Our ref: DOC20/334078-9
Your ref: SSI-9837

Ms Mandana Mazaheri

Team Leader
Resource Assessments
Department of Planning, Industry and Environment
Mandana.Mazaheri@planning.nsw.gov.au

Dear Ms Mazaheri

Response to Submissions Report – Newcastle Power Station, Tomago (SSI-9837)

I refer to your email dated 30 April 2020 in which Resources Assessments invited Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department) for comment on the Response to Submissions Report for the proposed Newcastle Power Station located at 1940 Pacific Highway (Lot 3 DP104356), Tomago, and associated gas pipelines and electricity infrastructure (within Lot 2 and 4 DP 1043561, Lot 1203 DP 1229590, Lot 1202 DP 1229590, and Lot 202 DP 1173564) (SSI-9837). BCD has previously (9 December 2019 - DOC19/994556-10) provided comments on the Environmental Impact Statement for the project.

BCD has reviewed the '*Newcastle Power Station Project – Environmental Impact Statement Submissions Report*' (prepared by AGL Pty Ltd and dated April 2020), including relevant appendices, annexures and attachments in relation to impacts on biodiversity, Aboriginal Cultural Heritage and flooding.

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 Steve Lewer, Senior Regional Biodiversity Conservation Officer, on 4927 3158 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

15 May 2020

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

Enclosure: Attachments A and B

Attachment A

BCD's recommendations

Newcastle Power Station, Tomago (SSI-9837) – Response to submissions

Biodiversity

1. BCD recommends that vegetation zones 1 and 3 within PCT 1590 are mapped as Lower Hunter Spotted Gum – Ironbark Forest EEC consistent with mapping of vegetation zone 2 and the BAM calculator is re-run to determine the updated credit yield for these two zones and that the BDAR is amended.

Aboriginal cultural heritage

2. BCD is satisfied that BCD's comments on Aboriginal cultural heritage have been satisfactorily addressed in the response to submissions report and no further Aboriginal cultural heritage assessment is required.

Flooding and flood risk

3. The proponent should develop a trigger for interruption of operation under flooding conditions that may cut access to the site, to ensure waste water storage capacity is not exceeded, and discharge does not occur. This should form part of the Flood Preparedness Plan.

Attachment B

BCD's detailed comments

Newcastle Power Station, Tomago (SSI-9837) – Response to submissions

Biodiversity

1. Vegetation zones 1 and 3 should be mapped as EEC

BCD's review of the Environmental Impact Statement (EIS) recommended that vegetation zones 1 and 3 within plant community type (PCT) 1590 be mapped as '*Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions*' (LHSGIBF) endangered ecological community (EEC) consistent with the mapping of vegetation zone 2 (which is mapped as EEC). The revised BDAR (29 April 2020) does not provide sufficient justification for exclusion of vegetation zones 1 and 3 as EEC.

The revised BDAR relies on the lack of characteristic canopy species (e.g. *Eucalyptus fibrosa*) not being located in Zone 1 and the disturbed / degraded nature of Zone 3 to prevent these zones being mapped as the EEC.

The Final Determination for LHSGIBF EEC states in Paragraph 1.2 and 4.3:

- The total species list of the community across all occurrences is likely to be considerably larger than that given in Paragraph 1.2. Due to variation across the range of the community and its geographic spread, not all of the above species are present at every site and many sites may also contain species not listed;

- Species presence and relative abundance (dominance) will vary from site to site as a function of environmental factors such as soil properties (chemical composition, texture, depth, drainage), topography, climate and through time as a function of disturbance (e.g. fire, logging, clearing and grazing) and weather (e.g. flooding, drought, extreme heat or cold). As such not all species may be present; and

- Although, Lower Hunter Spotted Gum Ironbark Forest is usually dominated by *Corymbia maculata* (Spotted Gum) and *Eucalyptus fibrosa* (Broad-leaved Ironbark), with *E. punctata* (Grey Gum) occurring less frequently. Other tree species have been recorded infrequently, including *E. paniculata* subsp. *paniculata* which was the co-dominant ironbark in zone 1.

Vegetation zones 1 and 3 are likely disturbed or local variants of PCT 1590, but they still fit within the broader description of the EEC, albeit lacking in some dominant taxa (as in Zone 1) or disturbed and undefined understorey with a +/- weedy ground layer (as in Zone 3). Vegetation zones 1 and 3 of PCT 1590 should be mapped as the EEC. This will likely lead to an increase in the ecosystem species credit yields for these two zones and affect the credit trading rules (i.e. reduce the number of PCTs they can trade with).

Recommendation 1

BCD recommends that vegetation zones 1 and 3 within PCT 1590 are mapped as Lower Hunter Spotted Gum – Ironbark Forest EEC consistent with mapping of vegetation zone 2 and the BAM calculator is re-run to determine the updated credit yield for these two zones and that the BDAR is amended.

BCD is satisfied that comments 2 to 7 in BCD's comments on the EIS (dated 9 December 2019 - DOC19/994556-10) have been satisfactorily addressed in the response to submissions report.

Aboriginal cultural heritage

2. BCD have no comments in relation Aboriginal cultural heritage

BCD is satisfied with the Aboriginal cultural heritage response to submissions has addressed all of BCD's comments on the EIS related to Aboriginal cultural heritage.

Recommendation 2

BCD is satisfied that BCD's comments on Aboriginal cultural heritage have been satisfactorily addressed in the response to submissions report and no further Aboriginal cultural heritage assessment is required.

Flooding and flood risk

3. There is a risk that excess process water disposal will be blocked during flood events

Table 2-1 of Appendix G (Surface Water and Hydrology Assessment) shows that the proposal may generate up to 19.14 m3 of wastewater during operation, which will be disposed of via tinkering to an off-site facility. Section 6.2.3 of the assessment indicates that road access to the proposal will be blocked during a 1% Annual Exceedance Probability (AEP) event or greater. It is not clear if the proposal can or will continue operating during such an event. If waste water continues to be generated while access to the site is blocked, it may build up beyond the storage capacity of the site and require discharge to the environment.

Recommendation 3

The proponent should develop a trigger for interruption of operation under flooding conditions that may cut access to the site, to ensure waste water storage capacity is not exceeded, and discharge does not occur. This should form part of the Flood Preparedness Plan.