



Enirgi Power Storage Recycling Consolidation Project
Modification
Environmental Assessment
Appendix B

November 2019

Appendix B – Agency Correspondence

19 October 2018

APA Reference: 201801019_LO_441324
Your Reference: SD6619

Darren Nelson
General Manager, Enirgi
212 East Bomen Road
Bomen NSW 2650

EMAIL OUT: Darren.Nelson@enirgirecycling.com.au

Dear Darren,

**RE: Development at Enirgi Recycling Facility, 509 Byrnes Road Bomen
Lot 21 DP1128492, Lot 1 DP850711, Lot 3 DP594679
Expansion of the existing Resource Recovery Facility (including new buildings, structures, and road)**

Thank you for your email dated 27 September 2018 which raises the application requirement for:

"a report following consultation with APA Group (pipeline operator) along with any agreed actions between the Applicant and APA Group to ensure that both pipelines can continue to comply with AS 2885 throughout the life of the development."

The application includes Lot 3 DP594679, which is burdened by an 20m wide easement in favour of East-Australia Pipeline Limited (owned by APA) as shown in sheets 1 and 2 in DP499015.

The easement contains the pipelines as detailed in Table 1 for details.

Table 1: Transmission gas pipelines in the area of consideration

Pipeline	Pipeline Licence	Easement Width (m)	Diameter (mm)	Measurement Length (m)
Young – Wagga Wagga Pipeline	19	20	300	294
Young – Wagga Wagga Looping	19	20	450	452
Note: measurement length is applied to either side of the pipeline.				

APA has statutory obligations to ensure our pipelines are maintained and operated in accordance with Australian Standard 2885 (AS2885). Apart from direct impact to the pipeline, AS2885 requires APA to consider development and land use within the Measurement Length (ML) of the pipeline, which is the affected area in the case of a full bore pipeline rupture. The ML varies with operating pressure and pipeline diameter, and in this case the larger ML is 452m (see Table 1). If development occurs within the ML, which changes the risk profile, additional pipeline protection measures may be required.

While the pipeline itself is well clear of existing and proposed development, the ML must also be considered in assessing proposed development, in order to maintain compliance with AS2885. As existing infrastructure and restriction on part of the subject site, the pipeline location should have been noted in the Preliminary Environmental Assessment and Environmental Impact Statement, and prompted consultation with APA during early stages of development considerations. The existence of

the pipeline should have been easily identified during site investigations (as it is clearly marked with above ground pipeline signage, and noted on the title document).

Figure 4-1 of the EIS provides an "Overview of new infrastructure" which shows new infrastructure will be located close to the existing development and will not extend further to the east towards the pipeline. It is assumed that all works will be contained within the "Project boundary" as shown on Figure 4-1, which is no less than approximately 40m from APA's easement (measured from the southeast corner of the project boundary). On the basis that no development will be occurring within 40m of the APA easement, APA has no concerns regarding any direct impact on the pipeline, as a result of the development and construction activity.

The proposed development is within the pipeline ML (area of consequence). However, APA has no concerns on this basis, given the development:

- is not for a sensitive use under AS2885 ("use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure")
- does not change the land use classification (under AS2855) from the current High Density (T2) location class.

Therefore, APA has no objection to the proposed development of the site and does not require any conditions placed on the development. No further report is considered necessary in responding to the quoted application requirement.

APA does not seek to unnecessarily inhibit future development proximate to our assets and is happy to work with Council, State, and development proponents to achieve mutually acceptable and compliant outcomes. Any interested parties are strongly encouraged to contact APA early to discuss the process of integrating APA assets into future urban developments.

Should you wish to discuss the contents of this correspondence, or have any further queries, please contact me on 0459 899 076 or the Infrastructure Planning & Protection team at planningnsw@apa.com.au.

