Our ref: DOC20/414765
Your ref: SSD-9667

Mr William Hodgkinson
Planning and Assessment Group
Department of Planning, Industry & Environment
4 Parramatta Square
Level 17, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Hodgkinson

Subject: EES comments on Response to Submissions Addendum for Light Horse Interchange Business Hub – 165 Wallgrove Road and 475 Ferrers Road Easter Creek - SSD-9667

Thank you for your email of 27 May 2020 requesting comments on the Response to Submissions (RTS) Addendum for this State Significant Development (SSD).

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

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

S. Harrison

09/06/20

Susan Harrison

Senior Team Leader Planning
Greater Sydney Branch
Environment, Energy and Science

Attachment A

Subject: **EES comments on Response to Submissions Addendum for Light Horse Interchange Business Hub – 165 Wallgrove Road and 475 Ferrers Road Easter Creek - SSD-9667**

The Environment, Energy and Science Group (EES) has reviewed the following documents:

- Response to Submissions Addendum (RTSA)
- Appendix B – Concept Masterplan
- Appendix C – Urban Design Guidelines
- Appendix D – Landscape Plan
- Appendix I – Subdivision Pan
- Appendix K – RTS – 8 May 2020

and provides the following comments and recommended conditions.

Biodiversity

Bushland Corridor

EES previously recommended the Bushland Corridor is widened along the western side of Eastern Creek within Wallgrove Road - Precinct 6 to include part of the site. EES recommended remnant native vegetation within Lots 6, 7 and 8 at the site is included in the Bushland Corridor and the Concept Masterplan is amended to include Lot 8 (i.e. where the bio-retention basin is proposed) in the Bushland Corridor and Lots 6 and 7 are reconfigured to retain remnant Alluvial woodland.

In response, the RTSA acknowledges that the Bushland Corridor along Eastern Creek is recognised as an important regional corridor and it indicates the Bushland Corridor is to be widened (page 26) but it does not propose amending the project footprint for Lots 6, 7 and 8. Instead it states “WSPT proposes to widen the existing bushland corridor on the western side of Eastern Creek at the southern portion adjacent to the landfill site” and it will “include areas between Reedy Creek and Eastern Creek” (page 27) as shown in Figure 4 of the RTSA.

While widening the corridor at this location may have its merits, Figure 4 in the RTSA only refers to it as a “biodiversity corridor widening investigation area” (page 29). This implies it is not definite that the ‘investigation area’ will be added to the corridor. Greater certainty is required, particularly as the investigation area is located outside the subject site and it is unclear whether it is in the same ownership as the SSD site. If the investigation area is not added to the corridor, the opportunity to widen the Bushland Corridor within Precinct 6 at the SSD business hub site would be lost once the SSD is approved. Details are required as to whether the investigation area site is in the same ownership as the proposed SSD site, otherwise the proposed investigation area is irrelevant. The proponent should focus on what can be delivered on the subject site.

Avoid and minimise impacts to biodiversity

EES previously advised that the level of justification provided on why the development footprint could not be reduced further to avoid impacts was inadequate. The RTSA adequately addresses EES’s previous comment about justification for avoiding impacts to biodiversity.

Watercourses and Riparian Corridors

EES recommended a condition of consent should be included which requires a vegetation management plan (VMP) to be prepared detailing how the riparian corridors along Eastern Creek, Reedy Creek and the realigned Eskdale Creek are to be protected and restored. The RTSA confirms that the applicant will accept a condition of consent requiring the preparation and implementation of a VMP (page 31). EES provides an amended recommended condition for

inclusion in the development consent which incorporates agreements made by the applicant in the RTSA.

Bridge Crossing
EES recommended a condition of consent is included which requires the bridge design to minimise the clearing/disturbance of native vegetation and to maximise riparian/terrestrial connectivity under the bridge. The RTSA confirms that the applicant will accept a condition of consent which requires the future bridge design to consider opportunities to minimise vegetation clearing and maximise riparian/terrestrial connectivity, including by allowing moisture and light to penetrate under the structure wherever practical (page 32). EES has amended its recommended condition for the preparation of a VMP accordingly (see below).

