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28 April 2026

Subject: Request for Advice on Response to Submissions - Modification 7 – Infrastructure consolidation and remediation (SSD-5544-Mod-7) (Sutherland Shire)

Dear Rasmus,

Thank you for your email received on 20 March 2026, requesting advice from the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the above modification.

CPHR, in consultation with National Parks and Wildlife Service (NPWS), has reviewed the *Submissions Report* (AECOM, 16 March 2026) and recommends the applicant addresses the requirements at Attachment A.

For biodiversity, CPHR has revised its previous position regarding the removal of vegetation and underlying asbestos-contaminated soil in the Refining Process Improvement Project Mountain area. The Submissions Report and Remedial Action Plan provide sufficient justification and CPHR is satisfied with the applicant's reasoning for these works under this modification.

The Biodiversity Development Assessment Report also adequately justifies that this vegetation removal is unlikely to impact breeding habitat for the Giant Dragonfly (*Petalura gigantea*) and does not trigger a serious and irreversible impact.

In summary, CPHR's key concerns are:

National Parks Estate and Coastal management

- Further detail is required to demonstrate that using the existing Caltex Lubricating Oil Refinery pipeways for on-site detention (OSD) would not result in pollutants being discharged into downstream receiving environments, including Towra Point Nature Reserve.

Waterway health and stormwater

- The removal of the oily water system (OWS) would redirect additional catchment to constrained and sensitive stormwater outlets, and the impacts have not been addressed
- Limited information has been provided to demonstrate the suitability of OSD infrastructure and potential for contaminated flows.
- Further detailed construction environmental management requirements are recommended to be implemented as conditions of consent.
- Existing discharge points at Quibray Bay and Marton Park wetland cannot be relied upon for additional surface water discharge.

- Insufficient detail is provided on the proposed oily water storage and pump facility in Catchment F.
- Water quality monitoring needs to be fit for purpose and include more than three rainfall events.
- The adopted waterway health targets should be informed by best practice guidelines due to stormwater discharge from the site being to a sensitive receiving environment
- Consider the feasibility of alternative OSD methods or mitigation approaches to enable the removal of bunding and contaminated soils and decommissioning of redundant OWS.
- The stormwater system is heavily reliant on pump operation, and it has not been demonstrated how this risk would be mitigated in the event of potential failure
- It has not been demonstrated that the levee (bund wall) around the wastewater treatment plant will not result in additional overland flow to Marton Park wetland or Captain Cook Drive.
- Inconsistent information has been provided for Catchment F, therefore it is not clear whether the modification will result in increased discharge to the Natural Retention Basin (coastal wetland).

Flooding

- Flood mapping is inconsistent with the flood behaviour observed during the 2022 flood event and existing Sutherland Shire Council flood studies.
- The Stormwater and Flood Modelling reports are inconsistent due to the extent of flooding impacts on Captain Cook Drive.
- Flood modelling should be provided for events up to the probable maximum flood in accordance with special flood consideration clause 5.22 of the Sutherland Shire Local Environmental Plan 2015.
- Flood risk for climate change has been inadequately addressed, and requires consideration for the increase in rainfall and mitigation measures for the intended lifespan of the facility.

Please contact the Greater Sydney Planning team at rog.gsrplanning@environment.nsw.gov.au should you have any queries regarding this advice.

Yours sincerely

S. Harrison

Susan Harrison
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Conservation Programs, Heritage and Regulation Group**

CPHR comments on the Response to Submissions - Modification 7 Infrastructure consolidation and remediation (SSD- 5544- Mod-7) (Sutherland Shire)

In preparing this advice CPHR has reviewed the following documents:

- *Submissions Report* (including Appendix A-D) (AECOM, 16 March 2026)
- *Appendix E: Remedial Action Plan (RAP)* (AECOM, 16 March 2026)
- *Appendix F: Updated Soils Groundwater and Contamination Report* (AECOM, 16 March 2026)
- *Appendix G: Updated Surface Water, wastewater and flooding report (SWWFR)* (AECOM, 16 March 2026)
- *Appendix I: Updated Biodiversity Development Assessment Report (BDAR)* (Biosis, 19 March 2026).

CPHR notes that the SWWFR includes two annexures which are referred to as:

- *Annexure A: Stormwater Modelling Report (Annexure A)* (AECOM, 30 January 2026)
- *Annexure B: Flood Modelling Report (Annexure B)* (AECOM, 30 January 2026).

