



Office of  
Environment  
& Heritage

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SSD 8753

Ms Kelly McNicol  
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Department of Planning & Environment  
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Attention: Nikki Matthews

Dear Kelly

**OEH Review of Environmental Impact Statement: Exhibition of Concrush Resource Recovery Facility Expansion (SSD 8753) – Lake Macquarie City LGA**

I refer to your letter dated 15 November 2018, seeking comments on the Environmental Impact Statement for the Concrush Resource Recovery Facility Expansion proposal (SSD 8753), located at 21 Racecourse Road (Lot 2 DP 220347), Teralba, in the Lake Macquarie City local government area.

OEH has reviewed the Environmental Impact Statement, including relevant appendices, annexures, attachments and parts of the document titled '*Concrush Increase to Capacity Project, Teralba, NSW: Environmental Impact Statement*' (prepared by Umwelt [Australia] Pty Ltd and dated November 2018) in relation to impacts on biodiversity, Aboriginal cultural heritage and flooding.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140 or via email at [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au)

Yours sincerely

*Sharon Molloy 10/1/2019*

**SHARON MOLLOY**  
**Director Hunter Central Coast Branch**  
**Conservation and Regional Delivery Division**

Contact officer: STEVEN COX  
02 4927 3140

Enclosure: Attachments A and B

**Attachment A****OEH's recommendations****Concrush Resource Recovery Facility Expansion (SSD 8753)**

1. OEH is satisfied with the biodiversity assessment provided and no further assessment is required.
2. OEH recommends that an Aboriginal cultural heritage assessment should be undertaken guided by *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (DECCW 2011). The process and results should be detailed along with any necessary measures to manage, avoid or mitigate against impacts to these values in an Aboriginal cultural heritage assessment report (ACHAR).
3. OEH recommends that consultation with Aboriginal stakeholders be undertaken to identify any cultural values that may be impacted by the proposal. Consultation should be undertaken in accordance with the OEH *Aboriginal cultural heritage consultation requirements for proponents 2010*.
4. OEH recommends that the proponent review its emergency management procedures to ensure that any increased flood risk can be appropriately managed.

## Attachment B

## OEH's detailed comments

**Concrush Resource Recovery Facility Expansion (SSD 8753)**

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**Biodiversity**

## 1. OEH is satisfied with the biodiversity assessment

The proposal covers approximately 2.41 hectares of land, of which 2.34 is represented by exotic vegetation (2.2 hectares) and cleared land (0.14 hectares). The areas not shown as native vegetation on Figure 3.1 (Vegetation Zones) in the BDAR were assessed as 'not native vegetation' and therefore did not require further assessment in accordance with Section 5.1.1.5 of the BAM. The remaining 0.07 hectares were assessed as disturbed variants of '*PCT1727 Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast*' – bund plantings and disturbed regeneration. However, the application of the Biodiversity Assessment Methodology (BAM) calculator and BAM assessment identified that this Plant Community Type did not meet the minimum vegetation integrity score to require offsetting under the BAM. As such no further biodiversity assessment is required and no biodiversity offsetting is required for this project.

Recommendation 1

OEH is satisfied with the biodiversity assessment provided and no further assessment is required.

**Aboriginal cultural heritage**

## 2. An Aboriginal Cultural Heritage Assessment has not been prepared

The EIS contains the results of an assessment of the archaeological context of the project area undertaken following the OEH 2010 *Due diligence code of practice for protection of Aboriginal objects in NSW*. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974*. OEH does not review or comment on the due diligence process undertaken by proponents. Furthermore, OEH considers that a due diligence process is inadequate to assess the impacts of this proposal.

An Aboriginal cultural heritage assessment should be undertaken guided by *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW 2011)*. The process and results should be detailed along with any necessary measures to manage, avoid or mitigate against impacts to these values in an Aboriginal cultural heritage assessment report (ACHAR).

This advice is consistent with the SEARs issued for this project which require a detailed assessment of Aboriginal cultural heritage for the proposal.

Recommendation 2

OEH recommends that an Aboriginal cultural heritage assessment should be undertaken guided by the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW 2011)*. The process and results should be detailed along with any necessary measures to manage, avoid or mitigate against impacts to these values in an Aboriginal cultural heritage assessment report (ACHAR).



### 3. Consultation with Aboriginal stakeholders has not been undertaken

Consultation with Aboriginal stakeholders should be undertaken to identify any cultural values that may be impacted by the proposal. Consultation should be undertaken in accordance with the OEH *Aboriginal cultural heritage consultation requirements for proponents 2020*. The process and results should be detailed along with any necessary measures to manage, avoid or mitigate against impacts to these values in an Aboriginal cultural heritage assessment report (ACHAR).

This advice is consistent with the SEARs issued for this project which require consultation to be undertaken with Aboriginal people.

#### Recommendation 3

OEH recommends that consultation with Aboriginal stakeholders be undertaken to identify any cultural values that may be impacted by the proposal. Consultation should be undertaken in accordance with the OEH *Aboriginal cultural heritage consultation requirements for proponents 2020*.

## **Flooding**

### 4. Emergency flood risk for floods up to the probable maximum flood

The Winding Creek and Lower Cockle Creek Flood Study by WMA Water (2013) indicates that the site is a low flood island and becomes isolated in relatively minor flood events (20% ARI) as Racecourse Road becomes a high hazard floodway.

In extreme flood events the site becomes submerged with no escape route. Flood risk will increase if the proponent intends to have more people, and property, on the site. The proponent must satisfy themselves that they can manage any increases in emergency flood risk.

#### Recommendation 4

OEH recommends that the proponent review its emergency management procedures to ensure that any increased flood risk can be appropriately managed.