Our ref: DOC20/814200
Your ref: SSD-8184

Ms Sheelagh Laguna
Planning and Assessment Group
Department of Planning, Industry & Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Laguna

Subject: EES comments on the Environmental Impact Statement for Fairfield Sustainable Resource Centre expansion (SSD-8184) – corner of Hassall Street and Widemere Road, Wetherill Park

Thank you for your letter of 28 August 2020 requesting comments on the Environmental Impact Statement (EIS) for this State Significant Development (SSD).

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

Please note that from 1 July 2020, Aboriginal cultural heritage (ACH) regulation, including advice on major projects, is now managed by the Heritage NSW. The new contact for the ACH regulation team is heritagemailbox@environment.nsw.gov.au.

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

15/10/20

Susan Harrison

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

Attachment A

Subject: **EES comments on the Environmental Impact Statement for Fairfield Sustainable Resource Centre expansion (SSD-8184) – corner of Hassall Street and Widemere Road, Wetherill Park**

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

- Environmental Impact Statement (EIS)
- Biodiversity Assessment Report – August 2020, version no. v2.2 (BAR)
- Flood Risk Management Report

and provides the following comments.

Flood

1. The former OEH previously provided Environmental Assessment Requirements (EARs) for this SSD including flood advice in a submission dated 17 January 2017. EES notes the OEH submission was included in Attachment 2 of the SEARs which were issued in February 2017 but the OEH EARs have not been fully considered in the subject flood assessment.
2. The flood assessment should consider the impact from the full range of floods (up to the Probable Maximum Flood) for both mainstream and overland flooding. The latter is addressed in Fairfield Council's Wetherill Park Overland Flood Study. Road inundation problems become important during times of flood and need to be appreciated by the owners and occupiers at the sustainable resource centre (SRC) site.
3. Climate change implications are expected to be minor at this site but nevertheless should be considered in the flood assessment. Sea level rise will impact the downstream end of Prospect Creek at the Hume Highway/Lansvale area. It is possible that the combination of sea level rise and increased rainfall could impact flood levels along the length of Prospect Creek. In 2011, Fairfield Council prepared a report entitled "Georges River and Prospect Creek Climate Change Sensitivity Assessment". For overland flooding, the assessment should consider a 10%, 20% and 30% rainfall increase. For mainstream flooding the 0.5% and 0.2% AEP events can be adopted as a proxy. The proposed development particularly the flood mitigation facilities should be designed to accommodate the potential climate change impacts. The 0.5m freeboard should not be eroded to account for climate change impacts.
4. Due to the consequences of flooding from rare to extreme floods at the site, the EIS should recommend a Flood Emergency Plan to be prepared in consultation with the NSW State Emergency Service (SES) and Fairfield Council. The assessment should consider the impacts on managing risk to life, emergency management arrangements, evacuation planning and access requirements and contingency measures for the proposed development site considering the full range of flooding risks. Potential rare and extreme flood risks include overtopping or failure from the adjacent Hassell Street detention basin and Prospect Reservoir and flooding from Prospect Creek and from overland flooding. This Plan should include education and awareness of owners and occupiers of SRC.
5. The EIS should incorporate appropriate management measures regarding a Flood Emergency Plan, a binding requirement ensuring the proposed 1500m^3 flood storage area is used exclusively for flood storage and the limiting of activities or works within the lower parts of the Prospect Creek floodplain, identified as a High Flood Risk Precinct, and in accordance with Fairfield Council's Development Control Plan for flooding.

6. Appendix 16A of the EIS has documented the previous flood studies of the Prospect Creek Catchment. There is no indication in Appendix 16A about the Prospect Creek Flood Study currently being undertaken by Fairfield Council where a comprehensive assessment will be undertaken using the recent data and information and ARR2019 including the Georges River Flood Study Model (completed in 2018) which will be used for setting up the downstream boundary conditions. There is also no indication in Appendix A (Section 4) whether the modelling works were undertaken using ARR1987 or ARR2019 rainfall IFD. The Prospect Creek Flood Study modelling works are expected to be completed in 2021. The information on the proposed changes of land use and regrading activities of the development site should be provided to Fairfield Council's project team in order to accommodate these in the Prospect Creek Flood Study Model.

