



Office of
Environment
& Heritage

DOC16/630090
SSD 6236 Amended EIS Exhibition

Mr Chris Ritchie
Director Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Sally Munk

Dear Mr Ritchie

Exhibition of Amended EIS - Eastern Creek Energy from Waste Facility (SSD 6236)

I refer to your letter received 13 December 2016 to the Office of Environment and Heritage (OEH) seeking comments on the amended Environmental Impact Statement for the Eastern Creek Energy from Waste Facility at Honeycomb Drive, Eastern Creek.

OEH has reviewed the documentation provided and provides comments on Aboriginal cultural heritage and biodiversity at Attachment 1.

If you have any further questions about this issue please contact Marnie Stewart on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 28/02/17

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

ATTACHMENT 1 - Office of Environment and Heritage (OEH) comment on the Amended Environmental Impact Statement for the proposed Energy from Waste Facility at Honeycomb Drive, Eastern Creek (SSD 6236)

1. Background

OEH understands that an Amended Environmental Impact Statement: The Next Generation: Energy From Waste, Honeycomb Drive, Eastern Creek, prepared by Urbis Pty Ltd, dated November 2016 (amended EIS) has been submitted, as well as a Response to Submissions report to address issues raised in the previous exhibition from May-July 2015.

OEH further understands that the development description remains the same, however a number of key amendments have been made to the proposal as follows:

- Phased project implementation
- Changes to the production process
- Increased waste storage capacity
- Increased vehicle movements
- Amended land description and revised subdivision plan, and
- Revised technical reports for human health risk, air quality and greenhouse gases, odour, ozone, traffic, waste management, noise and vibration.

In response to the amended EIS and supporting documentation, OEH provides the following comments.

2. Aboriginal Cultural Heritage

As documented in Section 6.4.1 of the Energy from Waste Facility, Eastern Creek Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Artefact Heritage (March 2015) and attached to the amended EIS, Archbold Road 1 (AHIMS site # 45-5-4492) and Archbold Road 2 (AHIMS site # 45-5-4493) have previously been identified for conservation. Further, it is stated in Section 6.4.1 of the ACHAR that Archbold Road 1 and Archbold Road 2 will be designated conservation areas due to the archaeological potential and relationship to the cultural landscape.

In OEH's previous comments dated 21 July 2015, the intention to retain the two sites was noted. OEH supported the protection and conservation of Archbold Road 1 within the E2 Environmental Conservation zone; however, in regards to Archbold Road 2, OEH stated that:

It is not clear in the supporting EIS or Amended ACHAR prepared by Artefact Heritage what is proposed for the long term conservation of Archbold Road 2 other than avoidance during the proposed construction program for this State Significant Development. If this site is not specifically protected through an additional conservation zoning then there is no conservation outcome and the ACHAR and EIS should make this clear. OEH requests that the proponent clarify whether additional conservation measures are proposed for Archbold Road 2 and what they may entail, to clarify this matter for both the Aboriginal community involved in this project and DPE/OEH.

In the amended EIS it is stated that the application area has been refined in the amended application and no subdivision or works are proposed to take place over Archbold Road 2. Measures will be put in place to prevent access and damage to the site during site preparation and construction works. However, OEH notes that no measures for the long-term conservation of the site have been proposed. Moreover, OEH is currently aware of a separate proposal from another proponent to develop an asphalt plant over the portion of the site that includes Archbold Road 2 (Part Lot 2 DP 1145808) which is likely to result in impacts to the site. OEH is therefore disappointed that the long-term conservation of Archbold Road 2 does not appear to have been secured.

3. Biodiversity

OEH has reviewed the following documents in addition to the amended EIS:

- Dial A Dump Industries Response to Submissions, October 2015 (App HH5);
- Abel Ecology, Response to exhibition feedback, 16 October 2015; and
- URBIS, Agency and Organisation Response to Submissions, 2015.

OEH notes that the impact of the proposal on biodiversity and the proposed offsets have not changed from the originally exhibited proposal. OEH still considers that the proposal will result in a net loss of biodiversity on the site, for the following reasons:

- The proposed offsets are not 'additional' to existing requirements pursuant to SEPP 59; and
- Notwithstanding this, the proposed offsets are inadequate in terms of size, area to boundary ratios, location, nature and likely viability.

Existing requirements for protection

The proponent on Page 33 of App HH5 states that there is no requirement under SEPP (Western Sydney Employment Area) 2009 to protect and rehabilitate the River Flat Eucalypt Forest (RFEF) as proposed.

The proposed development is located on land identified as being within the SEPP 59 - Eastern Creek Precinct Plan (Blacktown City Council, 14 December 2005) which outlines the provisions relating to development of the Stage 3 release areas within the Eastern Creek Precinct identified in SEPP 59 – Central Western Sydney Economic and Employment Area. Clause 19(2) of Western Sydney Employment Area SEPP does requires that development within the Precinct be consistent with the Precinct Plan prepared under the repealed SEPP 59 (Refer to Figure 12, and Sections 5.3(b)(ii), 5.6.1 and 8.3.3 of the Precinct Plan). Specifically, the Precinct Plan requires a revegetated 40 m wide riparian zone plus a 10 m wide buffer to be established (measured from top of bank) along either side of Ropes Creek Tributary (refer to Section 8.3.5 of the Precinct Plan).

Accordingly, OEH considers that there is an existing requirement to protect and rehabilitate the RFEF in the riparian corridor. OEH does not support the use of these riparian land, and the vegetation they contain, in the calculation of offsets for the proposal because this does not meet this basic principle that offsets must be additional to other legal obligations for conservation.

Nature of offsets

The offsets proposed comprise compensatory planting within the Ropes Creek Tributary riparian corridor to offset the loss of RFEF and Cumberland Plain Woodland (CPW) vegetation. A number of OEH's previous concerns with this proposal remain unresolved:

- OEH previously raised concern that a large proportion of the offset area will be on batters around the building platform and bio-retention basin. The proponent has responded in App HH5 and suggested they will 'sculpt a series of terraces each side of the creek' (page 48). OEH still considers that the likelihood of recreating and maintaining RFEF on batters or terraces is low, given this community naturally occurs on flat, damp or waterlogged floodplains.
- The offset ratios are too low. Adequate offsetting ratios for replanting should be much greater, in the order of 10:1-20:1, given the time required to recreate ecosystems and the risk of failure. Adding to this is the fact that some of land for the offsets is within waterfront land, and includes proposed bio-retention basins within the riparian habitat.
- The areas proposed for regeneration and revegetation have no long term protection, such as appropriate zoning or covenants.

OEH Recommendation

OEH recommends that additional land containing endangered ecological communities be retained within the development footprint and/or offsite offsets provided. App HH5 provides project design justifications for not providing further on site offsetting, and in relation to offsite offsets, it states that

"water supplied, flood prone wetland suitable for an offset in the Sydney metropolitan area cannot be easily procured" (page 41). OEH considers that if options for onsite offsetting are limited or not feasible, then an effort to secure offsite offsets should be made and documented. DPE should be satisfied that all reasonable attempts have been made to procure offsite offsets.

(END OF SUBMISSION)