



**Office of
Environment
& Heritage**

Your reference: SSD 6093 13/06382
Our reference: DOC14/131154
Contact: Marcy Mills (02) 6659 8233

Mr Nicholas Hall
A/Team Leader – Industry
Industry, Key Sites and Social Projects
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Ms Pamela Morales

Dear Mr Hall

Re: Bindaree Beef Rendering Plant and Bio-digester Plant (SSD- 6093)

Thank you for your letter of 15 July 2014 requesting comments from the NSW Office of Environment and Heritage (OEH) on a development application for the Bindaree Beef Rendering Plant and Bio-digester plant for Lot 83 DP 753638, Gwydir Highway, Inverell in accordance with Division 4.1 State Significant Development of the *Environmental Planning and Assessment Act 1979*. I appreciate the opportunity to provide input.

OEH understands that the subject land has been used for the purposes of an abattoir since 1951 and that the development application seeks approval for the construction and operation of an anaerobic digester for generation of bio-gas and a rendering plant for inedible products, to complement the existing abattoir facility.

OEH has reviewed the development application and environmental impact statement (EIS) from Bindaree Beef Pty Ltd and has undertaken an inspection of the subject site on 7 August 2014. Detailed OEH comments are provided in Attachment 1 to this letter relating to the statutory responsibilities of OEH, which include Aboriginal cultural heritage, historic heritage, biodiversity values including threatened flora and fauna, OEH estate and potential impacts on flooding, coasts and estuaries.

On the basis of this review, OEH recommends that an ecological assessment is undertaken to determine the presence and extent of White Box Yellow Box Blakely's Red Gum Woodland (Box Gum Woodland) endangered ecological community (EEC) on the subject site, followed by an assessment of the extent and significance of direct and indirect impacts of the proposal in relation to the EEC. If impacts cannot be avoided then offsets should be provided in accordance with those required by the BioBanking Assessment Methodology.

OEH also recommends that the issue of any development consent for the proposal is conditional to ensure that any Aboriginal object(s) or item(s) of Aboriginal cultural significance identified during construction works are managed appropriately.

If you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be affected, please contact Conservation Planning Officer, Ms Marcy Mills, on 6659 8233, or via email at marcelle.mills@environment.nsw.gov.au. Please note that Marcy works Thursdays and Fridays only.

Yours sincerely

 15 August 2014

DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations

Attachment 1 – Detailed OEH Comments - Bindaree Beef Rendering Plant and Bio-digester Plant (SSD- 6093)

Aboriginal Cultural Heritage

An important component of the environmental assessment process undertaken in support of development proposals is the consideration of potential impacts to Aboriginal cultural heritage values. The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the *National Parks and Wildlife Act 1974* (NPW Act).

As part of any development proposal, it is critical that tangible and intangible Aboriginal cultural heritage values are fully assessed and considered. OEH's preference is to avoid impacting Aboriginal cultural heritage values and to ensure that appropriate long term protection mechanisms are in place in perpetuity.

Following a site inspection undertaken by OEH on 7 August 2014 and a review of the Aboriginal cultural heritage information contained within the EIS supporting the application, it has been determined that no Aboriginal cultural heritage constraints exist at the proposed location of works.

OEH does, however, recommend that the issue of any development consent for the proposal is conditional upon the following:

"If any Aboriginal object(s) or item(s) of Aboriginal cultural significance is identified during the proposed works:

- *all activity is to cease at that location;*
- *a 10m buffer zone is to be demarcated around the location;*
- *the Office of Environment and Heritage (North East Planning Unit) is to be notified immediately; and*
- *works are not to resume within the demarcated buffer zone until such time as authorised in writing by the Department of Planning and Environment."*

Biodiversity

White Box Yellow Box Blakely's Red Gum Woodland

OEH has reviewed the EIS and supplementary information prepared by Michael Hanlon Consulting Pty Ltd (July 2014).

The EIS indicates that a flora and fauna assessment has been undertaken within the immediate development area and wastewater irrigation area, however the results of such assessment are not provided within the EIS or included as an appendices.

Following a site inspection undertaken by OEH on 7 August 2014 it has been determined that a degraded remnant of *White Box Yellow Box Blakely's Red Gum Woodland* is likely to exist on the subject site, which is listed as an endangered ecological community (EEC) under the *Threatened Species Conservation Act 1995*.

Whilst the subject site is highly disturbed, the Final Determination of the NSW Scientific Committee for this EEC explicitly recognises that some remnants are degraded. As such, further investigation is required to determine the presence and extent of this ECC on the subject site.

In this regard, an assessment of the extent and significance of direct and indirect impacts of the proposal should be undertaken for the Box Gum Woodland EEC likely to occur on the subject site based on the presence of suitable habitat.

In light of the above, OEH recommends that:

- further investigation is undertaken to determine the presence and extent of Box Gum Woodland EEC on the subject site; and
- an assessment of the extent and significance of direct and indirect impacts of the proposal in relation to Box Gum Woodland EEC is undertaken; and
- if it is determined that the proposal is likely to have an adverse effect on this EEC, then appropriate offsets are provided in accordance with those required by the BioBanking Assessment Methodology.

Your attention is also drawn to the Australian Government's *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. If the proposal affects any matters of national environmental significance or other matters requiring consideration under this legislation then approval may be required from the Department of Environment. White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland is listed as a threatened ecological community under the EPBC Act.

OEH Estate

The subject site is not in proximity to OEH estate, therefore the proposed development is unlikely to result in any impacts on OEH estate.

Flooding, Coasts and Estuaries

OEH data indicates that the subject site is not impacted by flood hazard.

Recommendation

On this basis, OEH recommends that further investigation is undertaken to determine the presence and extent of Box Gum Woodland EEC on the subject site including an assessment of the extent and significance of direct and indirect impacts of the proposal in relation to Box Gum Woodland EEC. If impacts cannot be avoided then offsets should be provided in accordance with those required by the BioBanking Assessment Methodology.

OEH also recommends that the issue of any development consent for the proposal is conditional to ensure that any Aboriginal object(s) or item(s) of Aboriginal cultural significance identified during construction works are managed appropriately.