Key assessment issues

National Parks Estate and Coastal management

1.	<i>Proposed onsite detention and potential for contamination discharging into Towra Point Nature Reserve</i>	<p>The SWWFR states the oily water system (OWS) would be removed and replaced with two on-site detention (OSD) systems to mitigate stormwater runoff impacts, specifically to maintain existing discharge rates entering Towra Point Nature Reserve and Quibray Bay via Catchment E.</p> <p>The surface water management strategy proposed for Catchment E would involve surface water runoff being collected and diverted via four drainage outlets to Sir Joseph Banks Drive Channel and then towards the downstream receiving environment of Towra Point Nature Reserve (see Figure 4.1 of the SWWFR).</p> <p>Towra Point Nature Reserve is identified as a coastal wetland under the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and a declared Ramsar site under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC), that is a wetland of international importance.</p> <p>Section 5.2.1 of the SWWFR states that Catchment E would receive redirected surface water run-off due to the removal of the OWS and this would increase peak discharge rates towards Towra Point Nature Reserve. To mitigate potential impacts, the applicant has proposed that the former Caltex Lubricating Oil Refinery (CLOR) pipeways be upgraded and used for OSD to minimise peak flow rates.</p> <p>The suitability of these pipeways was not assessed in the modification. The CLOR pipeways were previously used for the transfer of hydrocarbons and may potentially contain asbestos. There is potential for pollutants to be discharged via these pipeways that may impact aquatic species in downstream receiving environments, including Towra Point Nature Reserve.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Provide further details on the potential stormwater impacts from the CLOR pipeways to Towra Point Nature Reserve and “proximity area for coastal wetlands” and include suitable mitigation measures to minimise these impacts.
	<i>Extent and Timing</i>	Prior to determination

Waterway health and stormwater

CPHR notes that the objective of the modification is no longer to prepare the site for future industrial uses, and has been revised to involve:

- upgrading firewater and oily water sewer systems to service the existing use
- construction of new sheds to service the existing use
- removal of significant portions of the OWS which are now no longer required
- existing bunding to remain in place with the exception of a bunded area in Catchment B.

The modification continues to propose substantial site disturbance to remediate existing contamination, install new infrastructure and remove redundant infrastructure. It would also result in an increase in catchment areas that are currently captured by the OWS being directed to stormwater outlets. Catchment areas that are currently captured via the OWS and discharged to the Yena Gap outlet following treatment, would instead be redirected to the stormwater system. The extent of the proposed site disturbance and the redirection of stormwater may present a significant threat to the environment, particularly given the sensitivity of the receiving waters in the locality and the flood-prone nature of Captain Cook Drive.

The modification also involves substantial changes to the operation of the OWS, including the redirection of flows currently captured and treated by the system to the stormwater network. The areas serviced by the existing OWS have been subject to significant pollution over their lifespan resulting from production or storage of hydrocarbons, the use of firefighting foams and/ or leachate generated from contaminated waste material treatment areas.

CPHR advises that disconnection from the OWS, without first addressing the underlying contamination has not been adequately demonstrated as a suitable approach. Also, the effectiveness and adequacy of the proposed mitigation measures has not been demonstrated. Specific details on the areas of concern are provided below.

2.	<i>Removal of OWS redirects additional catchment to constrained and sensitive stormwater outlets</i>	<p>Table 5.2 of the SWWFR indicates that an additional 12.2ha of catchment area will be directed to the stormwater system following disconnection of the OWS. This is described as only 4.1% of the existing catchment, however the catchment area studied includes Kamay Botany Bay National Park, which is a significant offsite area in its natural state (see Figure 4.1 of the SWWFR). It is noted that this area would not generate runoff as frequently as the disturbed industrial use area, particularly the roadways.</p> <p>The April 2022 flood event investigated by the Environmental Protection Authority is documented in the Submissions Report, which identified excess freshwater as the likely cause of mangrove decline. This indicates that additional freshwater volumes may pose an issue at the discharge points to Sir Joseph Banks Drive and Quibray Bay.</p> <p>Prior to the removal of the OWS, the Natural Retention Basin (NRB) in Catchment F would not have received runoff from the site therefore both frequency and volume of runoff to this area would be expected to increase.</p> <p>Discharge to natural areas such as mangroves and the NRB is sensitive to frequency and volume of discharge, not just rate of discharge.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Revise the SWWFR to address the impacts of additional runoff frequency and volume to natural areas including the NRB, the mangrove area in Quibray Bay and Towra Point Nature Reserve.
	<i>Extent and Timing</i>	Prior to Determination

