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**RESPONSE TO SUBMISSIONS: CRICKET NSW CENTRE OF EXCELLENCE**

Dear Belinda,

As you are aware, Cumberland Ecology submitted a Biodiversity Development Assessment Report (BDAR) to accompany the Environmental Impact Statement (EIS) for the proposed development of the Cricket NSW Centre of Excellence.

Following exhibition of the EIS, comments from the Environment, Energy and Science Group (EES) of the Department of Planning, Industry and Environment, and Sydney Olympic Park Authority (SOPA) were received, and as such we have provided responses to these comments. The purpose of this letter is to detail the responses to each point raised by EES and SOPA. These responses are presented in **Table 1** and **2** of **Appendix 1**.

If you have any queries, or would like further information, please do not hesitate to contact me either myself or Sally Dupont on (02) 9868 1933.

Yours sincerely,



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# APPENDIX A :

## Response to Submissions

## A.1. Response to Submissions: Environment, Energy and Science Group of the Department of Planning, Industry and Environment

**Table 1** details the recommendations and comments issued by the Environment, Energy and Science Group (EES) of the Department of Planning, Industry and Environment and the response to these comments by Cumberland Ecology. The comments raised by EES are presented in the left column and the right column details the response to these comments by Cumberland Ecology.

**Table 1 Recommendations and comments by EES**

Recommendations and Comments	Response
<p>There is no consideration of <i>Wilsonia backhousei</i> in the list of targeted species, despite many recent records &lt;500m away. Section 2.1 states that BioNet was consulted, but the absence of this species suggests this search was not conducted.</p>	<p>Although BioNet was consulted and records within the vicinity of the Subject Property were assessed, <i>Wilsonia backhousei</i> is a species found in intertidal saltmarshes, and occasionally seacliffs (NSW Scientific Committee, 2018). Since neither saltmarshes nor seacliffs are present within the Subject Property, it was consequently removed from consideration due to the lack of suitable habitat.</p>

Table 12 states that there will not be any breeding habitat on site for the Large Bent-wing Bat (LBWB) because there are no caves. However, LBWB also use stormwater tunnels, buildings and other man-made structures as breeding habitat.

Although LBWB can also use stormwater tunnels, buildings and other man-made structures as roosting habitat, their breeding is centred on maternity caves with specific temperature and humidity regimes (OEH, 2019). Potential breeding habitat may occur in tunnels and other structures known or suspected to be used by LBWB according to BioNet Atlas records with an observation type code of 'E nest-roost' or number of individuals >500. The closest record with this code type is located under the M2 bridge in Carlingford, approximately 20 km away from the Subject Property. The stormwater tunnel located on the southern boundary of the Development Site and Subject Property as well as the building located along the northern boundary of the Subject Property (outside the Development Site) and the small toilet block facility to the south of the wetlands were all assessed and inspected for bats during the numerous habitat assessment conducted by Cumberland Ecology for the Project and LBWB was not detected. Consequently, LBWB was considered unlikely to occur due to the lack of suitable breeding habitat.

Surveys of the Green and Golden Bell Frog (GGBF): while it is acknowledged that GGBF have been presumed to be present on the Development Site, a greater survey effort may have provided more specific information on how the species uses this site. For example, while the survey effort met the minimum requirements set out in the Working Draft for Surveying Threatened Frog Species (DEC 2004), a greater survey effort (e.g. four nights, such that the Commonwealth guidelines for surveying threatened frogs could be met) would have provided more certainty about whether GGBFs were in the development site.

Although it is acknowledged that a greater effort may have provided more specific information on how the species uses the site, an additional two night of surveys would not have changed the outcome of the surveys. Had no GGBFs been found during the additional two nights, the species would still have been assumed present within the Development Site due to the proximity of the wetlands and the known GGBF population they harbour. Had GGBFs been found during the additional two nights, presence of the species would have been confirmed. In both instances, a species polygon would have been generated and credits calculated for the GGBF, as is included in the BDAR.

A focus on the eastern side of the Development Site would have provided more certainty about whether GGBFs were present in the Development Site. This is because GGBFs are known to inhabit the wetland along the eastern side of the Subject Property and could easily move into the Development Site from the wetland as they use the terrestrial corridor running north-south from the wetland along the eastern side of the Subject Property (and east to Blaxland Riverside Park).

