DOC20/824175
Senders ref: SSD 10395 (Blacktown)

Sally Munk
Principal Planning Officer
Industry Assessments
Planning and Assessment Group
NSW Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Munk,

Subject: Notice of Exhibition – Cleanaway's Western Sydney Energy and Resource Recovery Centre, 339 Wallgrove Road, Eastern Creek (SSD 10395)

Thank you for your e-mail dated 7 October 2020, inviting Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) to comment on the Notice of Exhibition for Cleanaway's Western Sydney Energy and Resource Recovery Centre, 339 Wallgrove Road, Eastern Creek.

EES has reviewed the relevant documentation and make the following comments.

Biodiversity
EES has reviewed the Biodiversity Development Assessment Report (BDAR) prepared by Arup dated August 2020 and notes that a number of errors have been made in the preparation of the report, notably:

- the BDAR incorrectly states that offsets are not required for the proposal. The assessor has confused offset scheme thresholds with offset thresholds
- the incorrect criteria have been used in the identification of impacts on entities at risk of serious and irreversible impacts. The BDAR should have addressed the criteria in section 10.2.2.1 of the Biodiversity Assessment Method (BAM), following the guidance in the Operational Manual
- the credit report suggests that customised benchmarks were used, but there is no discussion of the use of customised benchmarks in the BDAR and the calculator data has not been provided so this cannot be verified
- the BDAR hasn't been finalised
- there is very little information in the BDAR to understand what is proposed on site. Information about the proposal is not in the introduction, as is required by the BAM, but is instead buried within the text e.g. there will be a stack on site that will be 75 m high, the development footprint is shown in Fig 11, the paved area in the northern portion of the site will be used as construction footprint. A diagram of the proposed building when completed would also be of use, to understand scale, height, etc
- the IBRA bioregion and subregion are not on the site map or location map
- the BDAR makes a number of references to the 1500 m buffer area as the 'study area' which is misleading. This should be called the buffer area. Calling it the study area suggests studies (e.g. surveys) were carried out across the 1500 m buffer area which is not the case

- Figure 6 shows vegetation plots as a straight line i.e. a transect, but the extent of the plot should be shown
- Figure 6 would benefit from the inclusion of the PCT name in the legend
- there is no justification provided for the PCT identification (why were other potential PCTs not suitable?), nor discussion of the species relied upon for identification
- there is no description of cleared areas such that it can be confirmed these are 100% exotic and contain no native vegetation
- plot field data and data sheets have not been supplied
- the BDAR states the desktop search results of species records within 10 km are in Appendix B but Appendix B is only an EPBC Act search
- according to BioNet, the following species have been recorded within 10 km but are not in Table 12: *Grevillea parviflora* ssp*. parviflora* (with 18 records), Square-tailed Kite, Little Lorikeet (with 47 records), Yellow-bellied Sheath-tail Bat
- Section 4.2.1 says only one flora species was surveyed outside the survey requirements, which is different information to that in Table 13
- four threatened microbat species were recorded on site. Some of these species can use human made structures as habitat. There is no consideration of this
- very little justification has been provided for how impacts have been minimised, except for a statement that the design has been 'informed by minimum function requirements for a EfW facility'.
- direct impacts have not been adequately assessed. Section 7.2.1 says 'a small area of vegetation immediately adjacent to the eastern boundary of the development site … may be subject to direct impacts during construction'. EES considers it is highly unlikely that this will be retained and should have been considered as impacted. Table 25 says if these trees can't be retained then there should be contingency measures applied e.g. compensatory planting or offsets. However, if the trees constitute native vegetation, the loss of the trees should be considered, and offsets should be specified in the BDAR. It would have been better to prepare the BDAR assuming a worst-case scenario and calculating the offset requirement more accurately at detailed design phase
- EES considers it is unlikely that Cumberland Plain Woodland (CPW) that is to be retained in the 'right of carriageway' can be retained right up against the buildings and continue to be identified as CPW. As such, this vegetation should be included in the calculations of vegetation to be impacted.
- there is no discussion of the type, frequency, intensity, duration and consequence of impacts
- some indirect impacts to the vegetation to be retained have not been considered e.g. overshadowing, soil compaction
- the calculator data has not been supplied with the BDAR, despite requests for this directly to the assessor. This means the review has been limited.

Flooding

- The site is in the upper reaches of the Eastern Creek and is included in the Eastern Creek catchment mainstream flood study. An un-named tributary of Reedy Creek runs along the eastern boundary of the site and is mapped as part of the Eastern Creek mainstream flooding. It is noted that, the Flood Impact Assessment (FIA) classifies the site flooding as local overland throughout the report.
- The consultants have undertaken a comprehensive hydrological XP-RAFTS model and a hydraulic TUFLOW model to assess the flood behaviour at the site. The hydrological model utilises AR&R 2019 adopting the data Hub parameters including losses parameters. No adjustment factor has been applied to the losses as recommended by the Department's guideline on initial and continuous losses in NSW. Consideration of the guideline is prudent to ensure the results are consistent with council's study and are reliable.

The guideline can be accessed in the Department's website at: https://www.environment.nsw.gov.au/research-and-publications/publications-search/floodplain-risk-management-guide.

- Due to the differences between the FIA and Council's Eastern Creek Flood Study regarding models input parameters and the hydrological methodology, there are discrepancies between their results. In some areas the flood level difference reaches 0.5m, which means that the validity of the results is considered questionable. It is recommended that, the base case scenario is agreed upon and accepted by Council to ensure the design of the realigned overland flow channel in the proposed scenario is both accurate and fit for purpose.

Consultation with Blacktown City Council is recommended regarding the abovementioned issues.

Emergency management

Figures D.04 and D.08 of FIA show the site is isolated in the PMF event. EES recommends that a flood emergency management response plan be prepared, in consultation with Blacktown City Council and the State Emergency Service, to address the safety of the personnel, visitors and users of the site.

Please note from 1 July 2020 Aboriginal cultural heritage regulation, including advice regarding SSIs and SSDs, is now managed Heritage NSW. The new contact for the ACH regulation team is heritagemailbox@environment.nsw.gov.au.

Should you have any queries regarding this matter, please contact Bronwyn Smith Senior Conservation Planning Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au.

Yours sincerely

6/11/20

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