Seed collection from native plants to be removed
EES recommended seed from native plants to be removed should be collected and used in the riparian corridors, Bushland Corridor and landscape buffer areas. The RTSA confirms that seed collection from the cleared vegetation is to form part of the works outlined within the VMP and that the condition of consent requiring a VMP to be prepared and implemented should include seed collection as part of the required works (page 36).

EES has amended its recommended condition for the preparation of a VMP accordingly (see below). The location of all native seed sources should be identified in the VMP.

Replacement tree hollows and or nest boxes
EES recommended prior to any loss of existing tree hollows, replacement tree hollows and/or nest boxes should be provided.

The RTSA confirms that the condition of consent requiring a VMP to be prepared should refer to the need for tree hollows and/or nest boxes to be provided prior to loss of existing trees hollows (page 36). EES has amended its recommended condition for the preparation of a VMP accordingly (see below).

Translocation of juvenile native plants
EES previously recommended any juvenile native plants that are to be removed as part of the development are translocated to the riparian corridors, Bushland Corridor and landscape buffer areas. The RTSA confirms that juvenile trees and shrubs will be translocated into areas managed by the VMP wherever possible.

EES has amended its recommended condition of consent for the preparation of the VMP accordingly to include that prior to any earthworks commencing and clearing of native vegetation from Plant Community Type (PCT) 849 (Cumberland Plain Woodland) and PCT 835 (River River-flat Eucalypt Forest), juvenile native plants from the PCTs should be, where possible, removed and replanted at locations on the site where plants from these PCTs would naturally occur so as to conserve the local genetic diversity. This includes replanting along the riparian corridors, Bushland Corridor and landscape buffer areas. The plants should be relocated when plant growth conditions are ideal to give the native plants the best possible opportunity to establish before the next summer. The translocated plants should be maintained until established (i.e. weeding and watering).

Translocation of topsoil

EES advised that topsoil from native vegetation to be cleared should be collected and used in the rehabilitation of the Bushland Corridor, riparian corridors and landscaped buffer areas. The RTSA confirms the applicant will stockpile and re-use topsoil from the native vegetation to be cleared, where practical, including within the Eskdale Creek realignment, landscape buffers and site earthworks (page 36).

EES has amended its recommended condition of consent for the preparation of the VMP accordingly.

Recommended Condition

A vegetation management plan shall be prepared to protect and restore the riparian corridors along Eastern Creek, Reedy Creek and the realigned Erskdale Creek. The plan should include:

- a scaled plan which locates the watercourses; top of highest bank; existing native vegetation along the creeks; the riparian corridor widths proposed along Eastern Creek, Reedy Creek and the realigned Erskdale Creek (measured from the top of the highest bank); the boundary of the site; the development footprint; ***the area of riparian land/riparian vegetation that will be temporarily disturbed or permanently removed by the project*** and proposed asset protection zones
- details on the native vegetation communities and plant species that currently occur along Eastern Creek, Reedy Creek and Erskdale Creek
- details on the local native plant species (trees, shrubs and groundcovers) to be planted – a diversity of local native species should be planted. ***The plan should demonstrate that the plant species consist of local native species.***
- details on the location and number of trees and other plants that are proposed to be planted
- specify that plants are to be propagated from locally sourced seeds to ensure genetic integrity. ***Seed should be collected from native trees and other native vegetation that is to be removed on the site and plants shall be propagated for use on the site***
- ***where possible from native vegetation on the site that is to be cleared as part of the development, including from Plant Community Type (PCT) 849 (Cumberland Plain Woodland) and PCT 835 (River River-flat Eucalypt Forest). The juvenile plants shall be removed and replanted to locations on the where plants from these PCTs would naturally occur. 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***
- ***details on topsoil removal and reuse. Topsoil from areas of native vegetation to be cleared will be collected for re-use, including within the Eskdale Creek realignment, landscape buffers and site earthworks where practical***
- ***details on replacement tree hollows and/or nest boxes including their location, which must be provided prior to any loss of existing trees hollows***
- ***details to minimise vegetation clearing and to maximise riparian/terrestrial connectivity as part of the bridge crossing design, including by allowing moisture and light to penetrate under the bridge structure where practical***
- plant maintenance regime - riparian vegetation should 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

