NSW GOVERNMENT | Office of Environment & Heritage

DOC19/32912
SSD 8800

Mr Brendan Roberts
Key Sites and Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Emily Dickson

Dear Mr Roberts

Parramatta Leagues Club Hotel (SSD 8800) – 1 Eels Place, Parramatta - Environmental Impact Statement

Thank you for your letter of 14 January 2018 received by the Office of Environment and Heritage (OEH) requesting comments on the Environmental Impact Statement (EIS) for the above State Significant Development.

OEH has reviewed the relevant documents and provides recommendations and comment in Attachment A.

If you have any queries regarding this matter, please contact Janne Grose on 8837 6017 or janne.grose@environment.nsw.gov.au

Yours sincerely

S. Harrison 19/02/19

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Attachment A

Leagues Club Hotel (SSD 8800) – 1 Eels Place, Parramatta - Environmental Impact Statement

Office of Environment and Heritage (OEH) has reviewed the following documents:

- Environmental Impact Statement (EIS) – 17 November 2018
- ESD Report - 26 November 2018
- Biodiversity Development Assessment Report – December 2018
- Civil Stormwater and Flooding – 4 December 2018
- Public Domain and Landscape
- Arboricultural Impact Assessment (AIA) – 28 November 2018

and provides the following comments.

Biodiversity

SEARs

OEH in its submission on the SEARs was seeking to ensure that construction for this proposal did not result in the Grey-headed Flying-fox camp dispersing or shifting location to somewhere that creates more conflict. However, OEH notes the Department significantly changed the meaning of the SEARs from what OEH requested.

The OEH submission to the SEARs asked for the following to be included: "The impact assessment should include the potential of the camp to shift location, particularly due to construction noise". However, the Department inserted the following in the SEARs issued for this SSD: "The report is to provide detail on how the proposal will minimise and/or offset any identified impacts on the colony, this may include options to shift the location of the camp".

If the Department wishes to edit OEH's recommended SEARs wording, OEH requests that the Department first confirms with OEH that the meaning has not been lost.

BDAR

- The assessment of impacts in the BDAR does not include a discussion of impacts on the Grey-headed Flying-fox (GHFF) that may occur at the operational stage, such as noise impacts from the proposed rooftop bar, terrace and function room
- The BDAR includes a discussion of measures to mitigate or manage impacts but there are no details on the timing, frequency or responsibility for implementation of these measures, or identification of measures for which there is a risk of failure, in accordance with section 9.3.1.2 of the Biodiversity Assessment Method
- OEH supports the statement in section 6.1.3 of the BDAR that "the extent of impacts due to noise, dust or light spill is unable to be defined". Therefore, OEH considers it would have been appropriate to prepare an adaptive management strategy as part of the BDAR.
- OEH supports the proposed mitigation measures as outlined in section 6.3 of the BDAR, but considers the following additional mitigation measures are also required, given potential impacts on the GHFF colony:
    - An ecologist with relevant knowledge and experience in flying-fox management must be engaged to provide ongoing advice and conduct regular monitoring of the camp during construction. This monitoring must be frequent (e.g. daily) when demolition and any particularly noisy works (e.g. pile driving, jackhammers, excavators or sudden loud noises) are occurring.
    - The project ecologist to determine the current extent and number of GHFF at the camp no more than one week prior to commencing construction works to establish a baseline for the camp.

      In relation to monitoring the GHFF, reference is made to the condition of consent (E101) included in the approval for the Parramatta Light Rail – Stage 1 project for monitoring GHFF which requires the following:

E101 During construction near the Parramatta River and Cumberland Hospital East and West, the Proponent must engage a suitably qualified and experienced fauna specialist to monitor the behaviour of the Grey-headed Flying-fox camp that resides in Parramatta Park in accordance with the Grey-headed Flying Fox Monitoring Program required by ***Condition C9*** *and implement mitigation measures, as required to minimise potential impacts to the camp. Monitoring must commence at least 12 months before the commencement of construction within 300 metres, unless otherwise agreed with the Secretary, of the camp to establish baseline behaviour. Monitoring must be undertaken regularly during construction (in consultation with OEH) with the results compiled in a monitoring report submitted to OEH each month. Monitoring should include species present, numbers, a map of the extent of the camp, breeding status, and condition of animals. If monitoring suggests that construction associated with the CSSI is changing the behaviour of the camp, the Proponent must consult with OEH to determine whether additional mitigation measures are required.*

OEH recommends the monitoring for the hotel development:

- ties into and uses the 12 months of baseline monitoring required by Condition E101

- includes species present, numbers, a map of the extent of the camp, breeding status, and condition of animals as required by E101

- continues for 24 months post construction during the operational phase of the development to assess the potential impacts such as noise from the rooftop bar.

