



Our ref: DOC19/1020743
Senders ref: SSD-9726

Mr David Glasgow

Planning and Assessment Group
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Glasgow

Subject: EES comments on microbat survey requirements - Adaptive reuse of the Royal Hall of Industries – SSD-9726 – 1 Driver Avenue, Moore Park

I refer to the email of 23 January 2020, received from Ecological Australia requesting further advice on survey, mitigation and offsetting measures for microbats for this State Significant Development (SSD). This request for advice follows on from the receipt of the Environment, Energy and Science Group (EES) comments on the Biodiversity Development Assessment Report (BDAR).

EES provides its recommendations and comments at Attachment A. Please note, EES's microbat specialist staff are unavailable to comment and it is suggested the proponent may need to obtain appropriate expert advice externally.

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' followed by the date '07/02/20'.

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Environment, Energy and Science**

Subject: EES comments on microbat survey requirements for adaptive reuse of the Royal Hall of Industries – SSD-9726 – 1 Driver Avenue, Moore Park

The Environment, Energy and Science Group (EES) provides the following comments in response to the email received from Ecological Australia requesting advice on microbat survey requirements for this SSD.

ELA query	EES response
<p>Do you have any objections or advice if we propose either of the following courses of action to address comments made regarding microbat survey and assessment of impacts;</p> <p>A) Re-survey using ultrasonic detectors and thermal cameras in summer for 3 nights min and assume presence of Large Bentwings overwinter, write a Microbat Management Plan (MMP), and implement the MMP before construction begins. If other bats are found to be roosting in the building over summer, write a nest box plan and implement it before construction begins.</p> <p>OR,</p> <p>B) Re-survey using ultrasonic detectors and thermal cameras in summer for 3 nights min, and again in mid-Autumn for 3 nights min. If we get no bats emerging and very few calls, assume the roof cavities are not used as roost sites, therefore no prescribed impacts for microbats, no credits required, no MMP or nest box plan. If Large Bentwings are found roosting in the building, write and implement a MMP before construction begins. If other bats are found to be roosting in the building, write a nest box plan and implement it before construction begins.</p>	<p>If presence or likely presence of any threatened bat species is confirmed through further surveys or assumed (because surveys not undertaken in most appropriate season to detect):</p> <ul style="list-style-type: none"> • the bats may need to be captured to identify species and breeding status using traps, nets or other methods • then: <ul style="list-style-type: none"> - Unless the building affords <i>breeding</i> habitat, the impacts on species present should be identified, described and addressed as prescribed additional impacts. - EES reiterates that the proponent be referred to section 2.5 of DPIE's <i>Biodiversity Assessment Method Operational Manual Stage 2</i> (Sept 2019) for detailed guidance on how to address these aspects of the BAM. - Measures to <i>avoid</i> the impacts should be the principal consideration. As pointed out in the EES advice of 19 December 2019, the BDAR was deficient and not in accordance with the BAM in not having considered measures to avoid impacts. - For impacts that cannot be avoided, measures to mitigate and minimise them should be the next considerations addressed by the BDAR. - Any residual impacts must be identified and the assessor and proponent should consider options to compensate for them. Given there is no set method for determining a suitable quantum of credits to offset a prescribed impact, the assessor should in the BDAR clearly document the decision pathway and justification for suggested credit numbers or other compensatory actions. The approval authority can then take this into consideration and has the option to require biodiversity credits, payment into the Biodiversity Conservation Fund or other biodiversity conservation measures.
<p>C) Is it realistic to expect proponents of BDAR's already prepared and submitted for comment to allocate credit's for prescribed impacts when the guidelines for this are not formally in circulation?</p>	<p>It is not a requirement of the BAM for the accredited assessor to calculate biodiversity credits to offset a prescribed impact, however section 7.14(3) of the BC Act and clause 6.1(2)(b) of the BC Regulation allow that the approval authority may take into account the prescribed additional biodiversity impacts in the determination of biodiversity credits required to be retired, or other</p>

	<p>conservation measures required to be taken, under a planning approval. It is explained in section 2.5 of the DPIE's <i>Biodiversity Assessment Method Operational Manual Stage 2</i> (Sept 2019) that "the assessor and proponent should consider options to compensate for unavoidable prescribed impacts. Given there is no set method for determining a suitable quantum of credits to offset a prescribed impact, the assessor should clearly document the decision pathway and justification for suggested credit numbers or other compensatory actions in the BDAR." The approval authority can then take this into consideration. EES is not the approval authority.</p>
<p>D) Will an estimate of the roost capacity be required to assign credits for the Large Bentwing under the 'assume' presence scenario A above?</p>	<p>It is up to the proponent to obtain appropriate expert advice to inform the information it provides regarding for suggested credit numbers or other compensatory actions in the BDAR.</p>
<p>E) How will compensatory habitat for Large Bentwings be determined in the case of loss of roosts in buildings when it is known that Large Bentwings do not use bat boxes.</p> <ul style="list-style-type: none"> • Will the proponent be expected to provide cavities in the building? • Will extra credits need to be purchased to account for the lack of alternative roosting options? • How will suitable Large Bentwing roosting habitat be determined to retire the credits? 	<p>It is up to the proponent to obtain appropriate expert advice to inform the information it provides regarding for suggested credit numbers or other compensatory actions in the BDAR.</p> <p>Addressed above</p>
<p>F) Do you expect credits for threatened bats (in fact any 'species credit' species) to change following the large amount of habitat affected by fires in NSW this spring and summer?</p>	<p>Please address this question via the BOS Support enquiry form at https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/biodiversity-offsets-scheme-support</p>

End of Submission