Realignment of Erskdale Creek

EES recommended a condition of consent is included which requires a Fauna Relocation Plan be prepared and implemented prior to any works commencing on the realignment of the existing Erskdale Creek for the relocation of any native aquatic fauna and the acclimatisation of aquatic fauna to different water.

The RTSA confirms that a Fauna Relocation Plan will be prepared and implemented prior to any works commencing on the realignment of Eskdale Creek (page 31). EES recommends its condition for the preparation and implementation of a Fauna Relocation Plan (as included in the EES submission on the RTS) is included in the development consent:

Recommended condition

A Fauna Relocation Plan shall be prepared by a suitably qualified and experienced ecologist prior to filling the existing Erskdale Creek. The Plan must include details on, but not be limited to, the following:

- the native fauna species known to inhabit and/or use the creek which require transfer from the creek
- the methodology proposed to transfer the fauna
- the location and suitability of the proposed relocation sites
- any potential impacts of relocating the fauna to the relocation sites.

A suitably qualified and experienced ecologist is to be present during the filling of the creek.

Site landscaping

EES recommends a condition is included in the development consent for the preparation of a landscape plan requiring a diversity of local native species be used in landscape buffer areas, street planting and development lots.

EES notes that the RTSA agrees with the EES recommended condition of consent for the preparation of a landscape plan but it requests the final condition should note that only the street trees and trees in the estate basin (Lot 8) are part of the Stage 1 works (as separate landscape plans will be prepared as part of the future development for Lots 1 to 7). EES has amended its recommended condition for the preparation of a landscape plan accordingly for inclusion in the consent (see below).

EES previously recommended the Plant Schedule list is amended and a diversity of local native species are planted in the street planting and development lots (rather than plant exotic or non-local natives). EES also recommended the street tree plant list is amended to include Forest Red Gum (*Eucalyptus tereticornis*) because it occurs in the CPW on site. The RTSA confirms that *Eucalyptus tereticornis* has been added to the landscape drawings (page 33). EES notes it has also been added to the street tree and buffer zone planting list.

Urban heat island effect

To assist mitigate the urban heat island effect at the site and improve the urban tree canopy and local habitat, EES previously recommended a condition of consent be included that the development replaces any removed trees at a ratio greater than 1:1.

The RTSA notes that the applicant requests an alternate condition which requires the Applicant to comply with BAM and that trees will be replaced as part of the offset requirements under the BAM, as well as the implementation of the Parklands Plan of Management.

It should be noted, the loss of 0.38 ha of exotic vegetation will not be offset in accordance with the BAM. EES recommends the applicant maximises tree planting at the site to reduce the urban heat island effect. EES has amended its recommended condition for the preparation of a Landscape Plan accordingly.

EES also recommended the proponent provide details on the total number of trees proposed to be removed and the total number of replacement trees. While the RTSA provides details on the number of trees proposed to be planted as part of this proposal, it provides no details on the total number of trees that are to be removed from the site.

EES recommended the development replaces any trees removed with local native plant species from the native vegetation community which once occurred in this locality to enhance local biodiversity. The RTSA agrees that site landscaping will include locally native tree representative of the vegetation communities which previously occurred across the site (page 34). EES recommends the preparation of the landscape plan requires local native species be used in the site and street landscaping as a condition of consent.

