



Our Ref: DOC19/935384  
Your Ref: SSD-7293

Melissa Anderson  
Environmental Assessment Officer  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2000

Dear Ms Anderson

**Sancrox Quarry Expansion Project (SSD-7293)**

Thank you for requesting advice about the Sancrox Quarry Expansion from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the NSW Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), Aboriginal cultural heritage, National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

We have reviewed the Environmental Impact Statement (EIS) prepared by ERM dated October 2019 and have identified several issues for biodiversity and Aboriginal cultural heritage. These issues are discussed in detail in **Attachment 1** to this letter.

In summary the BCD recommends that:


1. Updated and finalised biodiversity data and information in accordance with the Framework for Biodiversity Assessment (FBA) should be provided for further review.
2. The biodiversity impacts associated with the indirect impacts of the proposal need to be further addressed in accordance with the FBA.
3. Further information and justification should be provided in relation to koala habitat on the development site.
4. The Biodiversity Assessment Report (BAR) should provide further justification for the connectivity impacts associated with the proposed development.
5. A revised BAR should be submitted which addresses all the requirements of the FBA.
6. The FBA Calculator is to be updated and finalised for review.
7. Further attempts should be made to engage with Registered Aboriginal parties.

8. The development footprint should be amended to preserve the Aboriginal scar tree.
9. The ACH induction for workers should be presented by a representative of the Registered Aboriginal Parties (RAPs) or, at a minimum, have a representative of the RAPs participate in the presentation and the content should be formulated by, or reviewed prior to finalisation, by the RAPs to ensure it is culturally appropriate.
10. The proposed chance finds protocol should be amended to require authorisation from the Department of Planning, Industry and Environment of any proposed salvage of Aboriginal objects discovered during works associated with the project.

We look forward to an opportunity to review the updated BAR when it is provided.

If you have any questions about this advice, please do not hesitate to contact Mr Krister Waern, Senior Operations Officer at [krister.waern@environment.nsw.gov.au](mailto:krister.waern@environment.nsw.gov.au) or 6640 2503.

Yours sincerely

 11 December 2019

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Biodiversity and Conservation**

Enclosure: Attachment 1 detailed BCD Comments – Sancrox Quarry Expansion Project (SSD 7293)



## Attachment 1: Detailed BCD Comments – Sancrox Quarry Expansion Project (SSD-7293)

### Biodiversity matters

The Biodiversity and Conservation Division (BCD) has reviewed the Biodiversity section of the Environmental Impact Statement (EIS) which was prepared by SLR Consulting Australia. The Biodiversity Assessment Report (BAR) forms Annexure C of the EIS and is dated June 2019. We note that the BAR has been prepared to address the Framework for Biodiversity Assessment (FBA).

We have not been able to provide detailed comments on the biodiversity matters as the FBA calculations have not been finalised and submitted by the applicant. Accordingly, the credit calculations and the BAR cannot be verified at this point and we will need to undertake a complete review once all the information has been supplied. However, some preliminary comments are provided below for further consideration.

#### *BCD Recommendation:*

*Updated and finalised biodiversity data and information in accordance with the Framework for Biodiversity Assessment should be provided for further review.*

#### Indirect Impacts to retained vegetation

The BCD notes that the indirect impacts of the proposal are identified on page 75 of the EIS. Although this section identifies some of the indirect impacts the main issue for the retained vegetation will be the edge effects of the proposed development. In accordance with section 8.2 of the FBA, the indirect impacts also need to be adequately considered and addressed.

The proposed mitigation measures are identified in Table 5.7 of the EIS. However, the proposed actions are not clear and do not address all the indirect impacts of the proposal on the retained vegetation on site, particularly relating to edge effects such as noise, dust and light spill, inadvertent impacts on adjacent habitat or vegetation, weed encroachment, and disturbance to specialised breeding and foraging habitat.

Indirect impacts will occur on the retained vegetation adjacent to the proposed expansion of the quarry. Accordingly, the BAR has not addressed the maximum possible biodiversity impact associated with the proposed development in accordance with the FBA.

More detailed mitigation measures should be developed to address the indirect impacts of the proposal. Further, if there are still likely to be indirect impacts on the retained vegetation after the implementation of mitigation measures, then these impacts should be calculated and included into the biodiversity credit requirement for the proposal.

Although not specifically clear in the FBA, Table 21 of Appendix 7 of the FBA describes the minimum information requirements of a BAR to include, 'Maps demonstrating indirect impact zones where applicable'. The best practice method to address the indirect impacts is to create a vegetation zone for the indirect impact area and apply a partial loss. This approach is detailed in section 2.4.1 of the BAM Operational Manual – Stage 2.

