



Department of Planning and Environment

Mr Thomas Piovesan

Our ref: DOC22/30119

Industry Key Sites
Planning Group
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Your ref: SSD-8800

2 February 2022

Dear Mr Piovesan

Subject: EES comments on the Response to Submissions for Parramatta Leagues Club Hotel – SSD-8800 – 1 Eels Place, Parramatta

Thank you for the email of 17 January 2022 requesting advice on the Response to Submissions (RtS) for this State Significant Development (SSD).

The Environment, Energy and Science Group (EES) has reviewed the RtS for this SSD and provides its recommendations and comments at Attachment A.

EES asks that it not been assigned a consultation role in the conditions of consent for this SSD proposal 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,

Susan Harrison
Senior Team Leader
Greater Sydney Branch, Biodiversity and Conservation
Environment, Energy and Science

Attachment A

Subject: EES comments on the Response to Submissions for Parramatta Leagues Club Hotel – SSD-8800 – 1 Eels Place, Parramatta

The Environment, Energy and Science Group (EES) has reviewed the following reports for this State Significant Development (SSD):

- Response to Submissions (RtS) - 16 December 2021
- Appendix A – UDAR 1 Development Urban Design Analysis
- Appendix A – UDAR 3 Design Response
- Appendix A – UDAR 4 Public Domain
- Appendix A – Landscape drawings
- Appendix A – Architectural Drawings 5 – shadow analysis
- Appendix C – Revised BDAR report – 1 December 2021
- Appendix F – ESD Report – 6 October 2021
- Appendix G - Flooding Stormwater – Civil Engineering Report – 9 July 2019
- Appendix H – Updated Mitigation Measures

and provides the following comments.

EES has reviewed the updated BDAR and the RtS. EES notes that some of the comments from the Office of Environment and Heritage's (OEH) submission of 19 February 2019 have been addressed, but not all, for example:

- Two versions of the BDAR (December 2021) have been provided, one of which was supposed to include all edits in 'track changes'. EES notes the 'track changes' version includes numerous changes when compared to the original BDAR (December 2018), including some additional large portions of text and tables, that aren't in track changes. This makes it difficult to confirm whether the issues that were raised have been addressed, particularly as the RtS document provides only a summary of the issues raised rather than dealing with each issue specifically.

Grey-headed Flying-fox

- In response to a previous comment by OEH (19 February 2019), section 6.5 of the BDAR now includes an adaptive management strategy. In summary, this strategy outlines that monitoring will be undertaken, and if the monitoring suggests that construction is changing the behaviour of the flying-fox camp, then the proponent must consult with OEH. However, to be in accordance with the BAM (2017, section 9.3.1.2), the adaptive management strategy in the BDAR is required to also include the:
 - adaptive management actions proposed to reduce or eliminate the impact, which may include actions to retire additional biodiversity credits
 - information that will be necessary to measure the impact over time
 - how the results of the adaptive management strategy will be applied to the ongoing management of the proposal to reduce the extent of indirect and/or prescribed impacts.
- Section 6.5 of the BDAR states that monitoring will be undertaken monthly. EES considers this is not frequent enough when construction is at its noisiest (e.g. when demolition, pile driving, jackhammering, excavating, etc are occurring). Monitoring needs to be daily during these times, as specified in OEH's previous comments.
- Table 8 of the BDAR specifies that an ecologist will be employed to provide regular monitoring. The ecologist should also have the responsibility of ensuring the stop work triggers are not being reached. OEH's previous comments also specified 'the source of disturbance must not be activated again until the project ecologist has been consulted and given advice'.

Habitat Improvement

OEH previously recommended installing nest boxes and bee hotels at the site to improve habitat and 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. EES notes the Mitigation Measures for impacts to native vegetation and habitat in the revised BDAR now includes a mitigation measure for 'Habitat Improvement' which proposes to:

- install nest boxes for hollow dwelling birds and Microchiropteran bats in retained vegetation within the subject land and within retained vegetation in surrounding vegetation adjacent to the Parramatta Leagues Club carpark
- salvage and use the tree trunks from trees to be removed in landscaped areas within the subject land where possible (see Table 8, page 27).

