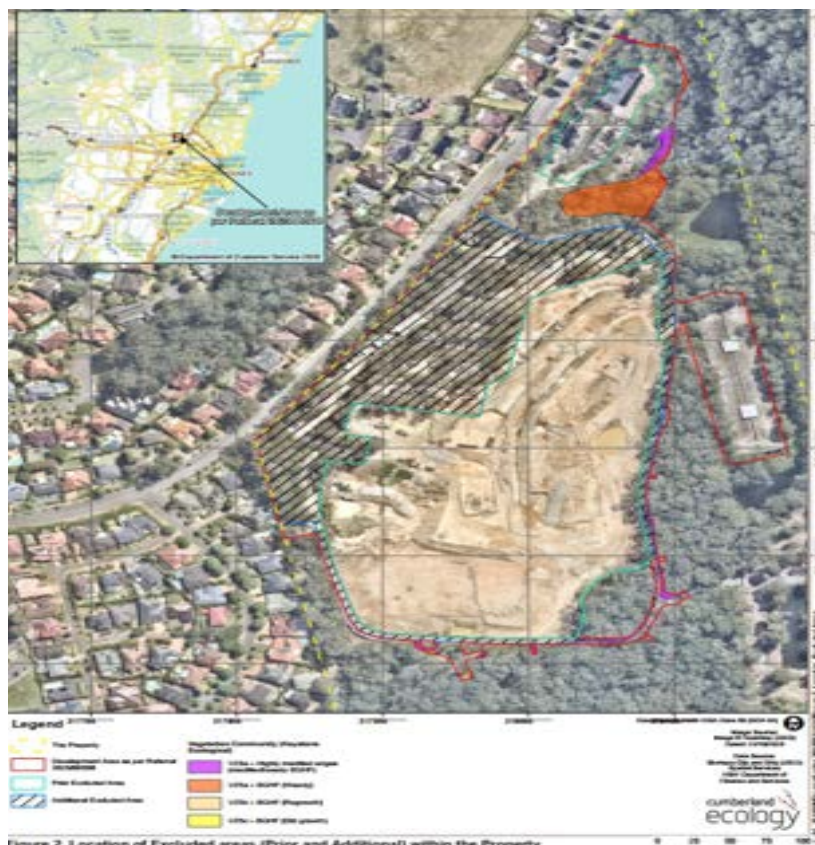


Figure 2. Location of Excluded areas (Prior and Additional) within the Property

Diagram #1 – Pink & orange areas denote BGHF proposed for clearing

It is important to note that previous iterations of Cumberland Ecology documentation as well as Keystone Ecology documentation denoted vegetation in this area as being variously “detention basin”, “VZ4A Landscaped Garden” and “Highly Modified Edges (with no mention of BGHF)” (Diagrams #2 & #3 below), of all which have now been found to be incorrect and therefore, we believe, misleading to DCCEEW.

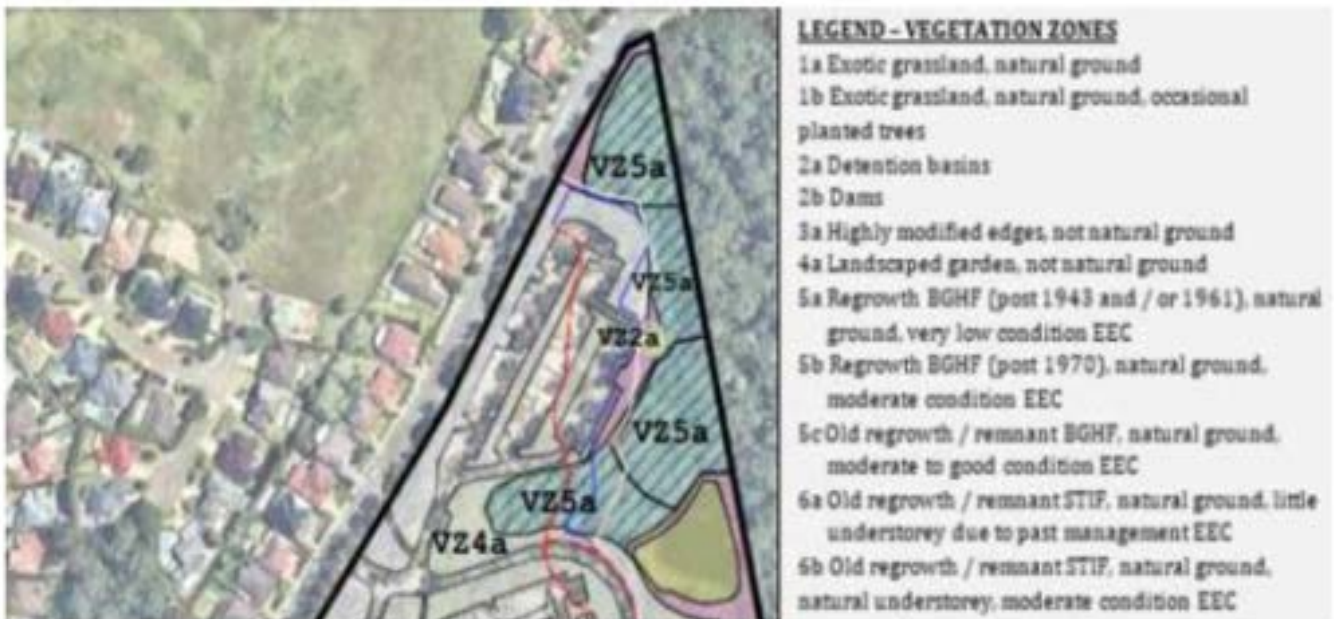


Diagram #2 – Vegetation Zones from Concept DA application – BDAR dated 16 June 2022



Diagram #3 – Vegetation Zones from EPBC Referral 2021/8995 – Referral Decision date 16 September 2021

Reasons for refusal to permit the 'action' of clearing the Blue Gum High Forest

- Page 13 of Mirvac's *Commonwealth Preliminary Documentation* by Cumberland Ecology dated 21 December 2023 states that the areas denoted as VZ5a and VZ3a are regrowth forest/vegetation on natural ground, PCT1237, MNES Blue Gum High Forest (excerpts below).

Therefore the area proposed for clearing in Referral EPBC 2023/09508 is all, by Cumberland Ecology's own admission, Blue Gum High Forest that is a Matter of National Environmental Significance. However, the Mirvac/Cumberland Ecological Referral dated 01/09/23 stated on page 23 that they did not consider the proposed action to be “a controlled action”. Subsequently DCCEEW has declared this is a 'controlled action'.

5a	BGHF	PCT 1237	CEEC	Regrowth forest on natural substrate. Considered to be in poor condition as it mainly comprises canopy trees over dense weed infestations. Dominant canopy trees include <i>Eucalyptus saligna</i> (Blue Gum) and <i>Eucalyptus pilularis</i> (Blackbutt)	MNES – highly degraded form of Blue Gum High Forest
3a	Highly Modified Edges	PCT 1237	not a TEC	Mix of planted and regrowth vegetation on spoil mounds, batters and reshaped slopes around former IBM facility. Locally native tree species include species that generally dominate in BGHF such as <i>Eucalyptus saligna</i> (Blue Gum) or <i>Eucalyptus pilularis</i> (Blackbutt)	MNES – highly degraded form of Blue Gum High Forest

- Mirvac/Cumberland Ecology considers that the impact area is so small as to be “unlikely to threaten the continued existence of the community on site, in the local area, or at any relevant scale”.

