



Your reference: SSD 6619
Our reference: DOC18/538489
Contact: Simon Stirrat
Ph 03 5051 6218
Date: 29 August 2018

Luisa Maguire
DA Coordinator
Key Sites and Industry Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attn: Emma Barnet
Via email: emma.barnet@planning.nsw.gov.au

Dear Ms Maguire

RE: Enirgi Battery Recycling Facility (SSD 6619) – Exhibition of Environmental Impact Statement

I refer to your email dated 31 July 2018 seeking comment from the Office of Environment and Heritage (OEH) about the Environmental Impact Statement (EIS) for the above State Significant Development in Wagga Wagga Local Government Area.

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs), issued by the Department of Planning and Environment on 6 October 2017 and provide the following comments.

OEH considers that the EIS **does** meet the SEARs for biodiversity and Aboriginal cultural heritage.

We note that the patch of native vegetation on the north-eastern corner of this lot is subject to the control provisions of the Wagga Wagga Development Control Plan, Section 13 - Bomen Urban Release Area.

An assessment summary is provided in **Attachment A** and detailed comments and recommendations are in **Attachment B**.

If you have any questions regarding this matter, please contact Simon Stirrat on (03) 5051 6218 or email simon.stirrat@environment.nsw.gov.au.

Yours sincerely

ANDREW FISHER
Senior Team Leader Planning
South West Branch
Conservation and Regional Delivery Division
Office of Environment & Heritage

ATTACHMENT A – OEH Assessment Summary for Enirgi Battery Recycling Facility EIS (SSD 6619)

ATTACHMENT B – Detailed comments for Enirgi Battery Recycling Facility EIS (SSD 6619)

ATTACHMENT A OEH Assessment Summary for Enirgi Battery Recycling Facility (SSD 6619)

OEH Advice

1.1 Is the 'baseline' for impact assessment reasonable? Yes

1.2 Are predictions of impact robust (and conservative) with suitable sensitivity testing? Yes

1.3 Has the assessment considered how to avoid and minimise impacts? Yes

No Aboriginal cultural heritage values were identified in the assessment. A chance find protocol has been developed to guide management if unknown objects or sites are identified during works.

1.4 Does the proposal include all reasonably feasible mitigation options? Yes

1.5 Does the proposal include all reasonably feasible mitigation options? Yes

1.6 Is the assessed impact acceptable within OEH's policy context? Yes

1.7 Confirmation of statements of fact

Facts regarding biodiversity and ACH are generally correct.

1.8 Elements of the project design that could be improved

The project adequately addresses impacts through mitigation measures.

ATTACHMENT B Detailed comments for Enirgi Battery Recycling Facility EIS (SSD 6619)

Biodiversity

As stated in the EIS the facility is being built in an area that has been assessed for biodiversity certification under the Wagga Wagga Local Environment Plan 2010. Impacts to the site are deemed to be acceptable under the *Biodiversity Conservation Act 2016* in the context of overall biodiversity protection the Bomen locality. However, the Wagga Biodiversity Certification process highlighted strategic protection of the larger patches of Yellow Box woodland (*Eucalyptus melliodora*) in the Bomen locality.

The Yellow Box woodland on the north-eastern corner of this lot is one of four patches identified in the Wagga Biodiversity Certification as 'low conservation value remnant patches' to be protected through the Bomen Development Control Plan (DCP).

The Wagga Wagga DCP, Section 13 - Bomen Urban Release Area (specifically section 13.10.1) provides a series of controls regarding natural resource management. This includes the following:

C1 A development application for:

- the larger areas of low conservation value treed native vegetation as identified in Figure 14 of the "Biodiversity Certification Report";
- ...
- shall be accompanied by a draft management plan which will not only provide for protection but also for revegetation of the perimeter areas of the Bomen industrial zones with the multiple objectives of management for visual impact mitigation, assistance in the management of surface water runoff, acoustic protection and biodiversity offsetting and enhancement.

C2 Trees within the area referred to in C1 are to be protected in accordance with a conservation management plan, prepared by a qualified ecologist and approved by Council.

C3 Revegetation of the area referred to in C1 is to be undertaken in accordance with a management plan approved by Council.

OEH recommends that the proponent demonstrate to the satisfaction of Council how the requirements of the DCP will be met.

Aboriginal Cultural Heritage Assessment

OEH has reviewed section 16 of the EIS covering Heritage of the EIS and Appendix P – 'OzArk E&HM, June 2018, Aboriginal and Historic Heritage Assessment Enirgi Power Storage Consolidation Project, Bomen, NSW' and provide the following comments.

Appendix P Section 1.5 and Section 1.5.1.3 refers to Division 4.1 for SSD. This should be Division 4.7.

Section 1.5 refers to Section 89C of the EP&A Act. The Act has been amended to Section 4.36 of the EP&A Act. This should be updated.

In Section 3.3 of the OzArk report it states the AHIMS search undertaken for a 10km x 10km search area on 6 June 2017. No Aboriginal sites were identified within the project site (OzArk, 2018:18). AHIMS data may only be relied on for 12 months currency from the date of the search.

Appendix 2: AHIMS data should not be made publicly available due to the sensitive nature of the data. Appendix 2 should be removed from the publicly available document.

Key findings of the OzArk assessment (2018)

A site inspection undertaken by an archaeologist from OzArk on 2 June 2017. Wagga Wagga Local Aboriginal Land Council were invited to attend the site inspection however were not able to on the

day of the inspection due to sorry business (OzArk 2018: Appendix 1 consultation log). All areas of moderate modification were inspected. Areas of high modification e.g. building sites or tarmac areas were not inspected. Only one survey unit was identified which was lower slope.

As a result of the visual inspection and AHIMS search, no Aboriginal sites or objects were identified within the project location. The assessment found “due to the level of previous disturbances, it is highly unlikely that the project site contains the potential for further, undetected subsurface archaeological deposits” (2018:27).

The amended site areas of the extended project in April 2018 was assessed only at a desktop level. It was assessed that the through vegetation clearance, laying of tarmac and earthworks and that it was similar to areas visually inspected in 2017, the area was determined to unlikely retain objects or archaeological deposits (OzArk, 2018:26-27).

OzArk conclude that Aboriginal cultural heritage values are unlikely to be present within the project site and therefore no further Aboriginal heritage assessment is required (2018:30).

OzArk recommend the ACHCRs do not need to be initiated as there is no potential impact to Aboriginal cultural values within the project site (2018:31).

A protocol has been developed for unanticipated finds relating to Aboriginal cultural heritage (Appendix 3).

Historic Heritage

We are unable to comment on the Historic Heritage Assessment provided within the EIS. OEH's Heritage Division are the appropriate contact for historic cultural heritage. Please forward the relevant sections to heritage@heritage.nsw.gov.au , if a copy of the assessment has not already been provided.