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DA 165-7-2005 MOD 1

Ms Lauren Evans  
Planning Officer, Resource Assessments  
Planning Services  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Evans

**Haerses Road Sand Quarry - Modification 1**

I refer to your email of 11 October 2016 inviting comments from the Office of Environment and Heritage (OEH) on the above. OEH understands this proposal seeks to modify the approval of a project which is considered a Major Project. OEH also notes the Environmental Assessment (EA) for proposal has been prepared in the absence of any Secretary's Environmental Assessment Requirements (as these were not issued).

OEH has reviewed the EA and provides the following comments on the biodiversity and Aboriginal cultural heritage assessments.

With regard to biodiversity, a Biodiversity Assessment Report (BAR) has been prepared to assess the ecological impacts using the *Framework for Biodiversity Assessment, NSW Biodiversity Offsets Policy for Major Projects (FBA)*. The FBA underpins the *Biodiversity Offsets Policy for Major Projects (BOP)* and contains the assessment methodology that is adopted by the BOP to quantify and describe the impact assessment requirements and offset guidance that apply to Major Projects.

A key feature of the BOP is that offsets are secured through biobank agreements. OEH notes the BAR proposes the 4 hectare Haerses Road Offset Site (HROS) as an on-site offset. It is unclear, however, if HROS will be subject to a biobank agreement. OEH also notes that inclusion of credits from HROS would result in a shortfall for 3 out of the 4 ecosystem types and all 5 species. Options proposed to address this shortfall include:

- Securing credits through the open credit market;
- Offsetting through a Biobank Agreement;
- Contributing funds to supplementary measures; and
- Contributing to the offset fund.

In accordance with the BOP, a finalised Biodiversity Offset Strategy (BOS) must be submitted with the project application. Table 22 of the FBA lists the minimum information requirements for the BOS. OEH notes that some of this information has not been supplied, i.e. there is no description of the

management actions proposed at the HROS, and there are no details on ecosystem or species credits or management actions for the Porters Road Offset Site (PROS).

With regard to the FBA credit calculator and the BAR, OEH advises:

- the 1000 ha assessment circle does not appear to be centred on the area of native vegetation that is most impacted by the proposal.
- it is unclear why in the FBA credit calculator, the '*land within 500 m of sandstone escarpments with hollow-bearing trees (etc)*' has not been ticked. If it was ticked it would trigger survey requirement for the Broad-headed Snake, which was surveyed for anyway.
- it is unclear why, as stated in Table 2.2, some plots were undertaken outside the proposed development area.
- there is no information on the direction of the plots/transects.
- It is unclear why in the site values tab in the credit calculator, HN560 is listed as '*not an EEC*' when in the BAR it is acknowledged that it is an EEC.
- in the offset site credit calculator, the location of the site needs to be changed from Teralba to Maroota

It should also be noted that under the FBA, variations of the offset rules need the approval of the consent authority. In considering any request for variation to credit matching and supplementary measures detailed in the finalised BOS, the Department of Planning and Environment (DPE) will need to ensure the ecosystem and species credits in the proposed offsets match those at the impact site or are within the variation rules.

The proposed BOS for the modification consists of the HROS and PROS and the purchase of credits from the register. It is also proposed development be staged and credits '*retired progressively based on the staging of native vegetation disturbance in line with the progressive development of the quarry*' with credits for the first stage to be retired 12 months after approval. In accordance with the BOP, however, any required offsets should generally be secured before development commences. If the proponent wishes to secure offsets after development commences, the BOP requires they enter into a voluntary planning agreement (VPA) prior to the granting of project approval to ensure the BOS is fulfilled.

In relation to the Aboriginal cultural heritage assessment, OEH notes no Aboriginal sites or objects were found within the proposed modification area. However, the predictive model identifies a potential for grinding grooves and engravings (grinding features) to be located on suitable sandstone surfaces. The archaeological survey indicates there was very low ground surface visibility and exposure, which greatly reduced the effective survey coverage. Consequently, there is potential for grinding features to be obscured by existing dense vegetation or leaf litter. OEH therefore recommends DPE condition a requirement to cease work and protect grinding features should any be uncovered during operations.

If you have any queries regarding this matter please contact Richard Bonner, Conservation Planning Officer, on 9995 6917 or richard.bonner@environment.nsw.gov.au.

Yours sincerely



**SAM HIGGS**  
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