

18 December 2019

NSW Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

**APPLICATION NO:** SSI 9837 (Our Ref. 25-2019-3-1)

**PROPOSAL:** Newcastle Gas Fired Power Station Project

**PROPERTY:** 1940 Pacific Highway, TOMAGO 2322 (Lot: 3 DP: 1043561)

Dear Mandana Mazaheri,

Thank you for your correspondence dated 15 November 2019 requesting Council's comments on the proposed Newcastle Power Station (SSI 9837), located approximately at 1940 Pacific Highway, Tomago NSW 2322, currently under assessment by Department of Planning, Industry and Environment (DPIE).

Council understands the project has been declared as Critical State Significant Infrastructure (CSSI) and involves construction and operation of a 250 megawatt (MW) gas fired power station and ancillary infrastructure, including the gas pipeline (to store gas and connect the power station to existing gas supply sources), and electricity transmission lines (to transfer the produced electricity to the national electricity network).

Council supports this significant investment in infrastructure in our LGA (100 construction jobs, 14 full time operational jobs) which has the capacity to enable long term sustainable economic and employment growth in the region.

Consistent with Direction 12 of the Hunter Regional Plan, it is noted the proposal will diversify and grow the energy sector by promoting new opportunities. For Tomago, it is likely to be a catalyst to attract business and industry to the locality, particularly those seeking to operate in proximity to power and key infrastructure assets in the Port Stephens region.

Council has given consideration to the likely impacts of the proposal and makes the following comments.

### **Stormwater engineering**

#### Stormwater

The following matters are noted with regard to the Surface Water and Hydrology Specialist Study:

- Post-development flows must be controlled to the predevelopment flows (up to and including 1% AEP storm events using detention basins to control post development flows to the pre-development flows).
- All discharges from the development must be directed to a legal and physical point of discharge which is currently located within Lot 54 DP 270494 (24 Kennington Drive, Tomago). As this property is located upstream of Lot 2 DP 1043561, a legal easement is likely required through the downstream property (Lot 2 DP 1043561) to discharge the developed, concentrated flows.
- The drainage system and associated easements must be appropriately sized to cater for up to and including the 1% AEP storm event. Discharge of developed, concentrated

stormwater via the existing open drain within Lot 54 DP 270494 (24 Kennington Drive, Tomago) may require permission from the downstream owner as this large drain is considered as an inter-allotment drain which Council does not have any responsibility over.

- Hydrological/hydraulic calculations should use current practice Australian Rainfall and Runoff methods, noting that the rational method adopted is no longer endorsed.

#### Water Quality

- The development proposal may adversely impact the groundwater quality of the Tomago Sandbeds aquifer and other receiving waters. The proposed bio-retentions basin and wet-sump oil and grease separator would only treat Nitrogen, phosphorous, sediment and gross pollutants and hydrocarbon. However, there may be other pollutants generated from the development which have not been identified. All pollutants should be identified and appropriate treatment facilities provided accordingly.
- The MUSIC model and associated MUSIC-Link report have not been included in the files for review. Council would be pleased to provide a review of the modelling, should DPIE require.

#### **Flooding**

- The majority of the development site is above flood prone area, and the proposal would not have any effect on the pattern of flood flows or on flood levels.
- The access road into the site would be affected by flooding under several of the design storm event models therefore, consideration should be given to evacuation routes in the event flooding inundates the site access road.

#### **Road Network and Traffic**

- It is noted there is potential for conflict between the proposed gas fired power station and the planned location of the proposed Tomago interchange which forms part of the M1 Pacific Highway to Raymond Terrace (M12RT) RMS upgrade.
- The application notes that early consultation has begun with RMS to ensure the (M12 RT) extension is not impacted. Further consultation with RMS is crucial to ensuring the proposal does not adversely impact the M12 RT extension.

#### **Biodiversity Assessment**

##### EPBC Matters

- The assessment of potential impacts of air and water toxins/ pollutants to the RAMSAR – Hunter Estuary wetland should be extended to include possible indirect impacts associated with water and air pollution on the physio-chemical status of the wetlands and cumulative impacts on the wetlands over time.
- There appears to be minimal consideration of cumulative impacts to the RAMSAR – Hunter Estuary wetland from other major polluters.
- Impacts to threatened and migratory bird species flight paths resulting from the proposal's thermal plume should be considered.

##### Fauna Survey

- The candidate species identified in table 7 of the Biodiversity Development Assessment Report (Kleinfelder, 2019) appear to be inconsistent with the candidate species survey list in table 9. It is recommended that the lists be reviewed and the report amended to clarify whether all the candidate species were targeted during the surveys.

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- The survey particulars note a number of species do not appear to be consistent with the appropriate guidelines and requirements as detailed in the SEARs. Accordingly, justification as to why these surveys or adhering to the guideline survey requirements were not considered appropriate.

#### Flora Survey

- Zone 3 (PCT 1590: Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest – Low Condition), provides potential habitat for threatened orchids (particularly *Diuris praecox* and *Pterostylis chaetophora*). It is unclear whether targeted survey for these species has occurred. If targeted survey has not occurred it is recommended that targeted survey be undertaken or appropriate detailed justification be provided on why targeted survey was not conducted.
- It is not apparent from the information provided that reference populations or consultation with DPIE was used to determine suitable survey times for cryptic flora species, specifically *Corybas dowlingi*, *Pterostylis chaetophora* and *Rhizanthella slateri*. Surveys should be designed to optimise detectability in accordance with Section 3.2 of the NSW Guide to Surveying Threatened Plants.

#### Impact Assessment

- The Biodiversity Assessment Methodology credit Summary report does not appear to be appended to the Biodiversity Development Assessment Report (Kleinfelder, 2019). A “final” version credit report is required with its finalisation date must be provided within 2 weeks of submission of the EIS in accordance with the Biodiversity Assessment Methodology (2017).

#### Mitigation

- The Biodiversity Development Assessment Report includes a comprehensive assessment of the impacts of the proposal in accordance with the performance criteria in Appendix 4 of the Port Stephens Comprehensive Koala Plan of Management. The koalas within the Port Stephens LGA are under threat due to habitat loss, fire, vehicle strike etc. and are important to the local community, Council and NSW State Government. Council would support the consideration of offsetting the loss of Koala feed trees within the local area to help ensure any impacts on the loss of koala habitat within the locality are appropriately mitigated. Council's Natural Resources Technical Specifications – Trees contain some recommended offsetting provisions.
- There is a risk of fauna entering the site and being hurt, injured or killed. It is recommended that fauna-friendly Security Fencing (safety operational fencing) be used around the site to ensure that fauna species, particularly the Koala, are prevented from entering the site and becoming trapped within operational areas.

Thank you for the opportunity to comment on the proposed development. If you wish to discuss the matters raised above or have any questions, please contact me on the below details and I will be happy to assist.

Yours Sincerely,  
Dylan Mitchell  
Senior Development Planner  
*Development Assessment and Compliance*