

15 January 2019

Rebecca Willott
Senior Project Director
Department of Education
259 George Street
Sydney NSW 2000

Savills Project Management Pty Ltd
ABN 59 129 012 700
sedmondson@savills.com.au
0413 316 315

Level 25, Governor Phillip Tower
1 Farrer Place, Sydney NSW 2000
T: +61 (0) 2 8215 8888
F: 02 8215 8828
savills.com.au

SSDA Application Number: SSD16_8114
Lindfield Learning Village – Condition B34 Flora and Fauna Management Sub-Plan_Rev 7

Dear Rebecca,

SSD Condition:

- B34. The Applicant must prepare a Construction Flora and Fauna Management Sub-Plan (FFMSP) in consultation with OEH. The plan must address, but not be limited to, the following:
- (a) measures to minimise the loss of key fauna habitat, including tree hollows;
 - (b) measures to minimise the impacts on fauna on site, including conducting fauna pre-clearance surveys prior to vegetation clearing, building/structure demolition;
 - (c) engagement of an appropriately qualified ecologist with experience in capturing native wildlife to be on site for all vegetation removal activities;
 - (d) controlling weeds and feral pests;
 - (e) an Unexpected Finds Procedure detailing procedures and management measures to be implemented in the event that flora and fauna is uncovered in any area not identified in the updated Biodiversity Assessment (BAR);
 - (f) measures to ensure biodiversity values not intended to be impacted are protected, including barriers and mapping of protected/ 'no-go' areas; and
 - (g) a program to monitor the effectiveness of the measures in the FFMSP.

Document Reference:

Document	Dated	Issued to DPE
Lindfield College_F&FMgt Subplan to CEMPv2_1.3	12 November 2018	26 Oct 2018 and 12 November 2018
Lindfield College_F&FMgt Subplan to CEMP_OEHamend28NOV2018V4_Version 1.5	28 November 2018	3 December 2018
Lindfield College_F&FMgt Subplan to CEMP_OEHamend28NOV2018V4_Version 1.6	18 November 2018	20 December 2018
B34 OEH Consultation summary	14 January 2018	Attached to this letter

Savills Review:

Savills has reviewed the documents as submitted, and appended, in conjunction with the scope required as outlined in the SSD Conditions of Consent. In our opinion, the information provided adequately addresses the condition.

A Construction Flora and Fauna Management Sub Plan has been provided by Kleinfelder, engineers, scientists, and construction professionals. This plan satisfies all the items within this condition.

This plan is required to be sent to OEH for an opportunity to provide any comments, via DPE.

After OEH have had the opportunity to comment, please confirm the Department’s concurrence with the above, after which, please forward on to DPE if required as noted below.

Please note we have issued this package to the certifier for their records and action as required.

Condition Compliance:

Compliance of this Condition is covered off in the relevant section of the Kleinfelder Report:

- B34a) - Section 3.1
- B34b) - Section 3.2
- B34c) – Section 3.3
- B34d) – Section 3.4
- B34e) – Section 3.5
- B34f) – Section 3.6
- B34g) – Section 3.7 and 3.8

Issue to:

Department of Education					
For Approval	YES				
OEH					
For Consultation	YES				
Planning Secretary					
For Information:	N/A				
Private Certifying Authority					
For Information:	YES				

RESPONSE TO DPE Comments:

DPE response 2 November 2018:

1. *FFMSP sent to OEH (Amy Dumbrell) for comment 30/10/18. OEH have yet to indicate when they will be able to review the document.*
2. *Section 3.6 – this section needs to state what will be done not what should be done. Ie. The areas would be fenced off for the duration of tree clearing.*
3. *B34g) – No ongoing monitoring of the effectiveness of the measures are proposed post APZ construction? Is this appropriate for the work they are doing?*

Savills Response (3 December 2018):

1. Thank you, please advise when response is received.
2. Section 3.6 has been amended to address procedures.
3. Section 3.7 has been revised to clarify no ongoing monitoring is required as the sub plan is for the construction period only. Post construction APZ monitoring will be conducted under the direction of the Kleinfelder Landscape Management Plan, provided under Condition Item B13.

