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Our reference: DOC19/124851
Contact: Calvin Houlison
4224 4179

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Dear Ms Hawkeswood

RE: Port Kembla Gas Terminal Critical SSI Major Project – Response To Submissions (CSSI 9471)

Thank you for consulting us regarding the abovementioned Response To Submissions (RTS). We have reviewed the RTS report and provide the following comments regarding biodiversity, Aboriginal cultural heritage, coastal hazards, water quality and flooding.

Biodiversity

Our previous comments at EIS stage recommended that the Biodiversity Development Assessment Report (BDAR) be updated to address the following key issues:

- Species credit offset for Green & Golden Bell Frog (GGBF) (*Litoria aurea*) should be provided as a “prescribed impact” under the Biodiversity Conservation (BC) Act 2016
- Species credit offset requirements for Southern Myotis (*Myotis macropus*) must be addressed

In response, an updated BDAR has been completed which addresses the matters raised above, as well as assessment of impacts resulting from minor changes to the proposed pipeline alignment. The revised BDAR includes an offset of 1 GGBF species credit for the detention ponds to be removed, which have been identified as potential non-breeding habitat for this species. It also includes an offset of 2 species credits for removal of habitat for Southern Myotis. This is considered sufficient to address our previous concerns.

Should the project proceed to approval, we recommend that conditions of consent be imposed requiring retirement of the requisite credits as outlined in the revised BDAR. Our office remains available to assist in the proposed wording as required.

Aboriginal Cultural Heritage

The identified area of potential archaeological deposit (PAD) associated with site 52-2-3618 has been avoided by changes to the pipeline route. The realignment comprises directional drilling under an area predicted to be of low archaeological potential (GHD 2018, Appendix I, p.34). The predicted areas of Moderate and High archaeological potential have been avoided. Our previous advice did, however, recognise that the assessment is limited in that the PADs have been defined based on landform and surface survey only.

We support options to avoid harm to Aboriginal heritage sites. We also note that the proposed directional drill is at a depth of 2 metres. This is well below the usual depth of archaeological deposits in this region, even if the realignment was through an area assessed as having archaeological potential. The exit and

entry pits have potential to harm Aboriginal objects, however, our understanding is that the realignment means these pits are located outside the identified areas of archaeological potential. The GHD (2018, p.35) assessment also explains that the fig trees along Springhill Road that have Aboriginal cultural values will not be harmed by the proposed works.

Should the impact footprint change, then an updated Aboriginal cultural heritage assessment must be conducted. Furthermore, if the alignment changes and areas of potential archaeological deposit will be harmed as a result, the applicant will need to conduct archaeological test excavation and formal Aboriginal community consultation in accordance with Clause 80C of the NPW Regulation.

We therefore reiterate our previous advice that the following matters be addressed post-approval:

- Prepare a procedure for managing Aboriginal objects if found or suspected during works, as per the management measures presented in the EIS (GHD 2018, p.227).
- Ensure that the AHIMS site card for site 52-2-3618 has been updated.
- Ensure there are no impacts from construction or ancillary works to the recorded Aboriginal heritage site and identified potential archaeological deposit (GHD 2018, Appendix I, p.34).

Water Quality & Coastal Hazards

The RTS indicates that a Dredging Environmental Management Plan (DEMP) will be prepared in consultation with relevant stakeholders, including government agencies, prior to the commencement of any works. The report also outlines the framework of the DEMP and provides an overview of the key environmental management measures to be implemented during dredging operations including water quality management provisions. It is understood that EPA have provided detailed advice on this matter and DPE should consult further with the EPA to ensure that water quality impacts have been appropriately addressed into any project approval.

The RTS report also outlines that the impacts of relevant coastal hazards will be incorporated into the design of the gas terminal infrastructure, however no project specific information has been provided. As per our previous advice, an assessment of coastal processes and hazards assessment is required to establish if there are any significant risks to life, infrastructure and the environment in the event of a large coastal event in the near term and due to climate change impacts. As coastal hazards have not yet been quantified or assessed, DPE may wish to seek further project specific information to support its assessment of the risks arising from coastal hazards and the influence this has on the design and operation of the proposal.

Please do not hesitate to contact Calvin Houlison, Senior Conservation Planning Officer on 4224 4179 or via e-mail on calvin.houlison@environment.nsw.gov.au should you have any further queries.

Yours sincerely



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