- The project ecologist to develop an adaptive management strategy, which is to include thresholds which will trigger adaptive management actions.
- The adaptive management strategy must be enacted if the monitoring demonstrates that the camp is decreasing in number or shifting location after construction commences.
- Stop work triggers must be identified. These should include: more than 30% of the camp takes flight (other than for dawn fly-in or dusk fly-out), individuals are in flight for more than 20 minutes (other than for dawn fly-in or dusk fly-out), adverse weather conditions are predicted i.e. >38°C or Severe Weather Warning as issued by the Bureau of Meteorology. If a stop work is triggered, the contractor should contact the project ecologist. The source of disturbance must not be activated again until the project ecologist has been consulted and given advice.
- Works must be scheduled to minimise disturbance to the flying-fox camp. Noisy work near the camp must not occur when there are creching young present (usually January-February).
- Building demolition works within 100m of the camp must be scheduled outside the GHFF breeding season (i.e. the breeding season is when the ratio of lactating or late-pregnancy females and/or dependant young is greater than 5% of the population in the camp).
- Actions must cease immediately where any flying-foxes, because of the activity, have been or appear to have been killed or injured or are displaying signs of fatigue. OEH must be notified if this has occurred. If dead or injured flying-foxes are found, then an animal welfare group such as WIRES or Sydney Wildlife should be contacted
- Removal of tree limbs or trees are not authorised when flying-foxes are in or within 30m of the tree.
- The measure in section 6.3 that states "construction at dawn and dusk will be minimised when the colony is returning to roost or leaving to forage" should be removed. Construction noise when the GHFF are leaving to forage, and if essential, when they are returning to roost, can be less disruptive than construction noise at other times of the day when the colony is settled.

If the project is approved, it is recommended conditions of consent are included for the GHFF consistent with the above advice (see recommended conditions of consent below).

Habitat Improvement
The EIS notes the existing trees on the site do not contain any tree hollows (page 38). OEH recommends installing nest boxes and bee hotels at the site to improve habitat.

It is also suggested that tree trunks (greater than approximately 25-30cm in diameter and 3m in length) from the trees to be removed are salvaged and where possible used in the landscaped areas on the site or in the nearby Parramatta Park to improve habitat.

Landscaping

The Public Domain and Landscape report notes it is intended to carry forward the tree and planting mixes used on the adjacent leagues club car park (page 44). OEH recommends the landscaping for this SSD uses a diversity of native trees, shrubs and groundcover species from the relevant local native vegetation communities that once occurred in this location to improve biodiversity rather than use exotic species and non-local native species. Enough area needs to be provided on the site to allow the planted trees to grow to full maturity.

The AIA recommends installing 11 advanced size (8-15m mature height) native trees from minimum 200L containers to replace the seven trees proposed to be removed (pages 8 and 10). OEH supports the planting of advanced local native tree species, as the removal of the existing trees and the benefits they provide, can take decades for a juvenile tree to replace. It is suggested that where possible more than 11 trees are planted on the site. If the project is approved, it is recommended a condition of consent is included to plant advanced size (8-15m mature height) local native trees from minimum 200L containers.

The Ground Level Landscape Plan shows the proposed development will predominantly provide hard paved areas at ground level with some native grass and shrub planting and trees. If possible, it is recommended the area proposed for hard paving is reduced and additional areas of natural soil and native vegetation planting are provided to improve biodiversity.

Building Design

The ESD report recommends green roofs and green walls are considered for the development (page 9) and the Public Domain and Landscape report shows a lawn area and planting is proposed on level 4 and a grassed area with vegetation and small tree planting is proposed on the open roof on level 16 (see pages 39-40). OEH supports the inclusion of green roofs into the design and recommends that if the project is approved a condition of approval is included for the proposal to include green roofs and green walls into the design. The benefits of Green Roofs and green walls are outlined in the OEH (2015) Urban Green Cover in NSW Technical Guidelines which can be found at the following link:
http://climatechange.environment.nsw.gov.au//Adapting-to-climate-change/Green-Cover

Green roofs can have a strong regulating effect on the temperature of roofs and building interiors, reducing the energy needed for cooling and the impact of the Urban Heat Island effect. The provision of green roofs would increase habitat and biodiversity at the site, particularly if local native plant species are used from the relevant native vegetation community. The green walls will improve microclimate conditions and provide ecosystem services such as air quality improvements and noise dampening.

