



Our ref: DOC20/1034436-14

Your ref: SSD 10447

Deana Burn

Industry Assessments  
Department of Planning, Industry and Environment  
Deana.Burn@planning.nsw.gov.au

Dear Ms Burn

**Tomago Resource Recovery Facility and Truck Depot (SSD 10447)**

I refer to your request for advice dated 15 December 2020 on the Tomago Resource Recovery Facility and Truck Depot Environmental Impact Statement.

Biodiversity and Conservation Division's (BCD) recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Brendan Mee, Senior Conservation Planning Officer, on 4904 2730 or via email at [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Cox'.

27 January 2021

**STEVEN COX**  
**Senior Team Leader Planning**  
**Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**

Enclosure: Attachments A and B

## BCD's recommendations

### Tomago Resource Recovery Facility and Truck Depot – Environmental Impact Statement

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#### Biodiversity

1. BCD recommends the BAM accredited assessor certifies that the BDAR was finalised within 14 days of the exhibition of the EIS.

#### Flooding and flood risk

2. BCD recommends that all hazardous materials stored on site are protected from all floods up to and including the PMF. Also, the Emergency Plan should be updated to include safeguards to prevent the release of hazardous materials from the sites during a large flood event.
3. BCD recommends that the proponent reviews the continued use of existing stormwater treatment devices to ensure they remain appropriate under the proposed change in land use to use in a recycling facility.
4. The proponent should consider the potential for groundwater contamination through infiltration of untreated stormwater.

## BCD's detailed comments

### Tomago Resource Recovery Facility and Truck Depot – Environmental Impact Statement

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#### Biodiversity

1. Certification of the BDAR by the accredited assessor is required

Section 6.15 of the *Biodiversity Conservation Act 2016* states that a biodiversity assessment report cannot be submitted in connection with a relevant application unless the accredited person certifies in the report that it has been prepared on the basis of the requirements of (and information provided under) the biodiversity assessment method as at a specified date and that date is within 14 days of the date the report is so submitted.

The Biodiversity Assessment Method (BAM) accredited assessor has not certified that the Biodiversity Development Assessment Report (BDAR) was finalised within 14 days of exhibition of the Environmental Impact Statement (EIS).

#### Recommendation 1

BCD recommends the BAM accredited assessor certifies that the BDAR was finalised within 14 days of the exhibition of the EIS.

#### Flooding and flood risk

2. The proponent has not addressed the risks of storing hazardous materials on the floodplain

It is proposed to store and process hazardous materials on flood prone land. The EIS and the proposed Emergency Plan have not assessed the risk of flood waters transporting hazardous materials and contaminating nearby communities, and natural areas.

While the EIS notes that all hazardous substances will be stored in a bunded area is not clear if the bund is designed to protect against all floods, up to and including the probable maximum flood (PMF).

The EIS does not state if trucks, containing hazardous materials, will park in the uncovered overnight parking area and if so, how these risks would be managed.

#### Recommendation 2

BCD recommends that all hazardous materials stored on site are protected from all floods up to and including the PMF. Also, the Emergency Plan should be updated to include safeguards to prevent the release of hazardous materials from the sites during a large flood event.

3. The proponent has not demonstrated that the proprietary water treatment devices are appropriate for a recycling facility

It is proposed to use the existing proprietary water treatment devices; Humeceptor STC-5 and the Hume Jellyfish HF-1800. These devices have been designed to treat the pollution from a wire and cable manufacturing facility. The new use of the site as a resource recovery facility

may change the pollutant loads and the existing stormwater treatment devices may not continue to be appropriate.

### Recommendation 3

BCD recommends that the proponent reviews the continued use of existing stormwater treatment devices to ensure they remain appropriate under the proposed change in land use to use in a recycling facility.

#### 4. It is proposed to infiltrate untreated stormwater to groundwater

Runoff from the existing development enters infiltration on-site detention before it is treated with the Humeceptor STC-5 and the Hume Jellyfish HF-1800 devices. This creates a risk that untreated stormwater runoff will be discharged to groundwater through the detention basins.

The potential for groundwater contamination and impacts on groundwater dependent ecosystems was assessed for the previous development (GHD 2012). However, this assessment cannot be used for this development as it has different pollution risks.

### Recommendation 4

The proponent should consider the potential for groundwater contamination through infiltration of untreated stormwater.