

16 March 2023

Jack Turner
Senior Environmental Assessment Officer
Resources Assessment
Department of Planning and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

Reply by email: jack.turner@planning.nsw.gov.au

Dear Mr Turner

KILLINGWORTH TO KOORAGANG ISLAND GAS PIPELINE MODIFICATION (SSI-46360740-MOD 1)

I refer to the email of 24 February 2023 from the Department of Environment and Planning (DPE) notifying City of Newcastle (CN) of an application seeking approval to modify the Infrastructure Approval (SSI- 46360740) of the above State significant infrastructure. The proposed modified development involves the construction and operation of a new pipeline connection and associated infrastructure at Lenaghan to allow the transmission of natural gas between the existing Killingworth to Kooragang Island Gas Pipeline and the Kurri Kurri Lateral Pipeline. The DPE has also requested CN's advice on the modified development.

The Modification Report (MR) has been reviewed and the following advice is provided for your consideration:

1. Biodiversity

The MR is supported by a Biodiversity Development Assessment Report (BDAR) which follows the requirements of the *Biodiversity Conservation (BC) Act 2017* along with the principles of the Biodiversity Assessment Method (BAM) which is a part of the Biodiversity Offsets Scheme (BOS). The BDAR sets out the extent of each of the affected plant community types requiring removal resulting from the proposed development across the three local government areas affected by the proposal. A total of 0.1ha of native vegetation is proposed to be removed.

Following the application of avoidance and mitigation measures, and the completion of seasonal biodiversity surveys, the BAM assessment identified that biodiversity credits are required to offset the impacts of the development. It is noted, however, that the Biodiversity Credit Report (BCR) (Appendix D) has not been finalised as is a requirement of the BC Act. Accordingly, the BCR will need to be finalised.

2. Flood management

According to information provided in the Newcastle City-wide Floodplain Risk Management Study and Plan (BMT WBM June 2012), the subject site is affected by Ocean and Hunter River Flooding during both the 1% Annual.

Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. CN does not have any flood modelling for flash flooding. The pertinent characteristics of this flooding are based upon the higher Hunter River Flood as follows:

Flood Type:

Is any part of the site a floodway? - No

Is any part of the site a flood storage area? - Yes

1% AEP Level / Velocity / Property Hazard - 3.82m AHD / 0.1ms⁻¹ / P3

PMF Level / Velocity / Life Hazard - 6.68m AHD / 0.1ms⁻¹ / L1 (H)5

While it is acknowledged that the provisions of the Newcastle Development Control Plan (NDCP) 2012 do not apply State significant infrastructure developments they are often used by both applicants and the DPE to consider various aspects of such developments.

In accordance with Section 4.01 'Flood Management' of the NDCP 2012, development on this allotment is subject to the following requirements:

- a) The proposed development is considered to pose a low risk to life with the relevant consideration being potential risk to property.
- b) To manage property risk the floor levels of any occupiable rooms in a new development on this site shall not be lower than the flood planning level (1% AEP 3.82m AHD + 500mm freeboard = 4.32m AHD).

It is unclear as to the exact nature of the Meter Station and the associated risk to property that would result should this facility be inundated. However, it would be recommended to consider installing any equipment or the like that could be affected by floodwaters at or above the flood planning level of 4.32m AHD.

It is assumed that based upon the Modification report that the underground gas pipe itself would be unaffected by flood impacts.

Section 6.4.1.5 Flooding of the MR references Figure 6.5 and Figure 6.6 which are results of flood modelling for the development area. The mapping is not clear as to what flood regime this represents but by the nature of the map it appears to be a compilation of all flood regimes for the 1% AEP flood event. This identifies that the Jemena Meter Station would be largely unaffected by the 1% AEP flood. No actual flood levels have been provided (only depth) however it confirms CN's flood modelling that the Meter Station would be largely unaffected by the 1% AEP flood. If the Applicant can confirm more accurate modelling of the 1% AEP flood regime for the site, then the DPE may wish to consider providing a 500mm freeboard based upon that updated flood assessment.

3. Stormwater Management

All development should be designed in accordance with Section 7.06 Stormwater of NDCP 2012. It appears there would be minimal impervious area to manage, however consideration should be given to managing any impervious area runoff in accordance with the NDCP.

4 Vehicular access, driveway design and crossing location

All development should be designed in accordance with Section 7.03 Traffic, Parking and Access of NDCP 2012 and the car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities.

4 Bushfire Risk

The Newcastle Bush Fire Prone Land Map (2018) identifies the subject land as bush fire prone land (Vegetation Category 3). The MR refers to bushfire management as one of several recommended control measures to mitigate the impacts of the development on the biodiversity features of the subject land. It is recommended that further consideration be given to mitigating the impacts of bushfire on the Meter Station and other above ground infrastructure.

5 Acid Sulphate soils

According to the MR (Pg36), the ' *Acid Sulphate soils (ASS) are not mapped within the Modification Area*'. This statement is not correct, the Acid Sulphate Soils Map of the NLEP 2012 identify the ASS which affect the subject land. Consideration should also be given to clause 6.1 Acid sulfate soils of the plan.

6. Transport and delivery of pipeline

It is recommended the Applicant be required to provide more information regarding the dimensions of the line pipe, and whether the transportation of the pipes from the Port of Newcastle to the subject site will necessitate modifications to road infrastructure along the route to the subject site.

6 Section 7.12 Development Contributions

The provisions of CN's Section 7.12 Development Contributions Plan, which became operational on 1 January 2022, apply to the subject site. Under the plan, a contribution rate of 1% of the cost of the development applies to all non-residential developments having a cost of more than \$200,000. It is recommended that in accordance with section 5.22(3) of the *Environmental Planning & Assessment Act 1979* the Applicant be required to address the requirements of the above Section 7.12 Plan and submit a cost summary report for the Modified Proposal.

If you have any questions in relation to the various matters raised in this letter, please contact Geof Mansfield Principal planner (Development) on 4974 2767 or by email on gmansfield@ncc.nsw.gov.au.

Yours faithfully



Priscilla Emmett
DEVELOPMENT ASSESSMENT SECTION MANAGER