



Our ref: DOC19/1022459

Senders ref: SSD-10352

Mr Dimitri Gotsis

Planning and Assessment Group
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Gotsis

**Subject: EES comments on Environmental Impact Statement for Moriah College
Redevelopment – Queens Park campus – SSD-10352**

Thank you for your email of 15 November 2019 requesting advice on the Environmental Impact Statement (EIS) for this State Significant Development (SSD).

The Environment, Energy and Science Group (EES) provides its recommendations and comments at Attachment A.

Please note that EES has not provided comments on Aboriginal cultural heritage matters and suggests the recommendations included in the Aboriginal Cultural Heritage Assessment Report – Moriah College (URBIS October 2019) be implemented as conditions of consent.

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 19/12/19

Susan Harrison

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

Subject: EES comments on the Environmental Impact Statement for Moriah College redevelopment – Queens Park campus – SSD-10352

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

- Environmental Impact Statement (EIS) – November 2019
- Appendix C – Site Survey
- Appendix F – Landscape Report – 10 Oct 2019
- Appendix L – Sustainability Report - 6 September 2019
- Appendix R – Stormwater Report – 11 September 2019
- Appendix S - BDAR Waiver request – 12 August 2019
- Appendix U – Construction Impact Assessment and Management Plan (CIAMP) – September 2019

and provides the following comments.

Biodiversity

Biodiversity Development Assessment

EES received on 13 August 2019 a request to waive the requirement under section 12.9 of the *Biodiversity Conservation Act 2016* (BC Act) to prepare a biodiversity development assessment report (BDAR) for this SSD. Based on the information provided in the BDAR waiver application, EES could not conclude that the proposed development is not likely to have any significant impact on biodiversity values. EES therefore advised in its response to the Planning and Assessment Group dated 6 November 2019, that the development application must be accompanied by a BDAR.

A copy of the EES BDAR waiver recommendation report (dated 23 October 2019) is attached which outlines why EES did not grant a BDAR waiver for this SSD.

Once the BDAR is provided EES will provide comments in relation to biodiversity, however EES provides the following comments to assist in preparing the BDAR.

Lot 22, on which some of the development is proposed, immediately adjoins land within Lot 23 and Lot 1 that was set aside for conservation of the Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion ecological community (ESBS). ESBS was determined in 2017 by the NSW Threatened Species Scientific Committee (NSW TSSC) to be a critically endangered ecological community under the BC Act. This means, in the opinion of the Scientific Committee, that this ecological community is facing an extremely high risk of extinction in Australia in the immediate future.

In accordance with the BAM the BDAR needs to:

- address the location, all elements and full extent and nature of the proposed development
- assess the potential impacts of the development on:
 - remnant ESBS such as shading; altered drainage/runoff resulting in changes to soil moisture, erosion, sedimentation, increased pollutants or nutrients (e.g. from petroleum residues on roads/carpark; fertilisers or herbicides used on landscaped areas); dust; litter; hybridisation with native species not of local provenance or weed invasion by species used in landscaping; inadvertent disturbances during construction
 - microchiropteran bat species which are capable of roosting in a variety of natural and constructed sites, as the development proposal includes demolition of several existing buildings. The DPE fact sheet states that the applicant is required to consider not only habitats of threatened species and ecological communities related to native vegetation, but also those related to human made structures (as one of the 'prescribed impacts' identified in clause 6.1 of the BC Regulation). The BDAR should provide a description

of the nature (structure, age, etc.) of the buildings to be demolished and the potential of these structures to provide roosting habitat

- identify the conditions attached to previous development approvals for the subject site that related to the protection of ESBS and assess how this SSD complies with these conditions.

In undertaking its review of the BDAR waiver application EES identified that in 2001, ESBS extended across Lot 23, north into Lot 1 and east into Lot 22. The site has been subject to a number of previous approvals, including for development application LD 282/00 and the related Environment Protection and Biodiversity Conservation Act (EPBC Act) approval 2002/575; and DA 446-10-2003 and the related EPBC Act approval 2004/1676. These required restoration and protection in perpetuity of ESBS on Lot 23 and two areas in Lot 1, and ongoing protection of those conservation areas against direct and indirect impacts of development. Specific measures included the establishment of a zone within Lot 22 to buffer the ESBS on Lot 23, subject to the provisions of an approved vegetation management plan; prohibition of overshadowing of the ESBS areas, and their protection from other impacts such as storm and surface water and invasion by non-indigenous plant species. EES is concerned that these requirements may not have been met or maintained and have not been considered in the development proposed in this EIS.

Landscaping

The EIS proposes to plant native species of trees, shrubs and groundcovers (Table 17, page 72) while the Sustainability Report states the project is implementing extensive native vegetation endemic to the local area (section 4.7, page 18). The Landscape Report however indicates that a mix of new deciduous and evergreen trees are to be planted in the Reflection Garden and it indicates the planted species have been selected for various applications including edible, medicinal, functional, cultural and environmental benefits (page 18).

