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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 Supplementary Response to Submissions and draft conditions for Moriah College Redevelopment – Queens Park campus – SSD-10352

Thank you for your email of 16 December 2020 requesting advice on the Supplementary Response to Submissions (SRtS) for this State significant development (SSD).

The Environment, Energy and Science Group (EES) appreciates the Planning and Assessment Group (P&AG) giving it an extension until 5 February 2021 in which to provide its comments on the SRtS. On 2 February 2021, EES received draft conditions from P&AG for this SSD. EES provides its recommendations and comments on the SRtS and draft conditions at Attachment A.

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

A handwritten signature in black ink that reads 'S. Harrison'.

10/02/21

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation Division**

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

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

- Supplementary Response to Submissions (SRtS) – December 2020
- Appendix A1 – Amended Architectural Drawings – 10 December 2020
- Appendix A2 – Amended elevations and sections – 23 April 2020
- Appendix D – Biodiversity Development Assessment Report (final BDAR) – 23 September 2020
- Appendix E – Amended Vegetation Management Plan (VMP) – 23 September 2020
- Appendix F – Amended Landscaping Plans – 3 November 2020
- Draft conditions of consent – draft of 2 February 2021

and provides the following comments.

EES previously provided a submission (dated 31 July 2020) on the Response to Submissions (RtS) for this State Significant Development (SSD).

Maroubra Woodland Snail *Meridolum maryae*

The EES previously advised in its submission on the RtS that the endangered Maroubra Woodland Snail *Meridolum maryae* had not been surveyed for, nor the possible impacts on it considered in the BDAR and that the BDAR should be revised accordingly. In response the SRtS indicates “surveys for the Maroubra Woodland Snail have now been undertaken and the BDAR has been revised accordingly” (see Table 7, page 29, SRtS). The BDAR indicates that searches of “appropriate habitat”, as well as nocturnal spotlighting surveys, were conducted for the Maroubra Woodland Snail on 15 September 2020 (section 2.5.2.2, page 10).

The BDAR notes weather conditions on that day of temperatures 14.9-22.9°C with 0.0 mm of rainfall to 9 am (table 5, page 11). The NSW Threatened Species Scientific Committee’s final determination to list the Maroubra Woodland Snail as an endangered species notes members of the *Meridolum* genus are typically active at night but can also move about on overcast or rainy days (Clark 2009), while the Threatened Species Biodiversity Data Collection (TBDC) of BioNet for this species specifies that “Detection of live specimens requires *early morning or evening surveys* during or after rain, while the top 3 mm of ground and vegetation surfaces are still moist.” The BDAR does not specify the time(s) of day the habitat searches occurred, or whether the surveys were undertaken in overcast conditions. More importantly, while the BDAR confirms no rainfall on the day of the survey, Bureau of Meteorology records (Sydney Observatory Hill BoM station) also show that virtually *no precipitation* occurred during the preceding 10 days (only 0.2 mm on each of two of the 10 days) and a total of only 7.2 mm occurred during the preceding 30 days. EES therefore considers the surveys to have been undertaken in conditions unsuitable for detecting this species.

The locations of the snail surveys are stated to be shown on Figure 4 of the BDAR, however this figure does not distinguish the snail surveys from ‘survey tracks’ undertaken for other purposes and many of which were already on Figure 4 of the previous version of the BDAR dated 21 February 2020.

Protection of Eastern Suburbs Banksia Scrub critically endangered ecological community – requirements of approvals for previous development on Lot 22 DP 879582

EES’s response to the RtS noted the SSD proposed the establishment of a ‘vegetation protection buffer zone’ of only one metre width within Lot 22 along its common boundary with Lot 23 to buffer the remnant Eastern Suburbs Banksia Scrub critically endangered ecological community on Lot 23, owned by the Centennial Park and Moore Park Trust (CPMPT). EES noted the proposed buffer was not consistent with, and disregarded the requirements of, a previous consent by Waverley Council (LD 282/00) and an approval by the Commonwealth Minister for the Environment (EPBC 2002/575) for development on Lot 22, which EES considered remained in force. These included

the provisions of an associated *Vegetation Management Plan for the York Road Bushland, October 2002* by Urban Bushland Management Consultants (UBM VMP) which required a buffer, of variable width but of no less than 3 metres at any point and as wide as 10 metres at its southern end. EES therefore recommended that:

- the conditions of these prior approvals apply
- the buffer zone be reinstated to the configuration, width and condition required by those prior approvals, including removal of any encroaching structures and hard surfaces
- except for works necessary to achieve the reinstatement of the buffer zone, earthworks, soil disturbance or machinery access be prohibited from the buffer zone.

