



Your reference: DA53/97 MOD 5  
Our reference: DOC13/89807  
Contact: Sonya Ardill 02 6883 5313  
Date: 17 December 2013

David Mooney  
Senior Planner  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear David

**RE Baiada Chicken Processing Facility – Modification 5 – Replacement of Rendering Plant**

I refer to your email dated 5 December 2013 requesting comments on the Environmental Assessment Report (EAR) undertaken for above proposal from the Office of Environment and Heritage (OEH).

OEH has responsibilities under the;

- *National Parks and Wildlife Act 1974* - namely the protection and care of Aboriginal objects and places, the protection and care of native flora and fauna and the protection and management of reserves; and the
- *Threatened Species Conservation Act 1995* which aims to conserve threatened species of flora and fauna, populations and ecological communities to promote their recovery and manage processes that threaten them;
- *Native Vegetation Conservation Act 2003* – ensuring compliance with the requirements of this legislation.

OEH has reviewed the EAR and our detailed comments are attached.

Should you require further information regarding issues that are the responsibility of the OEH please contact Sonya Ardill, Senior Team Leader Planning on (02) 6883 5313.

Yours sincerely,

**SONYA ARDILL**  
**Senior Team Leader Planning, North West Region**  
**Regional Operations**

Enclosure: Attachment 1 Biodiversity and Cultural Heritage Comments

## **Attachment 1: Biodiversity and Aboriginal Cultural Heritage Comments**

### **1 Flora and Fauna Surveys**

Section 4.2.3 of the EAR states:

*'As part of the original Development application (July 1997), a flora and fauna survey was undertaken by Arnhem Environmental Impact Assessors over the original development site. While the replacement plant is located just outside of the original survey area the environmental and ecological characteristics of the site are similar and it is considered that the findings of the original survey would be indicative of the replacement plant site.'* ,

and

*'No threatened species, other than the grass Bothriochloa biloba, is present on site'*,

and

*'.....Due to the high level of previous and ongoing disturbance and the relatively small footprint of the replacement plant (approximately 2ha and 3.5% of the site area), it is considered that the replacement rendering plant is highly unlikely to contain any flora or fauna of significance'.*

Based on these statements OEH concludes that, if the new site is assumed to be consistent with the previously surveyed site, then it is likely that the threatened grass *Bothriochloa biloba* is present.

#### **Recommendation**

1.1 The Department of Planning and Infrastructure needs to be satisfied that the development will not have a significant impact on the listed species, *Bothriochloa biloba*. OEH recommends that a flora field survey of the new site be conducted and documented to establish the presence of threatened plants and the potential impact on these in accordance with relevant guidelines, including:

- a. [Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft](#) (DEC, 2004); and
- b. Threatened species survey and assessment guideline information on [www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm](http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm).

### **2 Archaeological Surveys**

Section 4.3.6 of the EAR states:

*'As part of the original Development Application submitted in July 1997, an archaeological survey was undertaken by Gaynor & Wilson Archaeological Consultants over the integrated processing plant site. The 1997 archaeological survey identified two isolated Aboriginal stone artefacts...'* ,

and,

*'The location of the replacement rendering plant is located immediately adjacent to the processing plant site and was not specifically assessed, has similar geographic and topographic features to the adjoining assessment area. As such, it is considered that location of the replacement rendering plant will exhibit similar cultural heritage values to those identified within the 1997 archaeological survey. As such, additional cultural heritage assessment has not been undertaken however, and the site is not expected to contain any constraints to the replacement rendering plant'.*

If the new site is assumed to be consistent with the previously surveyed site, then Aboriginal artefacts may be present at the site.

### Recommendation

2.1 OEH recommends that an archaeological survey be conducted on the new site in accordance with relevant guidelines.

The EA report should contain:

1. A description of the Aboriginal objects located within the area of the proposed development.
2. A description of the sensitivity (in relation to cultural heritage) of different landforms present in the landscape affected by the project.
3. A description of the cultural heritage values, including the significance of the Aboriginal objects, that exist across the whole area that will be affected by the proposed development, and the significance of these values for the Aboriginal people who have a cultural association with the land.
4. A description of how the requirements for consultation with Aboriginal people as specified in clause 80C of the National Parks and Wildlife Regulation 2009 have been met.
5. The views of those Aboriginal people regarding the likely impact of the proposed development on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and your response.
6. A description of the actual or likely harm posed to the Aboriginal objects from the proposed activity, with reference to the cultural heritage values identified.
7. A description of any practical measures that may be taken to protect and conserve those Aboriginal objects.
8. A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.
9. Documentation of discussions with the Aboriginal stakeholders regarding commitments from the proponent related to social, economic and/or conservation gains to offset any loss of cultural heritage.
10. A specific Statement of Commitment that the proponent will complete an Aboriginal Site Impact Recording Form and submit it to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through the proposed development.

In addressing these requirements, the proponent must refer to the following documents:

- a. ***Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*** (Department of Planning, 2005). These guidelines identify the factors to be considered in Aboriginal cultural heritage assessments for development proposals under Part 3A of the EP&A Act.
- b. ***Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*** (DECCW, 2010) - This document further explains the consultation requirements that are set out in clause 80C of the National Parks and Wildlife Regulation 2009. The process set out in this document must be followed and documented in the Environmental Assessment Report.

This document can be found at:  
<http://www.environment.nsw.gov.au/licences/consultation.htm>.

- c. ***Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales*** (DECCW, 2010) - The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires an archaeological investigation to be undertaken. This document can be found at:  
<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>.