3.	<i>Limited information provided to demonstrate suitability of proposed OSD</i>	<p>The SWWFR proposes to compensate for the additional runoff from the site by providing OSD. Three forms of OSD are proposed:</p> <ol style="list-style-type: none"> 1) Detention in the previous CLOR pipeways and a pipeway in Catchment B. The pipeway in Catchment B has previously been used for transfer of hydrocarbons and may contain asbestos. 2) Detention in a new open channel downstream of the Refining Process Improvement Project (RPIP) Mountain area which is proposed to be removed. 3) Detention within the bunded structures previously connected to the OWS with proposed slow release to stormwater systems including one redirected to the NRB. <p>Many of the existing bunded areas do not have sealed bases and were used for the temporary retention of contaminated runoff prior to pumping to the OWS. Therefore, it is likely that these areas will contain contaminated soils and their use as detention basin will not be suitable. Contaminated soil cannot be removed without removal of the bund walls therefore the viability of this solution is questionable. The bunded areas are proposed to be discharged primarily to new stormwater pipework and then to the NRB. This area currently only receives water from natural areas. The impact of these potentially contaminated flows on the natural receiving environment has not been considered.</p> <p>Recommended actions:</p> <p>The following recommended actions relate to each of the three proposed forms of OSD.</p> <ol style="list-style-type: none"> 1) Demonstrate the suitability of the pipeways for OSD and how stormwater will enter and leave these pipeways. 2) Demonstrate how the new channel will be configured to provide detention and address the likelihood of it being contaminated by leachate from the remaining stored waste material. 3) Consider the impact of potentially contaminated flows from the bunded areas on the natural receiving environment. It is recommended that this OSD option be no longer pursued unless it can be determined that there is no contamination within the bunded areas.
	<i>Extent and Timing</i>	Prior to Determination
4.	<i>No details have been provided for construction environmental management</i>	<p>The SWWFR suggests that a Construction Environmental Management Plan (CEMP) will be developed in accordance with the <i>Managing Urban Stormwater – Soils and Construction Guidelines</i> (the Blue Book) (Landcom, 2004). CPHR advises that the Blue Book generally looks at short term site disturbance and may not be prescriptive enough for the sensitive receiving environment. Sediment control requirements may be adequate if the Blue Book is followed, however inspection and maintenance will need to be increased to ensure that these controls are not overwhelmed. CPHR advises that diversion and bunding requirements should include assessment of flood impacts to ensure that the surface water treatment areas are not subject to flows from the extended catchment which may mobilise contaminated soils.</p>

		<p>Recommended actions:</p> <ul style="list-style-type: none"> • The CEMP include details on diversion and bunding requirements to ensure that the treatment areas are not subject to flows from the extended catchment which may mobilise contaminated soils. • Detailed analysis of catchment behaviour during flood events is required to inform the CEMP, due to the consequences of failure of sediment control infrastructure in the receiving environment. • Staged disturbance areas are to be limited, treatment areas are bunded to resist floods of 1% Annual Exceedance Probability (AEP) minimum and diversion drains designed to cater for flood flows without breaching bunded areas or diverting water to other catchments.
	<i>Extent and Timing</i>	Prior to commencement of rectification works (Condition of consent)
5.	<i>Existing discharge points at Quibray Bay and Marton Park wetland cannot be relied upon for additional surface water discharge</i>	<p>The SWWFR indicates that there is no change to the Marton Park Wetland discharge point and a 2.9% increase in catchment discharged to Quibray Bay Catchment is proposed. CPHR advises that at present, these discharge points are not functioning as expected and drainage is marginal.</p> <p>Following the April 2022 flood event significant sediment including gravel and road base were deposited in open drains along Captain Cook Drive and the wetland area downstream of the electricity substation. Since this time significant damage has occurred to the mangroves in this area and the drainage does not appear to be functioning despite cleaning of the Captain Cook Drive drains. Water levels have remained elevated in Marton Park Wetland since the 2022 event.</p> <p>CPHR advises if existing discharge points are not free draining, then overflow over the only access route to and from Kurnell will be compromised in minor flood events due to surcharge of piped flow systems over the roadway.</p> <p>Permanent sediment controls are proposed as part of the modification. Providing these sediment controls are adequately sized and maintained, they should reduce the likelihood of sediment discharge from the unsealed roadways in the event of overland flooding in future. Although no increase in discharge to Marton Park is proposed, the effectiveness of drainage to this discharge point should be considered. If drainage is not functioning, water may divert to alternate discharge points.</p> <p>CPHR advises that until clearance works are permitted and carried out in the Quibray Bay protected mangrove area, this discharge point cannot be relied upon for additional surface water discharge even if flow rates can be controlled by OSD facilities.</p> <p>Recommended actions:</p> <ul style="list-style-type: none"> • Reconsider using the Marton Park water discharge point until clearance works have been undertaken in the Quibray Bay protected mangrove area. • Provide additional details regarding sizing and location of the proposed permanent sediment controls. The documentation notes these may be downstream or within OSD structures which is not considered best practice.

