



DOC16/130821
SSD 7268

Mr Robert Byrne
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Byrne

Bourke Small Stock Abattoir (SSD 7268) - Exhibition

I refer to your request dated 10 March 2016 seeking comment from the Office of Environment and Heritage (OEH) on the exhibited Environmental Assessment for the proposed Small Stock Abattoir in Bourke.

We have reviewed the information provided against our requirements sent to the Department of Planning and Environment on 22 October 2015 and our detailed comments are provided in Attachment A and Attachment B.

If you have any questions regarding this matter please contact Michelle Howarth on 02 6883 5339 or email michelle.howarth@environment.nsw.gov.au.

Yours sincerely

STEVEN COX
Senior Team Leader Planning North West
Regional Operations Group

27 April 2016

Contact officer: MICHELLE HOWARTH
02 6883 5339

OEH Review - Biodiversity

Bourke Small Stock Abattoir – Environmental Impact Statement

Acronyms

EIS	Environmental Impact Statement
OEH	NSW Office of Environment and Heritage
BOS	Biodiversity Offset Strategy
BAR	Biodiversity Assessment Report
PVP	Property Vegetation Plan

1. Preparation and Security of BOS

OEH notes that the proponent intends to finalise the BOS post approval due to the need to obtain project approval in May 2016 to allow construction works to take place prior to the summer months. OEH does not object to this approach, however a consent condition needs to be included to specifically state the requirements of the offset including security and timing to ensure that the offset requirement is fulfilled.

Recommendation

1.1 That the consent conditions state:

- The minimum offset to be provided is the retirement of 2,068 Ecosystem Credits for the clearing of 55.3 hectares of native vegetation as calculated in the biodiversity credit report (EIS, Appendix I).
- The offset be secured under a BioBanking agreement within 12 months of development approval.
- The offset must be developed in accordance with the *NSW Biodiversity Offset Policy for Major Projects*.

2. Land for Offset

Section 7.2 of the BAR states:

'The applicant has entered into a conditional contract (pending receipt of project approval) to purchase the project site and surrounding buffer land on Lot 19 DP 753546, Lot 6297 DP 768182, Lot 2 DP 753547, Lot 100 DP 753547, Lot 102 DP 753547, Lot 4 DP 753547, and Lot 3 DP 753547' and

'Offset surveys will be completed in the project site and the surrounding buffer lands (CAPRA landholdings) to inform accurate offset calculations and select a preferred offset site/s'

OEH notes that a PVP applies to the parcels of land referred to as the project site and surrounding buffer land. Any proposed offset must meet the NSW Biodiversity Offsets Policy for Major Project principles. OEH is concerned that while a PVP applies to the land any offsets proposed may not meet principle four *'offsets must be additional to other legal requirements'*.

Recommendation

- 2.1 The applicant must demonstrate the proposed offset meets all of the NSW Biodiversity Offsets Policy for Major Project principles. Any proposed management activities must be in addition to other obligations for conservation that are attached to the land such as actions being carried out under the current PVP.

OEH Review – Aboriginal Cultural Heritage

Bourke Small Stock Abattoir – Environmental Impact Statement

Acronyms

ACH	Aboriginal Cultural Heritage
AHIMS	Aboriginal Heritage Information Management System
DP&E	Department of Planning and Environment
RAPs	Registered Aboriginal Parties
SEARs	Secretary's Environment Assessment Requirements

There are no significant issues with regards to the ACH assessment for the proposed development. Overall, the assessment has adequately addressed the investigation of ACH values for the areas of proposed land disturbance in regards to the SEARs issued to the proponent. The Aboriginal consultation is consistent with the OEH consultation requirements.

OEH note that the proposed development site is 3.5 kilometres from the Darling River which, contains examples of several significant Aboriginal site complexes. Based on the EIS Aboriginal Cultural Heritage (ACH) survey results and OEH Aboriginal Heritage Information Management System (AHIMS) records it is likely that the development proposal is located on the outer fringe of such a complex. In which case, higher density artefact scatters and greater diversity of sites can be expected closer towards the river. Equally, the location of the development proposal appears outside of the culturally sensitive landforms associated with the river and therefore mitigated harm to Aboriginal objects identified within the proposed development footprint is likely to have a minimal impact to Aboriginal sites more broadly within the Darling riverine landscape.

OEH raise three points for consideration in the development of the Heritage Management Plan.

1. Long term management of artefacts

The EIS ACH assessment report is not clear on the long term management of the artefacts to be collected from the development footprint. This will need to be finalised during the development stages of the Heritage Management Plan and whether a Care Agreement will need to be lodged with OEH. In addition, AHIMS listings shows that there are no records of the sites discovered during the site survey of the proposed development. Aboriginal site cards will need to be prepared and registered with OEH at the completion of the ACH study.

Recommendation

- 1.1 The Heritage Management Plan should include a clear long term management plan for artefacts collected from the site. The plan should also state whether a Care Agreement is required.
- 1.2 Aboriginal site cards need to be prepared for all sites discovered during the site survey and registered with OEH.

2. Surveys of Irrigation area

OEH note and support the assessment report recommendation for further survey work in the proposed adjacent irrigation area which has not been subject to a field survey. OEH accept the findings of the archaeology survey and subsequent site prediction estimate that the unsurveyed areas are likely to contain a low density and frequency of artefact material similar to the material recorded within the proposed footprint.

Recommendation

- 2.1 That surveys be conducted within the irrigation area prior to any on-ground works in the area.

3. Protection of *gurri* trees

OEH support the recommendation from the RAPs to protect *gurri* trees on the property. In the past, OEH have been informed by Aboriginal people in the Bourke and Brewarrina region of the demise of *gurri* trees (*Capparis mitchelli*) and request therefore that DP&E act on the RAPs request.

Recommendation

3.1 That the consent conditions state:

- That the *gurri* trees on the property must be protected from the proposed development construction and activities associated with the development.