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Senders ref: SSI-19238057

Ms Angela Stewart  
Planning and Assessment Group  
Department of Planning, Industry and Environment  
4 Parramatta Square, 12 Darcy Street  
PARRAMATTA NSW 2150

Dear Ms Stewart

**Subject: EES comments on Environmental Impact Statement for Sydney Metro West Stage 2 Project – The Bays to Sydney CBD - SSI-19238057**

Thank you for your email of 3 November 2021 requesting advice on the Environmental Impact Statement (EIS) for this State significant development.

The Environment, Energy and Science Group (EES) has reviewed the EIS and provides its recommendations and comments at Attachment A. Please note, EES has not been able to provide its flood comments within the review time frame but will forward these separately as soon as possible.

EES asks that it not been assigned a consultation role in the conditions of consent for this project unless EES agrees to the role.

If you have any queries regarding this matter, please contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at [janne.grose@environment.nsw.gov.au](mailto:janne.grose@environment.nsw.gov.au).

Yours sincerely

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

01/12/21

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

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The Environment, Energy and Science Group (EES) has reviewed the following reports for this SSI:

- Environmental Impact Statement – November 2021
- Appendix C – Construction Environmental Management Framework
- Technical Paper 5 – Landscape and visual

and provides the following comments.

## **Biodiversity**

### *Pre-clearing surveys*

Section 18.1 of the EIS notes the proposal would result in the removal of around 16 trees (seven planted native trees and nine exotic trees) which includes six trees within the construction sites and ten street trees. The Executive Summary to the EIS and Section 18.1 state “mitigation measures have been proposed to further minimise or avoid potential biodiversity impacts, including pre-clearing surveys” (see pages xi and 18.1 respectively). No details are provided on the proposed pre-clearing surveys in Chapter 18 for Biodiversity.

Appendix C indicates a pre-clearing inspection will be undertaken “prior to any native vegetation clearing” by a suitably qualified ecologist (page 33). Exotic vegetation can also provide habitat for native fauna and it is recommended the pre-clearance inspections are conducted for all trees/vegetation (native and non-native) and other habitat features that have been approved for removal including any hollows, nests and dreys.

The pre-clearing surveys should apply to all “protected animals” under the Biodiversity Conservation Act 2016 (BC Act) and not just threatened fauna.

EES recommends a Condition of Consent is included which requires:

- ***Pre-clearance inspections to be conducted by a suitably qualified ecologist for all trees/vegetation and other habitat features that have been approved for removal. Any fauna captured will be relocated into areas of suitable habitat in proximity to the project site.***

### *Microbats*

Section 11.6.2 of the EIS states “the Pymont Station western and eastern construction sites would require the demolition of all buildings within the construction sites, including the demolition of a somewhat prominent corner building at the western construction site and contemporary buildings at the eastern construction site” and for the Hunter Street Station (Sydney CBD) construction sites key activities and components of construction include “demolition of commercial and retail buildings, structures and basements”.

However in Section 18.7.1 of the EIS states “the human-made structures proposed to be removed by the proposal at the Pymont Station construction sites do not appear to be old or derelict, and as such are unlikely to offer suitable roosting habitat for threatened microbats” and that “the structures appear to be in good external condition with no openings that threatened microbats could regularly access and the construction sites are not in proximity to large expanses of natural vegetation. In addition, no other potential microbat roosting habitat, such as tunnels, bridges, or culverts are present within the Pymont Station construction sites”. Similarly for the Hunter Street Station (Sydney CBD) construction sites, Section 18.8.1 of the EIS notes “the human-made structures are not anticipated to offer suitable roosting habitat for threatened microbats”.

It is unclear if pre-demolition surveys /searches are to be undertaken of the human-made structures for microbats at the Pyrmont Station construction sites and the Hunter Street Station (Sydney CBD) construction sites. Table 18.4 in the EIS includes a mitigation measure (B1) that if any threatened microbats *are identified prior to* or during any part of *the demolition works* then the unexpected microbats finds procedure would be implemented. This implies a search of the human made structures prior to demolition work is proposed. The RtS needs to clarify this.

If any microbats (threatened and non-threatened microbats) are located during searches of the human-built structures, EES should be consulted and a report on the surveys undertaken should be provided to EES. The report should document methods and equipment used, dates/times, effort expended, weather conditions (including temperature ranges, wind speed and direction, amount, and nature of precipitation) recorded on-site during the surveys and the results of the surveys and must address how the impacts to microbats will be avoided, minimised, and mitigated.

## Revegetation and Landscaping

### *Tree replacement ratio*

The EIS notes Condition of Approval C-BB for the Sydney Metro West Concept is relevant to this proposal :

As many mature trees as practicable must be retained. In addition, within ten (10) years of the date of this approval or no later than the commencement of operation of the CSSI (whichever is earlier) there must be a net increase in the number of mature trees provided at a ratio of 2:1.

The EIS states “trees removed by the major civil construction work between The Bays and Sydney CBD would be replaced to provide a net increase in the number of mature trees provided at a ratio of 2:1 across the entire Sydney Metro West project, as part of future stages of the planning approval” and that “further discussion on tree replacement for the project would be included in future planning applications for Sydney Metro West” (see Table 11.20 of EIS). The EIS includes a mitigation measure (LV9) to this effect (see Tables 11.21 and 18.3). EES agrees there should be a net increase in trees to replace those that have been removed.

Table 11.20 implies that the trees removed would be replaced to provide a net increase in the number of mature trees. It is suggested the RtS provides details on the number of replacement trees, the replacement planting locations, replacement plant species and pot size.

### *Use of local native species*

EES recommends the SSI includes a mitigation measure that replacement trees and vegetation consist of local native species from the relevant native vegetation communities that once occurred in this locality and preferably local provenance (rather than use non-local native or exotic species).

EES recommends the following conditions of consent are included:

- ***Any planting/ landscaping, associated with the project shall use a diversity of local provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation community (or communities) that once occurred in the local area.***
- ***Tree planting shall use advanced and established local native trees.***
- ***Enough area/space is provided to allow the trees to grow to maturity.***

End of Submission