	<i>Extent and Timing</i>	Prior to Determination
6.	<i>Details are required on the proposed oily water storage and pump facility in Catchment F</i>	<p>The SWWFR proposes a new oily water pump and storage facility at the junction of Catchments B and F. The requirements, purpose and sizing of this facility is not explained.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Provide details on the need for the oily water pump and storage, the degree of site disturbance required for its installation and how water will be taken to and from this infrastructure.
	<i>Extent and Timing</i>	Prior to Determination
7.	<i>Water quality monitoring needs to be fit for purpose and include more than three rainfall events</i>	<p>The SWWFR proposes monitoring of only three rainfall events during the rectification period. This is not considered an adequate monitoring regime given the sensitivity of the receiving waters and the degree of contaminated materials proposed to be disturbed.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Conduct periodic water quality monitoring after rainfall events throughout the full rectification period.
	<i>Extent and Timing</i>	Prior to Determination (Condition of Consent)
8.	<i>Baseline water quality testing prior to works</i>	<p>The site is disturbed with unsealed roads and a history of contamination. The proposed baseline water quality testing is unlikely to be an adequate control for discharge purposes. CPHR reiterates more suitable waterway health targets would be from the soon to be published review of NSW Water Quality Objectives and associated guidelines values. In the interim the Australian and New Zealand Environment and Conservation Council (ANZECC) (2000) guidelines should be the adopted targets for waterway health, due to stormwater discharging to a sensitive receiving environment.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Adopt interim water quality targets from the ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality and following publication implement DCCEEWS NSW Water Quality Objectives.
	<i>Extent and Timing</i>	Prior to Determination
9.	<i>Objectives of the revised modification</i>	<p>The original objectives of the modification were to remove redundant infrastructure from the site to reduce ongoing maintenance and improve risk management. The revised modification now seeks to retain all bunds (except for those in Catchment E), to function as OSD. This means that much of the OWS pipework infrastructure would no longer be viable to remove, the redundant bunding would remain in place and the soil under the bunded areas would not be rehabilitated. These areas would need further earthworks in future once long-term stormwater management measures are determined.</p> <p>The applicant should reconsider whether the proposed mitigation measures are consistent with the revised modification's objectives. Alternatives to consider may include deferring removal of the OWS</p>

		<p>until long term detention or redirection systems are designed and installed.</p> <p>Alternatively, the applicant should consider the feasibility of other alternative OSD methods or mitigation approaches to enable bunding and contaminated soils to be removed and allow decommissioning of redundant OWS.</p> <p>Recommended actions:</p> <ul style="list-style-type: none"> • Review and update the objectives and mitigation measures to reflect the works now proposed as part of the modification. • Consider the alternatives of deferring removal of the OWS and the feasibility of alternative OSD methods or mitigation approaches to facilitate removal of the bunding and contaminated soils.
	<i>Extent and Timing</i>	Prior to Determination

