Our ref: DOC20/569521
Senders ref: SSD-10352

Mr Brent Devine
Planning and Assessment Group
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Devine

Subject: EES comments on Response to Submissions for Moriah College Redevelopment – Queens Park campus – SSD-10352

Thank you for your email of 6 July 2020 requesting advice on the Response to Submissions (RTS) for this State significant development (SSD).

The Environment, Energy and Science Group (EES) appreciates the Planning and Assessment Group providing it with an extension in which to provide its comments. EES recommendations and comments are provided at Attachment A.

Please note that from 1 July 2020 Aboriginal cultural heritage (ACH) regulation, including advice on State significant developments, is now managed by the Heritage NSW. The new contact for the ACH regulation team is heritagemailbox@environment.nsw.gov.au.

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

S. Harrison

27/07/20

Susan Harrison

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

Attachment A

Subject: **EES comments on the Response to Submissions for Moriah College redevelopment – Queens Park campus – SSD-10352**

The Environment, Energy and Science Group (EES) has reviewed the following documents:

- Response to Submissions (RTS) – 12 June 2020
- Appendix A1 – Urban Design Response
- Appendix A2 – Amended Architectural Drawings
- Appendix B – Amended Landscape Drawings
- Appendix E – Biodiversity Development Assessment Report (BDAR) – 21 February 2020
- Appendix G – Amended Operational Plan of Management
- Appendix I – Amended Stormwater Report
- Appendix J – Amended Civil Services Plan
- Appendix K – Vegetation Management Plan (VMP) – 24 June 2020

and provides the following comments.

Vegetation Protection Buffer Zone

The BDAR and VMP refer to previous DAs and several consent conditions in relation to the ongoing protection of the ESBS in the south west of the subject land. The reports note one specific measure is the establishment of a buffer zone within Lot 22 to buffer the ESBS on Lot 23 (see Section 8.3.7 page 4 of BDAR and Section 5.4, page 15 of VMP). The VMP states "a 1 metre buffer on the boundary of Lot 22 and Lot 23 is to be established to prevent development occurring in close proximity to the ESBS in the VMP Area" (Section 5.4).

If the SSD is approved EES recommends the following conditions of consent are included to ensure the buffer is established and maintained in perpetuity:

- ***A 1 metre buffer on the boundary of Lot 22 and Lot 23 must be established to prevent development occurring near the ESBS in the VMP Area. The buffer must be (a) established prior to any clearing and construction work commencing on the development site (b) maintained in perpetuity and the boundary of the buffer zone is to clearly marked on the ground by bollards and (c) vegetated with a diversity of local provenance ESBS species***

Pre-clearance surveys

The BDAR and VMP state a pre-clearance survey needs to be undertaken by a qualified ecologist within one week of any clearing activities (see Section 8.3.4, page 2 of BDAR and Section 5.6, page 16) of VMP. It is recommended a further pre-clearance survey is undertaken immediately prior to any clearing occurring to ensure that fauna potentially disturbed/removed during the initial survey have not returned to the vegetation/habitat that is to be cleared.

If the SSD is approved EES recommends the following conditions of consent are included to minimise potential impacts from clearing of vegetation on native fauna:

- ***A pre-clearance survey for native fauna must be undertaken by a suitably qualified ecologist in all areas of vegetation on the site that is required to be cleared within (a) one week of any clearing activities commencing and (b) immediately prior to any clearing of vegetation commencing on the site. Any resident native fauna found during the pre-clearance surveys should be appropriately captured by a licensed wildlife carer prior to any clearing commencing and relocated in a sensitive manner to appropriate nearby habitat locations under the supervision of a qualified ecologist/licensed wildlife handler.***
- ***A qualified ecologist/licensed wildlife handler must be present on site during the clearing of any vegetation. Any resident native fauna found during the clearing should be appropriately captured by a licensed wildlife carer and relocated in a sensitive manner to appropriate nearby habitat locations under the supervision of a qualified ecologist/licensed wildlife handler.***

Stormwater runoff

The EES submission on the EIS advises that the BDAR assess the potential impacts of the development on the remnant ESBS including altered drainage/runoff resulting in changes to soil moisture, erosion, sedimentation, increased pollutants or nutrients. The amended Civil Services Plan includes the following Note: "confirming that no additional stormwater will impact the Eastern Suburbs Banksia reserve post development". The Plan also show the proposed location of the on-site detention (OSD).

The Stormwater Report indicates a temporary sedimentation basin is required and that the basin is to be located at the downstream portion of the site but the report does not include a scaled plan which shows the proposed location of this basin (section 3.3, page 11). EES seeks clarification as to whether the temporary sedimentation basin is proposed in the same location as the OSD.

Vegetation Management Plan

Revegetation of VMP Area/Banksia Reserve

The proposed revegetation of the VMP Area/Banksia Reserve should be undertaken by a suitably qualified bush regenerator with experience in restoring and maintaining the Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion (ESBS) vegetation community.

If the SSD is approved EES considers it is important that the following condition of consent is included:

- ***Any revegetation of the VMP Area must be undertaken by suitably qualified bush regenerators with experience in restoring and maintaining the Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion (ESBS) vegetation community***

The VMP states "all plants must be sourced from local provenance, ideally within 10 km of the subject land." Section 7.3.3, page 25). It is important that local provenance plant species are used in the VMP Area.

