



Date: 27 January 2017
Your reference: SSD 7751
Our reference: DOC17/49452
Contact: Calvin Houlison
4224 4179

Michelle Niles
Planning Officer
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001
E-mail: michelle.niles@planning.nsw.gov.au

Dear Ms Niles

RE: Proposed Bulli Hospital Aged Care Centre of Excellence EIS Exhibition (SSD 7751)

Thank you for consulting the Office of Environment & Heritage with regard to the abovementioned State Significant Development (SSD) major project. We have reviewed those sections of the EIS relating to:

1. Biodiversity
2. Flooding & water quality
3. Aboriginal cultural heritage

Our detailed comments are provided at Attachment A and key issues summarised below.

With regard to biodiversity, an assessment in accordance with the NSW Biodiversity Offsets Policy for Major Projects and Framework for Biodiversity Assessment (FBA) was not required given the scale of impact proposed. We note that the proponent has submitted a flora & fauna assessment (Travers, 2016) assessing the impacts of the proposal. We are satisfied the proposal is unlikely to result in a significant impact under Section 5A of the Environmental Planning & Assessment Act 1979. We suggest that a vegetation / riparian management plan be conditioned to ensure the ecological value and ongoing function of the riparian corridor is maintained.

It is unclear from the information available whether floodplain risk management has been addressed in its entirety, particularly managing adverse flood impacts, utilising appropriate hydrological techniques and achieving a suitable flood plaining level associated with critical emergency facilities consistent with the Collins Creek Floodplain Risk Management Study and Plan (2014). We also suggest that further clarity be sought on the type, configuration and performance of proposed devices to achieve water quality objectives.

With regard to Aboriginal cultural heritage, a due diligence assessment has been conducted to determine whether impact will occur to Aboriginal cultural values. The assessment did not identify any known Aboriginal objects, or potential for Aboriginal objects to occur. The assessment found that no further investigation is required at this stage. This conclusion was based on the high degree of prior disturbance and the landform type identified during the archaeological survey.

If any Aboriginal objects (including skeletal remains) are discovered during construction, all works in the vicinity of the find must stop. OEH must be contacted by calling 131 555 or contacting the Wollongong OEH office.

Please contact Calvin Houlison, A/ Senior Team Leader Planning on 4224 4179 or via e-mail calvin.houlison@environment.nsw.gov.au should you have any further queries.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. Houlison', written on a white background.

CALVIN HOULISON
A/ Senior Team Leader, Planning
South East Branch
Regional Operations Division

Attachment A: OEH Detailed Comments, Bulli Hospital Aged Care Centre of Excellence EIS

ATTACHMENT A: OEH DETAILED COMMENTS – BULLI HOSPITAL AGED CARE CENTRE OF EXCELLENCE EIS – SSD 7751

1. Biodiversity

Our suggested SEARs noted that the NSW Biodiversity Offsets Policy for Major Projects and the Framework for Biodiversity Assessment (FBA) would not need to be applied for this project. Accordingly, a Biodiversity Assessment Report (BAR) assessment and Biodiversity Offset Strategy (BOS) in accordance with the FBA would therefore not be required.

We suggested that the Department's draft SEARs be complied with, requiring flora and fauna impacts to be assessed as part of the EIS. Accordingly the proponent has submitted a flora & fauna assessment (Travers, 2016) assessing the impacts of the proposal. The assessment concludes that that the proposal is unlikely to result in a significant impact Section 5A of the Environmental Planning & Assessment Act 1979.

We are satisfied that based on the assessment submitted the proposal is unlikely to result in a significant impact under Section 5A of the Environmental Planning & Assessment Act 1979. We recommend a condition of consent be imposed requiring a vegetation / riparian management plan to ensure the ecological value and ongoing function of the riparian corridor is maintained. Subject to the mitigation measures suggested (6.1, Travers, 2016) and ongoing management being implemented, the proposal is unlikely to have a significant ecological impact.