#### *BCD Recommendation:*

*The biodiversity impacts associated with the indirect impacts need to be further addressed in accordance with the FBA.*

#### Threatened species habitat

Once the FBA calculations are submitted, a further review of the threatened species habitat will occur. However, we note that most of the site has been dismissed as koala habitat.

Page 53 of the BAR states that the koala was observed on site via indirect evidence such as old scats and possible tree scratches, however no sightings or calls were recorded. The BAR goes on to describe the suitable habitat on site for koalas and the previously identified area of high koala activity within the development site.

The BAR also concludes on page 53 that there is a requirement for the preparation of a species polygon for the koala according to section 6.5 of the FBA. However, other places in the BAR state that no species polygons are required. Overall it appears that the BAR has dismissed koala habitat on site

We note that the koala also has a Commonwealth status as Vulnerable under the *Environmental Protection and Biodiversity Conservation Act 1999*.

#### *BCD Recommendation:*

*Further information and justification should be provided in relation to koala habitat on the development site.*

#### Assessing connectivity values

Appendix E to the BAR provides the maps of the connectivity assessment prepared as required by Appendix 4 of the FBA. The north-south connectivity links appear to be significantly affected by the proposed development, however section 2.9.2 of the BAR concludes that there will be no loss of connectivity.

#### *BCD Recommendation:*

*The BAR should provide further justification for the connectivity impacts associated with the proposed development.*

#### Reporting requirements of the FBA

Appendix 7 of the FBA identifies the reporting requirements for BARs. There appear to be some matters identified in this checklist which are not contained within the BAR. Specifically, there is no map of the survey effort associated with the fieldwork to identify trapping locations. Also, there is no recorded fauna list associated with the surveys.

The accredited person should ensure that all the required information has been provided as part of submitting the BAR.

#### *BCD Recommendation:*

*A revised BAR should be submitted which addresses all the requirements of the FBA.*

#### FBA Calculator

The above amendments to the BAR are likely to change the biodiversity credits required for the proposed development.

#### *BCD Recommendation:*

*The FBA Calculator is to be updated and finalised for review.*



### **Aboriginal Cultural Heritage matters**

The BCD has reviewed the Aboriginal cultural heritage (ACH) section of the EIS and the Aboriginal Cultural Heritage Report (ACHR) at Addendum D. In general, we agree with the ACH assessment process, findings and recommendations.

We note that the project had four different Aboriginal parties identify as Registered Aboriginal Parties (RAPs). Our review of the consultation logs included in Addendum D indicate that inadequate opportunity was provided to all RAPs to participate in the field assessment carried out to inform the ACHR.

In particular, we note that on 9 November 2017 the consultant attempted to call Danial Carriage to confirm his attendance for field work proposed for 15 and 16 November 2017. The log indicates that no phone connection was made due to a disconnected number. There does not appear to have been any attempt to use email or other means of contact and there appears to have been no attempt at all to follow up notification with Mr Norm Archibald. We consider that further attempts should have been made to contact both parties to ensure equity and transparency in the field assessment process.

*BCD Recommendation:*

*Further attempts should be made to engage with Registered Aboriginal Parties.*

We also note that a possible Aboriginal scar tree was recorded in the field and that the report indicates that it is on the very edge of the proposed footprint for the quarry expansion yet no evidence of any attempt to modify the footprint to conserve the tree is provided in the EIS. Given that the tree is situated on the extreme perimeter of the proposed expansion we recommend that the footprint of the proposed expansion is amended to preserve the tree *in-situ*.

*BCD Recommendation:*

*The development footprint should be amended to preserve the Aboriginal scar tree.*

We generally support the proposed ACH induction recommendation and chance finds protocol with the following amendments. The ACH induction for workers should be presented by a representative of the RAPs or, at a minimum, have a representative of the RAPs participate in the presentation. The content should also be formulated by, or reviewed prior to finalisation, by the RAPs to ensure it is culturally appropriate.

The proposed chance finds protocol should be amended to require authorisation from the Department of Planning, Industry and Environment of any proposed salvage of Aboriginal objects discovered during works associated with the project. This will ensure that any culturally or scientifically significant Aboriginal objects are not inadvertently salvaged or harmed in an inappropriate manner.

*BCD Recommendation:*

*The minor amendments above are required to the ACH induction and chance finds protocol*