However, as the excerpt below from the *Australian Government Matters of National Environmental Significance Significant Impact Guidelines* states, it is not whether clearing with threaten the continued existence, but rather -

Critically endangered and endangered ecological communities

Significant impact criteria

An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:

- reduce the extent of an ecological community
- fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines
- adversely affect habitat critical to the survival of an ecological community
- modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community’s survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns
- cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting
- cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:
 - assisting invasive species, that are harmful to the listed ecological community, to become established, or
 - causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or
- interfere with the recovery of an ecological community.

The proposed action will clearly reduce the extent of the ecological community by clearing, by Mirvac's own admission on page 22 of the Referral, 0.29ha of MNES Blue Gum High Forest.

The area of MNES Blue Gum High Forest in the north-east corner of the site is approximately 1.1ha, as estimated from SixMaps (Diagram #4 below). Clearing of 0.29ha of this area constitutes clearing of almost 25% of that area, a significant proportion. Furthermore, it will fragment the vegetation, particularly as Mirvac has already cleared around the top dam (Photo #1 below), thinning the vegetation to almost nothing beyond the immediate edge of the dam.

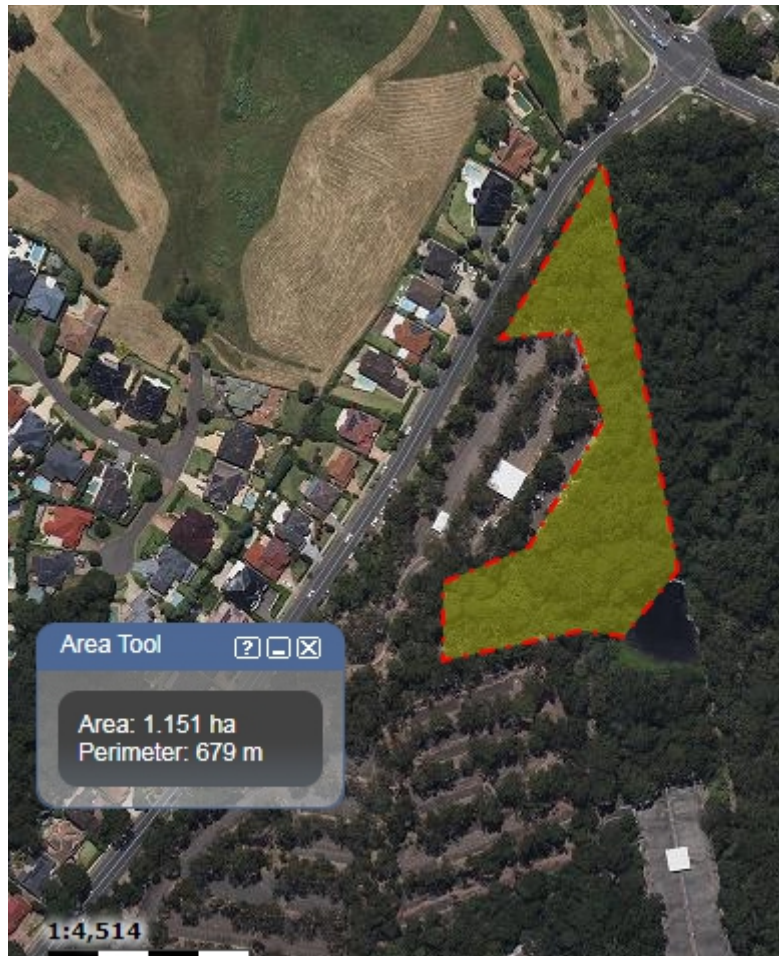


Diagram #4 – area of Blue Gum High Forest in north-east corner of the site



Photo #1 – area west of the top dam has been cleared, which can be seen through the trees on the far side of the dam

- We are appalled by what we believe to be one of the most egregious falsehoods perpetrated by Mirvac/Cumberland Ecology. On the site there is a total of $5.19 + 0.31 = 5.5\text{ha}$ of BGHF. Mirvac claims there is “*more than 60 hectares, when the extension into Cumberland State Forest is considered*” (Referral excerpt page 24 below).

Area. This comprises ~5.5% of the extent of BGHF within the Property. In the wider locality, this comprises ~ 0.04% of the current extent of the community, and **it is located on a edges of within a larger patch of mapped BGHF of more than 60 hectares, when the extension into Cumberland State Forest is considered.** Although this is likely to be an overestimate, it is within a relatively intact and large area of bushland in an urban matrix and 94% of the BGHF on site will be conserved and managed for conservation.

Cumberland State Forest is a TOTAL of 40 hectares in size. It can be seen from the NSW Forestry Corporation map below (Diagram #5) and the following legend for that map (Diagram #6) that the BGHF within Cumberland State Forest (denoted as 46A) is only a small fraction of the whole CSF, not even 20%. At maximum, there might be 6-8 hectares of BGHF in CSF, making a total of at most 14ha. No where near the claim that Mirvac has made and signed off on, of “*a larger patch of mapped BGHF of more than 60 hectares*”.



Diagram #5 – NSW Forestry Corporation vegetation map of Cumberland State Forest

Cumberland State Forest Forest Types



Diagram #6 – NSW Forestry Corporation vegetation legend for Cumberland State Forest

- It is quite unnecessary for any of the MNES Blue Gum High Forest to be cleared or partially cleared. It can be seen from Diagram #7 below that only **four (4)** dwellings are going to be built in the VZ5a and VZ3a BGHF vegetation zones that are the subject of Mirvac's Referral ie **less than 1% of the dwellings that Mirvac will build on the site are proposed for this area.** This puts the clearing of over 5% of the MNES BGHF into perspective.

If Mirvac wants to make up for the shortfall of 4 dwellings it could reasonably reduce the size of some of the units and thereby increase the quantity, particularly when Mirvac deleted the affordable housing of 1 bedroom and studio apartments and offered 4 bedroom apartments instead.



Diagram #7 – proposed layout showing 4 dwellings where the 'bulge' of BGHF is situated.

- Furthermore, as can be seen in Diagram #8 and associated legend (Diagram #9) below that by putting 4 dwellings into the MNES BGHF, additional BGHF will need to be partially cleared for the bushfire Asset Protection Zone (hatched area in diagram below). It is important to note that the NSW Department of Planning and Environment would not permit Mirvac to put an APZ over any of the rest of the VZ5a vegetation. Indeed, they made Mirvac change their original plans to ensure that no BGHF was impacted by an APZ.

The only reason that Mirvac is now trying to get DCCEEW to allow an APZ in the BGHF is, we believe, because Mirvac originally made a false and/or misleading statement as to the vegetation in the area in question to both DPE and to DCCEEW. It beggars belief that Mirvac and its ecologists were unable to distinguish the difference between “landscaped gardens” and MNES BGHF, when the strip is not very wide and it has access from the on-grade car park from two sides.



