

Eric Brodie
C / o Western Sydney Parklands Trust
Via email: ebrodie@cadenceaust.com

15 March 2013

Dear Eric,

RE: Eastern Creek Business Hub – Submissions for State Significant Development

This letter provides a response to biodiversity based submissions received on the Eastern Creek Business Hub (ECBH) State Significant Development (SSD 5175) during the exhibition period on behalf of the Applicant, the Western Sydney Parklands Trust (WSPT).

The application was placed on public exhibition over the period 26 September 2012 to 09 November 2012.

During this period 12 submissions were received on the application, comprising:

- Six (6) from agencies/Council;
- One (1) from a community group;
- Two (2) from industry groups; and
- Three (3) from residents.

DP&I responded with an *issues letter* following their review of the submissions and their assessment of the application.

Of the twelve (12) submissions received, both the NSW Office of Environment and Heritage and the community group Blacktown and District Environment Group provided submissions which related to biodiversity outcomes. Responses to these submissions are provided below in **Table 1** and **Table 2** respectively.

In addition **Table 3** provides the additional information requested by DP&I to complete their assessment.

Table 1: Response to NSW Office of Environment and Heritage submissions

Key Issues	Response
Biodiversity OEH supports the amelioration and offset measures for removal of the EEC on site. It recommends that conditions of consent include the requirement to retire the 46.3 biobank ecosystem credits prior to clearing of any vegetation.	Noted
Some of the descriptions of the habitat associations for species in the Threatened Species Likelihood of Occurrence tables in Appendix A of the ecological report include habitats that appear to occur on site. However the species are described as being not likely to occur on site without justification.	Whilst it is agreed that all three of these flora species are known to occur in degraded sites or after disturbance, the following rationale is provided as to why they were not considered to occur at the site prior to survey: * Age and paucity of records in the immediate proximity to the subject site, * The enclosure of the site by urban development and infrastructure, including the M7 motorway and Great Western Highway, limiting colonisation success from disjunct populations.

Key Issues	Response
	It is noted that extensive survey did take place along the M7 motorway corridor within the previous 10-20 year period (as part of the EIS - which was reviewed for this project), and no records of threatened flora were made in proximity to the site and added to the Atlas of NSW Wildlife. It is also noted that the remnant to the north of the subject site, The Rooty Hill and Morreau Reserve, are readily accessible intact remnants of vegetation, though no records of threatened flora occur in either of these locations. Whilst the above reasoning is provided as justification of this flora being unlikely to occur at the subject site, ELA consider adequate survey effort has been undertaken across the site to locate any previously under reported populations. This includes a targeted independent flora and habitat survey undertaken by Wayne Olly of the Western Sydney Conservation Alliance.'
The ecological report notes that with implementation of the Biodiversity Offsets Strategy and subsequent biobanking agreement there would be no significant impacts to threatened species or ecological communities. However in accordance with the Assessment of Significance Guidelines (DECC 2007) <i>"proposed measures that mitigate, improve or compensate for the action, development or activity should not be considered in determining the degree of the effect on threatened species, populations or ecological communities."</i>	Works were assessed in accordance with the (Draft) NSW Department of Environment and Conservation and Department of Primary Industries "Guidelines for Threatened Species Assessment" which outlines the important factors and or heads of consideration that must be considered by proponents and consultants when assessing potential impacts on threatened species, populations or ecological communities or their habitats for development applications assessed under Part 3A of the EP & A Act. As this development is considered State Significant Development (an equivalent of the former Part 3A development types) this was considered the appropriate assessment guideline to use. Section 2 of this document - factors to consider when preparing a development application - refers to Appendix 1 for the preferred structure and content for a threatened species report. Appendix 1 outlines the various sections of threatened species assessment report - the subheadings given are: Introduction, Methods, Results, Impact Evaluation: Describe the context and intensity of impacts Mitigation: Discuss measures to minimise impacts such as measures to avoid impacts, mitigation measures, amelioration measures and offset strategies. Conclusion References Appendices The impact evaluation section in Appendix 1 of this guideline does not advise that proposed measures that mitigate, improve or compensate for the action should not be taken into account. The threatened species guideline that OEH refer to (DECC 2007) the actual wording from this guideline is "Proposed measures that mitigate, improve or compensate for the action, development or activity should not be considered in determining the degree of the effect on threatened species, populations or ecological communities, unless the measure has been used successfully for that species in a similar situation". They appear to have left off the last words of that sentence, which completely change the context of the sentence. It is considered that the use of the NSW OEH system of Biobanking is

Key Issues	Response
	considered to be an effective and successful mitigation measure. Given that many state government agencies are currently reliant on Biobanking of CPW vegetation for their activities within the Sydney Region Growth Centres, then Biobanking for CPW vegetation in Western Sydney must be acknowledged by OEH as a successful mitigation measure.

Table 2: Response to Blacktown and District Environment Group submissions

Key Issues	Response
When the plan for the Parklands was announced several years ago, it was declared they would be the "Lungs of Sydney". It was looked on as a substantial gain for conservation.	Noted.
However a number of developments including Landcom housing, M7 motorway, sporting fields and now the Business Hub has isolated areas of the park and taken out areas for conservation purposes.	Noted.
The proposed development will take out hundreds of indigenous trees that provide hollows for habitat.	5 hollow bearing trees recorded on site – current proposed layout should retain 3 of these at a minimum, and potentially 5, which will be confirmed following detailed design.
There are stands of trees satisfying threshold for TSC Act listed ecological communities but not all stands will be protected. One such area is proposed for a car park.	Impacts offset through biobanking site at Chandos West. Additionally eastern portion of site will be rehabilitated in future as part of additional biobank site.
Even areas of weed infestation have become habitat and foraging space for wrens and other small birds.	Site does contain stands of trees and EEC but in poor condition. Eventually with the restoration works proposed in the eastern portion and the improvement to drainage through the western portion, the overall ecological value of the site will be greater than at present. Preferable to have native habitat on site for birds and other fauna than weeds.
The drainage lines provide potential habitat for frogs, eels and tortoises.	Noted in the FFA report and the formalised drainage lines will continue to provide that habitat while decreasing the impact on retained CPW from current surface flows.
Suggest tree retention for landscaping purposes, particularly aged trees.	This is a recommendation of the FFA report.
Any revegetation for a conservation zone should be accelerated to provide potential for habitat for displaced fauna.	WSPT already gave commitment to that – WSPT should detail what this commitment is if they haven't already.

