



Department of Primary Industries

OUT15/14957

Ms Jane Flanagan
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NSW Department of Planning and Environment
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Dear Ms Flanagan

**Kembla Grange Resource Recovery Facility (SSD_5300)
Comment on the Response to Submissions Report**

I refer to your email dated 27 May 2015 to the Department of Primary Industries in respect to the above matter.

Comment by NSW Office of Water

The NSW Office of Water (Office of Water) has reviewed the Response to Submissions (RTS) and provides detailed comments at Attachment A.

For further information please contact Janne Grose, Water Regulation Officer on (02) 8838 7505 or at Janne.Grose@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kristian Holz', written in a cursive style.

Kristian Holz
Director Policy, Legislation and Innovation

Attachment A

Kembla Grange Resource Recovery facility – 50 Wyllie Road, Kembla Grange (SSD 5300) Comment on the Response to Submissions Report Additional comments by NSW Office of Water

Riparian Land

The RTS and revised VMP are confusing in respect to whether any part of the riparian corridor at the site is still proposed to be used as an Asset Protection Zone (APZ), or not, for example:

- The RTS recommends managing the property as an Inner Protection Area with the exception of the riparian zone (see Section 2.12.1, page 57) and requests removing the Inner Protection Area requirement from the riparian area (see Section 2.12.2, page 58).
- The revised Statement of Commitments in the RTS includes commitment 4.6 (6) which outlines that for the life of the facility that the property will be managed as an inner protection area with the exception of the riparian zone (see page 82)
- Section 2.12.2 indicates the RFS may support the request for the removal of the Inner Protection Area from the riparian corridor but this does not appear to have yet been resolved (page 57).
- Section 2.12.3 notes a revised VMP has been prepared which includes a fully structured riparian corridor where this does not conflict with APZs within the site and an updated Landscape Plan which shows a reduced area of fully structured riparian planting due to the APZ and offset planting due to the reduced area (page 60). It refers to the RFS specifications for the creation and maintenance of two areas of APZ within the riparian corridor (page 60) but it also notes with respect to APZ maintenance within the riparian corridor that this part of the condition is no longer required as the riparian corridor is not intended to serve the function of an APZ (page 62).
- the revised VMP (version 5, dated May 2015) requires an annual report to be prepared which includes details on Asset Protection Zone maintenance (see Section 4.1, page 65).

It is recommended the issue of whether any part of the riparian corridor is to be used as an APZ is resolved prior to approval so as to ensure the riparian corridor is adequately protected, rehabilitated and maintained on the site.

Revised Statement of Commitments

4.2 Groundwater:

The amendment to Statement of Commitment 4.2 (1) is supported to include that the Office of Water shall be notified prior to any works occurring that are likely to intercept or extract groundwater

The amendment to Statement of Commitment 4.2 (2) is supported to include the monitoring is to commence at least three months prior to construction commencing and

the results of the groundwater monitoring programme will be provided to the Office of Water.

4.4 Biodiversity:

Statement of Commitment 4.4 - protection measure (9) refers to undertaking weed management of the vegetated riparian buffer in accordance with the VMP (2013), it is recommended the SOC refers to the latest VMP.

4.5 Vegetation:

The commitment 4.5 (3) to extend the maintenance period is supported so that following the two year maintenance period, there is ongoing maintenance of the riparian corridor for the operational life of the facility.

Revised VMP

Once the issue is resolved as to whether any part of the riparian corridor is to be used as an APZ, the VMP and Landscape Plan may need to be amended to reflect the outcome.

If the APZ is to still encroach into the riparian corridor, the Landscape Plan needs to clearly show the riparian corridor, areas of APZ encroachment and the riparian offset areas. Section 1.2 of the revised VMP indicates the areas of change to the VMP include an up to date Landscape plan in Appendix D. This plan is meant to show the reduced area of the fully structured riparian planting due to the APZ, the offset planting and the remaining unaffected riparian planting but the plan is not included in Appendix D. The Landscape Plan included in Appendix 9 of the RTS submission is dated 10/12//2012. It is requested a copy of the updated Landscape Plan is provided.

Table 6.1 in the revised VMP includes an estimate of costs associated with the implementation of the recommendations contained within the VMP. The table includes an estimate of costs for the two year maintenance period of the riparian corridor. It is suggested it also includes an estimate of the cost for the ongoing maintenance of the riparian corridor for the operational life of the facility.

End Attachment A