Yours faithfully,



Ross Larsen
Manager Infrastructure Protection
Infrastructure Planning and Protection



Our ref: DOC19/623038
Senders ref: SSD 6619 MOD1

Mr Bruce Zhang
Industry Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Via email: bruce.zhang@planning.nsw.gov.au

11 September 2019

Dear Mr Zhang

Subject: Clarification of SEARs for Enirgi Battery Recycling Facility (SSD 6619 Mod 1)

Thank you for your email dated 4 September 2019 seeking our clarification regarding the ☐ ☐ ☐ ☐ ☐ ☐ Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the Enirgi Battery Recycling Facility (SSD 6619 Mod 1). We are pleased to provide that clarity in response to the queries from GHD in their letter to the Department.

Biodiversity

In our SEARs response of 23 July 2019, we reiterated our earlier comments of 29 August 2018. We recommend that the proponent demonstrate to the satisfaction of Council how this matter will comply with the requirements of the Bomen Development Control Plan (DCP), consistent with the Wagga Wagga Biodiversity Certification Order 2010. Doing so means the *Biodiversity Conservation Act* 2016, including the BDAR, does not apply.

This advice relies on Schedule 2 of the Biodiversity Certification Order. Schedule 2 establishes relevant measures to be taken that will lead to the overall improvement and maintenance of biodiversity values in Wagga Wagga. Paragraph 5 specifies the adoption and implementation of the draft Bomen DCP within 12 months of the Order being gazetted.

The Yellow Box (*Eucalyptus melliodora*) woodland on the north-eastern corner of the lot subject to this matter is one of four patches identified in the Wagga Biodiversity Certification as 'low conservation value remnant patches' to be protected through the Bomen DCP (refer Figure 14 of the Preliminary Biodiversity Certification Report).

If the matter involves clearing the remnant native vegetation contrary to the Bomen DCP, it is not consistent with the Biodiversity Certification Order. In that case the *Biodiversity Conservation Act* 2016 will apply, and the matter should be accompanied by a BDAR. Attachments A and B of our original SEARs response for this modification provide guidance if that is the situation.

Aboriginal cultural heritage

The approach outlined by GHD is that the requirement for an Aboriginal cultural heritage assessment report (ACHAR) be waived in lieu of an archaeological assessment report. The rationale for this is that the assessment area for the modification has been significantly reduced in size and limited to areas of cleared vegetation, previous disturbance and levelling. The results of an AHIMS search presented by GHD indicates there are no previously recorded AHIMS sites in the reduced assessment area.

The approach GHD have outlined for Aboriginal cultural heritage (ACH) assessment is acceptable if the archaeological assessment is prepared in accordance with the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales' (DECCW 2010; The Code of Practice). Importantly, an archaeological survey must be conducted in accordance with requirements 5-10 of the Code of Practice and a report prepared in accordance with Requirement 11 of the Code of Practice.

If ACH values are identified in areas proposed for ground impacts during the archaeological investigation, ACH assessment must then be undertaken in accordance with that outlined in our original SEARs response for this modification. It is important to note that this would include conducting consultation in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (DECCW 2010) to determine cultural heritage values, and guide management and the results of the assessment presented in an ACHAR.

Flooding

Being outside the influence of the Murrumbidgee River, any potential for flooding within the proposed site would be attributable to local flooding. Local flooding includes flooding from major overland flow paths or from any waterways on the site and may be impacted by alterations to the existing irrigation and storm water disposal systems.

Analysis using information from the Wagga Wagga Special Activation Precinct Flooding and Water Quality Technical Baseline Report (Rhelm, 29 July 2019), indicates that the site is flood free from overland flow at the modelled 1% level and the modelled Probable Maximum Flood. Given this the Department does not require specific flood modelling regarding overland flow on the site. The main water related issues that may be relevant pertain to water quality, specifically to the capture of rainfall runoff and potential for accession to groundwater if runoff is to be stored on site.

If you have any questions regarding this matter, please contact me on (02) 6022 0623 or via rog.southwest@environment.nsw.gov.au.

Yours sincerely



ANDREW FISHER
Senior Team Leader Planning
South West Branch
Biodiversity and Conservation Division
Department of Planning, Industry and Environment