



Our ref: DOC21/1082905

Senders ref: SSI-10038 MOD 2

Ms Rita Hatem
Infrastructure Assessments
Planning and Assessment Group
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Hatem

Subject: EES comments on Modification Application for Sydney Metro West – Clyde Stabling and Maintenance Facility – SSI-10038-MOD 2

Thank you for your email of 25 November 2021 requesting advice on the modification application for this State significant infrastructure project SSI-10038-MOD 2.

The Environment, Energy and Science Group (EES) has reviewed the MOD 2 proposal and provides its recommendations and comments at Attachment A.

Please note in relation to flood issues, EES is attending a meeting on 9 December 2021 with Metro West to discuss the flood related issues associated with the Clyde stabling and maintenance facility (SSI-10038-Mod-2) proposal. EES will provide Infrastructure Assessments with its flood comments once it has had the opportunity to discuss with Metro West.

EES asks that it not been assigned a consultation role in the conditions of consent for this project unless EES agrees to the role.

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'.

08/12/21

Susan Harrison

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

Subject: EES comments on Modification Application for Sydney Metro West – Clyde Stabling and Maintenance Facility – SSI-10038-MOD 2

The Environment, Energy and Science Group (EES) has reviewed the following reports for this SSI:

- Modification Report – November 2021
- Appendix A – Updated Project Description
- Appendix B – Revised Mitigation Measures
- Appendix E – Landscape and visual amenity assessment
- Appendix G – Hydrology and Flooding assessment – 3 Nov 2021
- Appendix H - Biodiversity Development Assessment Report (BDAR) – 18 November 2021

and provides the following comments.

Biodiversity

EES's review was undertaken without access to the assessment in the BAM calculator as the case has not been finalised and submitted. When submitting a BDAR, the assessor must also finalise the calculations and 'submit to consent authority' where the consent authority is 'Greater Sydney – Compliance and Regulation'. In addition, this review has been undertaken without access to GIS files, as these have not been provided to EES

The BDAR should include the table of credit classes and matching credit profile (i.e. include the printout of the 'Biodiversity credit report – like for like'), as per requirements in Table 25 of the BAM, to facilitate the drafting of consent conditions for credit retirement.

Avoid and minimise impacts

EES recommends additional mitigation and management measures are included to minimise impacts associated with the MOD 2 proposal and these are outlined below.

Pre-clearing of vegetation

Seed collection from native plants to be removed

EES recommends that prior to the removal of any local native vegetation from the subject land:

- seed from any local native plants approved for removal (trees, shrubs, and groundcover species but not the Downy Wattle) are collected and propagated and used in plantings associated with the MOD 2 proposal and/or rehabilitation plantings associated with SSI-10038
- a new mitigation measure is included for a bush regenerator to be engaged and for a native vegetation seed collection and plant propagation program to be developed.

Translocation of juvenile plants

EES recommends the MOD 2 proposal includes a Mitigation Measure and Condition of Consent that any juvenile local native plants that are to be removed by the MOD 2 proposal are replanted in:

- areas that are to be planted within the subject land of the MOD 2 proposal
- the rehabilitation areas associated with SSI-10038.

The juvenile plants must be translocated prior to any earthworks and clearing of native vegetation commencing. The plants should be relocated when plant growth conditions are ideal to give the native plants the best possible opportunity to survive and should be maintained until established.

Pre-clearance fauna surveys and relocation of native fauna

EES notes the subject land for the proposed MOD 2 lacks hollow-bearing trees (section 4.2 of the BDAR), however as the MOD 2 proposal proposes to remove native and urban native/exotic vegetation, the MOD 2 proposal should include a Mitigation Measure and Condition of Consent for a qualified and experienced ecologist to undertake pre-clearance surveys as follows:

Prior to removing any vegetation and/or construction, the applicant should engage a qualified and experienced ecologist to:

- ***undertake pre-clearing surveys, to delineate, map, tag and mark habitat-bearing trees and shrubs to be retained/removed and other fauna habitat features and to determine the presence of any resident native fauna using nests, dreys, dead wood, logs etc***
- ***supervise the clearance of trees and shrubs (native and exotic), dead wood etc in order to capture, treat and/or relocate any displaced native fauna to an appropriate nearby location***
- ***remove sections of a tree containing habitat prior to clearing and felling the tree.***

Clearing of native vegetation

Reuse and removed trees and hollows

The BDAR indicates the vegetation to be removed contains dead wood but no further details are provided (Table 20). To enhance habitat, EES recommends the MOD 2 proposal reuses the dead wood and also the native trees that are to be removed including tree trunks (greater than approximately 25-30cm in diameter and 2-3m in length) and root balls within any areas that are to be planted with local native species within the subject land associated with the MOD 2 proposal and/or the riparian areas along Duck Creek and A'Beckett's Creek that are to be rehabilitated in accordance with the condition C-B10 of the Development Consent for SSI-10038. Please note the diameter of the log (greater than 25-30 cm in diameter) is important because it impacts thermal qualities and longevity of the material.

