

Department of Planning and Environment

Our ref: DOC22/361587

Your ref: SSD-17424905

Nahid Mahmud
Infrastructure Assessment
Department of Planning and Environment
4 Parramatta Square
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18 May 2022

Subject: EHG comments on Response to Submissions for the Pymble Ladies College – Grey House Precinct - SSD-17424905

Dear Mr Mahmud

Thank you for the email of 4 May 2022 requesting comments on the Response to Submissions (RtS) for this State significant development - SSD-17424905.

The Environment and Heritage Group (EHG) has reviewed the RtS and provides its comments and recommendations at Attachment A.

Regarding the updated Biodiversity Development Assessment Report (BDAR) which accompanies the RtS, EHG would appreciate receiving a track change version of the updated BDAR as well as a 'clean' version of any updated reports to readily identify where amendments have been made and assist with the review. In addition, EHG notes it is confusing for the footer in the updated BDAR to state 'updated February 2022' whereas the front page of the BDAR says the preparation date is still September 2021 and the version number (Final A1) was not updated. EHG's request for a track change version as well as a 'clean' version for this SSD also applies to any other future SSD/SSI referrals where the reports are updated from those exhibited at the EIS stage and require further assessment.

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
Environment and Heritage Group

Subject: EHG comments on the Response to Submissions for Pymble Ladies College – Grey House Precinct - SSD-17424905

The Environment and Heritage Group (EHG) has reviewed the following reports for this State Significant Development (SSD):

- Response to Submissions – 4 May 2022 (RtS)
 - Updated BDAR (Attachment F) – September 2021
 - Attachment K3 - Response to Agency Submissions
- and provides the following comments.

Biodiversity

BDAR Waiver request

EES advised in its submission on the EIS that as a BDAR accompanies the EIS, it is not clear why Sections 7.4 and Part I of the EIS refer to the requirement for a BDAR to be waived. The response in Attachment K3 is noted however the wording in the EIS is confusing as it does not clarify that the request to waive the requirement for a BDAR was not supported and a BDAR was required.

Sydney Turpentine-Ironbark Forest

EES advised the RtS needs to clarify the total impact area in relation to the endangered ecological communities (EECs); PCT 1281 - Sydney Turpentine-Ironbark Forest (STIF) and PCT 1237 - Blue Gum High Forest in the Sydney Basin Bioregion (BGHF). In relation to STIF, Attachment K3 and the updated BDAR confirm 0.06ha of land to be cleared associated with the project. Of this 0.02 ha of STIF will be impacted for access in the Vegetation Zone 2 and this has been rectified in the BDAR (page 2).

EES advised the RtS needs to clarify if the regrowth of STIF is from remnant local native vegetation. In response, Attachment K3 notes “a majority of vegetation on site is regrowth or has been planted by the school. There is little to no remnant vegetation left within the site” (page 3). EHG does not consider this point has been clarified. Regrowth from remnant vegetation has a higher conservation significance than planted vegetation.

EES sought clarification as the Arboricultural Impact Assessment indicates 15 of the subject trees to be removed are native to Australia with eight being endemic to the local area but the EIS notes the proposed development requires the removal of 11 native canopy trees. Attachment K3 confirms the final Arborists Report references the correct number of native trees that will be removed.

EES advised the RtS needs to address the inconsistency between the EIS which indicates an Arboricultural Impact Assessment has been prepared which notes “all trees assessed were considered to be planted, not remnant, specimens” but the BDAR states that “due to the age and structure some individuals within Vegetation Zone 2 (accessway) are expected to be remnant and form part of the original vegetation community”. In response, Attachment K3 states “it is considered that a majority of the native species would have been planted on site, noting there are some potential remnant species and the BDAR provides the most accurate detail” (see pages 3 and 4 of Attachment K3).

Management of STIF

In relation to STIF, the BDAR indicates that “current management practices are preventing the recovery of the original plant Community” and “exotic species are dominant across the site and are

preventing the recruitment of the original vegetation community”. EES encouraged the removal of exotic species from the school site over time, especially High Threat Exotic (HTE) species and replacement with local native provenance species, including groundcover and shrub species and that management practices are modified to assist natural regeneration.

In response, Attachment K3 indicates any future redevelopment of the wider school site can look towards the removal of exotic species but it is not considered as part of this proposal as it is outside of the site area (page 4).