In response, the SRtS notes:

- “The conditions of development consent LD 282/00 (granted by Waverley Council on 22 May 2001) have been partially replaced by ELC application development consents (DA-163/2017 and DA-71/2018). Nonetheless EPBC 2002/575 granted by the Commonwealth Minister for the Environment and Heritage on 25 October 2002 still applies. This needs to be resolved and works will be carried out to reinstate the buffer zone under EPBC 2002/575” (Table 7, page 30).
- “The proposal has been amended to accommodate a 3-10m landscape buffer zone along the western boundary of the site to the ESBS area located on Lot 23 in accordance with the consent conditions stipulated by LD 282/00 and EPBC 2002/575” (Table 7, page 30).
- “The amendments sought are to align the vehicular hardstand area of the proposal to accommodate a 3-10m landscape buffer zone to the ESBS area adjoining the site in accordance with the consent conditions stipulated by LD 282/00 and EPBC 2002/575” (section 2.1, page 3).
- The amended VMP also considers all relevant conditions of previous NSW and Commonwealth development approvals LD 282/00, EPBC 2002/575, 446-10-2003 and EPBC 2004/1676 relating to protection and conservation of ESBS.

EES seeks clarification as to what “needs to be resolved” means in the first dot point above.

Protection of Eastern Suburbs Banksia Scrub critically endangered ecological community – requirements of approvals for previous development on Lot 1 DP 701512

EES’s response to the RtS noted conditions of approval of previous consent by DIPNR (DA 446-10-2003) and an approval by the Commonwealth Minister for the Environment (EPBC 2004/1676) for development on Lot 1 DP 701512 and considered the conditions of these approvals remained in force. These included landscaping and stormwater management actions that applied to remnant areas of ESBS on Lot 1. EES therefore recommended that the conditions of these prior approvals continue to apply.

In response, the SRtS notes “The VMP has been amended to address the relevant conditions of approval” (Table 7, page 30). However, the amended VMP does not mention or consider these two later approvals.

Vegetation Management Plan

EES previously advised that prior to issue of a construction certificate, the Vegetation Management Plan (VMP) be revised in consultation with and be endorsed by EES, Waverley Council, and Centennial Park and Moore Park Trust (CPMPT) and the revised VMP should

- apply only to land under the ownership or control of Moriah War Memorial College
- be consistent with, and not compromise the objectives and methods of, the current *Centennial Parklands and York Road Eastern Suburbs Banksia Scrub Vegetation Management Plan* of the Centennial Park and Moore Park Trust (CPMPT) that applies to conservation of ESBS on Lot 23 in DP 879582
- consider, and not contain any provisions that are inconsistent with, the conditions of previous NSW and Commonwealth development approvals LD 282/00, EPBC 2002/575,

- DA 446-10-2003 and EPBC 2004/1676 relating to protection and conservation of ESBS
- include information about and conservation management measures relating to the endangered Maroubra Woodland Snail *Meridolum maryae*.

These recommendations are satisfactorily incorporated in Draft Condition D8. The SRtS agrees with the above EES advice and it notes an amended VMP has been provided. The SRtS also states “the VMP has been amended to address the relevant conditions of approval” and that “the amended VMP also considers all relevant conditions of previous NSW and Commonwealth development approvals LD 282/00, EPBC 2002/575, 446-10-2003 and EPBC 2004/1676 relating to protection and conservation of ESBS”. However, as stated above the amended VMP makes no mention of the requirements of NSW DA 446-10-2003 or the Commonwealth approval EPBC 2004/1676 relating to protection and conservation of ESBS on Lot 1 DP 701512.

EES appreciates the opportunity to be consulted during preparation of the VMP consequent to draft Condition D8(a). EES requests that condition D8 be altered to

- D8. Prior to the commencement of construction, the Applicant must prepare a revised Vegetation Management Plan (VMP) to the satisfaction of the Planning Secretary and the Co-ordinator General of EES. The plan must:***

Whether or not this request is accepted, there is benefit in the applicant formally consulting with the Greater Sydney Branch of EES prior to finalising the plan so that EES can compare it with the previous approvals and approved plans to ensure it incorporates all the requirements of those approvals and plans.