Diagram #8 – proposed bushfire Asset Protection Zone (APZ) showing BGHF impacts

Legend			Coordi
The Property	Current (2023) Vegetation Mapping (Cumberland Ecology)	Cleared/Hardstand	
Development Footprint	Blue Gum High Forest_Low (PCT 1237)	Current (2023) Vegetation Mapping (Keystone Ecological)	VZ4a – Landscaped Gardens
Asset Protection Zone	Blue Gum High Forest_Scattered Trees (PCT 1237)	VZ1a – Cleared Land	VZ5a – BGHF (PCT 1237)
Vegetation to be Managed (including APZ and Landscaping areas)	Sydney Turpentine-Ironbark Forest_Moderate (PCT 1281)	VZ1b – Cleared Land	VZ5b – BGHF (PCT 1237)
	Sydney Turpentine-Ironbark Forest_Weedy (PCT 1281)	VZ2a – Dams and Basins	VZ5c – BGHF (PCT 1237)
	Planted Natives	VZ2b – Dams and Basins	VZ5a – STIF (PCT 1281)
	Exotic Vegetation	VZ3a – Highly Modified Edges (PCT 1237)	VZ5b – STIF (PCT 1281)

Diagram #9 – legend for Diagram #8

- Page 27 of the Commonwealth Preliminary Documentation states “that the understorey vegetation to be cleared for APZ purposes” will “have a beneficial impact on BGHF” as the understorey is largely comprised of Privet and Lantana” (excerpt below).

As the vegetation within the APZ comprises the degraded form of BGHF, i.e. scattered canopy trees over dense weed infestations, the understorey vegetation to be cleared for APZ purposes largely comprises the dense weed infestations and is considered to have a beneficial impact on BGHF as the understorey is largely comprised of significant environmental weeds such as *Ligustrum lucidum* (Large-leaved Privet) and *Lantana camara* (Lantana).

We believe this is errant nonsense. As stated in the *MNES Significant Impact Guidelines* (excerpt again below), regular clearing of an ecological community, in this case for a bushfire APZ, will “cause a substantial change in the species composition”. Additionally, it will prevent re-establishment of the species composition of the Blue Gum High Forest in that area by clearing the understorey, whether it be BGHF species or weed species, as required for an APZ.

• cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting

- It is important to note that Mirvac has owned the site for nearly 10 years. In that time, it has had plenty of opportunity to clear the Privet and Lantana from areas where it became established, particularly within the north-east corner containing the Blue Gum High Forest, to enable regeneration of the BGHF. Mirvac has engaged at least two landscape contractors in that time to maintain the site, one being Haywood Landscape Services. The Privet and Lantana in the north-east corner of the site, to the best of our knowledge, was never removed during that time.

That in itself could, conversely, be considered to be a good thing. The photo below (Photo #2) shows the bushfire Asset Protection Zone on the western side of the site. Mirvac never established to any degree of satisfaction, how the vegetation under the tree canopy in the APZ died suddenly. We were given an explanation that someone might have dumped oil in the area. However we feel that it would take decades for oil to travel through the soil in such a large flat area. It should be pointed out that the RFS Bushfire Certification did not permit poisoning as a clearing method within this area of MNES Sydney Turpentine-Ironbark Forest.



Photo #2 – dead understorey in STIF

- Page 30 Section 4.2.4 *Physical damage* of the *Commonwealth Preliminary Documentation* states that -

4.2.4. Physical damage

The BGHF and associated habitat outside the development footprint have potential to be damaged physically by human activities. This can include trampling of vegetation, soil compaction and disturbance, especially during transport of materials. These activities can alter regeneration of species within the vegetation communities and result in an alteration to community composition and structure. These impacts are likely to occur if access is not restricted.

The risk of physical damage from inadvertent access has been negated by clear delineation and fencing of vegetation to be retained and managed. Furthermore, in accordance with the approved fauna management plan (FMP) and Tree Protection Management plan (TPMP), all physical works in close proximity to vegetation/habitat are conducted under ecological and arboricultural supervision.

The statement “*The risk of physical damage (to the BGHF) from inadvertent access has been negated by clear delineation and fencing of vegetation to be retained and managed*” is, we believe, manifestly untrue. From the outset of the initial designs for this development the community has requested that the areas containing critically endangered ecological communities, being the MNES Blue Gum High Forest and Sydney Turpentine-Ironbark Forest, be fenced off from the dwellings with gate only access, specifically to prevent trampling of vegetation, soil compaction and disturbance, as well as preventing access to bikes and dogs.

The then NSW Office Environment and Heritage (OEH) also recommended in writing that these areas be fenced when the original rezoning approval was considered.

Mirvac has repeatedly refused to “fence the vegetation to be retained”. We therefore consider it disgraceful that this report to DCCEEW contains the suggestion that the vegetation will be fenced to protect it when Mirvac has specifically refused to do so. It is not just temporary fencing from contractors that is needed, it is permanent fencing from the impacts of over 400 households on this site, together with their children, bikes and pets.

The Table on page 35 of the *Commonwealth Preliminary Documentation* states that the frequency of physical damage during operational phase (ie once dwellings are occupied) will be “rare”. We believe this to be incorrect.

- The edge effects will be significantly exacerbated should Mirvac be allowed to clear the BGHF in the north-east corner for the four dwellings. It will expose the southern edge of the VZ5a vegetation, that was protected by the NSW Department of Planning and Environment rezoning approval, to edge effects that it would not otherwise be exposed to. The BGHF strip along the eastern boundary, which includes the DPE protected area, is not very wide. By exposing it to edge effects of up to 100m into the BGHF (*Commonwealth Preliminary Documentation* excerpt below), it risks the long term viability of the BGHF in the north-east corner of the site. Furthermore, it will expose the northern dam which is habitat for the MNES Southern Myotis found on the site as well as for the breeding pair of Powerful Owls.

4.2.2. Edge Effects

Edge effects are impacts that occur at the interface between natural habitats, especially forests and disturbed or developed land (Yahner, 1988). When an edge is created between woodland and a cleared area, changes to ecological processes within the vegetation can extend between 10 m and 100 m from the edge. These changes include; invasion by weeds, increase in feral animals, reduction in tree health, and barriers to dispersal or distribution (Yahner, 1988).

- Avoidance, Mitigation and Offset measures are claimed in the *Commonwealth Preliminary Documentation* which we believe are spurious as best. Every area of bushland that was of high biodiversity value was avoided and protected only after extended vocal community opposition to Mirvac's plans. It must be remembered that Mirvac's first iteration of their design was to clear the WHOLE site, including the WHOLE 10ha of MNES now protected, to accommodate thousands of apartments. To read the Mirvac/Cumberland Ecology documentation DCCEEW could think that Mirvac, out of the goodness of its heart and because it's supposedly 'environmentally conscious', made alterations to its design of its own accord. Even this current Referral is as a direct result of a complaint made by the Environmental Defenders Office regarding what they believe to be false and misleading information included in the first Referral.

