



Department of
Environment and Conservation (NSW)

Your reference : 069-021
Our reference :
Contact : Rachel Lonie 9555 6837

Metropolitan Branch

Vanessa Wynne
On behalf of Trueclad as Trustee for Galea Family Trust
P.O. Box 3193
Mt Druitt NSW 2770

Dear Ms Wynne

Re: Section 91 licence application to 'pick' 5 trees comprising part of an area identified as the endangered ecological community Blue Gum High Forest

I refer to your Section 91 licence application to remove 5 native trees considered to comprise part of the endangered ecological community Blue Gum High Forest (BGHF). The purpose of this correspondence is to advise that the previous application was incorrectly processed. This does not change the previous decision that the activity was approved, however the letter incorrectly stated that a Section 91 licence was to be provided. As it was considered that the activity would not have a significant impact a Section 95 certificate should have been issued. Accordingly, the information contained in this letter has now been revised and the Section 95 certificate is now enclosed.

The DEC has reviewed the information contained in your Section 91 licence application (title Supplementary Ecological Report 124 Castle Hill Road) regarding removal of 5 native trees that comprise part of the endangered ecological community BGHF. The 5 trees are marked as 54, 55, 59, 60 and 61 on the plan labelled Appendix 1 to this report (Drawing No A11800 dated Feb. 05, Sheet 1 of 5 for Project titled 'Seniors Living Development' for Lot 3 No 124 Castle Hill Road, West Pennants Hills Rd).

The trees have been identified in a Tree Schedule that was provided with the application. This schedule identifies the tree species as being:

- No 16. *Eucalyptus paniculata*
- No 54. *Eucalyptus paniculata*
- No 59. *Eucalyptus saligna*
- No 60. *Eucalyptus pilularis*
- No 61. *Eucalyptus pilularis*

The condition of the trees and height, spread and DBH have been assessed as follows:

Tree No.	Health	Height (m)	Spread (m)	DBH (mm)
16	Fair-Good	18	12	440
54	Good	20	8	510
59	Good	22	16	970
60	Good	20	14	500
61	Fair-Good	15	11	540

Please note that, although the Environment Protection Authority (EPA) is now a part of the Department of Environment and Conservation, certain statutory functions and powers continue to be exercised in the name of the EPA.

I have assessed your licence application in accordance with the provisions of the *Threatened Species Conservation Act 1995* (TSC Act) and concluded that the proposal is unlikely to have a significant impact on threatened species, endangered populations or endangered ecological communities.

In coming to this decision I have taken into consideration the findings of Associate Professor Paul Adam from the School of Biological, Earth and Environmental Sciences at the University of New South Wales contained in his report dated 23rd September prepared as part of the Land and Environment Court Proceedings 10416 of 2005 and the proposal to replant Blue Gums on the site at a ratio of 2:1.

Although the court consultant found that there would be a significant effect as a result of the original application to the community due to its poor conservation status and the current lack of a recovery plan, he concluded that consideration of the measures proposed in the Vegetation Management Plan would offer "greater prospects of retaining biodiversity values of BGHF that would occur if the status quo were maintained." In terms of the impacts of connectivity he found that there was "potential utilisation by volant fauna" and that "given the maintenance of elements of the canopy that the proposal does not rule out continuing connectivity".

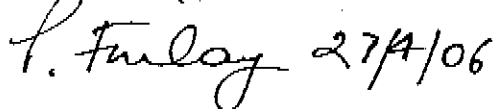
The 5 trees are considered to form part of the endangered ecological community and have been assessed as being in good condition for three trees and fair to good condition for 2. However, they are located within 3 metres of an existing dwelling and garage and there are considerations such as the risk to humans and property as raised by Ass. Professor Adam.

Having taken into account that 10 *Eucalyptus saligna* (Sydney Blue Gum) will be replanted in more suitable locations to replace the 5 trees that will be removed I do not consider that the proposal will have a significant effect on the community. Although the trees will take time to become established there are still other components of the community on the site, and these planted trees will in time assist in retaining a canopy and some connectivity for the community. The trees must be sourced from local provenance and be greater than 1.5 metres in height at time of establishment.

Accordingly, I have decided to authorise your activities and issue you with a Section 95 certificate. However, in accordance with the Hornsby LEP other tree removal as proposed requires consent under Part 4 of the *Environmental Planning and Assessment Act*.

If you have any further questions about this matter, please contact Rachel Lonie Regional Operations Officer on 9585 6837 or rachel.lonie@environment.nsw.gov.au.

Yours sincerely



Penny Finlay
Acting Manager Metropolitan Projects and Support
Environment Protection and Regulation Division

Cc: Jamie Slaven, Hornsby Shire Council



Department of
Environment and
Conservation (NSW)

THREATENED SPECIES CONSERVATION ACT 1995

SECTION 95(2) CERTIFICATE

Certificate No.:
CPP(M)/06/02

Issued: 27th April 2006

Expires: 27th April 2007

Issued to:

**Ms Vanessa Wynne
On behalf of Trueclad as Trustee
for Galea Family Trust**

I certify that the proposed clearing of five trees that comprise part of the endangered ecological community has been determined under Section 94(2) of the *Threatened Species Conservation Act 1995* as unlikely to significantly affect threatened species, populations, ecological communities or their habitats and consequently the proposal does not require a licence under the *Threatened Species Conservation Act, 1995* pursuant to Section 95(2).

This certificate is a defence against prosecution under sections 118A-D of the *National Parks and Wildlife Act 1974*.

GISELLE HOWARD
Manager Metropolitan Projects and Support
Environmental Protection and Regulation Division