Due to permit restrictions from SOPA, Cumberland Ecology was unable to directly access the wetlands, including the one along the eastern boundary, between the Subject Property and Silverwater Correctional Centre. Call playback and both diurnal and nocturnal searches were conducted in the area, with the habitat along the eastern boundary inspected as thoroughly as possible given the access limitations.

The extent of the species polygon for GGBF is not considered adequate as it does not include other areas on site that GGBF would use, such as areas of exotic grass areas in between treed areas.

The species polygon for the GGBF has been updated to include areas of exotic grass areas between treed areas. See Figure 9 of the amended BDAR.

Buffers for GGBFs: the BDAR includes a 100 m buffer around the wetlands in the north east of the Subject Property as the area of GGBF habitat impacted and part of the species polygon that offsets would be calculated against. However, EES considers that a greater buffer should have been applied, to be in accordance with the Commonwealth Significant impact guidelines, which states that the removal of terrestrial habitat with 200 m would be considered a significant impact, and that terrestrial corridors then require a 100 m buffer. As such, a 300 m buffer should be applied, but only to the other wetland located along the eastern side of the Subject Property, as it is recognised that the other wetlands are too saline. This will impact the offset requirement.

The Commonwealth Significant Impact Guidelines for the GGBF states that a 200 m buffer must be applied around water bodies. Figure 9 of the BDAR has been updated accordingly and offset calculations will be updated once impact area has been confirmed (awaiting development footprint file). A further 100 m buffer (300 m total) around the wetlands is not considered to be in line with the Commonwealth Guidelines which state that only terrestrial movement corridors should be buffered by 100 m. The terrestrial corridor has been identified between the wetlands located within the subject land and Blaxland Riverside Park. Consequently, the 100 m buffer applied to this strand of vegetation is encompassed within the 200 m surrounding the wetlands.

## A.2. Response to Submissions: Sydney Olympic Park Authority

**Table 2** details the recommendations and comments issued by Sydney Olympic Park Authority (SOPA) and the response to these comments by Cumberland Ecology. The comments raised by SOPA are presented in the left column and the right column details the response to these comments by Cumberland Ecology.

**Table 2 Recommendations and comments made by SOPA**

Recommendations and Comments	Response
<p>Legal obligations for biodiversity conservation under the Sydney Olympic Park Authority Act 2001 have not been addressed; nor have local policy goals, objectives and threats.</p>	<p>The BDAR details all the biodiversity impacts of the project within the subject site, specific to BC Act and EPBC Act requirements. Most of the objectives and obligations of the SOPA Biodiversity Management Policy 2019, as required by the SOPA Act 2001, are better addressed generally in the EIS, as most of those are addressed by a combination of documents and not specifically the BDAR (e.g. acoustic and light effects, water quality etc). Relevant to the BDAR are the following obligations:</p> <hr/> <p><i>Obligation for conservation of nationally threatened species and ecological communities and migratory species:</i> Addressed throughout BDAR (see below for specific sections)</p> <hr/> <p><i>Requirement to avoid harm to protected fauna, and to threatened species or communities, endangered populations and their habitats:</i> Addressed throughout BDAR.</p> <hr/> <p>Part 2 of the SOPA Biodiversity Management Plan specifically mentions:</p> <hr/> <p><i>GGBF:</i> Addressed throughout BDAR, specifically in Section 2.3.2.2, Section 5.3.4.2, Table 13, Section 7.1.3.3, Section 7.1.3.4, Section 8.4.1.5, Table 16.</p> <hr/> <p><i>Wilsonia backhousei:</i> see response to EES comments</p> <hr/> <p><i>SOFF:</i> Addressed throughout BDAR, specifically in Table 8, Section 4.2.2.3 and Section 7.1.1</p> <hr/> <p><i>Microchiropteran bats:</i> Addressed throughout BDAR, specifically in Table 12, Table 13, Section 7.1.3.1, Section 8.1.2, Section 8.2.1</p>

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*Migratory and woodland birds:* Addressed in BDAR in Table 10, Section 8.1.2

*Red-rumped Parrot:* see response to comment below.