EHG notes Attachment K3 does not address the following detailed comments on the BDAR:

- The requirements for a streamlined assessment - small area BDAR are outlined in Appendix C and Table 27 of BAM (2020).
- The BAM-C calculations were not submitted to the consent authority. As such, EHG has not been able to view the calculations as part of this BDAR review.
- The BDAR and BAM-C report say the BOS entry trigger is clearing of vegetation on the Biodiversity Values Map. This is incorrect. The BOS entry threshold does not apply to SSDs.
- The BDAR describes how it has applied Stage 3 of the BAM, but this stage has not been applied to this BDAR. Stage 3 of the BAM is only relevant for applications for biodiversity stewardship sites.
- It is not clear from Figure 2.1 what native vegetation has been included in the count of 25% cover as there’s no legend to the map. RtS needs to clarify if both dark green and aqua vegetation been included and why has a map been provided with the vegetation marked as different colours.
- No digital shapefiles have been provided to EHG.
- Section 3.1.1 states that “whilst canopy species in the proposed development footprint are associated with PCT 1281, the lack of remnant ground species and historical development results in this vegetation not being assessed as a part of the STIF EEC in the BAM-C.” However, the Scientific Committee’s final determination for STIF includes that a stand of remnant STIF trees can meet the definition of STIF.
- The map showing vegetation zones should be provided with other information on the native vegetation present (i.e., in section 3 of the report) rather than in the impact section.
- Section 4.2 states that “several candidate species generated species credit species due to the impact on foraging habitat”. However, only one species generated species credit species.
- The Regent Honeyeater and Swift Parrot have been assessed as being unlikely to occur, however the BDAR should have referred to the Important Habitat Map for these species.
- The BDAR states the structures on site are unlikely to be potential habitat for Large Bent-wing Bat because they are in use and well maintained. However, this species does not roost only in uninhabited structures.
- EHG previously commented that there was no demonstration in the BDAR of efforts to avoid and minimise impacts on biodiversity values. While some information has now been provided in section 9.1.1., the information is too brief. For example, more justification should have been provided for the statement that the existing access path ‘is presently too narrow for the current requirements of safety and access and requires upgrades regardless of the new proposed building’.
- The discussion in Chapter 9 titled ‘Avoid and minimise impacts’ discusses potential impacts on ‘features that threatened species depend on’, and then lists the prescribed impacts under the BAM. This suggests the assessor does not understand what prescribed impacts are, and why they need to be assessed separately.

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- Four trees will be removed for the accessway. The impacts have been calculated at a loss of 5% canopy cover. No justification is provided for the figure of 5%. EES considers this impact value is likely insufficient given the loss of four trees and the trimming that is required.
- There is no discussion of the frequency or responsibility of mitigation measures. There is no table of mitigation measures.
- The BDAR has not addressed the matters in section 9.1.1 of the BAM in relation to serious and irreversible impacts (SAll). The BDAR states that it has applied the Guidance to assist a decision-maker to determine a serious and irreversible impact. However, Appendix B of the Guidance lists information that is required to be provided in the BDAR, and this has not been provided.
- There is no map of SAll threatened ecological communities and species, impacts requiring offset, impacts not requiring offset, not requiring assessment.

Mitigation Measures

Pre-clearing of vegetation

Seed collection from local native plants to be removed

EES recommended the following condition of consent is included:

Prior to the removal of any STIF vegetation from the site seed from native trees and shrubs approved for removal is collected and it is propagated by a suitably qualified bush regenerator and used in the site plantings.

Attachment K3 notes any native trees or shrubs being removed for the construction works should be checked for seeds during removal works and if seeds are present, they should be collected and used at suitable locations within the site of Pymble Ladies College which are currently undergoing bush regeneration activities.

Attachment K3 does not specifically comment on EES's recommended condition of consent. EHG notes Section 2.10 of the RtS states "EES provided proposed conditions, which are supported by the applicant" (page 8) but EHG recommends seed is collected prior to the removal of any STIF vegetation in addition to 'during the removal works' so as to achieve a longer extended time frame in which to collect seed.