Biodiversity

Ecosystem credit obligation

The BAR identifies the vegetation to be impacted in the Canal Road gully/expansion area to be *Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion* (Plant Community Type (PCT) 835), which is representative of the endangered *River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions* (for example see section 4.7). The BAR states:

> "According to the thresholds for biodiversity offsets in Table 4 (and Section 9.4) of the FBA (*Framework for Biodiversity Assessment*), impacts "for which the assessor is not required to determine an offset" are impacts on PCTs that have a site value of score of <17 and are not associated with threatened species habitat. Accordingly, the removal of vegetation within the Development Site to allow construction and operation of the proposed development (as described in this Chapter) does not require an offset in accordance with the FBA. Accordingly, there is no requirement for a biodiversity offset strategy." (page 43)

However, there is a requirement for a biodiversity offset strategy. With regards to native vegetation in Table 4 of the FBA:

- Row I 'Impacts that require further consideration by consent authority' does not apply to this proposal because the River-flat Eucalypt Forest Endangered Ecological Community (EEC) was not specifically nominated in the SEARs as an EEC that is likely to become extinct, or have its viability significantly reduced in the Interim Biogeographical Regionalisation for Australia (IBRA) subregion, if it is impacted on by development i.e. section 9.2.1.3(b) of the FBA does not apply
- Row II 'Impacts for which the assessor is required to determine an offset' does apply because there will be impacts on a PCT that is identified as an EEC and, as mentioned in the dot point above, this EEC was not specifically nominated as requiring further consideration in the SEARs
- Row III 'Impacts for which the assessor is not required to determine an offset' does not apply because there will be impacts on a PCT that is identified as an EEC

As such, Stage 3 of the FBA needs to be applied and the Biobanking Assessment Methodology (BBAM) calculator needs to be submitted to EES for review.

Mitigation measures for the removal of human made structures

It is noted that Eastern Coastal Free-tailed Bat (*Mormopterus norfolkensis*) and Gould's Wattled Bat (*Chalinolobus gouldii*) were detected on-site (Appendix I). It is also noted that a record exists in

Bionet for Large Bent-winged Bat (*Miniopterus orianae oceanensis*) from the site. These species could use human-made structures for roosting, and human-made structures occur on-site, including where the northern sediment basin (also referred to as sediment pond 5) is proposed (see Nearmap imagery dated Mon 3 Aug 2020). As such, pre-clearance/removal surveys need to be carried out to ensure microbats, or any other fauna using these structures, will not be impacted. Pre-clearance surveys must be carried out by an appropriately qualified person and if microbats are present, then works should not be carried out when they are likely to be in torpor.

Mitigation measures related to the nearby Wetherill Park Flying-fox camp

EES received information in June 2020 that the flying-fox camp at Wetherill Park has shifted location, such that it is now within approximately 50 m of the boundary of the development footprint i.e. the location shown in Figure C1 (in Appendix C) of the BAR is no longer current and the camp is now very close to the Canal Road gully/expansion area. As such, additional surveys must be undertaken to confirm the location of the camp in relation to the proposed development, and direct and indirect impacts need to be assessed with consideration being given, first and foremost, to avoiding impacts to the camp. New mitigation measures also need to be developed, including a protocol to ensure minimal impacts to the camp. This protocol must have safeguards and measures that are consistent with the flying-fox camp management advice on EES's website. It must include details on the timing of works to avoid critical life cycle stages and adverse weather conditions, along with stop work triggers and safeguards, and monitoring and evaluation. The protocol must be developed by an ecological consultant who is experienced in the management of flying-fox camps and it must be endorsed by EES. The species of flying-fox using the camp must be taken into consideration when developing mitigation measures. It is essential that the camp is not dispersed by any future works, be they related to the current proposal or future proposals for the SRC, as it may disperse into an inappropriate location.

Plot and transect data (MS excel format) and field data sheets

It is noted that Appendix E includes plot and transect data (Table E1) but the content needs to be made clear i.e. what are the acronyms and what units of measurement were used. As per Table 20 of the FBA, plot and transect field data sheets also need to be included in the BAR.

Removal of Native Vegetation

The BAR notes the proposed works will involve infilling a gully running north-south through the centre of the site, known locally as 'Canal Road' and infilling a small area of land to the south east of the gully, fronting Hassall Street (section 1.2, page 1). It indicates the impact footprint of vegetation clearing for the project is 0.22 hectares and is restricted to the regrowth riparian forest within the Canal Road gully (page 3) of moderate/good-poor of Forest Red Gum – Rough-barked Apple grassy woodland (River-flat Forest EEC).

The EIS indicates the works include vegetation and tree removal and replacement tree planting (section 2.3, page 8) and it states, "seven trees will be required to be removed to facilitate the extension to the car park" (Section 5.3.7 page 25). The BAR, however, indicates the native vegetation to be removed (0.22 ha) is associated with the Canal Road Expansion Area (Table 13, page 36) rather than the extension to the car park (see Table 13 in the BAR).

