



Our ref: DOC19/593947
Senders ref: MP 06_0079

Ms Emma Barnet
Senior Planning Officer Industry Assessments
Department of Planning Industry and Environment

planning.matters@environment.nsw.gov.au

Dear Ms Barnet

CiviLake Construction and Green Waste Facility - Modification MP 06_0079 MOD 1 The Weir Road, Teralba

I refer to your request for advice from Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (formerly Office of Environment and Heritage), dated 11 July 2019 regarding the proposed CiviLake Construction and Green Waste Facility.

BCD has reviewed the *Modification Report for CiviLake Construction and Green Waste Recycling Facility, The Weir Rd, Teralba* dated June 2019 prepared by KDC Pty Ltd on behalf of Lake Macquarie City Council in relation to biodiversity, Aboriginal cultural heritage, and water, flooding and coastal management impacts.

BCD'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 Peter Nichols, Senior Conservation Planner, on 4927 3103 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'SC', written over a horizontal line.

6 August 2019

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

CiviLake Construction and Green Waste Facility - MOD 1

1. A Biodiversity Development Assessment Report (BDAR) may be required if the vegetation to be removed triggers the Biodiversity Offsets Scheme.
2. BCD recommends that an Aboriginal cultural heritage impact assessment is conducted to determine the potential impacts or harm that road construction works may have on Aboriginal objects or sites within the modification area.
3. The proponent should consider any relevant requirements of the *Coastal Management Act 2016* and *State Environmental Planning Policy (Coastal Management) 2018*. This should include detailed consideration of the development controls for coastal management areas of the Coastal Management SEPP. The proponent should also consider the management objectives specified for coastal wetlands and coastal environment areas as given in Part 2 of the *Coastal Management Act 2016*.

BCD's detailed comments

CiviLake Construction and Green Waste Facility - MOD 1

Biodiversity

1. A Biodiversity Development Assessment Report (BDAR) may be required.

The Modification Report (MR) has provided a plan that shows road widening and a new intersection type at the entrance of the proposed Construction and Green Waste Facility to improve access and safety. The MR has not determined whether there will be any removal of vegetation involved with the road widening. The proposed road widening is in proximity to an Endangered Ecological Community, Swamp Schlerophyll Forest on Coastal Floodplains under the *Biodiversity Conservation Act 2016*. A Biodiversity Development Assessment Report (BDAR) may be required if the vegetation to be removed triggers the Biodiversity Offsets Scheme.

Recommendation 1

A Biodiversity Development Assessment Report (BDAR) may be required if the vegetation to be removed triggers the Biodiversity Offsets Scheme.

Aboriginal cultural heritage

2. An Aboriginal cultural heritage impact assessment is required

The Modification Report (MR) for the proposed new intersection at the entrance of the existing Teralba Recycling Facility, Weir Road, Teralba, also known as the Teralba Green Waste Recycling Facility (the Facility), requires widening of the existing Weir Road at the entrance of the Facility. Proposed ground disturbance road works include pavement widening, grading of soils, construction and shaping of batters and the sealing of the road shoulder. The MR does not contain sufficient detail to determine the likely level of impact on Aboriginal cultural heritage in the vegetated areas on either side of the road and intersection.

Other construction works include a gatehouse and weighbridge and an Administration Office, storage sheds and various plant and associated infrastructure. These construction works are situated within the existing approved Sustainable Resource Centre footprint.

BCD recommends that an Aboriginal cultural heritage assessment is undertaken for the proposed disturbance area to determine the potential impacts or harm that road construction works may have on Aboriginal objects or sites within the modification area. The Aboriginal archaeological and cultural heritage values for the proposed modification should be documented. The identification of cultural heritage values should be guided by the [*Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW \(DECCW, 2011\)*](#) and consultation with Aboriginal people must be undertaken and documented in accordance with the [*Aboriginal cultural heritage consultation requirements for proponents 2010 \(DECCW\)*](#).

Recommendation 2

BCD recommends that an Aboriginal cultural heritage impact assessment is conducted to determine the potential impacts or harm that road construction works may have on Aboriginal objects or sites within the modification area.

Water, flooding and coastal management

3. The proposed modifications should be assessed under the Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018.

The proposed modifications are located within the coastal zone as defined in Part 2 of the *Coastal Management Act 2016* (CM Act). The site includes Coastal Environment Area and Coastal Wetland (including approximately half of the site as land in proximity to coastal wetlands) as identified by *State Environmental Planning Policy (Coastal Management) 2018* (CM SEPP). The proposed modification includes the relocation of a number of components, including product bins, a concrete batching plant and an asphalt recycling plant, in proximity to coastal wetlands. The Modification Report has not considered the CM Act or CM SEPP which require proponents and consent authorities to consider potential risks associated with development in the coastal zone (including coastal wetlands).

Recommendation 3

The proponent should consider any relevant requirements of the *Coastal Management Act 2016* and *State Environmental Planning Policy (Coastal Management) 2018*. This should include detailed consideration of the development controls for coastal management areas of the Coastal Management SEPP. The proponent should also consider the management objectives specified for coastal wetlands and coastal environment areas as given in Part 2 of the *Coastal Management Act 2016*.