The amended VMP (Appendix E of the SRtS) does not include information about and conservation management measures relating to the endangered Maroubra Woodland Snail as previously recommended by EES, but it is noted draft Condition D8(e) requires the revised VMP to include measures relating to the endangered Maroubra Woodland Snail.

Area covered by and purposes of the VMP

EES previously queried why the ‘subject land’ in the VMP included Lot 23 DP 879582, as this lot is owned and managed by the Centennial Park and Moore Park Trust (CPMPT) and management of the land and ESBS on Lot 23 is guided by CPMPT’s own ESBS management plan prepared in 2018 (CPMPT, 2018). The VMP has been amended to no longer apply to Lot 23 and defines the ‘VMP Area’ to which the amended plan applies as “the additional area of ESBS within the Moriah College campus grounds as well as a small buffer area to be re-established as ESBS within land that currently comprises cleared land and playing fields” shown on Figure 1 (section 12.1.1).

The amended VMP clarifies that the purpose of the VMP “is to provide guidelines for the revegetation, regeneration and management of vegetation associated with the project, within the VMP Area” (section 1.2, page 2). It states the aims of the VMP are “to improve the biodiversity values of the VMP Area; and To re-establish native vegetation that is representative of ESBS in the VMP Area etc” (section 1.2, page 2). It notes:

- the VMP Area has been set aside for conservation of the ecological community Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion (ESBS) (section 1.1, page 1)
- the VMP Area comprises areas of remnant ESBS that are to be retained by the development and currently cleared lands to be re-established as a buffer area containing ESBS species (sections 4 and 4.1, page 12)
- specific objectives and actions to be undertaken in the VMP Area will be undertaken in two separate management zones including:
 - Zone 1 – Remnant ESBS; and
 - Zone 2 – Buffer area (section 4.1, page 12).

As identified above, the amended VMP makes no mention of the requirements of NSW DA 446-10-2003 or the Commonwealth approval EPBC 2004/1676 relating to protection and conservation of existing remnant ESBS on Lot 1 DP 701512, i.e. within Zone 1 of the VMP.

VMP Chapter 7: Revegetation Plan (within the VMP Area – Zone 2)

The VMP indicates that no revegetation is proposed within Zone 1 (i.e. the existing ESBS of the VMP Area). Revegetation practices are proposed only for the Zone 2 buffer area with ESBS species (section 6.1, page 17) and it is to proposed revegetate the ground and shrub layers of Zone 2 (section 7.2) using the planting of seedlings propagated from locally sourced plant material (section 7.3). However, “revegetation” is being used in the narrow sense of ‘planting or seed introduction’ only. Other bush regeneration practices apply to both management zones, such as the “removal of all exotic vegetation” and “rehabilitation actions ...that will support enhanced diversity of the remnant ESBS including periodic weeding practises and promotion of natural regeneration” (section 4.1.1.1, page 12). These also should be undertaken by suitably qualified bush regenerators.

Consequently, EES considers that where the VMP applies, any proposed works within the VMP Area, including bush regeneration works (including weed removal, rehabilitation works, or revegetation) and landscaping, 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) ecological community. EES therefore recommends that if the SSD is approved proposed condition of consent G29 is amended to the following:

- ***Any weed removal, rehabilitation, revegetation or landscaping works within 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.***

EES previously recommended that the following conditions of consent are included if the SSD is approved:

- ***All plants to be used in the VMP Area must be of local ESBS provenance. Local ESBS provenance means plants that are grown from seed or cuttings collected from plants growing Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion (ESBS) ecological community near to and in similar environmental conditions as the planting site.***
- ***The VMP must include procedures to demonstrate how plants and seed of local ESBS provenance are to be obtained and used.*** Draft Condition D8 (b) requires the plan address this.

The SRtS agrees with the above recommended conditions of consent and it notes the VMP has been amended to address these requirements (page 31).