The RTS should confirm if the replacement trees are proposed to be planted along Prospect Creek as Table 15 in the BAR refers to revegetation/replanting along Prospect Creek and revegetation/planting as per Landscape Plan (see pages 39 and 40). The EIS notes the existing riparian corridor will be enhanced by the provision of additional plantings (section 5.3.3, page 24) and the Landscape Plans show indicative supplementary revegetation along Prospect Creek.

EES recommends the RTS includes details on the total area of proposed re-vegetation at the site.

Riparian land

The EIS notes some remnant native vegetation and regrowth native vegetation occurs on the site, generally in the vicinity of Prospect Creek and the creek and associated riparian vegetation occur along the site's northern boundary and is zoned E2 - Environmental Conservation (section 3.2.1. page 14). It indicates the existing facility and the proposed expansion will avoid the riparian zone adjacent to Prospect Creek (Table 4 page 20) and that the existing riparian corridor will be retained and enhanced by the provision of additional plantings along the creek (section 5.3.3, page 24).

EES supports additional planting along the Prospect Creek riparian corridor, particularly as the BAR states "riparian vegetation along Prospect Creek has been identified as a regional corridor (OEH 2015)". The Landscape Plans show indicative supplementary revegetation along Prospect Creek, but the plan notes the "planting locations and extents are subject to detailed review of existing vegetation". It is unclear when this detailed review and planting is to occur and details are required. A diversity of local native provenance species should be used from PCT 835.

It is recommended a vegetation management plan (VMP) is prepared to protect and restore the riparian corridor along Prospect Creek at the site and this is included as a condition of consent. The VMP should be prepared by a qualified bush regenerator and the plan should include:

- a scaled plan which locates the watercourse; top of highest bank; existing native vegetation along the creek; the riparian corridor width (measured from the top of the highest bank); the boundary of the site; the development footprint; and proposed asset protection zones
- details on the native vegetation community and plant species that occur along the 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 are to be removed on the site - plants shall be propagated for use on the site where possible from native vegetation that is to be cleared as part of the development, including PCT 835 (River River-flat Eucalypt Forest)
- any juvenile native plants to be removed as part of the development shall be removed and replanted to locations where plants from this PCT 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
- 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.

Decommissioning of Sediment Basin 3

The site currently contains three sediment basins (with a total capacity 3,063KL) (section 6, page 45 of EIS). The smaller existing stormwater harvesting/sediment basin (Sediment basin 3) adjacent

to the Canal Road gully is proposed to be decommissioned and filled (section 2.7, page 11 and section 6, page 47).

It is unclear from the BAR and EIS if Sediment Basin 3 provides habitat for native fauna. The RTS should provide details on this including:

- photographs of the existing Sediment Basin 3
- any environmental assets currently provided by the basin
- native fauna known to occur or potentially inhabit/use the basin and/or the area surrounding the basin
- the existing size, volume and depth of the basin; the volume of water that is proposed to be dewatered from the basin, the proposed time frame for dewatering the basin (e.g. the duration and the time of year the dewatering is proposed)
- the environmental impacts of decommissioning Sediment Basin 3 on native fauna (including any water dependent species)

If Basin 3 is likely to provide fauna habitat it is recommended the construction of two additional stormwater sediment basins occurs prior to dewatering and removal of the existing Sediment Basin 3.

Flood storage area -Frog habitat

The EIS notes the flood storage area is proposed to be landscaped using species suitable for frog habitat (section 2.6, page 11). It indicates it will provide a shallow dry basin and it will not store water for any extended period (section 5, page 27). It states it "would only function as flood storage in the event of a 1 in 100 year flood event" (page 29) but notes the flood compensation works once regraded will be replanted with vegetation suitable as potential frog habitat in accordance with the recommendations of the project ecologist (section 5, page 28).

The Mitigation Measures included in Table 10 of the EIS do not include this suggestion to plant the storage area to create suitable frog habitat. It is suggested the creation of frog habitat includes planting fringing habitat (trees, shrubs and groundcover) and the placement of rocks, logs etc around the edge of the flood storage area.

The BAR indicates the Green and Golden Bell Frog is associated with vegetation on site and it has been recorded on site in 1963 (page 32) but there have been no recent records (page 34). The RTS needs to clarify if it intended for the flood storage area to provide habitat for the Green and Golden Bell Frog or the common native amphibian species noted in Section 5.4.3, page 34).