If the MOD 2 proposal and/or riparian areas that are to be rehabilitated as part of SSI-10038 are not able to reuse all removed native trees, EES recommends a condition of consent is included that the proponent consults with the local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities including local councils, and Greater Sydney Local Land Services prior to any clearing commencing to determine if the removed trees can be re-used by others in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses should be documented.

EES recommends the project includes the following condition:

The Proponent must where it is practicable reuse any of the native trees that are to be removed as part of this MOD 2 proposal and/or SSI-10038 project, including tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), and root balls to enhance habitat.

If removed native trees are not able to be entirely re-used by the MOD 2 proposal and/or SSI-10038 project, the proponent should consult with local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities including local councils, and Greater Sydney Local Land Services prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented.

Revegetation and Landscaping

It is unclear if the MOD 2 proposal proposes to plant local native vegetation within the subject land to mitigate impacts from the proposed removal of native vegetation. The RtS needs to provide clarification on this.

Tree replacement ratio

EES notes Mitigation Measure (LV13) in Appendix B (page 21) does not include the replacement ratio which is included in Condition C-B8 of the Development Consent for SSI-10038:

LV13 Trees removed by Stage 1 would be replaced to achieve no net loss to tree numbers and/or canopy in proximity to the site as a minimum in the long term (and part of future stages of Metro West)

Condition C-B8 states “there must be a net increase in the number of mature trees provided at a ratio of 2:1”. EES recommends the RtS explains why mitigation measure LV13 is not consistent with the replacement ratio in Condition C-B8.

EES recommends Mitigation Measure LV13 is revised to be consistent with Condition C-B8 and that any trees removed are replaced at a ratio of 2:1 (for trees not covered by a biodiversity offset strategy) to mitigate the urban heat island effect. It is also recommended the replacement trees consist of a mix of local native species from the relevant native vegetation community that occurs in the locality to and enhance habitat.

It is unclear how many trees are proposed to be removed by the MOD 2 proposal. This information is required to replace the trees at a ratio of 2:1. Apart from the revised inclusion of mitigation measures:

- LV15 to provide screening vegetation along the eastern boundary of the former rail corridor alongside the Rosehill Gardens Racecourse and west of the Kay street and Unwin Street road bridge and
- LV16 to provide vegetation that assists in the screening and visual softening of the road, bridge and other permanent engineered structures

it is unclear where replacement tree planting is proposed and the RtS needs to provide details on this.

The RtS should provide details on:

- the total number of trees to be removed by the project, the tree species, and whether the trees to be removed are exotic, invasive, non-local natives or local native species
- the number of replacement trees, the replacement planting locations, and the replacement plant species.

Use of local native provenance species

EES recommends a mitigation measure is included for any replacement planting/ landscape planting to use a diversity of local provenance native species from the relevant native vegetation community (or communities) that occur, or once occurred on the subject land rather than use exotic species or non-local native species.

EES recommends the following conditions of consent are included:

- ***Any planting/ landscaping associated with the project shall use a diversity of local provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation community (or communities) that occur or once occurred in the local area.***
- ***Tree planting shall use advanced and established trees with a minimum plant container pot size of 100 litres, or greater for native tree species which are commercially available. Other native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed.***
- ***Enough area/space is provided to allow the trees to grow to maturity.***
- ***A Landscape Plan is to be prepared and implemented by an appropriately qualified bush regenerator and include details on:***
 - a. seed collection – the location of all native seed sources should be identified***
 - b. the type, species, size, quantity, and location of replacement trees***
 - c. the species, quantity and location of shrubs and groundcover plantings***
 - d. the plan demonstrates replacement trees plantings will deliver a net increase in trees for trees that are not covered by a biodiversity offset strategy***
 - e. the native vegetation community (or communities) that once occurred in this area and the plan demonstrates that the plant species consist of local provenance***
 - f. a list of local provenance species to be used***
 - g. the quantity and location of plantings***
 - h. the pot size of the trees to be planted***

- i. the area/space required to allow the planted trees to grow to maturity*
- j. plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.*

End of Submission