7.3.1.2 Planting Densities

The VMP recommends revegetation planting specifications for ESBS as follows:

- Small Trees/ Shrubs @ 4 unit / 10 m²
- Groundcovers @ 4 unit / 1m² (can be planted in clumps)

The VMP should clarify/demonstrate that the proposed planting densities are representative of the vegetation community in its natural state/unmodified condition in this locality.

Ongoing Weed Maintenance in the VMP Area

The amended Landscape Plans state “the VMP Area 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.”

The VMP states “The VMP Area will be managed for an initial period of 5 years according to the specifications outlined in this VMP, with the requirement to re-assess the VMP Area following the final inspection prescribed in this VMP and prepare an updated VMP to be implemented in perpetuity” (section 1.1, page 3) and indicates “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 4.1, page 12). The VMP also notes that “although it is intended that management of the VMP Area will continue in perpetuity, this VMP will be current only for the first five years. After this time, management requirements will be reviewed and if required a new VMP will be prepared to guide subsequent management of the VMP Area” (section 8.2, page 28).

If the SSD is approved, it is important a condition of consent is included to ensure the VMP Area is managed, maintained and monitored on an ongoing basis in perpetuity by a suitably qualified bush regenerator with experience in restoring and maintaining the Eastern Suburbs Banksia Scrub

- ***The VMP Area 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.***

EES notes the inclusion of draft condition H13 which requires the VMP area to be managed, maintained and monitored in perpetuity in accordance with the VMP approved under condition D8. It is suggested Condition D8 specifies that the revised VMP is to apply in perpetuity (as the amended VMP submitted with the SRtS is current only for the first five years). The revised VMP needs to state it applies in perpetuity.

5.6 Pre-clearance Surveys

The final BDAR and amended VMP note pre-clearance surveys will be conducted in all areas of vegetation that are required to be cleared by a qualified licenced fauna 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). The amended VMP notes pre-clearing surveys will include “animals found to be occupying trees and habitat will be safely removed before the clearing of trees and relocated into areas to be retained”.

EES also previously 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. EES considers this further pre-clearance survey should be undertaken immediately prior to any clearing and this is included as a condition of consent. EES notes this recommendation has been included in draft Condition E5.

The VMP should clarify that the pre-clearance fauna surveys/inspections apply to all “protected animals” under the *Biodiversity Conservation Act 2016* (BC Act) and not only limited to threatened fauna. Protected animals are defined in Schedule 5 of the BC Act to include any of the following that are native to Australia or that periodically or occasionally migrate to Australia (including their eggs and young)

- amphibians - frogs or other members of the class amphibia
- birds - birds of any species
- mammals - mammals of any species (including aquatic or amphibious mammals but not including dingoes)
- reptiles - snakes, lizards, crocodiles, tortoises, turtles or other members of the class reptilia.

Evidence of the pre-clearing surveys and inspections for fauna and any relocation of fauna must be provided to the satisfaction of the Certifying Authority.

EES supports the inclusion of draft Conditions E5 and E6. If the SSD is approved EES recommends the following condition of consent is also included to minimise potential impacts from clearing of vegetation on native fauna:

- ***If the pre-clearance surveys identify native fauna using existing hollows, compensatory tree hollows may need to be provided in the VMP Area prior to removing the tree hollows unless the removed hollows can be relocated and***

installed in the VMP Area on the same day they are removed and prior to the release of the hollow dependent native fauna

The inclusion of pre-clearance survey conditions is consistent with other conditions of consent for public schools such as:

- SSD-9344 – Kent Road Public School which includes conditions
- SSD-9274 - Samuel Gilbert Public School
- SSD-8778 - Greystanes Public School upgrade
- SSD-8792 – Mainsbridge School for Specific Purposes.

5.7 Fauna relocation and Clearing Protocols

The VMP states “a fauna ecologist will be present while clearing to rescue animals injured during the clearance operation” (section 5.7, page 16). It also indicates animals disturbed or dislodged during the clearance but not injured will be assisted to move to the adjacent bushland or other specified locations. As noted above, the relocation of native fauna which use the tree hollows approved for removal may need compensatory tree hollows provided in the VMP Area prior to any removal of the existing hollows and the release of the native fauna unless the existing tree hollows that are removed are installed (i) in the VMP Area on the same day that they are removed and (ii) prior to any release of native fauna dependent on the tree hollows.