*Raptors:* Addressed throughout BDAR, specifically in Section 2.3.2.3, Table 10, Section 5.3.2, Table 12

*Local Threats and Pressure –*

*Edge effects, fragmentation:* Addressed in BDAR in Section 7.1.3.3, Section 8.1.2, Section 8.2.3

*Noxious and invasive plant species:* addressed in Section 8.4.1.7 of BDAR.

*Chytrid fungus:* Section 8.4.1.5 of the BDAR updated to include reference to the Hygiene Protocol for the Control of Diseases in Frogs.

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The BDAR identifies that the development will require 17 ecosystems credits and 21 species credits under the NSW *Biodiversity Conservation Act 2016*. These credits can be purchased and applied anywhere in the State and do not necessarily address the overall impact of the proposal on Biodiversity at SOP. Accordingly, the Applicant should explore opportunities with SOPA to enhance habitats and ecological values within the Wilson Park Precinct before committing to purchasing off-site credits.

Offsetting obligations are bound by the requirements of the BC Act (as associated regulation), and therefore unless the consent authority decides to vary this requirement, the proponent will be required to secure offsets in accordance with the offset rules. This may mean offsets are located outside of the Wilson Park precinct. Under the offset rules there is an option to fund a biodiversity conservation action, however at the present time none are listed for the Green and Golden Bell Frog or Southern Myotis in the ancillary rules for these actions. It is noted that should a payment be made into the Biodiversity Conservation Fund, the Biodiversity Conservation Trust could use the funds to implement a biodiversity conservation action, even if it is not currently listed within the ancillary rules.

The SOPA Biodiversity Management Plan identifies that one of the key ecological values of Wilson Park as feeding habitat for the regionally-significant Red-rumped Parrot populations, which feed in mown kikuyu lawns. This species is not considered in the EIS.

The Red-rumped Parrot was not included in the BDAR as it is not a threatened species listed under either the BC Act or the EPBC Act. The impact on the foraging habitat of Red-rumped Parrots will only be temporary during the construction phase of the Project. Feeding habitat will again be available to the species during the operational phase of the Project, once the cricket fields are constructed and the lawn replaced. Furthermore, similar habitat is present in the surrounding area of Sydney Olympic Park, including Blaxland Riverside Park to the east and Silverwater Park to the west. The Project is therefore not expected to have a significant impact on the local Red-rumped Parrot population.

The BDAR does not consider the connectivity of the GGBF population at the site to the Duck River, Camellia and Silverwater populations.

Section 7.1.3.3 of the BDAR has been updated to include further discussion of GGBF population connectivity.

The EIS identifies that 304 trees will be removed, and 310 replacement trees will be planted. These figures conflict with the BDAR, which states 108 trees covering 1.3 ha will be removed. Clarification is then required in relation to the number of replacement trees, particularly as the replacement of 304 mature trees with 310 juvenile specimens, as proposed in the Landscape Plan, is inadequate to compensate for the loss of habitat, shade, and functional value.

Tree figures within the BDAR are to be updated, pending access to further files from Cox Architecture. Compensatory measures for the loss of trees are being provided in the form of ecosystem credits. Notwithstanding this, tree replacement is being undertaken as a mitigation measure on site.

Details of any compensatory nest boxes must comply with SOPA's comprehensive artificial nest box and roost box programme.

Section 8.1.1.2 of the BDAR updated to reflect nest boxes to be in accordance with SOPA's guidelines.

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Plant species identified as weeds in the Greater Sydney Regional Strategic Weed Management Plan 2017-2022 or Table 2 of the SOPA Invasive Environmental Weeds Policy POL 10/5 are not permitted. Specifically, the current Landscape Plan includes Tuckeroo *Cupaniopsis anacardioides* in the planting palette. This species is a weed in SOP and should be replaced with a suitable endemic species.

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To be addressed by Turf Landscape.

We note that *Cupaniopsis anacardioides* is a native species to NSW (mostly in coastal areas including littoral rainforests or near estuaries), and Sydney Olympic Park is within the species natural range, even though it may not be strictly endemic to Sydney Olympic Park. This species is not a listed weed species in the Greater Sydney Regional Strategic Weed Management Plan 2017-2022.