2. Flooding & Water Quality

Flooding

As the site is subject to flooding, and lies within low, medium and high flood risk precincts, we suggest that the Department of Planning and Environment (DPE) and Council be satisfied that the following matters have been adequately addressed with relation to floodplain risk management:

- the impact of flooding on the proposed development (up to and including the PMF); and
- the impact of the proposed development on flood behaviour (particularly downstream flood impacts as a result of potential encroachment and land use changes); and
- the impact of flooding on the safety of people/users of the development for the full range of floods including issues linked with isolation and accessibility for emergency services; and
- the implications of climate change (particularly increased rainfall intensity) and estimated flood planning levels for essential community services utilising appropriate flood estimation techniques;

From the information available to us, it is unclear whether these issues have been addressed in their entirety, particularly managing adverse flood impacts, utilising appropriate hydrological techniques and achieving a suitable flood plaining level associated with critical emergency facilities consistent with the Collins Creek Floodplain Risk Management Study and Plan (FRMS&P)(2014).

At the northern extent of the site it appears development encroachment into the floodplain may occur, although this is difficult to confirm as an overlay of the proposed development with flood extents such as probable maximum flood (PMF) is not provided. Should encroachment of the development into the floodplain be confirmed, we suggest land and works for mitigating adverse downstream flood impacts be considered at this stage in the development assessment.

With regard to appropriate hydrological techniques, the catchment boundaries adopted are substantially different to that presented in the Collins Creek Flood Study. This appears to be due to the use of 5m contours in deriving catchment boundaries, which overlooks key hydraulic constraints such as roads. The assessment notes that WBNM was adopted for hydrology, while flows derived from the Rational Method

have been used as inputs into the hydraulic model. It should be noted that the Rational Method is no longer supported by Australian Rainfall & Runoff (2016). As a result, it is unclear as to why flows derived from WBNM were not used in the hydraulic model, and we suggest that this be further investigated. Notwithstanding, it appears that flood extents and elevations presented in the report are generally consistent with those provided in the FRMS&P for the Whartons Creek catchment.

Furthermore, consideration of an appropriate flood planning level should be established noting the nature of this development and its occupants. The flood assessment contends that the flood planning level (FPL) should be set at 0.5m above the 1% AEP flood elevation. However, as an essential community service facility a minimum FPL requirement set at the PMF level plus freeboard would be more consistent with the outcomes of the Collins Creek FRMS&P and Wollongong Development Control 2009 Plan Chapter E13 - Floodplain Management.

Water Quality

It is unclear how surface water runoff is proposed to be treated to achieve water quality objectives (WQOs) for the site. The EIS advises that information for stormwater treatment is provided in the stormwater concept plan (Appendix 7), however this information is limited to a note on the plan identifying an "OSD tank with water treatment devices". We suggest that further clarity be sought on the type, configuration and performance of proposed devices to achieve WQOs. Furthermore, the WQOs identified on the stormwater concept plan are inconsistent with (and substantially below) the minimum requirements typically targeted for developments in Wollongong.

3. Aboriginal cultural heritage

The Aboriginal cultural heritage assessment has used the OEH Due Diligence Code of Practice. It is the responsibility of the proponent to ensure that their assessment is robust enough to determine whether the proposed work will harm Aboriginal objects or landscape features likely to contain Aboriginal objects.

The proponent engaged Biosis Pty Ltd to conduct a due diligence assessment (dated 17 November 2016). The assessment included a search of the Aboriginal Heritage Information Management System (AHIMS) and an archaeological survey. The assessment did not identify any known Aboriginal cultural values, Aboriginal objects, or potential for Aboriginal objects to occur. The assessment found that no further investigation is required at this stage. This conclusion was based on the high degree of prior disturbance and the landform type identified during the archaeological survey.

We note that no consultation with the Aboriginal community has been conducted. As no Aboriginal cultural values or Aboriginal objects have been identified within the impact area, there is no formal requirement for community consultation under the EARs. However, community consultation can inform proponents about potential cultural values that can only be identified by Aboriginal community members who have appropriate cultural knowledge.

If Aboriginal objects (including skeletal remains) are discovered during construction, all works in the vicinity of the find must stop. OEH must be contacted by calling 131 555 or contacting the Wollongong OEH office. If human skeletal remains are found the NSW Police must also be contacted. Further archaeological investigation, Aboriginal community consultation and an Aboriginal Heritage Impact Permit (AHIP) may be required if impact to Aboriginal objects cannot be avoided.