Aboriginal Cultural Heritage
Please note that OEH has decided not to provide comments on Aboriginal cultural heritage matters at this time. This does not represent OEH support for the proposal and this matter may still need to be considered by the consent authority.

Recommended Conditions of Consent

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

Grey-Headed Flying Fox

1. A Grey-headed Flying-fox (GHFF) Construction and Post Construction Monitoring Program must be prepared in consultation with OEH prior to any construction works commencing and must include information requested by OEH in the Monitoring Program during such consultation. Details of all information requested by OEH, including copies of all correspondence from OEH, must be provided with the Monitoring Program.

2. The Grey-headed flying fox monitoring program must provide:
   (a) details of baseline data available
   (b) details of baseline data to be obtained and when
   (c) details of all monitoring of the project to be undertaken
   (d) the parameters of the project to be monitored
   (e) the frequency of monitoring to be undertaken
   (f) the location of monitoring
   (g) the reporting of monitoring results against relevant criteria
   (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory and
   (i) any consultation to be undertaken in relation to the monitoring programs.

3. Prior to construction works commencing the Proponent must engage a suitably qualified and experienced ecologist in GHFF management to regularly monitor the behaviour of the GHFF camp that resides in Parramatta Park and implement mitigation measures, as required, to minimise potential impacts to the camp:
   (a) the monitoring must be frequent and undertaken daily during construction when demolition and any other noisy works are occurring unless otherwise agreed by OEH
   (b) the results of the monitoring are to be compiled in to a monitoring report
   (c) the monitoring should align with and use the 12 months of baseline GHFF monitoring undertaken for the Parramatta Light Rail – Stage 1 project (CSSI-8285)
   (d) the project ecologist shall determine the current extent and number of GHFF at the camp no more than one week prior to commencing construction works to establish a baseline for the camp
   (e) monitoring must include species present, numbers, a map of the extent of the camp, breeding status and condition of animals
   (f) if monitoring suggests the construction of the hotel is changing the behaviour of the camp, the Proponent must consult with OEH to determine whether additional mitigation measures are required and
   (g) the monitoring program must continue for 24 months post construction during the operational phase of the project.

4 Prior to construction works commencing the project ecologist must develop an adaptive management strategy, which is to include thresholds which will trigger adaptive management actions:
   (a) the adaptive management strategy must be enacted if the monitoring demonstrates that the camp is decreasing in number or shifting location after construction commences
   (b) stop work triggers must be identified. These should include:
      - more than 30% of the camp takes flight (other than for dawn fly-in or dusk fly-out)
      - individuals are in flight for more than 20 minutes (other than for dawn fly-in or dusk fly-out)
      - Adverse weather conditions are predicted i.e. >38°C or Severe Weather Warning as issued by the Bureau of Meteorology.

   If a stop work is triggered, the contractor must contact the project ecologist. The source of disturbance must not be activated again until the project ecologist has been consulted and given advice.

(c) works must be scheduled to minimise disturbance to the flying-fox camp. Noisy work near the camp must not occur when there are creching young present (usually January-February)
(d) building demolition works within 100m of the camp must be scheduled outside the GHFF breeding season (i.e. the breeding season is when the ratio of lactating or late-pregnancy females and/or dependant young is greater than 5% of the population in the camp)
(e) actions must cease immediately where any flying-foxes, because of the activity, have been or appear to have been killed or injured or are displaying signs of fatigue. OEH must be notified if this has occurred. If dead or injured flying-foxes are found, then an animal welfare group such as WIRES or Sydney Wildlife must be contacted;and
(f) removal of tree limbs or trees are not authorised when flying-foxes are in or within 30m of the tree.

Landscaping

1) Landscaping must use a diversity of local provenance species (trees, shrubs and groundcovers) from the native vegetation community (or communities) that once occurred on the site to improve biodiversity (rather than use exotic plant species or non-endemic native species). A Landscape Plan must be prepared for the site and include details on:
   (a) the native vegetation community (or communities) that once occurred on the site
   (b) a list of local provenance tree, shrub and groundcovers to be used in the landscaping, the quantity and location and
   (c) the pot size of the local native trees to be planted. Tree planting at the site must use advanced and established local native trees with a minimum plant container pot size of 200 litres, or greater.

Biodiversity

(1) Habitat features such as nest boxes and bee hotels shall be installed at the site to improve biodiversity.
(2) Tree trunks (greater than approximately 25-30cm in diameter and 3m in length) from the trees to be removed are salvaged and used in the landscaped areas on the site or in the nearby Parramatta Park to improve habitat.

Green Roofs and Cool Roofs

1) The proposal shall incorporate green roofs and green walls into the design.

(END OF SUBMISSION)