10.	<i>Adequacy of proposed stormwater management system</i>	<p>The SWWFR states the April 2022 flood event resulted in the wastewater treatment plant being inundated by stormwater runoff from the facility and the upstream Kamay Botany Bay National Park. In response, improvements were made to the stormwater system on site and was approved under a separate development application. Annexure A to the SWWFR provides a high-level summary of the Statement of Environmental Effects (SEE) prepared by AECOM in 2023. The SEE's project description states that the following was installed:</p> <ul style="list-style-type: none"> • a new levee (bund wall) around the OWS including and adjacent retention basin • 2 additional pumping stations • 2 new stormwater sump pits, and • 13 new pumps. <p>These sump pits, pumps and pumping stations would divert stormwater to bunded areas in extreme flows. The bunded areas are then drained slowly via the OWS. The modification proposes to divert these flows to the stormwater system. CPHR advises that the suitability of the bunded systems for extended stormwater storage has not been adequately demonstrated. The impacts and assessment on water quality by using a potentially contaminated area to drain directly to stormwater has also not been adequately demonstrated. The impact of this levee (bund wall) on flood behaviour was not assessed. Also, the effectiveness of the stormwater system is heavily reliant on pump operation. The mitigation of the risk in the event of potential failure has not been addressed.</p> <p>Recommended action: Revise the SWWFR and Annexure A to demonstrate:</p> <ul style="list-style-type: none"> • the stormwater system will remain reliable in the event of failure from one or more of the pumping systems and how this risk would be mitigated on site • the proposed bunded systems would not be contaminated and are suitable for OSD discharge to the stormwater system rather than the OWS • that the levee (bund wall) around the wastewater treatment plant has not resulted in additional overland flow to Marton Park wetland or to Captain Cook Drive.
	<i>Extent and Timing</i>	Prior to Determination

11.	<i>Catchment F inconsistency with documents and discharge requirements</i>	<p><u>Statements are inconsistent</u></p> <p>There is an inconsistency between the SWWFR and Annexure A regarding Catchment F. Table 5.2 of the SWWFR (page 49) shows that an additional 4.2ha of catchment area will be redirected to the NRB in Catchment F (classified as a coastal wetland). However, Section 5.2 of Annexure A (page 28) states that no change to the hydrological regime is proposed for the NRB and therefore no additional water will be discharged from Catchment F.</p> <p><u>Discharge requirements</u></p> <p>Where additional water is proposed to be discharged from Catchment F, the modification must not result in increased discharge to the NRB/coastal wetland. Flow rate management alone is not sufficient, as natural areas are sensitive to changes in flow volume and frequency.</p> <p>Recommended actions:</p> <ul style="list-style-type: none"> • Revise the SWWFR and Annexure A and resolve discrepancies regarding Catchment F in both reports. • Demonstrate that the proposed modification would not result in increased discharge to the NRB. The assessment must include volume and frequency of flows and account for sensitivity of the natural receiving environment.
	<i>Extent and Timing</i>	Prior to Determination

Flooding

12.	<i>Flood mapping calibration and inconsistency with flood depth</i>	<p><u>April 2022 flood event</u></p> <p>CPHR advises that the SWWFR flood mapping has not been calibrated. These maps are inconsistent with the flood behaviour observed during the 2022 flood event. The flood mapping should therefore be compared and validated against the observed 2022 flood behaviour event with any discrepancies identified and explained.</p> <p><u>Sutherland Shire Council flood studies</u></p> <p>CPHR notes that the SWWFR flood mapping indicates significantly less flooding in areas surrounding the site compared with the Kurnell Township Flood Study (WMAwater, May 2009) and Kurnell Floodplain Risk Management Study (WMAwater, 2013). This flood mapping should be compared to these existing Council studies. CPHR advises that any increase in flood depth outside the site boundary would indicate that flooding extends further onto the site. This would also suggest that higher tailwater levels should be adopted for stormwater modelling which may affect the capacity of the proposed discharge pipes.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Revise the SWWFR to review and compare the flood mapping for the observed 2022 flood behaviour event and existing Council flood studies, and explain any discrepancies.
	<i>Extent and Timing</i>	Prior to Determination