And previously, the Offset monies paid by Mirvac to the Biodiversity Conservation Fund to clear the Blue Gum High Forest WITHIN the development footprint was as a result of the Hills Shire Council finding 1.85ha of BGHF within the footprint, as different to the 0.009ha claimed.

We would also point out that the Mirvac officer that signed off as being the "*Person proposing the action*" on the first Referral EPBC 2021/8991 had only been employed by Mirvac for a matter of days/weeks prior to signing off on the Referral. We would therefore question just how much knowledge Mr Allen had of the project at that time.

- All of the Avoidance measures were IMPOSED upon Mirvac by DPE. The road design being widened into the development footprint rather than into the MNES Forest was at DPE's insistence and was a no-brainer in terms of protection of the MNES. DPE also insisted that there could be no bushfire APZ within the BGHF or STIF (yet here Mirvac is, trying to get an APZ into an area of BGHF that they originally claimed was "landscaped garden"). The deletion of the soccer field was at the insistence of OEH to protect the Powerful Owl nest.

The recent amendment of the footprint was because residents were concerned after Mirvac removed a bird camera sensor from the site and we asked Birdlife Australia Powerful Owl Project to check the site. Within minutes of the Birdlife Australia officer arriving in the Cumberland State Forest, at the fenceline between it and the Mirvac site, the officer sighted a Powerful Owl near where the camera HAD been. This is despite Mirvac having categorically stated at the Planning Panel meeting that there had been no Powerful Owls on the site for many years. As stated by Mirvac's representative at the Sydney Central Planning Panel hearing, Mr Adrian Checchin, Development Director – NSW Apartments, words to the effect (as transcribed) that "*There are no Powerful Owls. They haven't been observed there. We have been monitoring them for years and we haven't seen them on our site for a number – well, they haven't been seen at all*". Amazing coincidence then that Birdlife Australia should have found that Powerful Owl so quickly and easily on the first day they visited the site.

At the same Planning Panel hearing Mr Checchin also stated words to the effect (as transcribed) "*There are no EEC's in the demolition footprint*" and "*In relation to Federal Referral under the EPBC Act, there was and is no requirement for a Federal EPBC Act referral*". We now know that both of those statements are not correct. It should be noted that the other Mirvac representative that signed the first Referral EPBC 2021/8991, was Mr Adrian Checchin. Although Mr Checchin was the primary person responsible for the development for almost 5 years and was the person that was in contact with the Council almost daily regarding the project, he did not sign the Referral as the "*Person proposing the action*" and therefore making the declaration of complete, current and correct information. Mr Checchin only signed as the Mirvac contact. We reiterate that of course we are not suggesting in any way that any person, company or organisation has done or intends to do anything illegal or unlawful.

It must be noted that Mirvac itself has made NO attempt to avoid impacts on matters of MNES. It has only been when Mirvac has been forced to avoid impacts that it has done so. Yet as the Land and Environment Court has repeatedly stipulated, Avoidance must be the first step in the hierarchy of Avoid, Minimise, Mitigate.

- We are of the understanding that the requirement to Mitigate impacts in relation to matters of MNES should apply just to matters of MNES, being the clearing of the relevant BGHF and STIF and impacts on the Dural Land Snail and Southern Myotis, not every other thing Mirvac is doing on the site. Therefore the following Mirvac mitigations bear no relation to this Referral
 - * Management of other native vegetation.
 - * Fauna protocols for non-MNES fauna. The fact that Mirvac managed to kill 2 possums and 3 reptiles has nothing to do with this MNES Referral and only serves to pad out the report. The wildlife protocols ended up being written in conjunction with local wildlife carers at their behest.
 - * Tree protection fencing does nothing to mitigate the impacts of clearing this area of MNES.
 - * Downstream runoff prevention does mitigate impacts on clearing this area of MNES BGHF.
 - * Nor does suppressing noise or controlling truck speeds. All just fluff and nonsense.

- It is interesting to read the *Commonwealth Preliminary Documentation* Section 5.3 on Offsets. In this Mirvac complains “*That no justification/calculations for the increased number of credits for the Masterplan DA have been provided by Council*”. We believe that Hills Shire Council has repeatedly shown that Mirvac/Cumberland Ecology/Keystone Ecological estimates of the amount of critically endangered Blue Gum High Forest and Sydney Turpentine-Ironbark Forest on the site and particularly within the development footprint, have been woefully inadequate.

Mirvac has so far paid a pittance into the Biodiversity Conservation Fund for the unjustifiable right to clear 1.85ha (Council figures) of Blue Gum High Forest. Mirvac did not even attempt to find a like-for-like area of BGHF to offset, it simply paid cash-to-clear into a fund.

No doubt this Mirvac wants to do again – not preserve any like-for-like area, just simply transfer cash into a Fund. While this is legal it is certainly considered by the community to be unethical – Mirvac should at least have tried to find an area to offset against, not just pay cash to clear.

- We do not agree with the *Commonwealth Preliminary Documentation Section 5.3* statement that previous payments meet the requirement to offset (excerpt below). The area of BGHF in the north-east corner of the site was never included in the Concept Masterplan or the Demolition DAs, so therefore no credit requirements have been met for this area. Given the small amount of money relatively it would be if DCCEEW agrees that the area can be cleared, which we certainly hope they do not do, we feel it is unacceptable for Mirvac to object to paying more to cover the area that they didn't pay before, because Mirvac denied that area contained BGHF.

Payments to the Biodiversity Conservation Fund have been made for 19 PCT 1237 credits in relation to the Concept Masterplan DA and 57 PCT 1237 credits in relation to the Demolition DA (**Appendix E**). As no variation to credits has been applied, the payment meets the like-for-like credit requirement to offset for entities listed under the EPBC Act.

- Mirvac consistently refers to an area that is supposedly “*to be dedicated to the NSW Government*”, when it wants to display how 'environmentally conscientious' it is (excerpt below). However, every single DA Mirvac trots out the same area that is supposedly to be dedicated, as a justification for offsetting measures. How many times should a developer be allowed to 'offset' with the same piece of land? So far this same piece of land has been used half a dozen times.

The community was horrified when the Voluntary Planning Agreement went on exhibition for that area. The conditions contained in the VPA allow the NSW Minister “*at its absolute discretion*” to change the boundaries of this so-called gifted area at any time. Which make Mirvac's 'offset' totally meaningless and worthless if it can be reduced in size at any time. As the offset has not been handed over in the 5 years that it has been 'promised', we believe DCCEEW should not pay any heed to this as being an offset at this time.

In addition to the biodiversity credit offsets under the BAM, the majority of the retained bushland within the Property is to be managed under several VMPs with a significant component to be dedicated to the NSW Government for management by Forestry NSW as an 'extension' to Cumberland State Forest. The areas to be managed under various VMPs is shown in **Figure 15**.

- The *Commonwealth Preliminary Documentation (CPD) Section 5.4* regarding compliance with Recovery and Threat Abatement Plans states that the only isolated canopy trees/patches of MNES being removed are adjacent to the proposed Open Space (excerpt below) which, mind you, is MNES Sydney Turpentine-Ironbark Forest not Blue Gum High Forest (more on that later). It beggars belief that Mirvac/Cumberland Ecology can on one hand in effect say that the area in the north-east that it wants to clear is poor condition with mainly canopy trees so it's not worth protecting, then on the other hand ignore this area as having isolated canopy trees. It's either one or the other and in either case, should be preserved and protected as MNES, not cleared for just four more houses.

