



Department of Planning and Environment

Rodger Roppolo
Senior Planning Officer
Industry Key Sites
Planning and Assessment Group
NSW Department of Planning and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

Our ref: DOC22/147721

Your ref: SSD 8706

Dear Rodger

Subject: Notice of Exhibition – Night Racing at Royal Randwick Racecourse (SSD 8706)

Thank you for your e-mail received 21 February 2022, inviting Environment, Energy and Science Group (EES) within the Department of Planning and Environment (DPE) to comment on the Response to Submissions for the proposed Night Racing at Randwick Racecourse.

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

Biodiversity Conservation Act 2016 Assessment Requirements

EES notes that amended SEARs were issued on 2 December 2017 to include Key Issue number 14 – Biodiversity, which reflects the assessment requirements of the Biodiversity Conservation Act 2016. Compliance with these requirements has not been demonstrated.

An assessment of the proposal's biodiversity impacts in accordance with section 7.9 of the *Biodiversity Conservation Act 2016*, including the preparation of a Biodiversity Development Assessment Report (BDAR), is required. A waiver to the requirement to submit a BDAR may be sought in circumstances where it can be clearly demonstrated that a proposed development is not likely to have any significant impacts on biodiversity values.

If BDAR waiver is sought for the subject proposal, the request must address the minimum information requirements set out in Tables 1 and 2 of the DPE guide *'How to apply for a biodiversity development assessment report waiver for a Major Project Application'* (2019).

Impacts to Grey-headed Flying-fox

A Biodiversity Impacts Statement (BIS) has been prepared by Cumberland Ecology to address the impacts of the proposal on the nearby Grey-headed Flying-fox (*Pteropus poliocephalus*) camp at Centennial Park. EES supports the conclusions of the BIS subject to the implementation of all mitigation measures identified in the statement. The following conditions of approval are recommended to reflect the recommendations of the BIS and to manage the biodiversity impacts of the proposal.

- To address potential impacts to Grey-headed Flying-fox (*Pteropus poliocephalus*) The following mitigation measures, identified in the Biodiversity Impact Statement prepared by Cumberland Ecology (dated 30 November 2021), are to be implemented:
 - Dimming of racecourse lighting between races, to minimise the impacts of light spill through a reduction of the duration of full brightness of the lighting to approximately 8.5 hours per racing season.

- Implementation of design features such as baffles and shields to reduce the lighting levels and minimise the light spill.
- Incorporation of best practice and latest technology into the proposed design of the lighting to minimise the light spill on surrounding areas within acceptable levels.
- An ecological monitoring program is to be developed and implemented to monitor any potential adverse impacts on the Grey-headed Flying-fox colony at Centennial Park and to inform the implementation of an Adaptive Management Strategy. The Monitoring program and Adaptive Management Strategy are to be prepared in accordance with the recommendations of sections 5.2 and 5.3 of the Biodiversity Impact Statement prepared by Cumberland Ecology (30 November 2021) and are to be in place prior to any Night Racing events taking place.

Additional Biodiversity Impacts

In addition to the biodiversity impacts associated with artificial lighting, an Arboricultural Impact Assessment (AIA) has been prepared which identifies that the proposed works will encroach into the tree protection zone of several significant trees. The AIA identifies that further survey and assessment will be required to ensure the protection of trees numbered 1, 6, 7, 8, 11, 17 and 18. The AIA also recommends that electrical services be installed using tunnel boring to reduce potential impacts, however it notes that this method of installation has not been confirmed as a viable option.

To ensure the retention and protection of existing trees on site, the following conditions of approval are recommended:

- Trees on site are to be protected during all works in accordance with Australian Standard 4970- 2009 Protection of Trees on Development Sites and the recommendations of the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists (dated, 15 February 22).
- Excavation for post/column footings or services within the Tree Protection Zone of trees to be retained should be undertaken using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. A minimum AQF Level 5 Arborist must be on site to supervise all works within the Tree Protection Zone. Where tree roots are encountered, they should be managed in the following manner:
 - For roots greater than 60mm in diameter, the location of proposed works should be amended to avoid impacting these roots.
 - For smaller roots, where root pruning is necessary, all cuts should be clean cuts using sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. All root pruning must be done in accordance with Section 9 of Australian Standard 4373-2007 Pruning of Amenity Trees.

Flooding

EES provided the following comments in relation to flood impacts for the proposal on 18 June 2021.

'The spectator precinct of the racecourse appears to become a high flood island during extreme flood events, with flooding in both access corridors of Alison Road and Members Drive highly hazardous. Similarly, surrounding roads of Ascot Street, Doncaster Avenue and Anzac Parade also experience high hazard flooding. Therefore, consideration should be given to flood emergency management. The proposed change to allow night racing introduces additional factors for consideration in emergency management.'

These comments have not been addressed in the response to submissions report or in any of the supporting documentation or plans. EES recommends for these comments to be addressed and that further consideration be given to flood emergency management.

If you have any queries please contact Shaun Hunt, Senior Conservation Planning Officer at shaun.hunt@environment.nsw.gov.au or 02 8275 1617.

Yours sincerely



03/03/22

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation Division