



Office of
Environment
& Heritage

Our reference: DOC15/181019
Contact Marnie Stewart, 9995 6868

Mr Andrew Beattie
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Department of Planning and Environment
GPO Box 39
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Dear Mr Beattie

I refer to your letter received by the Office of Environment and Heritage (OEH) on 27 May 2015 requesting comments on the Response to Submissions (RtS) for the Moorebank Intermodal Terminal at Moorebank Avenue, Moorebank (SSD-5066) during the public exhibition.

OEH's comments on the RtS for the major project are provided in Attachment 1.

If you have any queries regarding this matter please contact Marnie Stewart, Senior Operations Officer, on 9995 6868.

Yours sincerely

S. Harrison 25/06/15

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region
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Attachment 1: OEH comments on the Response to Submissions for the Moorebank Intermodal Terminal Facility SSD 5066 during public exhibition

Aboriginal cultural heritage

OEH notes that the response in the RtS with respect to the request by OEH of how the applicant will ensure the perpetual and ongoing conservation of lands assessed as retaining local, state and National (High) significant Aboriginal cultural heritage values remains unsubstantiated. As previously advised, the assessment prepared by Navin Officer clearly outlined why the land referred to as the George River Corridor and Terraces retain these heritage values.

OEH previously recommended that much greater consideration be given to this issue to ensure the ongoing and long term conservation of these lands, in whole or part, within the proposed development site including consideration of extending the environmental zoning within the development and limiting and/or avoiding infrastructure activities within this land. In order to achieve this, OEH recommends the preparation of an Aboriginal Cultural Heritage Management Plan. This management plan should identify any areas of Aboriginal Cultural Heritage significance within the conservation area and appropriate management of sites and values including vegetation management, infrastructure, future uses and site interpretation.

Biodiversity

OEH notes that the Biodiversity Offset Strategy (BOS) does not commit to providing offsets via a biobanking agreement for the Moorebank and Casula offsets. As stated in OEH's previous comments dated 18 March 2015, the NSW Biodiversity Offsets Policy for Major Projects 2014 requires a biobanking agreement be used to secure the offset site, unless there are no credits on the market, or other criteria under Principle 5 are met. OEH remains of the view that the applicant needs to make a stronger commitment to biobanking as the conservation mechanism protecting the offset.

The proposed rail crossing will directly impact on the riparian vegetation of the Georges River, which is an "impact that requires further consideration by the consent authority" under the Framework for Biodiversity Assessment. OEH's previous comments noted that to address this, the BOS needs to propose additional offsets, supplementary measures or other actions, but these weren't provided. OEH notes that the latest version of the BOS still does not provide any additional offsets, supplementary measures or other actions to address this impact.

Planning Proposal - zoning regime

Sections 4.2.1 and 4.2.2 of the BOS indicate that it is still proposed to rezone the Moorebank and Casula conservation areas as E3 Environmental Management. As previously advised, the biodiversity offset areas should be afforded the highest level of zoning protection. OEH continues to recommend the use of E2 Environmental Conservation as this zone contains the most appropriate objectives and permitted uses for the biodiversity offset areas, and reflects the intent of the land for conservation purposes.

OEH estate - Leacock Regional Park

As previously advised in correspondence dated 18 March 2015, and in the meeting held 28 January 2015, OEH advised that a typographical error was made only with respect to the name of the regional park. The requirement to consider impacts of the development on Leacock Regional Park, as it is in close proximity to the project, remains relevant. The RtS should therefore address the matters to be considered outlined in the *Guidelines for developments adjoining land and water managed by Department of Environment Climate Change and Water* (DECCW 2010) which can be found at: <http://www.environment.nsw.gov.au/resources/protectedareas/080290devadjoindecc.pdf>

(END OF SUBMISSION)