EES recommends the SSD reuses and salvages native trees that are to be removed including hollows and tree trunks (greater than approximately 25-30cm in diameter and 3m in length) and root balls and placed within the VMP Area where practical on the same day that they are removed, particularly those with hollows to enhance habitat.

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 qualified ecologist/licensed wildlife handler must be present on site during the clearing of any vegetation and the relocation of any felled timber to the VMP Area. 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.***

9 Timing and Responsibilities

EES recommends details are included on the project timelines for the vegetation clearing and vegetation reinstatement (including approximate length of time to undertake the clearing/vegetation reinstatement; the month of the year when the clearing/revegetation are proposed to commence and be completed etc).

Site Landscaping Outside the ‘VMP Area’

Replacement of removed trees

The VMP indicates vegetation and trees outside the VMP area are proposed to be removed as part of the project (section 3.1.2, page 9) and this includes urban native/exotic vegetation (section 3.1, page 7). EES previously recommended in its submission on the EIS, that trees removed by the development be replaced at a ratio of greater than 1:1 to assist mitigate the urban heat island effect over time

It is noted the amended Landscape Plans under the heading ‘rectification of damage’ includes “Uphold a no net loss of vegetation philosophy, and all plants that are damaged beyond rectification (as assessed by Project Arborist) are to be replaced at a minimum ratio of 1:1”.

Use of local native provenance species

EES previously recommended the site landscaping (except for the proposed garden plantings (which includes a cultural garden/ science garden/ edible produce garden/learning gardens and performance garden – see landscape Plan) should also use a diversity of local native species from the ESBS native vegetation community, rather than use exotic species and non-locally occurring native species.

In response the SRtS states “Minor amendments have been made to the site landscaping planting strategy to incorporate ESBS species throughout the site where appropriate, however planting across the site cannot be restricted to only ESBS species due to:

- ESBS species primarily comprise low wooded shrubs and therefore do not provide mature canopy cover required for function educational open space areas
- the requirement to include cultural planting across the site in accordance with the School's requirements
- the requirement to propose a planting across the site that can be readily maintained throughout the operational phase of the development
- the relative commercial unavailability of ESBS species.

Given ESBS does not include tree species which have large canopies, EES agrees that other native and exotic species, including shrubs and groundcovers, can be considered for planting across the site as long as these trees, shrubs and groundcover species are not in the VMP area and there is limited shading of the same area.

Importantly the species used must also be non-invasive. As an example, in its 19 December response to the EIS, EES noted that in the past exotic and non-locally occurring native plants at the site had impacted ESBS at the site. In addition, the CPMPT York Road Vegetation Management Plan (VMP) 2002 noted that ornamental trees planted along York Road in the 1950s had naturalised and are now found throughout the York Road bushland site. The large 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.

Draft Conditions B5 and D9 include EES in consultation roles for the preparation of revised landscape plans. EES does not wish to be in a consultation role.

Condition D9 (d) states the plan must “include the planting of trees with a pot container of 100 litres or greater”. While EES encourages and supports the use of advanced and established trees which are commercially available, other local native tree species which are not commercially available may need to be sourced as juvenile sized trees or pre-grown from provenance seed and it is recommended D(9)(d) is amended to this effect (see below).

The inclusion of draft Condition D9 (f) is supported that the plan must “include the provision of nest boxes suitable to native fauna likely to use the site”. The provision of nest boxes will require advice from a suitably qualified ecologist.

It is recommended the following conditions of consent are included:

- ***Any planting/ landscaping within the school site and street tree planting shall use local provenance ESBS and non-invasive native and exotic trees, shrubs and groundcover species.***
- ***Trees removed by the project shall be replaced at a ratio greater than 1:1.***
- ***Tree planting shall use advanced and established trees with a minimum plant container pot size of 75-100 litres, or greater for local native tree species which are commercially available. 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 ensuring that there is limited shading of the VMP Area.***

- **A Landscape Plan is to be prepared and implemented by an appropriately qualified landscape planner and include details on:**
 - a. **the type, species, size, quantity and location of replacement trees**
 - b. **the species, quantity and location of shrubs and groundcover plantings**
 - c. **the plan demonstrates replacement trees plantings will deliver a net increase in trees**
 - d. **the plan demonstrates that the plant species consist of local provenance or other non-invasive native and exotic species**
 - e. **the quantity and location of plantings**
 - f. **the pot size of the trees to be planted**
 - g. **the area/space required to allow the planted trees to grow to maturity**
 - h. **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**
 - i. **ongoing weed maintenance program.**