Use of advanced and established local native trees
EES suggests advanced and established local native trees are used preferably with a plant container pot size of 100 litres or greater. The RTSA confirms that the Landscape Plan generally proposes pot sizes of 100 litres for street tree planting and Buffer Zone planting, with selection based on pot sizes with the best chance of establishment but notes in some instances it may be preferable to use smaller pot sizes so that installed plantings adapt and grow within local conditions (page 34).

EES recommends the proponent commences collecting native seed from the site where vegetation is to be removed and/or sourcing local native plant species particularly trees and/or growing local trees as soon as possible, so the trees to be planted are advanced in size to assist improve the urban tree canopy and local biodiversity.

Sufficient area/space to be provided to allow the trees to grow to maturity
EES advised that sufficient area/space needs to be provided to allow the trees to grow to maturity. The RTSA confirms that the landscape drawings have been updated with mature tree spacing (page 35) but states that it is not spatially feasible for the proposed industrial business hub development to include the planting of all replacement trees within the development footprint at a ratio of 1:1, while allowing sufficient area/space to allow trees to grow to maturity (page 34).

Recommended Condition

A landscape plan shall be prepared for the landscape buffer areas on the site, street planting and trees in the estate basin (Lot 8) and include details on:

- the native vegetation community (or communities) that occur or once occurred in the locality
- a list of local native species to be used in the landscaping from the relevant native vegetation community or communities rather than plant non-local natives or exotic species
- the quantity and location of plantings
- tree planting at the site must be maximised to reduce the urban heat island effect
- the pot size of the local native trees to be planted - advanced and established local native trees preferably with a plant container pot size of 100 litres, or greater for local native tree species which are commercially available. Other local native tree species

which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed
- the area/space required to allow the planted trees to grow to maturity
- 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.

(Note: only the street trees and trees in the estate basin (Lot 8) are part of the Stage 1 works - separate landscape plans will be prepared as part of the future development for Lots 1 to 7)

Salvage and reuse of trees removed

EES previously recommended a condition of consent is included that native trees to be cleared should be salvaged (for example tree hollows and tree trunks) and placed in the Bushland Corridor, landscape buffer areas on the site, and also along the riparian corridors of Eastern Creek and Reedy Creek which are not managed by the VMP to enhance habitat.

The RTSA notes the applicant requests an alternate condition as follows:

> '*The seven hollow bearing trees identified within the BDAR are to be salvaged and reused within the realigned Eskdale Creek, the landscape buffer or the surrounding Parklands. Where practical, the Applicant must salvage and re-use native tree trunks (greater than approximately 25-30cm in diameter and 3m in length) as part of the site works, such as in the landscape buffers and realigned Eskdale Creek area. The Applicant should offer the remainder to WSPT and surrounding reserve managers including the National Parks and Wildlife Services (NPWS) and Blacktown City Council before disposing by other means (page 38).*

EES accepts this alternative condition proposed by the applicant but as an unknown number of trees are to be removed by the SSD development, the applicant should be required to demonstrate that it has contacted Western Sydney Parklands Trust (WSPT) and surrounding reserve managers including the National Parks and Wildlife Services (NPWS) and Blacktown City Council to determine if the removed trees can be re-used by others prior to any clearing commencing. An amended condition is provided below

Recommended Conditions

The seven hollow bearing trees identified within the BDAR are to be salvaged and reused within the realigned Eskdale Creek, the landscape buffer or the surrounding Parklands.

Where practical, native tree trunks (greater than approximately 25-30cm in diameter and 3m in length) must be salvaged and re-used as part of the site works, such as in the landscape buffers and realigned Eskdale Creek area. ***For tree trunks that are unable to be used to enhance habitat on the site, the Applicant must demonstrate that it has contacted and offered*** the remainder to Western Sydney Parklands Trust and surrounding reserve managers including the National Parks and Wildlife Services and Blacktown City Council ***prior to any native vegetation clearing commencing and*** before ***mulching and/or*** disposing ***of the trees*** by other means

End of Submission