



Office of Environment & Heritage

Your reference: SSD 5544 MOD 1
Our reference: DOC14/296435
Contact: Richard Bonner, 9995 6917

Ms Pamela Morales
Planning Officer, Industry Assessments
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Morales

I refer to your letter received on 4 December 2014 by the Office of Environment and Heritage (OEH) seeking comments on a proposed modification to the consent for the Kurnell Refinery Conversion development (SSD-5544) to facilitate the demolition, dismantling and removal of redundant refinery units, tanks, pipelines, services and buildings.

OEH has reviewed the Statement of Environmental Effects (SEE) prepared for the proposed modification and provides the following advice in relation to the assessment of biodiversity impacts:

- The SEE states the proposed development will not involve the removal or modification of any remnant native vegetation and that there is a low likelihood of threatened biota and endangered ecological community (EEC) vegetation being present because the works are being undertaken in a highly modified and disturbed landscape largely devoid of native vegetation or fauna habitat.
- The proposed removal of the redundant Continental Carbon (CC) Pipeline, however, has the potential to impact on vegetation (albeit disturbed) which constitute Sydney Freshwater Wetlands (SFW) and Kurnell Dune Forest (KDF) EECs. The SEE does not acknowledge KDF EEC shown in *The Native Vegetation of the Sydney Metropolitan Area* (OEH, 2013) on land adjoining the CC Pipeline. In addition, no targeted surveys have been undertaken, despite recent reliable records, for a number of threatened species which are likely to have suitable habitat within these EECs (e.g. the vulnerable Wallum Froglet and the endangered Green and Golden Bell Frog [GGBF]). OEH also notes the endangered *Pterostylis* sp. Botany Bay (Botany Bay Bearded Greenhood) is not included in the list of threatened biota considered to have potential to occur within the development area. OEH recommends additional biodiversity assessment be undertaken of the land adjoining the CC Pipeline.
- OEH is of the view that if the direct and indirect impacts of the proposal are to be effectively managed through the proposed Biodiversity and Weed Management Plan (BWMP) then the biodiversity values of the area adjoining the CC Pipeline should be considered. This is of particular importance for SFW EEC, the GGBF and Botany Bay Bearded Greenhood (BBBG) which can be found in disturbed landscapes. It is also important for KDF EEC which may be indirectly impacted in the longer term because local hydrology changes associated with excavation,

stockpiling and other ground-disturbing activities. OEH recommends the potential direct and indirect biodiversity impacts in relation to the CC Pipeline component of the proposal be reassessed.

- OEH notes the mitigation and management measures to be included in the BWMP to address the potential biodiversity impacts of the development. However, in the absence of targeted surveys and a detailed description of the actual demolition works (e.g. machinery/equipment access, stockpile and decontamination areas) it is difficult to assess the efficacy of some measures. OEH therefore recommends a more proactive BWMP be adopted which avoids direct and indirect impacts on threatened biota likely to be present. This should include pre-work biodiversity surveys (in addition to the daily trench inspections for frogs proposed at K3) within and adjacent to relevant impact areas (e.g. the CC Pipeline). Appropriate actions should be incorporated in the BWMP to avoid and mitigate impacts if threatened biota is found. Any unavoidable impacts on EEC vegetation or threatened species habitat should be offset through compensatory works elsewhere on the Caltex site.

Please contact Richard Bonner, Conservation Planning Officer, on 9995 6917 should you wish to discuss this advice. Please note the postal address for OEH's Regional Operations Parramatta Office.

Yours sincerely

S. Harrison 16/12/14

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