Removal of Invasive Exotic Vegetation

The amended VMP states “the majority of the native vegetation within the subject land is scattered throughout the Urban Native/Exotic Vegetation outside of the VMP area” (section 3.1, page 7). It indicates common exotic shrubs and shrubby weeds throughout this area of vegetation include *Murraya paniculata* (False Orange) and *Cestrum parqui* (Green Cestrum). Common ground layer planted exotic species and weeds include *Agapanthus praecox* subsp.*orientalis* (Agapanthus), *Asparagus aethiopicus* (Asparagus Fern) and *Romulea rosea* (Onion Weed).

It is of concern that invasive exotic plant species are present on the site such as Agapanthus, Asparagus Fern, Green cestrum, *Murraya paniculata* and Onion Weed and these have not previously been eradicated from the site, particularly as the site retains ESBS and it also adjoins ESBS on Lot 23. EES recommends all invasive exotic plant species are removed from the site, including the following:

- *Agapanthus* - 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 *Agapanthus praecox* subsp.*orientalis* (Agapanthus) as a weed which poses a risk to the environment. Agapanthus form thick clumps with dense intertwined roots which displace native vegetation, it smothers native groundcovers and prevents the germination of their seed and the regeneration of native plants and eliminates habitat for native fauna.
- *Asparagus Fern* - The DPI NSW Weedwise website indicates asparagus fern is an invasive perennial plant with long prickly stems. It has an extensive root system and is a prolific seeder. Ground asparagus forms dense blankets of growth above ground and a profusion of roots and tubers below ground which suppresses other ground flora and reduces available soil moisture and nutrients. It has become a serious environmental weed. Birds feed on the fruit and disperse the seed (see DPI NSW Weedwise link: <https://weeds.dpi.nsw.gov.au/Weeds/GroundAsparagus>)
- *Green Cestrum* - The DPI NSW Weedwise website indicates Green cestrum is a shrub that: Is poisonous to people, pets, livestock and native animals, outcompetes other vegetation, reduces food and shelter for native animals. Green cestrum contains a poison called ‘carboxyparquin’ that causes liver and brain damage. Bushes are still poisonous after they have been cut down or sprayed. (see DPI NSW Weedwise link: <https://weeds.dpi.nsw.gov.au/Weeds/GreenCestrum>)
- *Murraya paniculate* - The DPI NSW Weedwise website indicates Murraya is regarded as an environmental weed in New South Wales. This species reproduces by seed. These seeds are most commonly spread by birds and other animals that eat the brightly-coloured fruit. (see DPI NSW Weedwise link: <https://weeds.dpi.nsw.gov.au/Weeds/Murraya>)

- *Onion Weed* - The Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022 lists *Romulea rosea* under Appendix 2 (other weeds of regional concern). It notes that for this species one of the assets/values that is at risk is the environment.

Maintenance of Weeds outside the VMP Area

Ongoing weed maintenance, as outlined in the VMP, only appears to apply to the VMP Area. It is important that ongoing maintenance of invasive exotic plant species is also undertaken in areas outside the VMP Area on the site.

Section 5.5 of the VMP states “in order to minimise the spread of weeds throughout the subject land and into the adjoining VMP Area, appropriate weed control activities will be undertaken. Prior to construction, weeds present within the extent of the development will be identified and controlled if necessary, to prevent spread” (page 15). This statement in Section 5.5 appears to indicate that weeds are to be controlled within the extent of the development and not just to the VMP Area, but clarification is required as to whether the VMP applies to weed maintenance outside the VMP Area.

If the VMP does not apply to weed maintenance in areas outside the VMP Area, a condition of consent should be included which requires the proponent to remove invasive exotic plants in areas outside the VMP Area and to undertake ongoing maintenance to ensure invasive species are eradicated from the site and do not spread to the VMP Area or to the ESBS offsite on Lot 23.

Stormwater runoff

EES previously advised 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 sought clarification on the proposed location of the basin but the SRtS has not addressed this. The Department needs to ensure that any overflow from the basin does not impact ESBS on Lot 23.

End of Submission