RESPONSE TO OEH Comments:

OEH response to letter dated 23 November 2018:

Item raised by OEH	Addressed by Kleinfelder
As the Lane Cove National Park adjoins the study area to the south, east and west it is important that works do not adversely impact the national park. OEH (in letter dated 23/11/2018) requests Lane Cove National Park is notified 2 weeks prior to the date of works commencing.	See Section 2.1 and 3.1
Trees and shrub retention and removal	
) Trees and shrub retention and removal) Not accepted – no shrubs are to be formally retained due to the bushfire risk, only selected trees
) 11 trees retained are outside the site boundary) Not accepted – This point is a factor associated with GPS accuracy, and in the LMP we have acknowledged that fact. All trees proposed for retention are within the surveyed boundary of the site. Tree tags were placed after site boundary was staked.
) Section titled tree and shrub retention) Not accepted – again no shrubs are retained. All trees have been GPS located and 228 trees have been tagged for retention
) FFMSPP include details on numbers of trees retained / removed and include shrubs retained) Not accepted – no shrubs are to be formally retained due to the bushfire risk, only selected trees
2.2 Weed Management	Accepted - included actions in Section 2.2 and 3.4
3 Implementation of Construction FFMSPP	
) Expected duration to undertake clearing	Accepted – Section 3 Clearing for APZ is expected to commence in the months October-November 2018 and is expected to take 4-6 weeks (dependent on weather).

<p>) to protect the adjoining national park from potential erosion and sediment runoff impact during clearing</p>	<p>Accepted – Add section 2.1.3 Add section 3.5 - implementation</p>
<p>) Recommended amendments 1-3</p>	<p>Accepted – added section 3</p>
<p>Section 3.1</p>	<p>Partially accepted - statement added in 3.1 relocating habitat features such as rocks/logs/hollows, to a predetermined location onsite. No shrubs will be relocated, and there will be no requirement for a maintenance/watering program</p>
<p>3.2 Large Forest Owl</p>	<p>Accepted – added section 3.2.1</p>
<p>3.4 Controlling Weeds and Feral Pests</p>	<p>Accepted – added to Section 3.4 and added as per 2.2 above. Accepted – The FFSMP should include the following mitigation measures (measures included into Section 3.4)</p>
<p>3.7 Monitoring Program</p>	<p>Accepted partially – Monitoring Program is now section 3.8 (<i>due to erosion sediment added section 3.5</i>).</p> <p>Item 5 in Section 3.8 Monitoring Program –</p> <ul style="list-style-type: none">) not accepted - the project ecologist is not maintaining fencing, maintenance is an outcome of monitoring and responsibility of contractor,) not accepted - no shrub protection fencing,) accepted duration statement <p>Not accepted – 8. watering of shrubs (not occurring) Accepted - <i>Monitoring weeds at the site including along the site/National Park boundary throughout the APZ construction period to identify the spread of any weeds and to treat/remove weeds</i></p>
<p>Appendix 1 Tree Retention Survey</p>	
<p>Figures 1 and 2 in Appendix 1 appear to show that at least 11 trees tagged for retention are located beyond the subject site boundary / study area boundary. Clarification is required as to whether the retention of trees beyond the site boundary implies that trees are proposed to be cleared beyond the site boundary. OEH repeats that the APZs must be located entirely within the development site and must not encroach upon the national park.</p>	<p>GPS accuracy issue, and detailed in LMP that accuracy was an issue, these trees have been tagged inside the surveyed and staked subject site boundary. All tree retained are within subject site, confirmed</p>