EES notes however, that the updated Mitigation Measures (Appendix H) do not include these proposed measures. To provide certainty that these measures are implemented, EES recommends the installation of nest boxes and bee hotels is included as a condition of consent. Details should be provided on the location and the minimum number of nest boxes that the proponent proposes to install for hollow dwelling birds and Microchiropteran bats. EES recommends as a minimum six nest boxes are installed for hollow dwelling birds and/ or for Microchiropteran bats

OEH also recommended installing bee hotels on the site but neither the revised BDAR or Appendix H confirm that this is to occur. EES recommends this is included in the conditions of consent (see below).

Reuse and removed trees

In relation to the salvage and reuse of tree trunks from trees removed, OEH also recommended the removed tree trunks are used in the nearby Parramatta Park to improve habitat. The revised BDAR and Appendix H have not included reusing the tree trunks in Parramatta Park in the proposed mitigation measures. The BDAR has only included a mitigation measure to salvage and reuse the tree trunks within the subject land (where this is possible) as noted above.

If the removed trees can't be reused on the SSD site for habitat enhancement, then the proponent should consult with community groups etc to determine if the tree trunks can be used in habitat enhancement and rehabilitation work off site. EES recommends a condition of consent is included to this effect (see below) :

Use of local native provenance species

OEH previously recommended 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. The ESD report states "a mixture of low water demand locally native and exotic species suitable for the site climate" are to be used (section 3.6, page 14) and it proposes the 'plantation of native species' as a proposed ESD measure (section 5, page 23). The Landscape Drawings show it is proposed to plant *Eucalyptus haemastoma*. Appendix A (UDAR 4) states "native species will be chosen across all ground level tree and shrub / grass planting" (Section 4.6) and it proposes to use *Eucalyptus haemastoma*, *Eucalyptus pilularis* and *Corymbia maculate*.

The BDAR notes the closest mapped PCT to the subject land comprises PCT 835 - Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion. Plant Community Type 835 is typically associated with River-flat Eucalypt Forest

and it occurs approximately 150m west of the subject site (see Section 3.2, page 9 of BDAR). The NSW National Parks and Wildlife Service (October 2002) Native Vegetation of the Cumberland Plain - Map 9 of 16 (see extract of map below) shows the following native vegetation communities are mapped as occurring near the site:

- Shale Sandstone Transition Forest (2 - blue stripe) - the NSW Scientific Committee notes on the margins of its distribution this community may contain *Eucalyptus pilularis* and *Corymbia maculata*
- Cumberland Plain Woodland (10 - yellow stripe) - the NSW Scientific Committee notes other tree species occurring less frequently include *Corymbia maculata*
- Sydney Coastal river flat forest (11 - olive stripe).

The RtS does not confirm whether River-flat Eucalypt Forest, Shale Sandstone Transition Forest or Cumberland Plain Woodland potentially once occurred at the site. Nor does it confirm if the plant species proposed to be planted occur within the relevant native vegetation community that once occurred on the site. This detail should be provided.

EES notes that *Eucalyptus haemastoma* is not found in any of vegetation communities that may have occurred on site. Similarly, *Corymbia maculata* and *Eucalyptus pilularis* are not commonly found in any of the vegetation communities that may have occurred on site. EES recommends that the tree species chosen for replanting are component species of the relevant vegetation community that once occurred on site.

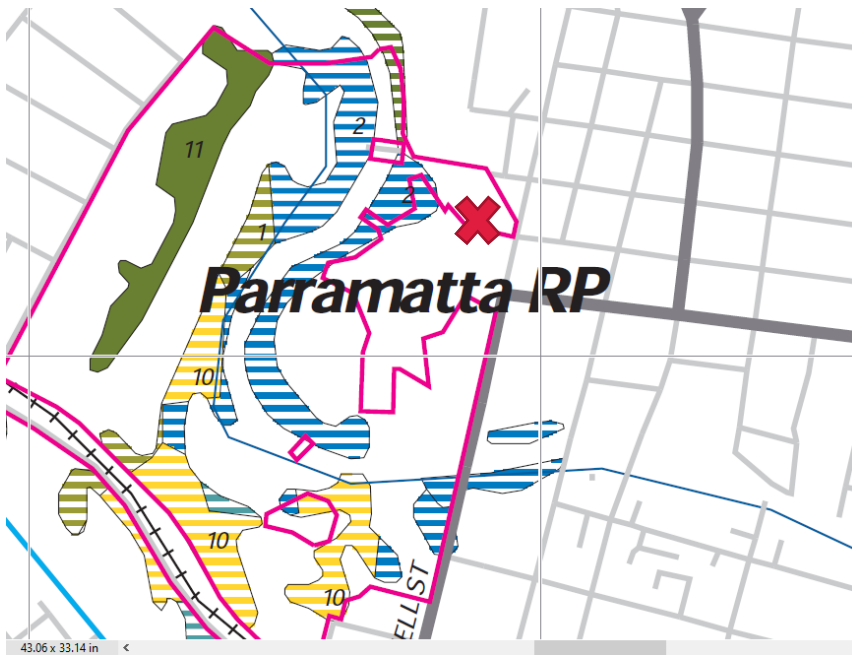
EES recommends local native provenance plant species are used for any planting associated with the SSD instead of exotic or non-native species, particularly as the development sits on the edge of the UNESCO World Heritage Parramatta Park. EES recommends:

