



Office of
Environment
& Heritage

DOC16/284356
SSD 6835

Ms Deana Burn
Planner, Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Dear Ms Burn

I refer to your email dated 8 August 2016 inviting the Office of Environment and Heritage (OEH) to comment on the proponent's response to OEH's comments on the biodiversity offset strategy (BOS) for the Lucas Heights Resource Recovery Park (SSD 6835).

As you are aware, OEH has previously raised concerns that it was not appropriate to delay identifying and securing credits until after approval of the project due to the high risk of the required offsets not being available. OEH has reviewed the documentation provided by the proponent and, while some progress has been made, does not consider that these concerns have been adequately addressed. We remain firm in our view that the proposal needs to meet the requirements of the government endorsed *NSW Biodiversity Offsets Policy for Major Projects*.

Detailed comments are provided at Attachment 1.

OEH would welcome an opportunity to discuss the proposal and Marnie Stewart, a Senior Planner in the Greater Sydney team, will give you a call. Marnie can be contacted on 99956868.

Yours sincerely

DAVID TREWIN
Regional Manager Greater Sydney
Regional Operations

Contact officer: MARNIE STEWART
02 9995 6868

18/08/2016

ATTACHMENT 1

Office of Environment and Heritage (OEH) comments on further information on Biodiversity Offsets Strategy for Lucas Heights Resource Recovery Park (SSD 6835)

OEH has reviewed the letter from GHD to Suez Recycling and Recovery Australia dated 29 July 2016, provided in response to OEH's letter dated 7 July 2016 on the Lucas Heights Resource Recovery Park Response to Submissions (RTS) and Biodiversity Offset Strategy (BOS).

Biodiversity Offset Strategy

The GHD letter restates that the proponent wishes to stage the securing and retirement of credits, deferring credit sourcing for the Advanced Resource Recovery Technology (ARRT) half of the project until such time it is to be constructed.

OEH notes that GHD has:

- Issued a request for a credit price to ecosystem credit providers for the Garden Organics (GO) facility;
- Commenced consultation with Hornsby Shire Council (HSC) regarding the potential to purchase Eastern Pygmy Possum (EPP) species credits for the GO facility from a proposed biobank site at Galston;
- Identified that there is a sufficient supply of ecosystem credits for the ARRT facility, and proposes to use the same approach as with the GO facility outlined above; and
- Committed to lodging an Expression of Interest (EOI) for the project on the OEH BioBanking website for a period of 6 months, which may require 'variation to trading rules' to be applied to the project.

Whilst the above actions indicate that some steps are being taken by the proponent to identify and secure credits, the additional information provided still does not address the requirements of Table 22 (Appendix 7) of the Framework for Biodiversity Assessment (FBA) which requires that offset sites be identified and shown to be suitable in the BOS for the following reasons:

- Credits for *Allocasuarina diminuta* subsp. *mimica* have not been identified (the RTS indicates that 5154 species credits are required);
- Ecosystem credits for the GO and ARRT facility have not been purchased/an agreement has not been entered into to purchase them;
- EPP species credits will only be available for purchase if HSC's yet to be submitted BioBanking agreement application is successful, assuming that this BioBanking site will generate the correct or sufficient number of species credits; and
- It is expected that the proponent should have lodged an EOI on the BioBanking register by this stage of the development process.

Accordingly, OEH considers that its concerns, which have consistently been raised since December 2015, have not been adequately addressed. The actions undertaken by GHD to date do not provide any certainty that suitable credits are available to support the project, and subsequently the proponent has not explored the need for credit variations or supplementary measures and therefore OEH has been unable to provide any advice in this regard. Of primary concern is the failure of the proponent to seriously investigate the availability of credits for *Allocasuarina diminuta* subsp. *mimica*, given the very restricted distribution of this species.

OEH strongly recommends that these issues be addressed prior to the approval of the project. However, should DPE approve the proposal in the absence of certainty around the availability of credits, OEH does not agree to be ascribed an approval or concurrence role in the Conditions of Approval (for example in the event that credit variations or supplementary measures are proposed).

(END OF SUBMISSION)