Avoid removal of isolated canopy trees characteristic of the ecological community or isolated patches of remnant vegetation <1 hectare in the local government areas where it occurs, as these provide important connectivity and habitat refugia functions

Isolated canopy trees/isolated patches within the Property are limited to sections within/adjacent to the on-grade carpark in the future proposed Open Space development. While plans for this development are yet to be finalised, the majority of the isolated trees are proposed to be retained, the exceptions being trees in poor health and pose a safety risk as determined by the project arborist, and incorporated into proposed

- On pages 48 & 49 of the CPD, Mirvac/Cumberland Ecology discuss the impacts of access to the MNES areas (excrpts below).

Control and regulate impacts from people, bikes and other vehicles via fencing, signage and determining which existing tracks should be closed or remain open.

Current bush tracks within Cumberland State Forest extend into bushland areas within the Property. The use of bikes will be restricted to specific recreational areas within the future Open Space development. Current walking tracks will be maintained and appropriate educational signage will be installed as part of management actions under the relevant VMP

Assess and manage the impacts of mountain bike and other damaging recreational activities within bushland remnants.

Current access to the bushland currently prevents access by damaging recreational activities such as 4 wheel driving. The current access restrictions to these activities will be maintained in the long-term. However, it should be noted that access via informal paths/tracks in Cumberland State Forest is outside of the control of the proponent.

We consider their responses above to be totally inadequate to protect the MNES.

* While Mirvac/CE claims bikes will be restricted to specific areas within the Open Space, no fencing is proposed to keep bikes out of the adjacent MNES STIF. This area must be fenced.

It can be seen from the photo below (Photo #3) that the fence in the foreground is dilapidated. Behind that is temporary fencing that Mirvac has installed for the duration of construction. If Mirvac can afford secure fencing for the construction, it can afford to utilize similar fencing on the boundary to replace the dilapidated original fence.



Photo #3 – dilapidated boundary fence with CSF

- * *“Current walking tracks will be maintained”*. The NSW Department of Planning, Industry and Environment (Environment, Energy and Science Group) recommended that the bushland reserve be fenced. Below is an excerpt from the DPIE submission to Hills Shire Council, a full copy of which is attached as Appendix 1 to this submission. DPIE clearly wanted the MNES Forests to be fenced.

8. **Fencing of bushland reserve:** OEH recommended that the bushland reserve is fenced. The EES expert supports the protected bushland area being fenced.

We believe fencing all areas of MNES on the site should be imposed by DCCEEW as a result of this Referral, in accordance with the Recommended Priority Actions for BGHF.

* Furthermore DPIE (OEH) *“recommended that the existing pathways/walking trails are closed and re-vegetated and any new pathways/walking trails are located outside the bushland reserve to minimise impacts caused by people and companion animals disturbing the critically endangered communities”*. Yet Mirvac want to keep all existing tracks, which does not align with the Priority Actions which recommend determining which tracks should be closed, not that all tracks should be kept.

We believe that, as Mirvac/Cumberland Ecology have referenced the whole of the site in this Referral, that DCCEEW should impose conditions that align with the Priority Actions upon the whole site, to protect all of the MNES.

The OEH submission advised that details are required on the number of existing walking trails/pathways and their location within the bushland reserve and **recommended that the existing pathways/walking trails are closed and re-vegetated and any new pathways/walking trails are located outside the bushland reserve to minimise impacts caused by people and companion animals disturbing the critically endangered ecological communities, native flora and fauna.**

In terms of protecting biodiversity at the site, it is important that impacts caused by people and companion animals are minimised.

* *“Appropriate educational signage will be installed”* must include restrictions on companion animals, such that dogs must be kept on leash at all times.

* “Current bush tracks within Cumberland State Forest extend into bushland areas within the property”. We do not understand how this is possible. Mirvac makes most of the fact that the site is private property and has signs on boundaries prohibiting entry. The public is most definitely not allowed into the bushland by Mirvac. There is fencing between CSF and the site. If Mirvac has allowed the fence to be cut or become dilapidated, it is no excuse for avoiding implementation of Priority Actions. Access by informal tracks from CSF and from the dwellings, is within the control of Mirvac, simply by the installation of adequate fencing.

* “Current access prevents ... activities such as 4 wheel driving”. It does not prevent impacts by mountain bikes as referenced in the Priority Actions. When more than 400 dwellings are built on the site, with many homes having children, kids will undoubtedly want to ride their bikes in the bushland which is ALL MNES. **These areas of MNES MUST all be securely fenced with dogleg entry points preventing bike access.** Mirvac must not dodge its responsibilities under the Recommended Priority Actions by the use of partial truths.

* “Avoid unnecessary mowing of understorey to promote regeneration of native species” of the areas of BGHF” (excerpt below). It is unacceptable for Mirvac to suggest that it will mow the APZ proposed for the MNES BGHF in the north-east corner. DPIE, OEH, EES all stated that bushfire APZs must not be within areas of BGHF. Yet that is exactly what Mirvac/Cumberland Ecology now propose for the north-east corner. This must not be permitted by DCCEEW.

Trampling, Browsing or Grazing

Avoid unnecessary mowing of understorey to promote regeneration of native species

Mowing of understorey is limited to areas to be managed as vegetated APZs or within the landscape areas of the proposed development. It is not proposed as a management action for regeneration of native species within the bushland areas

DURAL LAND SNAIL

It is stated in the Referral document that the retaining wall to the east of the multi-storey car park be removed, which is the principle habitat of the Dural Land Snail (*Pommerhelix duralensis*) on the site -

- Page 20 of the Referral document (excerpt below) states - “Indirect impacts are restricted to the sandstone retaining wall to the east of the multi-storey car park. The removal of the wall and multistorey carpark will reduce the extent of existing shading, thereby potentially resulting in increased exposure of habitats. No other indirect impacts are considered likely to occur”.

This removal of the retaining wall is not mentioned in the *Commonwealth Preliminary Documentation (CPD)* as being a direct impact or indirect impact.

Yet the majority of live Dural Land Snails were found within and next to this retaining wall. It is their principal habitat on the site. We believe it was erroneous of Mirvac to have then extrapolated the number of Snails found in that area, across the whole site. They are concentrated in and around the retaining wall.

Removal of the wall constitutes a matter of MNES and yet it is not even referenced in the CPD.

The retaining wall to the east of the multi-storey car park must not be allowed to be removed as it is the principal habitat of the MNES Dural Land Snail on the site.

***Pommerhelix duralensis* Dural Land Snail.** This species was detected during opportunistic survey (2 empty shells) and subsequent targeted survey undertaken by species expert Dr Stephanie Clark (18 live individuals).