Local provenance plants are grown from seed collected from plants growing near to and in similar environmental conditions as the planting site, which gives new plants the best chance of survival This is because different populations of a particular species may change slightly to become specifically adapted to local conditions and individual habitats. Native plants of an area have evolved over a long period of time to suit local conditions such as climate (rainfall, temperatures) and the area's topography and soils. It is vitally important to conserve these genetic variations

If the SSD is approved the following it is recommended the following conditions are included for the rehabilitation of the VMP Area/Banksia Reserve and/or the landscaping of the site:

- ***All plants to be used in the VMP Area/Banksia Reserve must consist of plant species from the Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion (ESBS) vegetation community and must be sourced from local provenance.***
- ***All provenance material to be used in the VMP Area or elsewhere on the site must preferably be sourced from no greater than a 10 km radius of the site.***
- ***Prior to any planting of ESBS species in the VMP Area or elsewhere on the site, the proponent must demonstrate that the ESBS plants are of local provenance and provide details to the Department on this.***

Ongoing Weed Maintenance

The VMP states "the VMP Area will be managed in perpetuity according to the specifications outlined in this VMP" (section 1.3, page 3). It notes "there will be an ongoing maintenance program, including monitoring, general weed maintenance and plant failure replacement activities that will be undertaken into perpetuity to sustain the health of the ESBS community within the VMP Area" (section 4.0, page 10). But it also indicates "this VMP will be current only for the first five

years" and then after this "management requirements will be reviewed and if required a new VMP will be prepared to guide subsequent management of the VMP" (section 8.2, page 28). Table 3 states that "Post the 5-year intensive period, reporting will occur on an annual basis into perpetuity" (page 32).

If the SSD is approved it is important that a condition of consent is included to ensure the VMP Area is managed, maintained and monitored on an ongoing basis by the proponent in perpetuity

- ***The VMP Area / Banksia Reserve must be managed, maintained and monitored in perpetuity by a suitably qualified bush regenerator with experience in restoring and maintaining the Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion (ESBS) vegetation community.***

Site Landscaping

EES previously recommended the site landscaping, particularly the buffer areas adjacent to Lot 23 and Lot 1, should also use a diversity of local native provenance species from the relevant ESBS native vegetation community, rather than use exotic species and non-locally occurring native species. The BDAR and RTS include differing statements in relation to the proposed use of ESBS species in the site landscaping. The Planning and Assessment Group should clarify this with the proponent, for example:

- the BDAR states "Area of landscaping to incorporate locally indigenous species, including those conforming with the TEC of Eastern Suburbs Banksia Scrub" (Section 7.1.2) (underlining is EES emphasis)
- the BDAR states "Cumberland Ecology has informed the planting list of the landscape plan to only include flora species indicative of Eastern Suburbs Banksia Scrub. No native species not of local provenance or exotic species will be planted within the subject land as part of the Project". (Section 8.2.3, page 42). Section 5.3.3 of RTS repeats this statement
- the RTS states "The species selection is represented by a majority of ESBS native trees. There remains a selection of exotic and broader native species to ensure the cross-cultural narrative of the school is clearly illustrated" (section 2.3.5, page 11). It is unclear why "broader native species" are proposed to be planted rather than ESBS provenance species
- The RTS notes the landscape planting schedule has been amended to include the provision of a greater diversity and quantity of local native provenance trees, shrubs and ground cover species from the ESBS native vegetation community (section 2.3.5, page 11).

As previously advised, the planting of exotic and non-locally occurring native plants in the past has impacted ESBS at the site. Except for the proposed garden plantings (which includes a cultural garden/ science garden/ edible produce garden/learning gardens and performance garden - see Landscape drawings -24), EES recommends local provenance ESBS species are only used in the site landscaping.

The proponent needs to clarify if the ESBS species listed in the amended Landscape Drawings (see Stage 2 Tree Species Masterplan and amended Plant Schedule) were recommended by Cumberland Ecology. The species listed in the Landscape Drawings are not included in Cumberland Ecology's VMP ESBS plant list (see Table 6, Appendix C in the VMP). It is not clear if these additional species occur naturally in remnant ESBS in the local area. Reconciliation is required between the species listed in the landscape drawings, the VMP and species from the local remanent ESBS.

The RTS indicates locally endemic tree species are proposed to dominate the interface with the adjoining banksia reserve (Lot 23) and landscape treatment fronting Baronga Avenue and Queens Park, and their presence continues throughout the campus to strengthen the ecological network, interspersed with culturally significant species and regional natives. It also notes that all previously listed invasive species (including *Lampratnthus spectabilis* and *Thunbergia grandiflora*) have been removed from the planting schedule (page 12)

If the SSD is approved, it is recommended the following conditions of consent are included for the site landscaping:

- ***The site landscaping (except for the learning landscape gardens) -including areas adjacent to the VMP Area shall use a diversity of local native species from the ESBS.***
- ***Enough area/space is provided on site to allow the trees to grow to maturity.***
- ***Tree planting at the site shall use advanced and established local native provenance 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***

End of Submission