



Our ref: DOC19/604380
Your ref: SSD 9726

Mr David Glasgow
Planning and Assessment
Department of Planning, Industry and
Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Glasgow

Subject: EES comments on Environmental Impact Statement for Adaptive reuse of the Royal Hall of Industries – SSD_9726 - 1 Driver Avenue Moore Park

Thank you for your email of 10 July 2019 requesting advice on the Environmental Impact Statement (EIS) for this State significant development (SSD). Please note, Office of Environment and Heritage responsibilities and functions have been transferred to the Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment.

EES has reviewed the EIS and provides the following comments and recommendations in Attachment A.

Please note, in relation to Aboriginal cultural heritage, EES has decided not to provide comments at this time. This does not represent EES support for the proposal and this matter may still need to be considered by the consent authority.

If you have any questions about this advice, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer, via email Janne.Grose@environment.nsw.gov.au or on 02 8837 6017.

Yours sincerely

S. Harrison 13/08/19

Susan Harrison

**Senior Team Leader Planning
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Attachment A

Subject: EES comments on Environmental Impact Statement - Adaptive reuse of the Royal Hall of Industries – SSD-9726 - 1 Driver Avenue Moore Park

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

- Environmental Impact Statement (EIS) - Sydney Swans High Performance Sport and Community Facility - June 2019
- Ecological Assessment (EA) of proposed Sydney Swans HQ and Community Centre – 8 May 2019
- Environmental, Construction and Management Plan (ECMP) – May 2018
- Arboricultural Impact Assessment (AIA) – May 2019
- Landscape Development Application (LDA) – May 2019
- Ecologically Sustainable Design Report (ESDR) – 8 May 2019

and provides the following comments.

Biodiversity

Section 7.9 of the Biodiversity Conservation Act 2016 (BC Act) requires a State significant development (SSD) to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The former OEH recommended in its submission of 4 December 2018 on the SEARs that a BDAR waiver be sought for this SSD. However, OEH/EES did not receive a BDAR waiver request.

The Department of Planning & Environment Fact Sheet (November 2018) for BDAR waiver determinations for SSD and SSI applications states:

- a BDAR waiver request should be lodged before the SSD or SSI application is made
- for SSDs, it is recommended that proponents wishing to request a BDAR waiver do so at the same time a request for SEARs is made
- if a BDAR waiver is not granted, there is no appeal mechanism and a BDAR must be submitted with the SSD/ SSI.

The SEARs issued by the Department on 7 December 2018 included key issue (10) that “the EIS shall provide an assessment of the proposal’s biodiversity impacts in accordance with the BC Act 2016, including the preparation of a BDAR where required under the Act”. In accordance with the SEARs a BDAR should have been prepared.

The EIS indicates an assessment of the proposal against section 1.5 and section 7.3 of the BC Act and clauses 1.4 and 6.1 of the Biodiversity Conservation Regulation 2017 has been undertaken and is provided in the EA which accompanies the EIS for this SSD (section 6.2.2, page 48). The assessment is not adequate as it does not address each all the impacts on biodiversity values as listed in section 1.5 and section 7.3 of the BC Act and clauses 1.4 and 6.1 of the Biodiversity Conservation Regulation 2017.

EES also does not agree with the statement in the EIS which states “*as the proposal will not have a significant impact on biodiversity values and will not significantly impact the Grey-headed Flying Fox, the SSD Application is not required to be accompanied by a Biodiversity Development Assessment Report and meets the requirements of the Biodiversity Conservation Act 2016*” (section 6.2.2, page 48).

Microbats

The EIS notes the site preparation works include partial demolition within the Royal Hall of Industries (RHI) building including sections of the roof structure and the demolition of the existing services shed section 3.1, page 20). The EA states “no caves or structures with the potential to support Microchiropteran bats were identified in the subject site” (page 5) but no further details are provided to support this. The EIS/EA has not considered the presence and possible value of habitats afforded by the existing artificial/built structures, for example the existing RHI building and its roof and the existing services shed. Several microchiropteran bat species, some threatened, are capable of roosting in a variety of natural and constructed sites, so it is possible that they might utilise the built features on this site.

More information is required to assist in confirming the absence of roosting habitat for threatened microbats within the existing buildings. A search for evidence of microbat roosts should be undertaken using appropriate methods, such as those described on page 9 of the “Species credit’ threatened bats and their habitats NSW survey guide for the Biodiversity Assessment Method (OEH 2018)”. Attention should be given to inspecting cracks or seams in the roofs and a handheld bat detector of ultrasonic calls can assist in alerting the searcher to the presence of bats. Searches must be undertaken by someone with appropriate experience, as described on page 5 of that guide. If bats or signs of bats are observed, the bats may need to be captured to identify species and breeding status using traps, nets or other methods. The information provided should include photographs of any holes, cracks or crevices that were searched; any associated observations about bats and/or signs of bats; and any results from a bat call detector.

