



Your Ref: SSD-9601

Contact: Kerren Ven on 9725 0878

28 February 2020

Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Shaun Williams,
Planning Officer, Industry Assessments

Dear Sir/Madam

**SSD-9601 – 780 WALLGROVE ROAD, HORSLEY PARK – PROPOSED
UPGRADES TO PLANT 2 – RESPONSE TO SUBMISSIONS**

I refer to correspondence from the Department of Planning, Industry and Environment (DPIE) regarding the applicant's Response to Submission of the above State significant development (SSD).

Under further consideration of the proposal, Council requests that the following matters be taken into consideration.

A. Obstacle Limitation Surfaces

The chimney stack is proposed to be 35 metres in height and the controlled activity may be within the Western Sydney Airport protected airspace Obstacle Limitation Surfaces (OLS). The applicant has responded that the chimney stack is not within the OLS however, plumes from the chimney stack may be considered a 'controlled activity'. Advice should be sought from the Western Sydney Airport determining authority regarding the level of emissions from the chimney stack to determine if approval is required under the Airports Act 1996.

B. Archaeological Due Diligence

Council previous comments requested that a Heritage Impact Assessment Report be provided to consider the impact to surrounding local and state heritage items. The applicant responded that works are conducted wholly within the subject site therefore a Heritage Impact Assessment Report is not warranted.



The NSW Office of Environment and Heritage (OEH) did not raise any concerns regarding the impact adjacent to State Heritage Item no. 01370 (Prospect Reservoir and surrounding area). The NSW OEH however requested the applicant prepare an Aboriginal Cultural Heritage Assessment Report.

The Aboriginal Due Diligence Assessment Report prepared by Biosis dated 22 January 2020 reveals that a site investigation was conducted with consultation with the Deerubbin Aboriginal Land Council is significantly low. Council raises no objection, subject to a condition being imposed as follow:

Should any potential objects, relics or items be found during construction works and carrying out of the activity, the operation of the development must stop and notify the Office of Environment and Heritage (OEH) unless authorised in writing by the NSW OEH.

C. Staff and Visitor Parking

Council requested further information regarding sufficient parking for staff and visitors. The applicant provided a Traffic Letter prepared by Ason Group dated 18 December 2019 that the northern section of Plant 2 from Ferrers Road is currently unmarked however able to accommodate 63 car spaces in compliance with the minimum requirements of AS28890.1. Council raises no objections subject to the condition that the northern portion of the site to accommodate car spaces shall be formalised in accordance with AS/NZ 2890.1:2004. The car spaces must be line marked to maximise car spaces, improve safety for users, and reduce dust and proper discharge of stormwater.

D. On-site Detention Design

Council requires the on-site detention system to be designed in accordance with clause 4.5.1.2 of Council's Stormwater Management Policy (Sept 2017). Detailed cross section of the OSD basin shall be included in the final design. Council's Development Engineers have reviewed the applicant's response and require detailed calculations of OSD design to include stormwater plans to demonstrate the storage volume and site discharge in accordance with the Stormwater Management Policy. Plans must also provide a long section through the OSD basin and headwall at discharge point.

E. Biodiversity Assessment

Council's Natural Resources Team have reviewed the provided Landscape Plan prepared by Geoscape Landscape Architects, job No 191126 dated 28/12/2019 and the Biodiversity Development Assessment Report prepared by Cumberland Ecology dated 06/02/2019 and provide the following comments:

i. Landscape Plan

The landscape plan indicates additional planting to the site. The landscape plan needs to be reflected in the BDAR and development footprint. It is noted that the landscape area is amongst previously recorded Cumberland Plain Land Snail sightings.

ii. Biodiversity Development Assessment Report (BDAR)

The consultant has suggested the following credit requirements for the clearing of:

1. PCT 849 - Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (0.11 ha - **2 credits required**).
2. PCT 1232-Swamp Oak floodplain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion (0.03 ha – **1 credit required**).

Ecosystem Credit Species

The consultant has provided a list of the predicted ecosystem credit species for the vegetation zones within the Development Site, and whether they have been retained within the assessment following consideration of habitat constraints, geographic limitations, vagrancy and quality of microhabitats. Ten species have been removed from the assessment, based on the absence of habitat constraints. The consultant needs to clarify why they are not addressing the 26 species to be retained for assessment that are identified in table 9 of the Report.

Species Credit Species

A total of 17 flora species credit species and 23 fauna species credit species have been predicted for the Development Site.

The following species have been retained for further assessment and have been targeted during surveys:

- Flora Species: *Cynanchum elegans*; *Marsdenia viridiflora* subsp. *viridiflora*
- Fauna Species: Cumberland Plain Land Snail

The consultant needs to provide reasons for the following assumptions regarding no surveys for the following Threatened Species within the 10 km radius given that the area was in a drought at the time of assessment:

- *Pimelea spicata*
- Green and Golden Bell Frog

The Cumberland Plain land Snail has been retained in the assessment however, there is no species credits listed in the credit report. Council officers have previously visited the site and noted that the Cumberland Plain Land Snail was present and subsequently recorded on Atlas in 2015 (Shown on Seed website). There is inconsistency between Seed website records and BDAR site records for Cumberland Plain Land Snail.

The consultant needs to clarify why the removal of vegetation (food source) for all Macro and Micro bat species has not been accounted for.

F. Hydrogen Fluoride Scrubber

Councils Environmental Management Section have reviewed the submitted documentation for the proposed upgrade to plant 2 and the response from the NSW EPA.

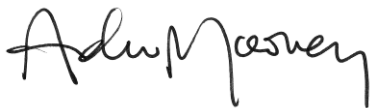
The main issue for the community would be air pollution in particular total suspended particles (TSP) and odour. The proposed upgrade to plant 2 will provided an improvement to air pollution. However, the NSW EPA has an issue with the efficiency rate of the proposed hydrogen fluoride (HF) scrubber.

Council concurs with NSW EPA that proposed hydrogen fluoride (HF) scrubber needs to be of a design to meet international best practice (90-99 %). However, the impact of any upgrade (including the proposed upgrade) would be of benefit to the community.

A change in the HF Scrubber would need to be addressed in an updated operational waste management plan for the waste generated from the different scrubber.

If you have any queries regarding the above, please contact Kerren Ven on 9725 0878.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Andrew Mooney', written in a cursive style.

Andrew Mooney

ACTING MANAGER STRATEGIC LAND USE PLANNING