



Office of
Environment
& Heritage

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Our reference: DOC12/34399
Contact: Richard Bonner, 9995 6833

Mr Chris Ritchie
Manager - Industry
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Andrew Harcher

Dear Mr Richie

I refer to your letter of 31 July 2012 regarding the exhibition of the Environmental Assessment (EA) for the proposed Whytes Gully Landfill Expansion project at Kembla Grange. The Office of Environment and Heritage (OEH) has reviewed the EA and provides the following advice in relation to biodiversity and floodplain risk management.

In relation to biodiversity, OEH notes the project entails the clearing of 0.49 ha of good condition native vegetation (including 0.01ha of Illawarra Subtropical Rainforest (ISTR) – an Endangered Ecological Community) as well as undefined areas associated with the *'perimeter firebreak and for the installation of fire hydrant outlets.'* In addition, indirect impacts of vegetation may occur as a result of the *'construction phase of the project'* and the future operation of the expanded landfill. To offset these losses, measures including a weed control program in the remaining 0.55ha (or 0.48ha) of ISTR (and an unknown area of other native vegetation communities) and the revegetation of an unknown disturbed areas are proposed. These measures are to be undertaken in accordance with a Landscape Strategy (appendix N) which contains little detail on how existing native vegetated areas proposed to be retained will be restored and/or managed.

To realise the proponent's commitment *'to ensure the proposal maintains or improves the biodiversity values of the region'*, OEH recommends the offsetting measures be assessed against the *'Principles for the use of biodiversity offsets in NSW'* (Offsetting Principles) – a link to these is available in the Register of Development Assessment Guidelines (biodiversity) on the Department of Planning and Infrastructure's (DoP&I's) website (at <http://www.planning.nsw.gov.au/register-of-development-assessment-guidelines>). In accordance with the first of these principles, OEH recommends DoP&I seek from the proponent justification on why the proposed clearing of the 0.49ha of good condition native vegetation cannot be avoided. OEH also recommends any approval include a requirement for the proponent to prepare a biodiversity offset strategy detailing the proposed offset measures to be implemented and secured and how they will be protected managed, funded and monitored over the duration of the project. The offset strategy should also reference best management guidelines for restoring and managing the vegetation communities proposed for protection.

With regard to floodplain risk management, the proposal should be considered in accordance with the NSW Government's *Flood Prone Land Policy* as set out in the *Floodplain Development Manual, 2005* as areas of the project are located on a floodplain with the potential to be

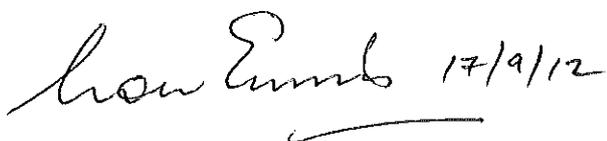
adversely affected by or to impact on flooding in the catchment. Consideration should be given to the impact of flooding on the proposal, the impact of the proposal on flood behaviour and the impact of flooding to the safety of people over the full range of possible floods up to the probable maximum flood.

OEH notes the EA has limited its consideration to the impact of flooding to the 1% AEP event. While flooding has been identified in the EA as a '*Potential Hazardous Scenario*' (vol. 1, p.234), it is unclear, whether adequate consideration has been made to issues associated with the impacts of flooding (and associated risks) over the full range of potential floods. Issues relate to the integrity of the water treatment ponds (ie. risk of failure or overtopping), hydrologic impacts, flood damages and environmental risks of floods exceeding the design event on water quality. In addition, major flooding may restrict access to and from the site potentially affecting operational management during a flood event and the safety of people on site. These issues are potentially compounded if flooding causes a loss of power and/or communications.

In determining this proposal, OEH recommends the issues raised above are adequately considered.

If you have any queries regarding this matter please contact Richard Bonner on 9995 6833.

Yours sincerely

A handwritten signature in black ink that reads "Lou Ewins" followed by the date "17/9/12". There is a horizontal line under the signature.

LOU EWINS
Manager Planning & Aboriginal Heritage
Metropolitan Branch
Office of Environment and Heritage