Landscaping

Tree removal and replacement

The EIS indicates key components of the new works include vegetation and tree removal and replacement tree planting (section 2.3, page 8). It states, "seven trees will be required to be removed to facilitate the extension to the car park" (Section 5.3.7 page 25). The RTS needs to clarify the total number of trees to be removed by the SSD and whether more than 7 trees are to be removed as the BAR indicates the native vegetation to be removed (0.22 ha) is associated with the Canal Road Expansion Area (Table 13, page 36) which consists of PCT 835 (table 14, page 37).

Details are required on the total number of trees to be removed, the tree species, whether they are local native species, the number of replacement trees and the species.

The RTS should also confirm where the replacement trees are proposed to be planted and whether this will form part of the proposed revegetation/replanting along Prospect Creek or if replanting is to occur elsewhere on the site such as in the carpark area, around the SRC facility etc. The RTS needs to clarify this.

EES recommends the SSD replaces any trees removed by this SSD at a ratio greater than 1:1 for trees that are not covered by a biodiversity offset strategy as this will assist to mitigate the local urban heat island effect and improve local biodiversity over time.

The replacement trees should consist of local native provenance species. It important that any locations selected for the replacement tree planting is undertaken in areas where the trees will be protected in the long term and not removed.

If site landscaping is proposed around the SRC facility, carpark etc (in addition to revegetation along the creek), details should be included in the Landscape Plan for the site and it is recommended the following conditions are included in the consent.

For the proposed planting along the riparian corridor, it is recommended a VMP is prepared and this is included as a condition of consent, as noted above.

- ***Replacement tree planting and landscaping at the site shall use a diversity of local native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation community which occurs on the site.***
- ***Trees removed by the project must be replaced at a ratio greater than 1:1 for trees that are not covered by a biodiversity offset strategy***
- ***Enough area/space is provided to allow the trees to grow to maturity***

- ***A Landscape Plan shall be prepared and include details on:***
  - ***a) the native vegetation community that occurs in this locality***
  - ***b) a list of local provenance tree, shrub and groundcovers to be used in the landscaping***
  - ***c) the quantity and location of plantings***
  - ***d) the pot size of the local native trees to be planted***
  - ***e) the area/space required to allow the planted trees to grow to maturity***
  - ***f) Plant maintenance regime. The planted 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.***

Additional Mitigation Measures/ Conditions of Consent

Fauna Management
EES recommends a pre –clearance survey is undertaken prior to any clearing of vegetation commencing on the site to mitigate potential impacts on native fauna, and the following is included as a mitigation measure and a condition of consent:

- ***A pre-clearance survey must be undertaken by a suitably qualified ecologist for native fauna immediately prior to any clearing of vegetation commencing. Any resident native fauna found during the pre-clearance survey should be appropriately captured by a licensed wildlife carer prior to any clearing commencing and relocated***

in a sensitive manner to appropriate nearby habitat locations under the supervision of a qualified ecologist/licensed wildlife handler.

Table 15 in the BAR includes a mitigation measure for the supervision of tree felling during construction to rescue and recover any fauna (page 39). EES recommends a qualified ecologist/licensed wildlife handler is present on site during the clearing of the trees. Any resident native fauna found during the clearing should be appropriately captured by a licensed wildlife carer and relocated in a sensitive manner to appropriate nearby habitat locations under the supervision of a qualified ecologist/licensed wildlife handler and this is included as a condition of consent

Reuse of removed trees

A condition of consent should also be included to reuse and salvage the trees required to be removed and reuse these along the Prospect Creek riparian corridor to enhance habitat including tree trunks (greater than approximately 25-30cm in diameter and 3m in length):

The Proponent must identify where it is practicable to reuse any of the native trees, greater than 25-30 centimetres in diameter and three metres in length, that are to be removed as part of this project to enhance habitat along the riparian corridor of Prospect Creek.

Preparation of Plant Stock

EES notes the inclusion of the Mitigation Measure "Prior to commencement of construction works, seed collection and propagation of local native plant species for planting along Prospect Creek is to be undertaken" in the EIS (Table 10 page 81). It is recommended the proponent commences collecting native seed as soon as possible and not delay collecting the seed until prior to construction so that local native provenance plant species particularly trees to be planted are advanced in size to assist improve the urban tree canopy and local biodiversity. EES recommends the following conditions are included in the consent:

- ***The proponent must commence collecting local native seed and growing local provenance plant species, particularly 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***

- ***Tree planting at the site and street planting shall use advanced and established local native trees with a minimum plant container pot size of 75-100 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.***

End of Submission