



Office of
Environment
& Heritage

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Anthony Ko
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Dear Anthony

Request for Agency Comments – Eraring Power Station Ash Dam Modification 1

I refer to your email dated 7 December 2018 seeking agency comment on the Response to Submissions for Modification 1 of the Eraring Power Station Ash Dam. The Office of Environment and Heritage (OEH) notes that the Eraring Power Station Ash Dam Modification project is a critical part of the energy facility for NSW, which currently has ash dam capacity constraints.

OEH has reviewed the Response to Submissions in relation to biodiversity, Aboriginal cultural heritage, and flooding issues. 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.

Yours sincerely

Sharon Molloy 21/2/2019

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

Contact officer: STEVEN COX
02 4927 3140

Enclosure: Attachments A and B

OEH's recommendations

Eraring Power Station Ash Dam Mod 1

Biodiversity

1. OEH is satisfied with the Response to Submissions and has no further concerns in relation to biodiversity.

Aboriginal Cultural Heritage

2. OEH recommends that an Aboriginal cultural heritage assessment be undertaken in consultation with relevant Aboriginal parties to determine if there are any Aboriginal cultural heritage items or cultural values present within the modification footprint.

Flooding and Flood Risk

3. All details for the hydrological and hydraulic calculations need to be submitted, including, but not limited to, assumptions made, and methodology used, to achieve water mitigation measures such as receiving pond storage, outlet structures and scour protection works.

OEH's detailed comments

Eraring Power Station Ash Dam Mod 1

Biodiversity

1. OEH is satisfied with the Response to Submissions for biodiversity

OEH is satisfied that the Response to Submissions adequately addresses the issues raised in previous advice on the Environmental Assessment in relation to biodiversity.

Recommendation 1

OEH is satisfied with the Response to Submissions and has no further concerns in relation to biodiversity.

Aboriginal Cultural Heritage

2. An Aboriginal Cultural Heritage Assessment Report has not been provided

OEH notes that a current assessment of Aboriginal cultural heritage items and values has not been undertaken in consultation with the Aboriginal community. There has been no consultation or Aboriginal cultural heritage site survey with Aboriginal stakeholders since the works associated with the upgrade of the Eraring Power Station Ash Management Facility in 2007. Thus, there has also been no consultation relating to cultural values or an Aboriginal cultural values assessment, with the Aboriginal stakeholders since 2007 for the proposed Ash Dam Augmentation Project. In its correspondence dated 30 August 2007, Awabakal Traditional Owners Aboriginal Corporation raised cultural values relating to marked trees that it recommended be protected relating to their cultural links. This information was not considered at that time and has not been addressed since.

An assessment of the Aboriginal cultural heritage items and cultural values that may occur, or previously occurred, should be undertaken in consultation with the Aboriginal stakeholders and should be guided by the following OEH documents:

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (DECCW, 2011) available at www.environment.nsw.gov.au/licences/investassessreport.htm
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010) available at www.environment.nsw.gov.au/licences/consultation.htm
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) www.environment.nsw.gov.au/licences/archinvestigations.htm

Recommendation 2

OEH recommends that an Aboriginal cultural heritage assessment be undertaken in consultation with relevant Aboriginal parties to determine if there are any Aboriginal cultural heritage items or cultural values present within the modification footprint.

Flooding and Flood Risk

3. Details for hydrological and hydraulic calculations need to be submitted

Previous OEH correspondence requested details regarding the hydrological and hydraulic calculations that were used to support the application. It appears this information was not submitted as part of the Response to Submissions (RTS).

Page 62 of the RTS references a "draft design report" by Aurecon, stating that the hydrologic and hydraulic calculations presented in the Environmental Assessment (EA) are drawn directly from the contents of that report. This report has not been submitted to OEH.

OEH is unable to provide comment on the EA/RTS until the proposal and its supporting documents are adequately justified. In its current form, OEH has no idea on the assumptions made, or the methodologies used to derive flows and water storage calculations.

OEH is unable to finalise comments on the adequacy of the proposed water management strategy for the proposal and the previous request for information is repeated below.

Recommendation 3

All details for the hydrological and hydraulic calculations need to be submitted, including, but not limited to, assumptions made, and methodology used, to achieve water mitigation measures such as receiving pond storage, outlet structures and scour protection works.