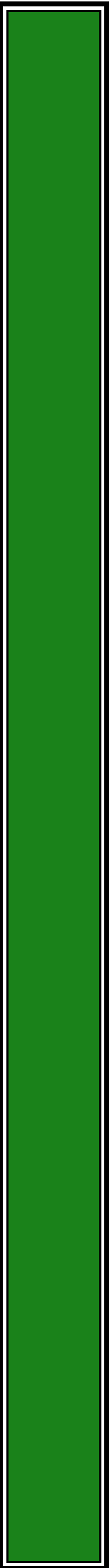


Appendix 3

Responses to Consultation



Neil Kennan

From: COLLAGUAZO David <David.COLLAGUAZO@rms.nsw.gov.au>
Sent: Wednesday, 13 April 2016 3:33 PM
To: 'kennan@ozemail.com.au'
Cc: MCHATTON Amy
Subject: RE: State Significant Development, Frazer Park

Hi Neil,

Thank you for your email. Roads and Maritime provides no further comment in relation to the proposed Resource Recovery Facility at Frazer Park.

The comments provided by Roads and Maritime dated 4 June 2014 in response to the request for SEAR's remains current for the purpose of the EIS.

If you have any further questions or comments, you can contact me on the number below or email development.hunter@rms.nsw.gov.au

Regards,

David Collaguazo
A/Manager Land Use Assessment
Land Use Development | Hunter Region
T 02 4924 0334 F 02 4924 0342
www.rms.nsw.gov.au

Roads and Maritime Services
59 Darby St Newcastle NSW 2300

From: Neil Kennan [<mailto:kennan@ozemail.com.au>]
Sent: Saturday, 19 March 2016 3:53 PM
To: TAMHANE Ashish
Subject: State Significant Development, Frazer Park

Dear Sir,

Please see attached letter.

Regards,

Neil

.....
Neil Kennan
Nexus Environmental Planning Pty Ltd
PO Box 212
CONCORD NSW 2137

T: (02) 9736 1313
F: (02) 9736 1306
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Office of Environment & Heritage

ED16/190
B3047

Mr Neil Kennan
Nexus Environmental Planning Pty Ltd
PO Box 212
CONCORD NSW 2137

Dear Mr Kennan

RE: ADDITIONAL COMMENT ON SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR PROPOSED HODGSON QUARRY RESOURCE RECOVERY FACILITY (SSD 6518) ENVIRONMENTAL IMPACT STATEMENT, FRAZER PARK

I refer to your letter dated 19 March 2016 seeking further comment and/or requirements for the Secretary's Environmental Assessment Requirements (SEARs) for the proposed Hodgson Quarry Resource Recovery Facility at Frazer Park in the Lake Macquarie local government area.

The Office of Environment and Heritage (OEH) provided input to the SEARs on 30 May 2014. Some minor aspects of this advice in regard to biodiversity assessment have changed since that date. Please note that:

- The proposal may be assessed under the 'Framework for Biodiversity Assessment' (FBA), which was released on 1 October 2014. OEH would support this, however, the Department of Planning and Environment as the consent authority would have to endorse this approach. Furthermore, it is likely that the OEH component of the SEARs would need to be re-issued. If you chose this pathway, the proponent will need to ensure that the biodiversity assessment is fully consistent with requirements of the FBA guidelines (OEH 2014a) and must be conducted by a person accredited in accordance with section 142B(1)(c) of the *Threatened Species Conservation Act 1995* (TSC Act). The FBA uses the BioBanking Credit Calculator (OEH, 2014b) to measure ecosystem and species credit yields. Given that the FBA is a relatively new state wide policy, the consultant is welcome to contact OEH with any questions they may have regarding the methodology.
- If utilising the BioBanking Assessment Methodology (BBAM) to assess either a development impact or to inform the offsetting process you will need to use 'BioBanking Assessment Methodology 2014' (OEH 2014b). On 1 October 2014, a new version of the BioBanking Credit Calculator (BioBanking Assessment Methodology 2014 [OEH 2014b]) has become the compulsory version of the tool to use for BioBanking assessments (see www.environment.nsw.gov.au/biobanking/calculator.htm for more details). This new version includes updated vegetation types (now known as 'Plant Community Types') and threatened species information, as such any new assessments will need to be run through this version of the tool and appropriate credit files submitted. OEH supports and recommends BBAM as the preferred assessment method, however, applications that have utilised the 2012 version of the tool cannot be assessed.

- With respect to securing a biodiversity offset in perpetuity, OEH now considers the following measures:
 - the establishment of BioBanking sites with BioBanking agreements under the *Threatened Species Conservation Act 1995*
 - the retirement of BioBanking credits (where appropriate credits are available)
 - the dedication of land as a public reserve under the *National Parks and Wildlife Act 1974*
 - a Trust Agreement in-perpetuity registered on title under the *Nature Conservation Trust Act 2001*
 - a Planning Agreement under s 93F (soon to be s116T) of the *Environmental Planning and Assessment Act 1979*.

Note:

- OEH preferred method of securing an offset is under the BioBanking provisions of the *Threatened Species Conservation Act 1995* (i.e. a registered BioBanking Agreement site).
- OEH no longer supports public positive covenant under s88E of the *Conveyancing Act 1919* as an appropriate conservation mechanism to secure and/or manage biodiversity offsets.
- Although OEH has supported the use of a conservation agreements under the NPW Act as one of the acceptable offsetting mechanisms in the past we are now generally of the opinion it is not a suitable instrument for commercial developments proposals. OEH is reviewing this approach and it is advisable that if you are considering this mechanism you contact OEH's Conservation Partners Program (ph: 9995 6761) about its applicability.

If you require any further information regarding this advice please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4927 3158.

Yours sincerely

 19 APR 2016

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

cc Mr David Mooney, Department of Planning & Environment, GPO Box 39, Sydney, NSW, 2001

References:

OEH (2014a) *Framework for Biodiversity Assessment*. September 2014. NSW Office of Environment and Heritage, Sydney. www.environment.nsw.gov.au/resources/biodiversity/140675fba.pdf

OEH (2014b) *BioBanking Assessment Methodology 2014*. September 2014. NSW Office of Environment and Heritage, Sydney. www.environment.nsw.gov.au/resources/biobanking/140661BBAM.pdf