- a condition of consent is included regarding this
- the landscape plans demonstrate that plant species are local native provenance species
- the proponent obtains advice from a qualified bush regenerator on appropriate local native species for the site.

Clarification is required on the number of trees to be removed from the site as the updated BDAR states "removal of six planted canopy trees as required, including six (6) native species and one (one) exotic species" (see S1, page viii). This adds up to a total of seven trees to be removed.

OEH suggested that where possible more than 11 trees are planted on the site. EES notes the revised BDAR includes a mitigation measure to plant 11 advanced sized native trees within the landscaped works associated with the project and the revised Mitigation Measures (Appendix H) also proposes to "Install eleven (11) medium to large replacement trees (8m-15m mature height) from minimum 200L containers to offset the loss of tree canopy. EES supports the planting of 11 trees on the site but encourages the planting of more trees on the site, if space allows, to reduce the urban heat island effect. Any additional trees should also be of local provenance and advanced in size as the removal of the existing trees and the benefits that they provide, can take decades for a juvenile tree to replace.

If the project is approved, EES recommends a condition of consent is included to use advanced size (8-15m mature height) local native provenance trees from minimum 200L containers.



Source: Extract from NSW National Parks and Wildlife Service (October 2002) Native Vegetation of the Cumberland Plain - Map 9 of 16 (X = approximate location of site)

OEH noted 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 and. recommended if possible, the area proposed for hard paving is reduced and additional areas of natural soil and native vegetation planting are provided to improve biodiversity. The RtS has not specifically addressed this issue. EES repeats that where possible additional areas of natural soil and native vegetation planting are provided.

Building Design

The RtS confirms a green roof is proposed to the podium (see Section 5.5 of RtS page 52) and it indicates ESD initiatives that are included in the revised design include green walls and green roofs (Section 6.1.6, page 87). EES supports the inclusion of green walls and a green roof into the design and recommends that if the SSD is approved a condition of approval is included for the SSDI to include green roofs and green walls into the design.

Recommended Conditions of Consent

OEH previously recommended a number of conditions are included as conditions of consent if the SSD is approved. In response, the RtS states "none of the recommended conditions are problematic" (see section 5.1, page 21). EES recommends the following conditions are included in the consent.

Grey-Headed Flying Fox

1. A Grey-headed flying fox (GHFF) Construction and Post Construction Monitoring Program must be prepared in consultation with EES prior to any construction works commencing and must include information requested by EES in the Monitoring Program during such consultation. Details of all information requested by EES, including copies of all correspondence from EES and the former 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 EES
 - (b) the results of the monitoring are to be compiled into a monitoring report
 - (c) the monitoring should tie into 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 EES 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. EES 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

- Any site planting/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
 - (c) the pot size of the 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
 - (d) the area/space required to allow the planted trees to grow to maturity
 - (e) 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.

Habitat enhancement

- Habitat features such as nest boxes and bee hotels shall be installed within retained vegetation within the subject land and/or in surrounding vegetation adjacent to the Parramatta Leagues Club carpark to improve biodiversity. As a minimum bee hotels plus 6 nest boxes for hollow dwelling birds and/or Microchiropteran bats must be installed. A report showing the proposed location of the nest boxes and bee hotels must be provided to the Planning Group and confirmation provided that these habitat features have been installed.

Reuse of removed trees

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

If removed native trees are not able to be re-used by the project, the proponent must consult with Parramatta Park, local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities including NSW National Parks & Wildlife Service, 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 in the CEMP.

Green Roofs and Cool Roofs

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

End of Submission