Translocation of juvenile native plants

EES recommended any juvenile local native plants that are removed by this SSD be replanted in the landscaped planting areas. The juvenile plants must be translocated prior to any earthworks and clearing of native vegetation commencing. The plants should be relocated by a suitably qualified bush regenerator when plant growth conditions are ideal to give the native plants the best possible opportunity to survive and should be maintained until established. EES recommended a condition of consent is included to this effect. Attachment K3 notes this can be conditioned accordingly should DPE consider this appropriate (page 5). EHG recommends this is included as a condition of consent

Pre-clearance fauna surveys and Relocation of native fauna

EES recommended a condition of consent is included that a suitably qualified and experienced ecologist needs to be engaged by the proponent to undertake pre-clearance surveys:

Prior to removing any vegetation or other habitat that has been approved for removal, the applicant must engage a qualified and experienced ecologist to:

- ***undertake a pre-clearing survey to delineate, map, and mark habitat-bearing trees and shrubs to be retained/removed and other fauna habitat features and determine the presence of any resident native fauna using nests, dreys, hollows, logs etc***

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- *supervise the clearance of trees and shrubs (native and exotic) and other habitat to capture, treat and/or relocate any displaced native fauna to an appropriate nearby location*
- *remove sections of a tree containing a hollow or habitat prior to clearing and felling the tree.*

Attachment K3 notes this can be conditioned accordingly should DPE consider this appropriate (page 5). EHG recommends this is included as a condition of consent.

Replacement nest boxes

The EIS recommended installing four micro-bat boxes in the trees being retained while the BDAR recommended installing three within the site boundaries to increase roosting opportunities. EES advised the number of microbat boxes proposed to be installed on the site needs to be clarified and that the number of microbat nest boxes to be installed may need to be more than four depending on the findings of the pre-clearing survey. In response Attachment K3 notes “Three microbat nest boxes are recommended for installation within the site boundaries within the BDAR. This will increase the potential for microbats to roost in the area post development. Native species landscaping across the site is also recommended to increase potential habitat area for the Large eared pied bat (*Chalinolobus dwyeri*) and that this can be conditioned accordingly” (page 6).

As previously advised the number of microbat nest boxes to be installed may need to be more depending on the findings of the pre-clearing survey and the condition of consent needs to address this as follows:

- *Where hollow dependent native fauna are found using existing hollows, compensatory tree hollows should be provided prior to removing the tree hollows and prior to the release of the hollow dependent fauna unless the removed tree hollows can be relocated and installed on the same day they are removed.*
- *The applicant should:*
 - *provide details on the size, type, number, and location of nest boxes required – this would be based on the results of the pre-clearing survey*
 - *install a minimum of 4 microbat boxes in the trees being retained*
 - *install replacement nest boxes prior to any vegetation removal (preferably one month prior), to provide alternate habitat for hollow-dependent fauna displaced during clearing*
 - *salvage and relocate the tree hollows approved for removal to appropriate locations on the same day the tree hollows are removed and prior to the release of any native fauna found using the tree hollows*
 - *install other habitat features such as logs (see below) and bee hotels.*

Clearing of native vegetation

Reuse and removed trees and hollows

EES recommended:

- the project salvages and reuses any existing logs on the ground and native trees that are to be removed including hollows and tree trunks (greater than approximately 25-30cm in diameter and 2-3m in length) and root balls are placed on the ground within the areas on-site that are to be replanted with local native species.
- if the SSD project is not able to reuse all removed native trees, a condition of consent is included that the proponent consults with the local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities including local councils, and Greater Sydney Local Land Services prior to any clearing commencing to determine if the removed trees can be re-used by others in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses should be documented
- the project includes the following condition:

The Proponent must where it is practicable reuse any of the native trees that are to be removed as part of this project, including tree hollows, tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), and root balls to enhance habitat:

- o Any hollow sections of wood removed should be salvaged and re-located to appropriate locations to provide natural nest boxes prior to the release of any native fauna found using the tree hollows.*
- o If removed native trees are not able to be entirely re-used by the project, the proponent should consult with local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities, local councils, and Greater Sydney Local Land Services prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented.*

Attachment K3 notes this can be conditioned accordingly should DPE consider this appropriate (page 7). EHG recommends this is included as a condition of consent.

Revegetation and Landscaping

The EIS referred to ongoing rehabilitation of BGHF and STIF in other appropriate locations across the site in accordance with the draft Vegetation Management Plan (VMP). EES advised it had not received the draft VMP for review to determine if it mitigates the tree removal. In response, Attachment K3 notes a draft VMP was not considered necessary to be included in the BDAR but a VMP can be conditioned should it be considered appropriate by DPE.

