



Australian Government
Department of the Environment

EPBC Ref: 2013/7028

Mike Young
Manager Mining Projects
Major Project Assessments
Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Carl Dumpleton

Dear Mr Young

Mike

Comment on Environmental Impact Statement for the Proposed Expansion of Tinda Creek Sand Quarry, Putty Road, NSW

Thank you for your invitation to comment on the Proposed Tinda Creek Sand Quarry Environmental Impact Statement, which was provided to the Department of the Environment (the Department) on 9 July 2014, with appendices provided in hard and soft copy on 14 July 2014.

The Department notes that the proposal includes two options (with different quarry and offset areas for each alternative), and that one or both options may be approved. The Department's main concerns are with the adequacy of the proponent's assessment of indirect impacts to the *Grevillea parviflora*, their consideration of avoidance of impacts to the species if domain 7 is quarried (hereafter, domain 7 option) and the detail of information provided on erosion control.

The Department requests confirmation that the proposed tenure of the offset for the domain 3 option would be accepted by the NSW Government. The Department also requires further information from the proponent on the proposed provision of management for the proposed offsets sites. The Department has made detailed comments relating to avoidance and the buffer under the domain 7 option. When we receive this information, we will be able to comment on the adequacy of the proposed offsets

The Department's detailed comments are at Attachment A.

Additionally, the Department has provided comments on proposed conditions at Attachment B. Please note that as the Department has not yet seen the proponent's response to issues raised in this review, or the NSW assessment report, these comments should be treated as indicative only

If you have any questions about these, please contact the project manager, Carl Zimmermann, by e-mail: Carl.Zimmermann@environment.gov.au, or by telephone: 02 6275 9959 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Mahani Taylor
Director
NSW Section
2 September 2014

Detailed feedback on the EIS

1. The Department requests information on management of the proposed offsets sites, such as ongoing weed management, and whether this would be funded by the proponent.
2. The Department requests that information be provided on how the watercourse diversions will be designed to maintain downstream water quality, particularly how erosion from the diversions will be minimised.
3. The Department notes that the proponent has revised impact area for the domain 3 option to substantially reduce the impact to the Small-flower Grevillea, compared to the impact proposed in the original referral. The Department requests that the proponent provide a discussion of avoidance measures considered for the domain 7 option.
4. The Department requests that further information be provided regarding the possibility of indirect impacts on *Grevillea parviflora*. Specifically, the Department requests information on:
 - a. the proximity of individuals to existing quarrying activity (While this information has been presented graphically (Figure 4.2 of Ecological Assessment), it is difficult to judge the distance precisely. A higher resolution map is requested, together with a text description.
 - b. the distance between quarrying activities and individuals proposed if domain 3 is quarried
 - c. any additional information that would aid in assessing indirect impacts on the species.
5. The domain 7 option provides for a ten metre buffer zone between the quarry and the proposed offsets area (see p7.9 of EIS Appendix 7). The Department requests further information be provided demonstrating that this would be effective in avoiding indirect impacts to *Grevillea parviflora* beyond the buffer. This should include information on how the buffer will be managed for ecological benefit and the activities and access that will be allowed in the buffer.
6. The Department requests confirmation that the NSW Government would have no objection to the proposed tenure of the proposed offsets for the domain 3 option (The Department has already been provided with correspondence confirming that NSW Trade and Investment would not object to the offsets proposed for the domain 7 option).

Condition Recommendations

The following suggested conditions reflect the way the Department would write conditions. Wording has been provided to clearly convey the things the Department considers important in conditioning for this project. The style and wording of the conditions may not be consistent with DP&E's standard procedures and definitions. We also note that the Department has (in this letter) requested further information on a number of matters. This information may affect the Department's views of appropriate conditions. Where approval by an appropriate authority is mentioned, the Department would recommend that a government agency approve the relevant plan.

Creek diversion and water management

The following three conditions would help to ensure that downstream water quality in the Greater Blue Mountains World Heritage Area is maintained, protecting the values of the Area.

1. The approval holder must ensure that any watercourse diversions achieve at least the same levels as that of the pre-existing stream, when compared to baseline conditions, with regard to:
 - a. stream roughness and meander wavelength;
 - b. channel and bank stability; and
 - c. hydraulic parameters, including:
 - a. bank-full flow size;
 - b. velocity;
 - c. sheer stress; and
 - d. stream power.

The approval holder must record sufficient information on baseline conditions to demonstrate compliance with this condition.

2. Natural materials and geometry must be used for the construction and stabilisation of the watercourse diversion, unless otherwise approved in writing by [an appropriate authority].
3. The approval holder must ensure that the water management system operates as a closed system. If any water from the system leaves the site, the approval holder must notify [an appropriate authority] within 10 business days and, within 90 days, complete an investigation into the potential for environmental harm and provide a written report to the [authority] within 90 days of receiving the result, including:
 - (a) a description of the investigations carried out;
 - (b) a statement of the cause and extent of the flow of water from the system downstream;
 - (c) actions taken to prevent environmental harm; and
 - (d) actions taken to ensure that the water management system operates as a closed system in the future.

Offset

Once the offsets are finalised, the following conditions would ensure that the offset sites are adequately protected. The Department notes that one or both options may be approved, and that the final conditions would be that decision.

4. The approval holder must protect the Offset site identified in [Annexure A] under a relevant legal instrument to compensate for the impacts of the proposed action to the Koala and *Grevillea parviflora*. The legal instrument must be submitted to [an appropriate authority] for approval prior to commencement of the action and must:
 - a. be registered on title of the Offset site;
 - b. provide for the protection and conservation management of the Offset site in perpetuity;
 - c. prevent any future development activities on the Offset site; and
 - d. require the approval of state Planning or Environment Minister to be changed or revoked.

Disturbance limit

The following condition would limit the vegetation clearing impact of the action.

5. The approval holder must not clear more than [x hectares of habitat for relevant threatened species]

Mitigation

This condition would ensure a buffer between the action and the Greater Blue Mountains World Heritage Area.

6. The approval holder must not clear vegetation within [a specified distance: this depends which option is approved] of Yengo National Park.

The following condition would ensure that management actions to mitigate impacts on the Greater Blue Mountains World Heritage Area are adequate.

7. The approval holder must update the existing site Environmental Management Plan to include measures to be implemented to:
 - a. avoid, suppress and control the spread of weeds, plant pathogens and invasive species across the entirety of the site of the action and to prevent their spread into the Greater Blue Mountains World Heritage Area; and
 - b. measures to minimise erosion during construction and operation.

The Plan must be submitted to [an appropriate authority] and must be approved by the [authority] before commencement.

Rehabilitation

This condition would ensure that the proponent adequately rehabilitates the site, mitigating the long-term impact of the action.

8. The approval holder must rehabilitate the site with self-sustaining native vegetation communities and derived native grasslands, consisting of the same communities as in adjoining undisturbed areas [note: DP&E may want to specify the ecological communities], as described in the Environmental Impact Statement. The approval holder must submit a progressive rehabilitation plan to [an appropriate authority] for approval. The plan must be approved by the [authority] within one year of commencement.

