



DOC 18/707077-1
MP 09_0175 MOD 2

Mr Anthony Barnes
Senior Environmental Assessment Officer – Resource Assessments
Department of Planning & Environment
anthony.barnes@planning.nsw.gov.au

Dear Anthony

OEH Review of Environmental Assessment: Karuah East Quarry Project Modification 2 (MP 09_0175) – Mid Coast LGA

I refer to your email dated 21 September 2018, seeking comments on the Environmental Assessment for the Karuah East Quarry Project Modification 2 (MP 09_0175) located on the Pacific Highway at Karuah, in the MidCoast local government area.

OEH has reviewed the Environmental Assessment, including relevant appendices, annexures, attachments and parts of the document titled '*Karuah East Quarry: Environmental Assessment Section 75W Application (MOD 2) to amend Part 3A Project Approval 09_0175 - Minor Increase to Approved Disturbance Area*' (prepared by ADW Johnson Pty Limited and dated August 2018) in relation to impacts on biodiversity, Aboriginal cultural heritage and flooding.

OEH'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 Steven Cox, Senior Team Leader Planning, on 4927 3140 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

4 October 2018

SHARON MOLLOY
Director Hunter Central Coast Branch
Conservation and Regional Delivery Division

Contact officer: STEVEN COX
02 4927 3140

Enclosure: Attachments A and B

Attachment A

OEH's recommendations

Karuah East Quarry Project Modification 2 (MP 09_0175)

1. OEH is satisfied with the biodiversity assessment. No further biodiversity assessment is required, and no biodiversity offsetting is required for this project.
2. The Aboriginal Cultural Heritage Management Plan should be updated with the Karuah East Quarry MOD 2 boundary.
3. The proponent should consider the risk associated with undertaking the modification under a due diligence assessment and without preparing an Aboriginal cultural heritage assessment report
4. OEH is satisfied that no further flooding assessment is required.

Attachment B

OEH's detailed comments

Karuah East Quarry Project Modification 2 (MP 09_0175)

Biodiversity

1. OEH is satisfied with the biodiversity assessment

The Office of Environment and Heritage (OEH) has reviewed the Environmental Assessment (EA), notably Appendix C which is titled '*Flora and Fauna Impact Assessment*' (prepared by Kleinfelder Australia Pty Ltd, dated 11 September 2018). Appendix C indicates that the project was assessed in accordance with 'savings and transitional' arrangements under the *Biodiversity Conservation Act 2017* (BC Act) to determine whether the development triggered the thresholds for the Biodiversity Offsets Scheme (BOS). Under Section 30A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, a Biodiversity Assessment Report (BDAR) is not required to be submitted in association with the modification of a planning approval if the authority determining the application for modification is satisfied that the modification will not increase the impact on biodiversity values.

The modification proposal impacts on approximately 0.57 hectares of vegetation, which is described as disturbed or managed vegetation. The vegetation does not match a Plant Community Type under the Biodiversity Assessment Method. OEH concurs that the vegetation description provided in Section 3.2.2 of Appendix C represents highly disturbed vegetation which is of limited habitat value.

No threatened species (apart from a planted *Macadamia integrifolia*) were identified for the site and the site was deemed to be of limited habitat value. *Macadamia integrifolia* (Macadamia Nut), which is listed as vulnerable under both the BC Act and the *Environment Protection and Biodiversity Conservation Act 1999* were detected within the subject site, however it is noted that they were planted as a garden feature near the existing dwelling. They do not naturally occur within the subject site. As such, OEH concurs that no further assessment is required on this species.

The EA and Appendix C indicate that the proposal is unlikely to increase the impact on biodiversity values and also does not trigger the thresholds for the BOS. OEH is satisfied that a biodiversity development assessment report is not required and no further assessment is needed.

Recommendation 1

OEH is satisfied with the biodiversity assessment. No further biodiversity assessment is required, and no biodiversity offsetting is required for this project.

Aboriginal Cultural Heritage

2. The approved Aboriginal Cultural Heritage Management Plan should be updated

The Aboriginal Cultural Heritage Management Plan (ACHMP) should be updated to reflect the Karuah East Quarry MOD 2 boundary.

Recommendation 2

The Aboriginal Cultural Heritage Management Plan should be updated with the Karuah East Quarry MOD 2 boundary.

3. **An Aboriginal cultural heritage assessment report has not been provided**

OEH is unable to comment on the adequacy of the assessment of impacts on Aboriginal cultural heritage based on the *Karuah East Quarry MOD2 Due Diligence Report* (RPS 2018) as OEH does not review Aboriginal cultural heritage due diligence reports. Based on the information supplied, OEH is unable to determine if there are any Aboriginal cultural heritage values present within the Karuah East Quarry MOD 2 boundary.

There is a risk that Aboriginal cultural heritage values may be present in the modification area as the proponent intends to undertake the modification in accordance with a due diligence assessment rather than preparing an Aboriginal cultural heritage assessment report for the modification.

Recommendation 3

The proponent should consider the risk associated with undertaking the modification under a due diligence assessment and without preparing an Aboriginal cultural heritage assessment report.

Flooding and flood risk

4. **OEH is satisfied with the flood impact assessment**

OEH has reviewed the surface water assessment, provided in the Key Environmental Aspects and Controls report and is satisfied the proposed quarry extension will have no significant off-site flooding impacts.

Recommendation 4

OEH is satisfied that no further flooding assessment is required.