The 18 live individuals of this species (comprising both adults and juveniles) were observed in the following 11 locations:

- 4 sites on and above the retaining wall to the north and east of the multi storey car park where one empty shell was found previously;
- 3 sites immediately adjacent and to the east of the car park in Cumberland State Forest;
- 1 site (and 1 individual) in the retained bushland where one of the empty shells was found previously;
- 1 site to the south of the works area in the retained bushland that is to be transferred to Forestry Corporation; and
- 2 sites in Cumberland State Forest beyond the subject lot to the south.

SYDNEY TURPENTINE-IRONBARK FOREST

Mirvac is proposing to extend the area of Additional Permitted Uses shown on the Hills Shire Council LEP APU Map Sheet 24 Item 24, into the critically endangered Sydney Turpentine-Ironbark Forest (STIF) to the south of Item 24, which is zoned C2 Environmental Conservation.

Comparison of the following diagrams below show how far Mirvac proposes to extend this area -

- * Diagram #10 – LEP APU Map Sheet 24, Item 24
 - * Diagram #11 – aerial view showing CSF boundaries and relevant cleared area on site
 - * Diagram #12 – Mirvac diagram of extent of proposed Open Space
 - * Diagram #13 – Subdivision Plan
 - * Diagram #14 – Shows STIF vegetation to the south of the Open Space
- Comparison of all of the above listed diagrams shows that Mirvac intends to extend the Open Space, for which the DA has already been lodged with Hills Shire Council, contrary to the Referral documentation, into the area of MNES critically endangered Sydney Turpentine-Ironbark Forest to the south of the Open Space.

It is clear from Diagram #12 that there is significant STIF tree canopy to the south of the Open Space, which Mirvac intends to include in the Open Space.

Particularly note Diagram #13, where the lot boundaries within CSF do not align with Mirvac's proposed Diagram #12.

Mirvac must not be allowed to extend the size of Additional Permitted Use Item 24 into the MNES STIF, and particularly not stealthily by simply showing it in one diagram.

Furthermore, Mirvac should not be allowed to lodge repeated referrals saying that there are “future” DAs, when these DAs are ready to be lodged and have matters of MNES in them.

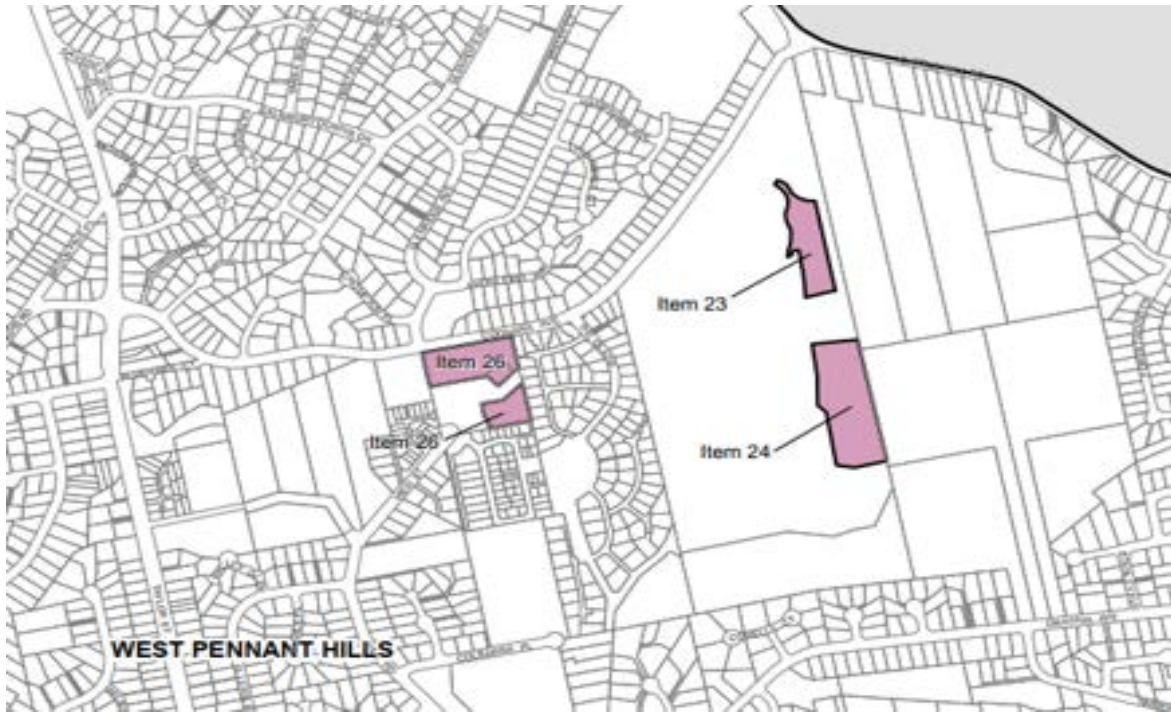


Diagram #10 – Hills LEP Additional Permitted Uses Map



Diagram #11 – aerial view showing boundaries



Diagram #12 – Mirvac/Cumberland Ecology diagram of extent of Open Space

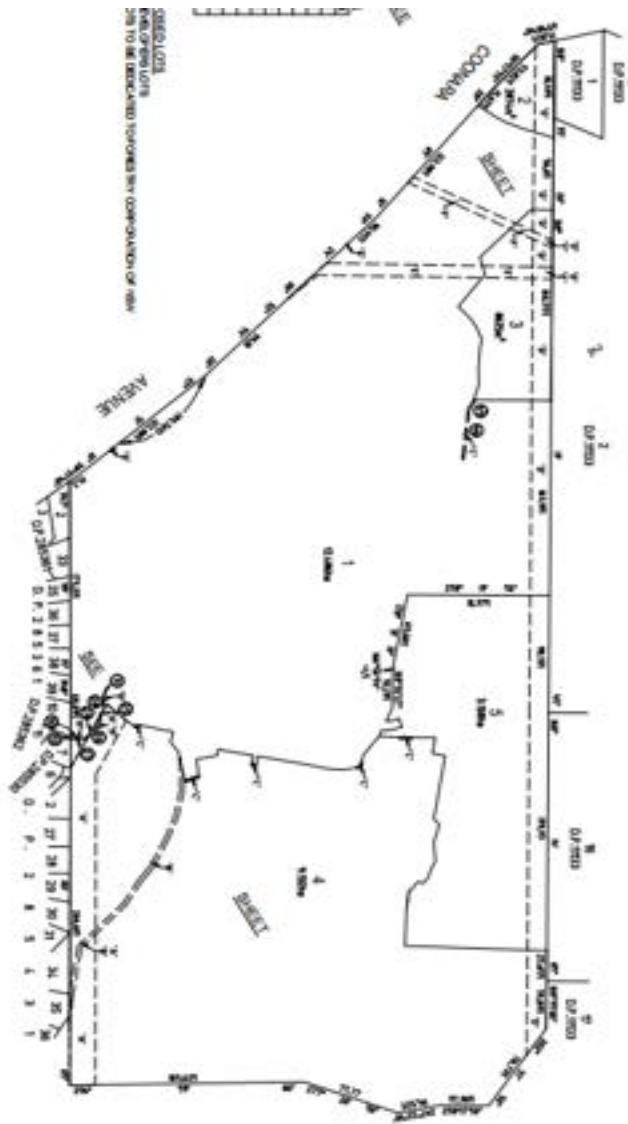


Diagram #13 – Subdivision map showing boundaries of Open Space Lot 5 and adjacent lots in CSF




