



DOC21/78096

Senders ref: SSD 10457 (Blacktown)

Emily Dickson
Principal Planning Officer
Industry Key Sites
Planning and Assessment Group
NSW Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Dickson,

Subject: Notice of Exhibition – Eastern Creek Retail Outlet Centre, Rooty Hill Road South, Eastern Creek (SSD 10457)

Thank you for your e-mail dated 8 February 2021, inviting Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) to comment on the Notice of Exhibition for Eastern Creek Retail Outlet Centre, Rooty Hill Road South, Eastern Creek.

EES has reviewed the relevant documentation and make the following comments.

Biodiversity

EES notes that in 2014, approval was granted for the Eastern Creek Business Hub (SSD 5175). The Ecological Assessment for this SSD argued that while 1.93 hectares of the critically endangered ecological community, Cumberland Plain Woodland (CPW), was to be lost, these losses would be offset via a Biodiversity Offset Strategy, which included the retirement of 46.3 ecosystem credits and retention of native vegetation in a 'Proposed Offset Area'. The patch of CPW which is proposed to be cleared in the current SSD 10457, was identified as one of the Proposed Offset Areas in SSD 5175 (see Figure 20).

The BDAR for SSD 10457 states that impacts to CPW cannot be avoided because the footprint has been amended to accommodate several additional uses, such as a recreational facility, increased retail space, and an internal walkway. This information is an explanation of why the impacts are occurring, but it does not equate to a justification. The BDAR should include information on what the consequence would be of these additional uses not being part of the proposal (the '*do nothing option*'). Additional information should focus on the question of how a reduction in the clearing footprint of the project was considered. For example, a large part of the study area is to be developed into a carpark. A smaller footprint carpark should be considered (e.g. multistorey), which would mean the project could be redesigned to avoid CPW.

Table 12 of the BDAR includes in the justification column that about 0.87 ha of CPW is to be retained, and 1.8 ha is to be restored. EES considers this is misleading. These areas were to be retained/restored as a condition of a previous proposal (SSD 5175). There is no CPW to be retained/restored as a result of this SSD, as all vegetation on the subject site is to be cleared.

The BDAR states there have been 23 iterations of the development footprint that have considered all constraints relevant to the proposal, which is a large number. EES requests confirmation that there have been 23 iterations of the development footprint of the subject site for this SSD. Some examples of these iterations would also be useful.

It is noted that Appendix B of the EIS includes some design options that were considered; however information should be included in the BDAR that details the design options considered to avoid biodiversity impacts.

Other comments on the BDAR

- Table 9 – review the justification provided for exclusion of Hooded Robin and Black-chinned Honeyeater. The table states that potential foraging habitat is available within the development site. For other species, this same justification is given for their inclusion.
- Table 10 – amend justification for exclusion of *Acacia pubescens*, as this species does not occur on sandy soils.
- Surveys for several species were undertaken outside the stipulated season or weather conditions. Table 10 of the BDAR concludes that these species are not present on site as they were not recorded. However, EES disagrees with this conclusion and considers additional justification is required to determine that the following species are not present:
 - Surveys for *Litoria aurea* (Green and Golden Bell Frog) should be undertaken during breeding season (summer), in accordance with survey guidelines in force at the time of survey (e.g. 2004 Threatened Biodiversity Survey and Assessment guidelines)
 - the TBDC stipulates surveys should be undertaken for *Pimelea curviflora* var. *curviflora* in October to March. This is a cryptic species so is difficult to detect if not flowering
 - The TBDC states that surveys for Cumberland Land Snail and *Pimelea spicata* should occur after rain. It is noted Table 2 says there was no rain on the day of the survey, but there is no information on whether rain occurred on preceding days. If there wasn't rain this would suggest surveys were not undertaken during the required conditions.
- Section 5.2.3 includes a discussion of the impacts of vehicle strike. As vehicle strike is a prescribed impact according to the BAM, this impact should have been addressed in accordance with section 9.2.1.9 of the BAM, within section 5.2.4 of the BDAR.
- Review the inclusion of the Large Bent-winged Bat in the BAM-C as a confirmed candidate species, given the BDAR also states that none of the habitat constraints occur on the land.
- BDAR does not include information on the matching credit profile, as required in Table 26 of the BAM.

Flooding

EES acknowledges that the report addresses existing and developed flood behaviour for 5% AEP, 1% AEP and the probable maximum flood. Section 7 of the Report outlines the emergency response recommendations for the whole Eastern Creek Quarter including Stage 1, Stage 2 and this current Stage 3.

The third recommendation states '*Occupants of Stage 1 and (together with the traversing Stage 3 occupants) are directed to evacuate on foot south along the internal access road and over the internal bridge and through Stage 2 toward the Rooty Hill Road South/Great western Highway intersection*'.

EES referred to the Eastern Creek Flood Study (CSS, 2014) which shows the Rooty Hill Road South/Great western Highway intersection is cut off by flood water in the PMF event. This hasn't been shown in Stage 3 Flood Assessment (JWP, December 2020) as the limit of mapping excludes the areas inundated by Eastern Creek south of the Great Western Highway.

EES recommends that, the proponents review the flood emergency response recommendations in consultation with the State Emergency Service and Blacktown City Council to ensure the safety of the personnel, visitors and users of the Eastern Creek Quarter during rarer flood events for the full range of flooding.

Should you have any queries regarding this matter, please contact Bronwyn Smith Senior Conservation Planning Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "S. Harrison". The signature is written in a cursive, flowing style.

24/02/21

SUSAN HARRISON
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Biodiversity and Conservation Division