The planting of exotic and non-locally occurring native plants at the site in the past has impacted ESBS at the site. The CPMPT York Road Vegetation Management Plan (VMP) 2002, for example notes that ornamental trees planted along York Road in the 1950s have naturalised and are now found throughout the York Road bushland site (page 34). The large ornamental canopy trees have caused major changes in light availability, soil moisture and nutrient availability and they are thought to be a significant factor in the suppression of indigenous understorey species (pages 34 and 36).

As a remnant of the ESBS critically endangered ecological community occurs on Lot 23 and Lot 1 which immediately adjoin the site it is recommended that:

- the areas required under previous development approvals be retained, rehabilitated/restored and maintained in perpetuity as ESBS in accordance with those approvals
- the Landscape Report and mitigation measures are amended, and a condition of consent is included which requires the landscaping for this SSD, particularly for the buffer areas adjacent to Lot 23 and Lot 1, to use a diversity of local native provenance species from the relevant ESBS native vegetation community that occurs and once occurred on the site to improve biodiversity (rather than use exotic species and non-locally occurring native species).
- The Response to Submissions (RTS) demonstrates that the plant species to be used in the landscaping are species of local provenance from the ESBS native vegetation community.

The CIAMP indicates 16 of the trees on the site (trees 19-34) are *Celtis sinensis* and it recommends removing them as they are environmental weeds (section 2.2, page 5). It also recommends removing one Coral tree (*Erythrina sykesii*) (Tree 4) and a number of African Olives (*Olea europaea subsp. cuspidata*).

EES recommends the removal of *Celtis sinensis*, *Erythrina sykesii* and *Olea europaea subsp. cuspidata* from the site as:

- the DPI NSW Weedwise link indicates *Celtis sinensis* is a large, invasive tree that has become an environmental weed, and that it rapidly colonises disturbed bushland, forms dense thickets, replaces native shrubs and trees and dominates riparian vegetation. *Celtis sinensis* has been recognised and listed as a serious environmental weed by bush regeneration groups – see DPI Weedwise link : <https://weeds.dpi.nsw.gov.au/Weeds/ChineseCeltis>
- the DPI NSW Weedwise link indicates African Olive is a long-lived tree which invades bushland, shades and suppresses native understory plants and permanently changes plant diversity in bushland – see DPI Weedwise link : <https://weeds.dpi.nsw.gov.au/Weeds/AfricanOlive>. The invasion of native plant communities by African Olive is also listed as a Key Threatening Process by NSW Scientific Committee under the BC Act
- the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022 published by Greater Sydney Local Land Services and developed in partnership with the Greater Sydney Regional Weed Committee lists *Olea europaea subsp. cuspidata* as a Regional Priority Weed and it lists *Celtis sinensis* and *Erythrina sykesii* under Appendix 2 (other weeds of regional concern) and it notes for these species one of the assets/values that is at risk is the environment.

The spread of seed from these invasive trees from the site is a key threat to the critically endangered ESBS ecological community that occurs on site and in the adjacent conservation areas (Lot 1 and Lot 23). The loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants is listed as a Key Threatening Process by NSW Scientific Committee under the BC Act and under EPBC Act.

It is important that an ongoing weed management and maintenance plan is in place for the site and it is regularly implemented to ensure invasive weeds are removed in perpetuity from the site.

EES recommends for elsewhere on the site, other than the buffer areas, that the development:

- replaces the trees to be removed with local provenance native plant species from the ESBS native vegetation community, particularly areas adjacent to the remnant ESBS. Information should be sought from Randwick Council's nursery for appropriate local provenance species
- uses advanced and established trees preferably with a minimum plant container pot size of 75-100 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
- provides enough area/space to allow the trees to grow to maturity.

Recommended conditions of consent

EES recommends that if the SSD is approved the following conditions are included:

1. Enough area/space is provided on site to allow the trees to grow to maturity.
2. Tree planting at the site shall use advanced and established local native provenance trees with a minimum plant container pot size of 75-100 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.
3. The landscaping - particularly for the buffer areas adjacent to Lot 23 and Lot 1 shall use a diversity of local native provenance trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant ESBS native vegetation community which occurs and once occurred on site.

4. The Landscape Plan shall include details on:
- a) the native vegetation community that occur or once occurred on site
 - b) a list of local provenance tree, shrub and groundcovers to be used in the landscaping
 - c) the quantity and location of plantings
 - d) the pot size of the local native trees to be planted
 - e) the area/space required to allow the planted trees to grow to maturity
 - f) plant maintenance including on-going weed management. The planted vegetation should be regularly maintained, monitored 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.

End of Submission