Department of Planning and Environment

DOC22/469406 Your ref: SSD-17424905

Mr Nahid Mahmud
Infrastructure Assessment
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

23 June 2022

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

Dear Mr Mahmud

Thank you for the email of 10 June 2022 requesting comments on the Supplementary Response to Submissions (SRtS) for this State significant development - SSD-17424905.

The Environment and Heritage Group (EHG) review of the SRtS and its submission have been delayed due to the error with the major projects link. As discussed by phone on 15 June, the link provided in the major projects referral email of 10 June does not link to the most recent documents associated with this SRtS, instead it links to the previous RtS documents.

EHG provides its comments and recommendations on the SRtS 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,

S. Harrison

Susan Harrison

Senior Team Leader Planning
Greater Sydney Branch, Biodiversity and Conservation
Environment and Heritage Group

Attachment A

Subject: EHG comments on the Supplementary 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 DPE – 9 June 2022
- Updated Biodiversity Development Assessment Report (BDAR) (Appendix 6) – updated June 2022

and provides the following comments in relation to the additional information provided in the Response to DPE and the updated BDAR.

EHG previously provided a submission (dated 18 May 2022) on the RtS for this SSD which included recommended mitigation measures and conditions of consent. EHG considers its recommended mitigation measures /conditions are still applicable to this SSD and recommends the conditions are included in the SSD approval (see comments below).

Biodiversity

BDAR

The Response to DPE notes that the BDAR (Appendix 6) has been updated to ensure consistency with advice received from EHG and a separate track change version of the BDAR has been provided to EHG for review. Please note, EHG has not received the track change version.

EHG notes Appendix 6 (updated BDAR) does not adequately address the following detailed EHG comments on the previous version of the BDAR:

- The BAM-C calculations have still not been submitted to the consent authority. As such, EHG has not been able to view the calculations as part of this BDAR review.
- Section 1.6 of the BDAR still discusses the BOS area clearing threshold and Biodiversity Values Map. The executive summary and section 1.5.2 state that DPIE and EES required a BDAR to accompany the DA. This is not correct. The preparation of a BDAR is a statutory requirement under the Biodiversity Conservation Act 2016 (BC Act).
- EHG previously commented that the BDAR incorrectly referred to Stage 3 of the BAM. While references to Stage 3 have been taken out of the text, the Executive Summary still refers to Stage 3 of the BAM.
- The BDAR states the 25% vegetation cover figure was 'approximated', however the BAM and the BAM Operational Manual requires that the vegetation cover in the surrounding area must be calculated, using GIS editing tools. EHG has calculated the cover to be 41%. This assigns the cover to the next percentage class (30-70%), which suggests the offsetting requirement calculations and habitat suitability results may be incorrect.
- EHG previously commented that no digital shapefiles had been received. While it is noted that some digital shapefiles have now been received, this does not include all files. As stated in Appendix VI of the BDAR, the BAM requires that the consent authority receives shapefiles for native vegetation cover and areas of habitat connectivity. EHG has not received these files.
- Section 3.1.1 now states that all mapped STIF on site is the TEC, however section 5.1 still states that Vegetation Zone 1 is not considered to be the TEC. However, it is noted from the BAM Credit summary that all STIF is the TEC. It should be noted that the BDAR incorrectly states that STIF is listed as an endangered ecological community under the BC Act, whereas it is listed as a critically endangered ecological community.

- The BDAR still has not referred to the Important Habitat Map (IHM) for these species. Also, the assessment in the BDAR indicates the assessor is unfamiliar with using the IHM. Assessment of impacts on these species is not based on whether there is breeding habitat or key habitat features on site, but on the results of the IHM. Despite the above, EHG notes the site is not mapped on the IHM.
- EHG previously commented that Table 12.1 states the structures on site are unlikely to be potential habitat for Large Bent-wing Bat because they are in use and well maintained. As previously commented, this species does not roost only in uninhabited structures. This is discussed further in Section 9.1, which states that surveys were undertaken, and no signs of microbats were observed. This is adequate.
- The assessment of avoidance is still not adequate. The language in this section of the BDAR focuses on how the areas to be impacted are degraded and impacts can be reversed, rather than explaining what efforts have been made to avoid impacts.
- There is still insufficient explanation of how the loss of 5% canopy cover has been calculated.
- The BDAR has still not addressed the matters in section 9.1.1 and 9.1.2 of the BAM in relation to serious and irreversible impacts.

Mitigation Measures

The EHG submission on the RtS previously recommended mitigation measures for this SSD but these have not been incorporated into the mitigation measures section in the updated BDAR.

