



Office of
Environment
& Heritage

Your reference: SSD 9033
Our reference: DOC18/504034
Contact: Simon Stirrat
Ph 03 5051 6218
Date: 15 August 2018

David Gibson
Team Leader
Social Infrastructure Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Teresa Gizzi
Via email: teresa.gizzi@planning.nsw.gov.au

Dear Mr Gibson

RE: Wagga Wagga Rural Referral Hospital Redevelopment Stage 3 (SSD 9033) – Exhibition of Environmental Impact Statement

I refer to your letter dated 16 July 2018 seeking comment from the Office of Environment and Heritage (OEH) about the Environmental Impact Statement (EIS) for the above development proposal in Wagga Wagga Local Government Area.

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs), issued by the Department of Planning and Environment on 30 January 2018, and provide the following comments.

OEH considers that the EIS **does** meet the SEARs for biodiversity.

However, the Aboriginal cultural heritage assessment has not been updated with current AHIMS search results. Also, mitigation measures identified in the EIS as they relate to unexpected finds are not entirely consistent with legislation in place to protect Aboriginal sites and objects in NSW. OEH requires these issues be addressed prior to any development works commencing.

An assessment summary is provided in **Attachment A** and detailed comments and advice are in **Attachment B**.

If you have any questions regarding this matter, please contact Simon Stirrat on (03) 5051 6218 or email simon.stirrat@environment.nsw.gov.au. Please note that the correct email address for referring applications to the South West Branch, Conservation and Regional Delivery Division of OEH is rog.southwest@environment.nsw.gov.au.

Yours sincerely

ANDREW FISHER
Senior Team Leader Planning
South West Branch
Conservation and Regional Delivery Division
Office of Environment & Heritage

ATTACHMENT A – OEH Assessment Summary for Wagga Wagga Rural Referral Hospital Redevelopment Stage 3 EIS (SSD 9033)

ATTACHMENT B – Detailed comments for Wagga Wagga Rural Referral Hospital Redevelopment Stage 3 EIS (SSD 9033)

ATTACHMENT A OEH Assessment Summary for Wagga Wagga Rural Referral Hospital Redevelopment Stage 3 EIS (SSD 9033)

Key Issues

1	<i>Issue</i>	AHIMS results provided by the amended 'Baseline' Archaeological Assessment (2012) are considered invalid. AHIMS search results only remain valid for a period of up to 12 months. The Aboriginal cultural heritage (ACH) assessment/EIS should include up-to-date AHIMS search results for the subject site.
	<i>Extent and Timing</i>	Pre-determination

2	<i>Issue</i>	Mitigation measures described in EIS (Table 8) as they relate to ACH are incomplete. Table 8 should be updated to correspond with protocols described in Section 6.6 (Aboriginal Heritage) which includes a process for the unexpected discovery of skeletal remains: <i>In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.</i>
	<i>Extent and Timing</i>	Pre-determination

OEH Advice

- | | | |
|-----|--|-----|
| 1.1 | Is the 'baseline' for impact assessment reasonable? | Yes |
| 1.2 | Are predictions of impact robust (and conservative) with suitable sensitivity testing? | Yes |
| 1.3 | Has the assessment considered how to avoid and minimise impacts? | Yes |
| 1.4 | Does the proposal include all reasonably feasible mitigation options? | Yes |
| 1.5 | Does the proposal include all reasonably feasible mitigation options? | Yes |
| 1.6 | Is the assessed impact acceptable within OEH's policy context? | Yes |
| 1.7 | Confirmation of statements of fact | |

Facts regarding biodiversity, flooding and ACH are generally correct.

1.8 Elements of the project design that could be improved

The project adequately addresses impacts through mitigation measures.

ATTACHMENT B Detailed comments for Wagga Wagga Rural Referral Hospital Redevelopment Stage 3 EIS (SSD 9033)

Biodiversity

OEH has reviewed the Biodiversity Development Assessment Report provided with the EIS.

We note that no PCTs (ecosystem credits) or threatened species credit species were recorded within the Development Site.

We concur with the assessment that no offsets are required for the proposed development under the *Biodiversity Conservation Act 2016*.

Aboriginal cultural heritage

Based on assessment of the information provided in the EIS and Wagga Wagga Base Hospital Baseline Archaeological Assessment Report (Amended 2012), consideration of potential impacts to ACH as a result of the proposed development activities has been demonstrated and is largely consistent with the requirements identified by the SEARs issued for SSD 9033.

Mitigation Measures (Unanticipated Finds Protocol)

We note and support mitigation measures described in EIS Section 6.6 (Aboriginal Heritage) but consider this has not completely translated to Table 8 (Mitigation Measures) and is not inclusive of a protocol for the chance encounter of skeletal remains.

We recommend the following as a condition of consent:

Update Mitigation Measures identified in the EIS to include a process for the management of skeletal remains - *In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.*

Aboriginal Heritage Information Management System (AHIMS)

It is important to note that information in AHIMS may not be up-to-date and results from AHIMS searches only remain valid for a period of up to 12 months.

We recommend the following as a condition of consent:

Undertake a full AHIMS Search for the site. OEH keeps a register of notified Aboriginal objects and declared Aboriginal places in NSW (AHIMS). You can search AHIMS to discover if an Aboriginal object has been recorded, or an Aboriginal place declared, on any parcel of land. More information about accessing AHIMS, is available on the OEH website at:

www.environment.nsw.gov.au/licences/WhatInformationCanYouObtainFromAHIMS.htm

Based on consideration of the above, we recommend the following conditions of development consent:

- *ACH mitigation measures be updated to include process for encountering unanticipated skeletal remains to ensure that no additional harm is caused*
- *Undertake a current search of AHIMS using large enough buffer size to allow adequate landscape interpretation*