Table 3: Additional Information requested by the DP&I

Requested Information	Response
8. Provide details of how the woodland areas (to be retained on site) will be maintained and managed in perpetuity (eg. local mechanisms) and;	The conservation area in the eastern half of the site is proposed as a future biobank site and subsequently this site will undergo a range of works to improve and/or maintain its current ecological condition. Works include erection of exclusion fencing, primary and secondary weed control, assisted regeneration and strategic planting shrub layer. Other management works include control and exclusion of feral animals and herbivores and erosion control. If it eventuates, this proposed biobank site will form an extension of existing conserved lands, thereby increasing connectivity of the area. Mitigative drainage works on site are also expected to improve the condition of onsite vegetation through restoration

Requested Information	Response
	and recreation, which is expected to result in no net vegetation losses. Management of the site will be detailed in a Construction and Operation Environmental Management Plan (OEMP) and this will span the length of construction works and the post-construction phase. This plan will be updated when necessary as works progress. This plan covers both the conservation and development areas of the Eastern Creek Business Hub site and details mitigation measures such as erosion and sediment control and topsoil and weed management. Development activities may indirectly impact retained vegetation through introduction of noxious and environmental weeds, trampling and unauthorised access. These impacts will also be managed as part of the OEMP.
14. The Ecological Assessment, prepared by Eco Logical Australia, should address the Cumberland Plain Recovery Plan in accordance with the Threatened Species Conservation Act 1995	The overall objective of the Cumberland Plain Recovery Plan (CPRP) is to provide for the long term survival of the threatened biodiversity of the Cumberland Plain. Specific recovery objectives are: • Build the protected area network (of which WSPT are part) • Deliver best practice management for threatened biodiversity • Develop an understanding and enhanced awareness in the community of threatened biodiversity • To increase knowledge of threats to Cumberland Plain's threatened biodiversity <u>Objective 1- Protected Area network.</u> The impacts of clearing 1.93 ha of Cumberland Plain Woodland at the Eastern Creek Business Hub site are proposed to be offset by the retiring of credits at the Chandos West Biobank site within the Western Sydney Parklands estate. In accordance with the stated focus of Cumberland Plain Recovery Plan (CPRP) (page 8) this will enable WSPT to "focus recovery efforts on those lands which represent the best opportunities to secure viable, long term conservation outcomes in the region." Biobanking agreements were identified in the CPRP as the preferred conservation mechanism for public land holders to secure lands for the protected area network. The WSP estate has been identified in the CPRP as containing 5 areas of priority conservation lands. <u>Objective 2- Best Practice Management</u> Biobank Agreement 70 has been developed and registered as a Property Management Plan (under Section 113B of the NSW TSC Act) with NSW OEH to guide the restoration of Chandos West site. Biobank Agreement 70 outlines the following actions to be undertaken at Chandos West: Standard Management Actions: • Management of grazing for conservation • Weed control • Management of fire for conservation • Management of human disturbance • Retention of regrowth and remnant native vegetation • Replanting or supplementary planting where natural regeneration is not sufficient • Retention of dead timber

Requested Information	Response
	• Erosion control • Retention of rocks Additional Management Actions: • Cat and / or Fox control, miscellaneous feral species exclusion, and native and feral herbivory control and exclusion • Vertebrate pest management (feral cats and European fox) In addition, the following issue specific (standard and additional) management plans form part of Agreement 70: • Weed Management Plan • Fire for Conservation Management Plan • Management Plan to control feral and overabundant native herbivores • Vertebrate Pest Management Plan All of the actions and management plans developed for Biobank Agreement 70 for the Chandos West site have been developed with regards to the best practice guidelines. Biobank agreements are publicly available on OEH website. Additionally, Biobank Agreement 70 contains a detailed reporting framework. Reporting on the implementation of the biobank agreement management actions is required annually to NSW OEH, however OEH may not make these implementation reports public available. <u>Objective 3 - Develop an understanding and enhanced awareness in the community of threatened biodiversity</u> Despite not being listed as an agency with responsibility for this action in the CPRP, education is a core value and feature of the WSP. WSP Plan of Management 2011 Vision: Western Sydney Parklands is a place for people of all backgrounds to meet, celebrate learn and play. The principles for management of the parklands are: enjoyable, sustainable, identifiable, educational, accessible to all, viable, in partnership <u>Objective 4 – increase knowledge of threats to Cumberland Plain’s threatened biodiversity</u> Despite not being listed as an agency with responsibilities for delivering this objective, WSP undertakes projects to better understand current threats to biodiversity values on the Cumberland Plain. They are currently undertaking a Bell Miner eucalypt dieback project. In summary, the proposed biobank offset at the Chandos West site, the development of a future biobank site on the residual lands at the ECBH site plus the existing education and research activities undertaken by the WSP are consistent with the aims and objectives of the CPRP.

Yours Sincerely,



Brendan Dowd
Senior Approvals Consultant
Manager, Wollongong