Pre-clearing of vegetation

Seed collection from local native plants to be removed

Attachment K3 of the RtS noted 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 (EHG emphasis). Section 11.7 of the updated BDAR also notes “any native trees or shrubs being removed for the construction works should be checked for seeds during removal works. If seeds are present, they should be collected and used off-site” (page 59).

EHG previously recommended seed is collected prior to the removal of any STIF vegetation in addition to ‘during the removal works’ to achieve a longer extended time frame in which to collect seed. EHG reiterates its recommendation that in addition to collecting native seed during the removal of vegetation it is collected prior to the removal of any local native vegetation and the following condition of consent is included:

> ***Prior to the removal of any local native vegetation from the site including STIF 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.***

It is unclear why the BDAR states the seed should be used off-site rather than on the Pymble Ladies College site, particularly as it also states that “suitable locations currently exist within the site of Pymble Ladies College currently undergoing bush regeneration activities” (page 59).

Translocation of juvenile native plants

EHG repeats its recommendation that a condition is included to translocate juvenile native plants from areas that have been approved to be cleared - see previous EHG submission on the RtS.

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. The updated BDAR includes a mitigation measure that "an ecologist should be present onsite during vegetation clearing to ensure no fauna are harmed as a result of clearing" (section 11.4) and Table 11 includes a mitigation measure for 'Vegetation Clearing Controls' which are to be undertaken during pre-construction but the BDAR does not include a measure to undertake a pre-clearing survey prior to clearing.

EHG recommends a pre-clearing survey is undertaken as a condition of consent and the following condition is included in the consent.

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 etc*
- *native fauna found during pre-clearing surveys including in tree hollows must be* captured *and relocated to appropriate nearby habitat*
- *once checked any tree hollows to be removed should be immediately covered to ensure the hollows are not reoccupied prior to removal of the trees*
- *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.*

The clearing of trees and shrubs should be avoided in late winter/spring during breeding/nesting period for birds.

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

Replacement nest boxes
The EIS recommended installing four micro-bat boxes in the trees being retained and the BDAR recommended installing three within the site boundaries to increase roosting opportunities. EES previously 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. The updated BDAR still recommends installing only three nest boxes (sections 8.1.3 and 11.8) and the mitigation measures has not addressed EES previous comment.

EHG repeats that a condition of consent is included to address this as follows:

- *Where tree hollows and/or 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 compensatory nest boxes should be installed by an appropriately experienced person*
- *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.*

Table 11 in the BDAR confirms the nest boxes will be installed at the pre-construction phase and indicates the nest boxes will be replaced every 5 years. The boxes may require maintenance/repairs/replacement prior to the proposed 5-year replacement time frame. The condition of consent should outline the nest boxes should be maintained and/or replaced as necessary.

Clearing of native vegetation

Section 11.4 of the BDAR includes a mitigation measure that an ecologist should be present onsite during vegetation clearing to ensure no fauna are harmed because of clearing (page 59). As noted above the ecologist should 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.

Reuse and removed *trees and hollows*

EES previously 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:
  - *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.*
  - *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.*

The updated BDAR has not been amended to include this as a mitigation measure, however the RtS (Attachment K3) previously noted this can be conditioned accordingly should DPE consider this appropriate (page 7). EHG reiterates this should be included as a condition of consent.

Revegetation and Landscaping

EHG repeats its recommendation that a condition is included to prepare and implement a Vegetation Management Plan - see previous EHG submission on the RtS.

EHG repeats its recommendation that a condition consent is included to specify the tree replacement ratio - see previous EHG submission on the RtS.

EHG repeats its recommendation that the conditions of consent are included regarding the use of local native provenance species - see previous EHG submission on the RtS.

Monitoring of nest boxes

The BDAR proposes to include nest box monitoring as a mitigation measure and that the site supervisor/project ecologist /bush regenerator monitors the nest boxes annually post construction. The installation and monitoring of the nest boxes would provide a great educational opportunity for the school. Monitoring of the nest boxes should create as little disturbance as possible to the native fauna using the boxes.

EHG recommends the school prepares and implements a nest box monitoring program and a condition of consent is included to this effect and the program includes details on:

- the number of nest boxes to be monitored
- the GPS locations of the nest boxes
- the characteristics of all nest boxes to be monitored / the native fauna species that the boxes are designed for
- the duration and frequency of monitoring
- how the nest boxes are to be monitored (e.g., visual checks, installation of wildlife cameras which are motion activated)
- the reporting program
  - nest box installation details (date installed, direction the box entrance faces, height above ground)
  - the time of year, date and time that boxes are checked
  - what was found in the nest box – the species and the number of individuals
  - occupancy rates
  - frequency of use
  - pattern and timing of use
  - maintenance needs

End of Submission