Tree removal

The EA notes the ecological impact from the proposal is limited to the removal of 7 immature Spotted Gums (*Corymbia maculata*) which have been planted along Errol Flynn Boulevard. The AIA however indicates that more than seven trees could be impacted by the development and further details are required on this, for example:

- Section 9.1.1 indicates the proposed design has not clarified the impact on trees 1-5 and the impact on these trees will be pending the final design.
- Section 9.4 states “the routes for these services have not been disclosed and pending on the limitation for these services, vicinity and close planting of the tree group No. 10-79 further impact is possible and should be mitigated prior to determination of consent”.

The EA indicates the Spotted Gums that are proposed to be removed are potential foraging habitat for the Grey-headed Flying Fox (GHFF). The proponent needs to clarify if any additional trees including trees 1-5 and from the tree group 10-79 could potentially be removed, particularly as tree group 10-79 are Spotted Gums and GHFF are recorded as occurring in this locality.

Site Landscaping

The EIS notes the proposed landscaping of the site proposes to include native shade tolerant planting structures (section 3.10.2, page 29). The LDA indicates there is “an open corridor of varying widths for landscape treatment, along with a wide public footpath bordering Errol Flynn Blvd and two rooftop terraces of varying size (see section 1.8, page 12).

EES recommends the site landscaping/planting schedule uses a diversity of local native provenance trees, shrubs and groundcover species from the native vegetation community that once occurred in

this locality rather than plant exotic or non-local natives. If the project is approved, it is recommended a condition of consent is included to this effect and the Landscape Plan demonstrates that the plant species list comprises local provenance plant species.

Urban Tree Canopy

The EIS notes the removal of seven existing trees will be complemented by extensive grass, shrub and tree planting (page 40) and that the proposal results in a significant increase in green cover compared to the existing environment (page 47). The loss of the existing trees, however and the many benefits that the trees provide takes years for a juvenile tree to grow and replace.

As the site occurs within an area covered by the Eastern City District Plan (ECDP) it is recommended the development is consistent with Planning Priority E17 - increasing urban tree canopy cover and delivering Green Grid connections. Objective 30 of this planning priority is that urban tree canopy cover is increased. Planning Priority E17 outlines that the NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40 per cent.

The numerous benefits of urban tree canopy cover are noted in the ECDP, including green cover assists in:

- mitigating the urban heat island effect
- improving air quality
- providing local habitat
- improving amenity
- slowing and storing stormwater
- improving water quality and filtering pollution before it reaches the District's waterways.

EES recommends that to assist in mitigating the urban heat island effect at the site and improve the urban tree canopy and local habitat that the development:

- first avoids removing the trees from the site where possible
- replaces any removed trees at a ratio greater than 1:1
- replaces the trees with local provenance native plant species from the native vegetation community which once occurred in this locality to enhance local biodiversity, rather than use non-local native or exotic plants
- uses advanced and established local native trees preferably with a plant container pot size of 100 litres or greater
- provides sufficient area/space to allow the trees to grow to maturity.

Flood

EES refers to Centennial Park Floodplain Risk Management Plan (WMA, April 2016) which shows the areas surrounding the site inundated by flash flooding. Figure 2 shows the site becomes surrounded by flood at 1% AEP, figures 5 and 15 show the site becomes inaccessible and isolated by high hazard floodwater in the PMF and 0.2% AEP respectively. The south west corner of the site (corner of Lang Street and Drive Avenue) is identified as one of the hotspots that needs to be considered.

Accordingly, the report should address the above emergency management issues related to the site and prepare a site-specific Emergency Management Strategy to ensure adequate measures are implemented so that the safety of workers, users and visitors of the site are not compromised.



Recommended Conditions

If the SSD is approved EES recommends the following are included as conditions of consent:

- 1) The landscape plan shall use a diversity of local native provenance trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the native vegetation community which once occurred in this locality.
- 2) The Landscape Plan shall include details on:
 - the native vegetation community (or communities) that once occurred in the locality
 - a list of local provenance tree, shrub and groundcovers to be used in the landscaping, the quantity and location
 - the pot size of the local native trees to be planted
 - the area/space required to allow the planted trees to grow to maturity.
- 3) Trees removed by the development shall be replaced at a ratio greater than 1:1.
- 4) The landscaping shall use advanced and established local native trees preferably with a plant container pot size of 100 litres, or greater to increase urban tree canopy cover.

End of Submission

