



Department of Planning and Environment

Ms Kathryn Moreira

Our ref: DOC22/28890

Industry Assessments
Planning and Assessment Group
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Your ref: SSD-7401 MOD 3

27 January 2022

Dear Ms Moreira

Subject: EES comments on Environmental Assessment for the Modification Application for Bettergrow Resource Recovery Facility - MOD 3 amendment to weighbridges, carparking and stormwater– SSD-7401-MOD 3 – 24 Davis Road, Wetherill Park

Thank you for the email of 14 January 2022 requesting advice on the Modification Application (MOD 3) – Environmental Assessment (EA) for this State significant development.

The Environment, Energy and Science Group (EES) has reviewed the EA for the MOD 3 proposal and provides its recommendations and comments at Attachment A.

Under section 7.17(2) of the Biodiversity Conservation Act 2016, a biodiversity development assessment report (BDAR) is required to be submitted with an application for the modification of a development unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values. The Environmental Assessment states the proposed MOD 3 requires the removal of Cumberland Plain Woodland (CPW), which is listed as a critically endangered ecological community, which was itself an offset for vegetation loss from MOD 1.

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,

27/01/22

Susan Harrison
Senior Team Leader
Greater Sydney Branch, Biodiversity and Conservation
Environment, Energy and Science

Attachment A

Subject: EES comments on the Environmental Assessment of the Modification Application for Bettergrow Resource Recovery Facility - MOD 3 amendment to weighbridges, carparking and stormwater – SSD-7401-MOD 3 – 24 Davis Road, Wetherill Park

The Environment, Energy and Science Group (EES) has reviewed the Environmental Assessment (EA) for this modification application (SSD-7401-MOD 3) and provides its recommendations and comments below.

Under section 7.17(2) of the Biodiversity Conservation Act 2016, a biodiversity development assessment report (BDAR) is required to be submitted with an application for the modification of a development unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values. This is regardless of whether a BDAR was prepared for the original application or any other previous modification applications. Section 5.1 of the EA states the proposed MOD 3 requires the removal of a portion of Cumberland Plain Woodland (CPW), which is listed as a critically endangered ecological community (CEEC), which was itself an offset for vegetation loss from MOD 1.

Further minor vegetation removal is required to facilitate access to the subject site for heavy vehicles, for the installation of parking spaces, for stormwater and for the installation of the ecoceptor system (page 25). Section 5.10 of the EA notes the proposed modification includes excavation works required for the installation of the ecoceptor to be undertaken within a small portion of CPW CEEC (page 29).

Overall, the EA states in Section 5.1 that “the proposed modification requires the removal of an additional 0.017 ha of CEEC vegetation” but Table 6 indicates the total CEEC removed following the proposed MOD 3 is 0.070 ha and that 0.017ha of exotic vegetation is to be removed (page 25). The RtS needs to clarify the total area of CEEC that is proposed to be removed by the MOD 3 proposal and whether it is 0.070ha or 0.017ha.

EES notes that Table 6 refers to ‘a nominal 2m buffer’ and it states the “proposed modification does not exceed amount of CEEC vegetation offset via payment into the BCF. SSD-7401-MOD-2 impacts (besides nominal 2m buffer) not quantified to date”. The RtS needs to clarify what this means. For noting, a payment to the Biodiversity Conservation Fund (BCF) does not negate the need for a BDAR under BC Act. One of the roles of the BDAR is to show the efforts made to avoid and minimise impacts to biodiversity values.

EES recommends the RtS provides details on the total number of trees to be removed by the MOD 3 proposal and the tree species.

The approved Site Plan for SSD-7401-MOD 1 shows 12 carparking spaces were previously proposed along the western boundary of the site to the north of the western parcel of retained CPW (see page 197/206 of the EA for MOD 3). The MOD 3 EA indicates to facilitate the weighbridge installation and improve site safety, these 12 vehicle parking spaces have been relocated to three positions, including:

- (a) five (5) parking spaces immediately east of the existing site office
- (b) two (2) parking spaces located north of the inground sand filter, abutting the western façade of the drill muds processing shed

- (c) five (5) parking spaces located on the hardstand area immediately north of the western parcel of retained CPW.

It is unclear which proposed carparking spaces require the removal of the CPW which Section 5.1 of the EA indicates will need to occur to facilitate the installation of parking spaces. The RtS needs provide details on this. For example, it is unclear if:

- the five carpark spaces noted in point (a) above which are proposed to be located immediately east of the existing site office will impact remnant native vegetation. Figure 4 shows the proposed carpark is near the CPW, or if
- the carpark noted in point (c) above will require any removal of CPW. Figure 4 shows the proposed carpark is located immediately to the north of the CPW.

If the proposed carpark spaces noted in point (a) will impact CPW, EES queries why the car park spaces can't be located along the southern boundary of the site building (see blue arrow in Figure 4 below). The RtS should provide details on this.

The MOD 3 proposes five parking spaces (as noted in point (c) above) which are to be located on the hardstand area immediately north of the western parcel of retained CPW (as shown on Figure 4 of the EA (see below). EES queries why these five parking spaces can't be located next to the proposed two parking spaces (as note in point (b) above) which are proposed to be located north of the inground sand filter, abutting the western façade of the drill muds processing shed (see red arrow on Figure 4 below) particularly as the proposed five car parking spaces adjoin the retained CPW. The EA indicates the site slopes from north to south so runoff from the carpark has the potential to enter CPW unless adequate mitigation measures are in place. Relocating the five carpark spaces to adjoin the proposed two parking spaces would prevent earthworks and sediment runoff associated with the carpark construction and surface runoff during operation of the carpark from being immediately adjacent to the CPW.

Section 5.1 of the EA states "The proposed modification has been designed so that only vegetation on the fringes of CEEC Cumberland Plain Woodland is impacted" It is unclear if the proposed replacement 25m by 4.2m weighbridge (which is to replace the five (5) approved weighbridges with one (1)) will impact any CPW. The RtS should clarify this. If so, EES queries why the proposed replacement 25m by 4.2m weighbridge (which is to replace the five (5) approved weighbridges with one (1)) can't be located further north on the road where a truck is shown on Figure 4 so it won't interfere with the CPW (see yellow arrow on figure 4 below).



Section 5.1 of the EA notes the flora and fauna mitigation measures which were included as part of the MOD 2 proposal remain current under the proposed MOD 3 proposal and are included in the consolidated Statement of Commitments under Appendix F. EES agrees the flora and fauna mitigation measures should remain current under the MOD 3 proposal.

End of Submission