<p>It is important the site boundary is clearly identified on the ground to ensure the APZ clearing does not extend beyond the Lindfield site.</p>	<p>The site boundary is clearly identified on the ground (has been surveyed and stakes in place by contractor/registered surveyor)</p>
<p>The site boundary along the North West part of the site is not entirely shown on the figures. The figures should be amended to show the entire site boundary.</p>	<p>The 3 figures in Appendix 1 capture the full site boundary</p>
<p>Appendix 2 Tree Clearing Protocol</p>	
<p>The fauna displacement protocol indicates any fauna captured will be released into a pre-agreed area. The FFMSP should provide details on where the pre-agreed areas are located. If it is proposed to relocate captured native fauna to the adjoining national park an agreement from National Parks is required.</p>	<p>Updated in fauna displacement protocol, in this Appendix 2 <i>) If possible any fauna should be allowed to self-relocate if safe to do so, if necessary and safe to do so the animal will be captured, assessed and, if appropriate, released into a pre-agreed area, within the subject site. If released onto national park estate, prior agreement with NPWS is required. The optimal location for release will be the eastern side of the southernmost carpark;</i></p>
<p>The proponent must apply for a "License to Harm" from OEH if native animals are to be trapped, relocated or harmed in any way https://www.environment.nsw.gov.au/wildlifelicences/Occupierlicences.htm</p>	<p>No trapping or harm to native fauna in any way. Relocation is self-relocation preference, otherwise relocated within subject site, Kleinfelder not see the need for Licence to Harm application. Kleinfelder scientific licence enable us to capture/relocate (i.e this would be a Kleinfelder responsibility)</p>
<p>If, during works, threatened species or their habitats, endangered ecological communities, or their habitats, that were not previously identified, and which are likely to be affected by the activity, works must immediately cease in that location and OEH consulted.</p>	<p>Agree with threatened species need specific actions for protection (see Appendix 4 for strategy) There are not any Endangered ecological communities, or their habitats on subject site (confirmed EcoPlanning). Therefore, this does not apply.</p>
<p>The proponent is responsible for the control of any weed activity resulting from the works</p>	<p>The weed activity can only be within subject site. The cause and spread of weeds outside the site is the responsibility of that external landholder.</p>
<p>Appendix 4 Threatened Species Management</p>	
<p>Appendix 4 states <i>"threatened flora has not been surveyed on the subject site ... "</i>. This</p>	<p>Accepted - Modified statement to suit OEH request</p>

<p>implies flora surveys have not been undertaken but the EcoPlanning response to agency comments (dated 23 August 2018) indicates that EcoPlanning conducted numerous targeted flora surveys across the subject site. It is presumed that the statement in Appendix 4 is meant to state that "threatened flora were not identified as occurring on the site during targeted flora surveys... ". Clarification on this statement is required.</p>	
<p>Appendix 4 notes <i>Darwinia biflora</i> has potential to occur at the site but it is unclear what mitigation measures / protocols are proposed if it, or other threatened flora species are found on the site. It only notes the Project ecologist would seek advice from the Project manager of resolution of a threatened flora being identified. Section 3.1 of the FFMSP notes shrubs can be excavated and moved. However, OEH considers that the relocation of <i>Darwinia biflora</i> is not a suitable mitigation measure as this species does not generally survive transplanting.</p>	<p>Accepted - Added If a threatened plant is located within the subject site during pre-clearing surveys, it will be protected via delineation/protection fencing (consistent with the Council <i>Darwinia biflora</i> protection reserve to the north). The protection area will extend 2m from the stem of the plant. This location will be mapped and protected throughout the clearing and construction phases via a Threatened Flora Management Plan and protection fencing. No transplanting reqd.</p>

RESPONSE TO DPE Comments:

DPE response 7 December 2018:

Additional recommended amendments to condition B34 – Construction Flora and Fauna Management Sub-Plan

The Department acknowledges receipt of the Construction Flora and Fauna Management Sub-Plan dated November 2018, in addition to the evidence of consultation with OEH during the preparation of the document. The Department conducted a review of the document and makes the following recommendations:

- the Department requires that Figure 2 of Appendix 1 in the plan be updated to include either a disclaimer or statement confirming that no trees outside the site boundary are to be cleared or removed. Alternatively, an updated figure can be inserted in the plan which provides a greater level of accuracy demonstrating no trees outside of the site will be removed
- the plan must be updated to correctly reference the commencement date for works (the plan currently references October – November as the commencement date)
- the Department requires that an updated copy be provided to OEH and the Department for information.

Savills response 18th December 2018:

Please see updated CFFMSP to address to above items. Please pass on to DPE and OEH for information.

Yours sincerely,



Sasha Serrao
Project Manager
Savills Project Management

CC: Andrew Kyraicou – Department of Education
Jim Lewis - Department of Education
Robert Walker – Savills Project Management
Stewart Boyce – BCA Logic Pty Ltd
Sarita Ellison - BCA Logic Pty Ltd