

Department of Planning and Environment

Our ref: DOC22/632569

Your ref: SSD-11070211 -MOD 1

Mr Patrick Andrade
Infrastructure Assessment
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

3 August 2022

Subject: EHG comments on a Modification Application – New Public School in Mulgoa Rise – temporary school facilities - Glenmore Park - SSD-11070211-MOD 1

Dear Mr Andrade

Thank you for the email of 18 July 2022 requesting advice on this State significant development Modification Application (MOD 1).

The Environment and Heritage Group (EHG) appreciates the Department providing it with an extension until 5 August in which to provide its comments. As requested EHG provides its biodiversity related comments and recommendations at Attachment A to this letter. EHG will provide a separate letter with its flood related comments by 5 August.

EHG requests that it not be given a consultation role in the conditions of consent unless it agrees to the role and the condition.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au.

Yours sincerely,



Susan Harrison

Senior Team Leader Planning
Greater Sydney Branch,
Biodiversity and Conservation

Subject: EHG comments on the Modification Application for the New Public School in Mulgoa Rise – temporary school facilities – Glenmore Park - SSD-11070211 - MOD 1

The Environment and Heritage Group (EHG) has reviewed the following documents for this modification application :

- Modification report - 8 July 2022
- Appendix D – Landscape Design drawings

and provides the following comments.

Biodiversity

Section 5.10 of the Modification Report notes a biodiversity development assessment report (BDAR) waiver was previously granted for SSD-11070211. It states that “the proposed modification is unlikely to have ‘significant impacts upon defined biodiversity values’ as a result of the proposed modifications being located on grassed and previously disturbed land that does not conform to any recognised plant community types”. It concludes that “an additional or amendment to the BDAR waiver is not required for the proposed modification”. EHG advises that BDAR waivers do not apply to modification applications.

Under Section 7.17 of Biodiversity Conservation Act 2016 (BC Act) a BDAR is required to be submitted with an application unless the authority or person determining the application for modification of the original development consent is satisfied that the modification will not increase the impact on biodiversity values.

EHG considers this modification is not likely to increase the impact on biodiversity values, however as the Planning Group is the consent authority, it is a matter for Planning to determine whether the MOD 1 proposal will not increase the impact on biodiversity values as per the BC Act.

Proposed tree removal

The Modification Report notes it is likely that one existing tree on Forestwood Drive may require removal and it notes it will be replaced with a tree of similar height and age once operation of the temporary school ceases (section 5.2). No other details are provided on this tree. Figure 3 in the Mod 1 report and the Landscape Site Plan in Appendix D do not appear to locate this tree to be removed as part of the MOD 1 proposal. The figure/plan only shows the two trees that were identified on Forestwood Drive for removal as part of SSD-11070211.

As noted in the EES submission on the EIS for SSD-11070211, the EIS indicates the road reserve surrounding the proposed development footprint currently consists of two different species of newly planted exotic street trees (Chinese Elm and Manchurian Pear). It is unclear if the additional tree that may be removed as part of MOD 1 is a Chinese Elm (*Ulmus parvifolia*). As advised in the EES submission on the EIS, Chinese Elm is listed as a weed in Appendix 2 of the *Greater Sydney Local Land Services (2017) Greater Sydney Regional Strategic Weed Management Plan 2017-2022* as it poses a potential risk to the environment.

EHG reiterates if there is any potential for this species to spread from the road reserve to the nearby Mulgoa Nature Reserve or Surveyors Creek, it is recommended this species is removed and replaced by a mix of local native tree species. At the very least any trees to be planted to replace the trees removed as part of SSD-11070211 and the MOD 1 proposal should be a mix of local native tree species rather than exotic species.

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It is recommended the 'Additional Mitigation Measures' in the MOD 1 report which relate to 'Trees' is amended to include a measure that if the existing tree is removed it is replaced with a local native tree species of similar height and age once the operation of the temporary school ceases.

Landscaping

The MOD 1 report notes that no additional tree or landscaping works are proposed due to the temporary nature of the development. EHG has no issue with this due to the temporary nature of the development. Once the remainder of the permanent new school can be completed, however EHG reiterates previous advice provided by EES on the RtS for SSD-11070211 that:

- any planting / landscaping on the site uses a diversity of local provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation community that once occurred in this locality particularly as the site is located near the Mulgoa Nature Reserve and Surveyors Creek Nature
- tree planting uses advanced and established native trees with a minimum plant container pot size of 100 litres, or greater for native tree species which are commercially available. Other native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed
- an appropriately qualified bush regenerator is engaged by the proponent to provide advice on appropriate local native species that can be used
- the school installs habitat features to improve biodiversity such as logs, bee hotels and a range of artificial nest boxes and/or (artificial hollows using a HollowHog tool (<https://www.hollowhog.com.au/>) suitable for native fauna likely to use the site particularly as the Mulgoa Nature Reserve and Surveyors Creek are located near the site.

End of Submission