Diagram #13 – shows Sydney Turpentine Ironbark Forest below the cleared land

CONCLUSIONS

- The Referral EPBC2021/8991 was WITHDRAWN by Mirvac on 18 September 2023. Therefore there is NO Referral that covers the clearing of over 1,800 trees of which more than 450 were Blue Gum High Forest species that have been removed. Mirvac cannot be allowed to simply withdraw a Referral which was the subject of a complaint, when the works covered by that Referral have already been done.
- If any company/person/entity was found by DCCEEW to have provided false or misleading information in EPBC2021/8991 then it should be prosecuted accordingly.
- We request that DCCEEW refuses Mirvac's request to:
 - Clear an area of critically endangered Blue Gum High Forest in the north-east corner of the Mirvac site at 55 Coonara Ave, West Pennant Hills;
 - Remove a wall to the east of the multi-storey car park that is the principal habitat of the Dural Land Snail (*Pommerhelix duralensis*) on the site; and
 - Extend the area of Additional Permitted Uses shown on the Hills Shire Council LEP APU Map Sheet 24 Item 24, into the critically endangered Sydney Turpentine-Ironbark Forest to the south of Item 24, which is zoned C2 Environmental Conservation.
- We believe fencing all areas of MNES on the site should be imposed by DCCEEW as a result of this Referral, in accordance with the Recommended Priority Actions for BGHF.
- Bikes and dogs must not be allowed into areas of MNES.
- All paths must be removed from MNES areas as recommended by NSW DPIE.
- We believe that, as Mirvac/Cumberland Ecology have referenced the whole of the site in this Referral, that DCCEEW should impose conditions that align with the Priority Actions upon the whole site, to protect all of the MNES.
- Mirvac should not be allowed to lodge repeated referrals saying that there are “future” DAs, when these DAs are ready to be lodged and have matters of MNES in them.
- The community is heartily sick and tired of what it believes are false and misleading statements being made by Mirvac in pursuit of maximum profits out of this site, to the permanent detriment of critically endangered MNES.
- We believe that any company/person/entity that provides false and/or misleading information to DCCEEW in a Referral should have legal action taken against them.

APPENDIX 1 – DCCEEW advice of withdrawal of EPBC 2021/8991

OFFICIAL

 Australian Government
Department of Climate Change, Energy,
the Environment and Water

info@edo.org.au

Decision on referral for Coonara Residential Development, West Pennant Hills, NSW (EPBC 2023/09508)

Thank you for your letter dated 20 March 2023 in relation to the proposed action by Mirvac Projects Pty Ltd (Mircac), being a residential development at 55 Coonara Avenue, West Pennant Hills NSW 2125 (EPBC 2021/8991).

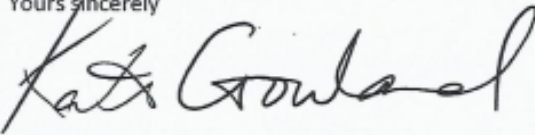
As you are aware, a new referral for this property was submitted to the Department on 1 September 2023 titled *Coonara Residential Development*, EPBC number 2023/09508. Referral 2021/08995 was withdrawn by the proponent on 18 September 2023.

This is to advise you of my decision on EPBC 2023/09508 to develop parts of the property located at 55 Coonara Avenue, West Pennant Hills NSW 2125, including demolition of existing buildings, removal and modification of existing infrastructure, and construction of dwellings and apartments, communal facilities, open space and associated infrastructure.

As a delegate of the Minister for the Environment and Water, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed action is a controlled action and as such further assessment is needed before a decision can be made on whether or not approval can be granted under the EPBC Act.

The assessment approach will include a public consultation phase in which any third parties can comment on the proposed action.

Yours sincerely



Kate Gowland
Branch Head
Environment Assessments (NSW, ACT) Branch

29 September 2023

DCCEEW.gov.au
John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia
GPO Box 3000 Canberra ACT 2601 ABN 63 572 022 940

1

APPENDIX 2 – DPIE submission to Hills Shire Council re outstanding issues



**Planning,
Industry &
Environment**

Our ref: DOC19/857861
Senders ref: 1/2018/PLP

Ms Megan Munari
Senior Town Planner
The Hills Shire Council
PO Box 7064
NORTHWEST NSW 2153

Dear Ms Munari

Subject: Planning Proposal – 55 Coonara Avenue, West Pennant Hills – EES outstanding issues

Following the OEH submission of 14 June 2019 on the planning proposal, the Environment, Energy and Science Group (EES) has received various additional information in relation to the planning proposal including:

1. Mirvac's response to the OEH submission of 14 June 2019 on the planning proposal with an attached letter from Keystone Ecological - dated 22 July 2019
2. Keystone Ecological letter - dated 9 October 2019 with appended vegetation map and overlay and letter from Bushfire consultant - dated 2 October 2019
3. Powerful Owl Assessment – dated 17 September 2019
4. Mirvac presentation to The Hills Shire Councillors - dated November 2019
5. Addendum letter from Keystone Ecological - dated 11 Nov 2019.

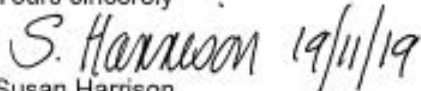
EES notes that the Mirvac presentation to Councillors states that Mirvac has addressed comments made by OEH. EES does not consider that Mirvac has adequately addressed key issues raised by OEH in its submission of 14 June 2019.

EES provided a further response to Council (dated 21 October 2019) on ecological and bushfire information. EES has also reviewed the Powerful Owl Assessment (POA) – dated 17 September 2019 and the Keystone Ecological letter - dated 11 November 2019.

EES provides additional and reiterated comments and recommendations in Attachment A.

If you have any questions about this advice, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer, via email janne.grose@environment.nsw.gov.au or 02 8837 6017.

Yours sincerely


Susan Harrison
**Senior Team Leader Planning
Greater Sydney Branch
Environment, Energy and Science**

EES comments on Planning Proposal – 55 Coonara Avenue, West Pennant Hills – EES outstanding issues – November 2019

The Office of Environment and Heritage (OEH) submission of 14 June 2019 on the planning proposal for 55 Coonara Avenue site raised several issues. The Environment, Energy and Science group (EES) considers the following key issues previously raised by OEH have not been adequately addressed including:

- the protection of critically endangered Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF) on the site
- adequacy of flora survey – it is preferable to undertake adequate threatened species surveys at the planning proposal stage
- the Powerful Owl and potential impacts on other native fauna
- the impact of increased residential population and companion animals needs to be assessed
- the draft DCP needs to be amended to use local native provenance species on the site
- future management and ownership of the bushland reserve.

Blue Gum High Forest and Sydney Turpentine Ironbark Forest

The OEH submission raised concern that the development footprint allowed by the planning proposal will result in the modification of almost 1 ha of critically endangered BGHF and STIF. OEH recommended the Site Masterplan be amended to protect remnant BGHF and STIF.