As there is ongoing rehabilitation of BGHF and STIF across the site; the BDAR recommends post-construction bush regeneration management to ensure recovery of the impacted 0.02 ha and improve the surrounding STIF vegetation. The proponent is proposing to plant BGHF along the southern boundary to link to bushland to the south west of the site (page 8 of Attachment K3). EHG recommends a condition is included to prepare and implement a VMP as follows:

A Vegetation Management Plan (VMP) must be prepared by an appropriately qualified and experienced ecologist or bush regenerator and implemented as part of the SSD for the protection, maintenance, management and improvement in perpetuity of existing and planted native vegetation and fauna habitats on the site.

The VMP must include, but not be limited to, the following:

Establishment Phase:

- i. The location of any vegetation to be removed and retained on the site.*
- ii. A list of any plant species to be removed and details on whether the plants are exotic, non-local native species or local natives.*
- iii. Details of the project timelines for any vegetation clearing and vegetation reinstatement.*
- iv. Details on the native vegetation communities and plant species that currently occur on the site.*
- v. Details of revegetation works, including a list of local native provenance species to be utilised.*
- vi. Procedures to demonstrate how plants and seed of local provenance are to be obtained and used – the plant species should be from the relevant native plant communities that occur in this area.*
- vii. Details on the number of plants to be planted, planting densities and species mix for replanting and demonstrate this is representative of the vegetation communities in its natural state/unmodified condition in this locality.*
- viii. Specific ecological fire management, mulch, soil and stormwater management measures.*
- ix. A plan showing clearly defined vegetation protection areas.*
- x. Vegetation and tree protection measures to be employed in vegetation protection areas.*

Maintenance Phase:

- i. Details on specific timeframes, performance monitoring (including the timing, number and frequency of visits); maintenance post completion of primary restoration works (including details on what the maintenance will entail, the duration, frequency and number of visits) and ongoing maintenance in perpetuity, performance measures, expected outcomes and responses;*

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- ii. *Details on plant loss replacement – any plant loss should be replaced by the same plant species.*
- iii. *Specific management responsibilities.*
- iv. *Other necessary habitat management or improvement measures.*

Tree replacement ratio

EES advised the RtS needs to clarify the proposed number of trees to be removed and number of replacement trees and recommended any trees removed are replaced at a ratio greater than 1:1 (for trees not covered by a biodiversity offset strategy) and considers that a tree replacement ratio of 2:1 is preferable to 1:1 to mitigate the urban heat island effect and enhance habitat. In response, Attachment K3 confirms 29 trees will be removed and 37 medium to large replacement trees will be planted. EHG recommends a condition consent is included to specify the tree replacement ratio.

Use of local native provenance species

EES recommended the landscape planting schedule is revised by a qualified bush regenerator and the planting schedule uses a diversity of local provenance native species from the relevant native vegetation community (or communities) that occur, or once occurred on the site (rather than use exotic species or non-local native species). In response, Attachment K3 indicates the planting typologies include some non-native species to ensure solar access and seasonal change and that the northern part of the site has more formal and manicured plantings and they look to use a mix of native and non-native species. EES, recommends the following conditions of consent are included:

- ***Any planting/ landscaping, rehabilitation associated with the project will predominately use a diversity of local provenance native trees, shrubs and groundcover species from the relevant native vegetation community (or communities) that occur or once occurred on the site/ local area where non-native plantings are not required.***
- ***Tree planting shall use advanced and established local native trees with a minimum plant container pot size of 100 litres, or greater for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed.***
- ***Enough area/space is provided to allow the trees to grow to maturity.***
- ***A Landscape Plan is to be prepared and implemented by an appropriately qualified landscaper and include details on:***
 - a. ***seed collection – the location of all native seed sources should be identified***
 - b. ***the type, species, size, quantity, and location of replacement trees***
 - c. ***the species, quantity and location of shrubs and groundcover plantings***
 - d. ***the plan demonstrates replacement trees plantings will deliver a net increase in trees for trees that are not covered by a biodiversity offset strategy***
 - e. ***a list of local provenance species to be used***
 - f. ***the quantity and location of plantings***
 - g. ***the pot size of the trees to be planted***
 - h. ***the area/space required to allow the planted trees to grow to maturity***
 - i. ***plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.***

In response Attachment K3 indicates this can be conditioned accordingly should DPE consider this appropriate. As the applicant agrees to the above conditions EHG recommends they are included as conditions of consent.

End of Submission