



Office of
Environment
& Heritage

DOC16/284356
SSD 6835

Ms Deana Burn
Planner, Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Burn

Response to Submissions – Lucas Heights Resource Recovery Park (SSD 6835)

I refer to your email dated 9 June 2016 inviting the Office of Environment and Heritage (OEH) to comment on the proponent's response to submissions (RTS) for the Lucas Heights Resource Recovery Park (SSD 6835).

OEH has reviewed the documentation provided by the proponent and provides comments on biodiversity at Attachment 1.

If you have any queries regarding this matter please contact Marnie Stewart, Senior Regional Operations Officer on 9995 6868.

Yours sincerely

S. Harrison 07/07/16

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

Contact officer: MARNIE STEWART
9995 6868

ATTACHMENT 1: Office of Environment and Heritage (OEH) comments on the Response to Submissions for Lucas Heights Resource Recovery Park (SSD 6835)

OEH previously provided comments on the proposal in relation to biodiversity on 15 December 2015 and 4 February 2016. The key issues raised by OEH included:

- Need to accurately report the number of *Allocasuarina diminuta* subsp. *Mimica* ramets or individuals to be impacted;
- Need to estimate the number of credits required for *Allocasuarina diminuta* subsp. *Mimica*;
- *Prosthanthera saxicola* is considered likely to occur on site, and surveys for this species were not undertaken at the correct time of year;
- The draft Biodiversity Offset Strategy (BOS) does not address the *Framework for Biodiversity Assessment* (FBA) requirements outlined in Table 22 of Appendix 7;
- Concerns about the availability of species credits required to offset impacts for the *Allocasuarina diminuta* subsp. *Mimica* endangered population, potentially for the *Prosthanthera saxicola* endangered population, and *Acacia bynoeana*;
- No evidence has been provided that the required species credits for threatened fauna (Eastern Pygmy-possum, Giant Burrowing Frog and Rosenberg's Goanna) will be available;
- Due to the high risk of the required credits not being available, it is not appropriate to delay addressing OEH's comments until after the Response to Submissions (RTS); and
- The BOS should be revised to address OEH's comments prior to determination of the project.

OEH has reviewed the Lucas Heights Resource Recovery Park Project RTS and Preferred Project Report dated June 2016 and associated documentation and provides the following comments.

1. Biodiversity Offset Strategy

Offsets

OEH has reviewed the BOS attached to the RTS and it still does not appropriately address the requirements of the FBA for the Advanced Resource Recovery Technology (ARRT) half of the project, nor for all of the credits for the Garden Organics (GO) project. Table 22 (Appendix 7) of the FBA is quite restrictive in requiring that the offset sites be identified and shown to be suitable in the BOS that is submitted with the Biodiversity Assessment Report (BAR).

The BOS has identified suitable credits available for sale to meet the ecosystem credit requirements of the GO site, but not the species credits requirements for the Eastern Pygmy Possum. For Eastern Pygmy Possum (EPP), the proponent intends to either generate suitable credits on existing BioBanking sites or work with Sutherland Shire Council (SSC) to create a BioBanking site on (presumably) a Council reserve. The proponent then aims to retire these credits before construction of the GO facility commences.

OEH has the following concerns with this approach:

- The proponent has not demonstrated an agreement from the credit holder to sell the existing ecosystem credits;
- The proponent has not demonstrated an agreement by any existing BioBanking site owner to create EPP credits on their site, nor do they appear to have undertaken any discussion with landholders; and
- The proponent has not demonstrated that any existing site would be suitable for generating EPP credits, nor do they appear to have undertaken any discussion with landholders.

These shortfalls are magnified in the case of the ARRT proposal due to the very restricted distribution of *Allocasuarina diminuta* subsp. *mimica* which will make sourcing appropriate credits difficult. This is in addition to failing to identify committed offset sites, available ecosystem credits or EPP species credits. The BOS does not mention that any Expressions of Interest (EOI) have been placed on the BioBanking register in order to source appropriate credits, nor does the BOS discuss the use of the variation rules available within the FBA and Offsets Policy once an EOI has been unsuccessful in sourcing credits.

As the proposal was exhibited in late 2015, there has been ample opportunity for the proponent to go through the process of reasonable steps to identify and secure like-for-like offsets. As the proponent has not determined whether offsets are available, the use of variation rules and supplementary measures (if the variation rules fail) has not been explored in the BOS. Without the proponent going through this process, it is impossible for the approval authority to determine if suitable credits, credit variations or supplementary measures are available to support the project.

Overall number of credits required

A review of the data in the calculator and shapefiles for the project showed that the Patch Size was incorrectly entered (>500 ha instead of >1000 ha), which has implications for the Patch Size score and subsequently the credits required. This error has since been corrected by the proponent and the credits required for the GO project have increased from 185 to 188 and for AART from 143 to 147. This should be reflected in the Conditions of Approval.

(END OF SUBMISSION)