The Mirvac response to the OEH submission advises approximately 0.95 ha of BGHF is proposed to be APZ but notes approximately 0.4 ha is already being managed as an APZ for the protection of existing residential neighbours. **This implies that 0.55 ha of BGHF is not currently managed as an APZ on the site and is proposed to be cleared as an APZ.**

It is noted that the Keystone letter of 22 July 2019 which is attached to the Mirvac response explains that the 0.95 ha of BGHF does not comprise one large expanse of vegetation but is made up of 14 small and disturbed patches. The Keystone letter states that the impacts on "important vegetation has been significantly reduced from the indicative figure of 0.95 hectares", though it is noted that a final figure of the amount of vegetation to be impacted is not provided. In the absence of any more detail on the amount of vegetation to be impacted, EES reiterates the previous comment that the BGHF and STIF that is not currently being managed as an APZ on the site should be protected and rehabilitated.

The OEH submission advised a map of the extent of the BGHF and STIF on the site should have been provided. EES subsequently received a map in an email of 9 October 2019, however the map does not adequately address the OEH comment as outlined in the EES submission to Council (dated 21 October 2019) on the further ecological and bushfire information that was received for the site.

Adequacy of Flora Survey

The Keystone Ecological letter of 22 Jul 2019 states that the level of threatened flora survey was considered adequate for the Masterplan. **However, EES considers that it is preferable to undertake surveys as early as possible in the planning process, so that decision makers can be aware of all the constraints at the planning proposal stage.** Although the Keystone report notes that none of the subject species have a high likelihood to occur, EES considers there are some species that could potentially occur given the habitats on site, in particular *Epacris purpurascens* var. *purpurascens*, *Pimelea curviflora* var. *curviflora* and *Syzygium paniculatum*.

Powerful Owl

The OEH submission raised concern about potential impacts on the Powerful Owl. In response, a Powerful Owl Assessment (POA) prepared by Keystone Ecological (dated 17 September 2019) has been provided. The EES Powerful Owl expert has reviewed the POA and the following comments are provided:

1. The EES expert considers the survey carried out for Powerful Owls is adequate.
2. The EES expert supports the ameliorative measures in the POA to use of fast-growing species to create a dense canopy near roosting and nesting habitat and weed management following McNabb.

Issues that still need to be resolved:

3. The EES expert does not support the calculation of local population. The spatial analysis pools data from multiple years initially to assume 16 territories, however data from only a single year should be used due to birds moving about the habitat and territories boundaries always being in flux. The POA also states there would be 12 successful nests using 2015 data, but it has calculated 32 parents (page 48). However, using the POA methods would result in 12 pairs, 24 parents, 14.4 offspring, 10% mortality, leading to a total of 35 total birds (35.56) including 4 floaters (10% of total population).
4. Construction timing. The construction timing, which is identified as an ameliorative measure in the POA is incorrect and needs to be amended (page 16). The POA recommends restrictions are put in place around construction between September and February, however the breeding season is April to October. This could be addressed as a condition of consent for any future DAs.
5. Noise impacts. The ameliorative measure for a reduction in noise is supported by the EES expert, however it is unclear how Council proposes to effectively implement restricting activities in the recreational areas that have the potential to disturb the Powerful Owls through amplified noise. The ameliorative measure for a reduction in noise is necessary to assist with pairing, choosing a nest site, breeding and fledging. It is not as important over the summer. Alternatively, to ensure the nest is always protected from noise impacts, the EES expert recommends having the noise restriction (60 minutes prior to sunset through to 30 minutes after sunrise) in place all year. Council needs to advise how this could be implemented.
6. Sports Field. OEH raised concern that the Planning Proposal proposes to use the existing open grass area in the south-east corner of the site as a synthetic soccer field and advised that the proposed location of the soccer field should be assessed in terms of the potential impacts on the resident Powerful Owls including impacts from lighting and the use of synthetic turf. The Mirvac presentation to Councillors confirms that the Voluntary Planning Agreement (VPA) agreed with Council includes a FIFA standard synthetic turf soccer field.

The EES expert strongly supports the OEH comment that the impact of the sports field development needs to be taken into consideration as part of this proposal. The sports field is directly connected to this development and is a known future impact to the breeding territory in question and may result in the loss of the pair of Powerful Owls after completion of this development.

7. Buffer distance. It is agreed that the buffer distance of 100 metres for nest tree #2 is not currently met and yet it is still successful. However, this is in the context of a very quiet, day use business district, not a housing development. Modification of the buffer for this nest may be justified, but only provided strict noise restrictions are in place for duration of the development and established vegetation buffers are in place (i.e. 4-5m tall buffering vegetation) prior to occupation in this area.

8. **Fencing of bushland reserve:** OEH recommended that the bushland reserve is fenced. The EES expert supports the protected bushland area being fenced.
9. **Pathways and walking trails:** The EES expert also suggests there is some rationalisation in the number of the formed trails that exist at the site.

The OEH submission advised that details are required on the number of existing walking trails/pathways and their location within the bushland reserve and recommended that the existing pathways/walking trails are closed and re-vegetated and any new pathways/walking trails are located outside the bushland reserve to minimise impacts caused by people and companion animals disturbing the critically endangered ecological communities, native flora and fauna.

In terms of protecting biodiversity at the site, it is important that impacts caused by people and companion animals are minimised.

10. **Control of cats and dogs** – The OEH submission sought clarification on how the proposed ameliorative measures relating to the prohibition of free ranging cats and the control of dogs would be implemented and recommended the bushland reserve is fenced to prevent dogs and cats from having access.

The POA recommends as an ameliorative mechanism that dogs are always to be under control, but especially near the bushland areas. It notes there are currently no controls imposed on dogs on site, with locals using the bushland for leash-free exercise (page 16).

The EES expert considers controlling off-leash dogs as a means of protecting Powerful Owls could be applied, but it is a lower priority ameliorative measure and it should not take away from other measures. Fencing and restriction of animals from the reserve would provide greater protection than the regulation of leashed dog walking and cat ownership which would be difficult to enforce and likely to fail.

It should be noted that predation of Powerful Owl fledglings by foxes, dogs and cats is listed as a threat to Powerful Owls:

<https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10562>

Environmental Protection Zone

The OEH submission recommended additional areas of the site are zoned Environmental Conservation (E2) to protect the critically endangered BGHF and STIF. EES recommends that no BGHF and STIF be cleared on site and is zoned E2. Any new APZs should be accommodated within the development area.

Draft DCP - Use of local native species

The OEH submission recommended the draft DCP is amended to include provisions for the development site to use a diversity of native trees, shrubs and groundcover species from the BGHF and STIF where revegetation is required rather than use non-local native species and exotic plant species in the street planting, development lots and site landscaping.

Future ownership and management of bushland reserve

EES considers the future ownership and management of the bushland reserve is an outstanding issue that needs to be resolved as part of the planning process for the site to ensure it will be adequately protected and conserved. The Mirvac response to the OEH submission states that the bushland reserve is to be dedicated to State ownership. The future ownership and management of this site should be resolved prior to finalisation of the planning proposal.

END OF SUBMISSION