13.	<i>Modelling reports are inconsistent</i>	<p>There is inconsistency between Annexure A and Annexure B regarding flooding at Captain Cook Drive. Figure A3 Peak Flood Depth – 1% Annual Exceedance Probability (AEP) with 2030 Climate Change of Annexure B (page 208), indicates that flooding occurs on Captain Cook Drive. Annexure B also indicates that the stormwater pipes under Captain Cook Drive are adequate and flooding does not occur. CPHR advises that Captain Cook Drive is known to flood and therefore it is considered unlikely that the stormwater pipes have adequate capacity.</p> <p>Recommended actions:</p> <ul style="list-style-type: none"> • Review data and discussion presented in annexures A and B and resolve discrepancies between both reports. • Revise the SWWFR and provide revised versions of annexures A and B.
	<i>Extent and Timing</i>	Prior to Determination
14.	<i>Flood events larger than the 1% AEP</i>	<p>Council has adopted the special flood considerations clause 5.22 in the Sutherland Shire Local Environmental Plan 2015 (LEP). This clause requires consideration of events up to the probable maximum flood (PMF) event for sensitive and hazardous development. CPHR advises that the flood modelling does not include any events larger than the 1% AEP event. Flood modelling should be provided for events larger than the 1% AEP including the 0.5% AEP, 0.2% AEP and PMF in accordance with the LEP.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Revise the SWWFR and Annexure B to include flood modelling for events larger than the 1% AEP including the 0.5% AEP, 0.2% AEP and PMF.
	<i>Extent and Timing</i>	Prior to Determination
15.	<i>Flood risk for climate change is inadequately addressed</i>	<p>Annexure A and the associated DRAINS model include future climate change events. Tables 5.2 and 5.3 in Annexure A report a single discharge flow rate to Botany Bay for all recurrence intervals under the climate change event. In comparison, the existing discharge condition shows variable flow rates that are higher than those predicted under climate change. Also, the results are presented as pre- and post-development discharges, without providing consideration of the risk associated with climate change increases in rainfall at the facility.</p> <p>CPHR advises that the intended operational lifespan of the facility should be considered to ensure that mitigation measures are adequate for the lifespan of the facility. Alternatively, appropriate triggers and mechanisms should be established to allow mitigation measures to be updated in response to future development or climate change induced rainfall increase or sea level rise.</p> <p>Recommended actions:</p> <ul style="list-style-type: none"> • Revise the SWWFR and Annexure A's Tables 5.2 and 5.3 to adequately consider climate change and resolve inconsistency with results. • Revise the SWWFR and annexures to ensure the mitigation measures consider the intended operational lifespan of the facility

		or include triggers and mechanisms to allow revision of mitigation measures in the future.
	<i>Extent and Timing</i>	Prior to Determination

Biodiversity

Vegetation clearing within RPIP Mountain Area

In advice dated 18 August 2025 (DOC25/556747), CPHR raised concerns regarding the justification for vegetation clearing within the RPIP Mountain area. It was CPHR’s view that the proposed vegetation clearing was to facilitate site preparation for future commercial/ industrial land uses associated with the Kurnell Energy and Industry Precinct State Significant Development application (SSD-86799993). This justification was previously not supported by CPHR, as the proposed works should be related to a modification for the purposes of the existing SSD consent.

CPHR advises that the Submissions Report and associated Remedial Action Plan (RAP) now provides adequate justification for the removal of this vegetation and underlying asbestos-contaminated soil on the basis of mitigating the existing contamination migration risk that currently occurs within the site. This included risk management of surface and subsurface asbestos dispersal via dust and sediment pathways.

Therefore, due to the asbestos dispersal risk requirements and revised purpose of works for this modification, CPHR has revised its position and is satisfied with the applicant’s reasoning for works within the RPIP Mountain area.

The Submissions Report and RAP states that following vegetation clearing and asbestos removal, the proposed stabilisation approach is for hydro-mulching, grass cover or gravel. Maintenance of the surface treatment would be managed through the site’s Asbestos Management Plan. CPHR does not consider it appropriate to require revegetation at this location as it would unlikely achieve effective asbestos management in the soil. The removal of vegetation proposed in this area will be offset through biodiversity credits.

Giant Dragonfly

From the additional information provided in the BDAR, CPHR advises that the proposed vegetation removal within the RPIP Mountain area is unlikely to affect breeding habitat for the Giant Dragonfly (*Petalura gigantea*). The surface layer and underlying fill material of the stockpile within the RPIP Mountain area comprises of asbestos containing soils and fill material at a higher elevation that is relative to adjacent land and therefore does not exhibit swamp characteristics required for breeding for this species.

The RPIP Mountain area is considered to provide marginal foraging habitat for the Giant Dragonfly. Higher quality habitat for this species, including breeding habitat, occurs to the east of the site. Therefore, CPHR advises that the proposed vegetation removal is unlikely to result in a significant impact on this species, and does not trigger a serious and irreversible impact.

16.	<i>Conditions of consent</i>	<p>The BDAR includes the number of biodiversity credits to be retired and proposed mitigation measures. CPHR notes the applicant’s approach to stage credit offset requirements.</p> <p>Recommended action: If approved, the conditions of consent include:</p> <ul style="list-style-type: none"> • a condition that requires the retirement of biodiversity credits • conditions to implement mitigation measures from sections 6.5.4 and 7 of the BDAR.
	<i>Extent and Timing</i>	Determination

End of Submission