



## Office of Environment & Heritage

Your reference : 06\_0074 Mod 3  
Our reference : DOC12/35635  
Contact : Allison Treweek (02) 6229 7082

Felicity Greenway  
Team leader  
Mining and Industry Projects  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Greenway

### **RE- MODIFICATION TO PEPPERTREE QUARRY PROJECT (O06\_0074 MOD 3) EXHIBITION OF ENVIRONMENTAL ASSESSMENT**

I refer to our meeting held on the 24 July 2012, notification letter and the Environmental Assessment and Erratum prepared by EMM. This information has been provided to the Office of Environment and Heritage (OEH) requesting our comments on the modification and recommended conditions of approval.

OEH have reviewed the information supplied and provide the following advice.

#### **Use of the Biobanking methodology**

OEH notes EMM have used the Biobanking methodology to undertake the field work, however they have not applied the methodology to assess the impact of the development, and determine the appropriate level of offset for the development. OEH understand the use of the Biobanking methodology is voluntary however if the proponent chooses to apply the methodology for one aspect of the assessment then the methodology should also be applied consistently throughout the assessment. With this in mind the Biobanking methodology should be used to determine the appropriate offset for this development.

#### **Avoid Mitigate Offset**

OEH acknowledge the route of the HCV power line has been chosen to avoid all large hollow bearing trees, however the route will still impact on regenerating areas of the Endangered Ecological Community "White Box Yellow box Blakely's red gum woodland". The route attempts to avoid significant impacts and may mitigate these impacts, however the current proposal of spraying the class 4 noxious weeds within the surrounding areas is not considered to be an adequate offset for the impacts of this development. Spraying of weeds such as Serrated Tussock and St Johns Wort is a legal requirement of all landowners under the Noxious Weeds

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Act and is therefore required to be undertaken and cannot be considered an offset for this development.

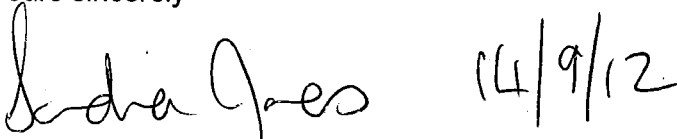
OEH note the area where the HV power line route will impact is surrounded by intact Box gum woodland. The proponent could consider investigating the protection or enhanced management of this area as an offset for this development. Such enhanced management should be above and beyond what is required by legislation such as the Noxious Weeds Act.

### **Aboriginal Cultural Heritage**

The EMM July 2012 report does not meet some of the requirements listed in the July 2005 Part 3A ACH assessment guidelines. OEH has provided detailed comments and recommendations as to how the report can be made more consistent with the guidelines in Attachment 1.

Should you require any additional assistance or wish to discuss the matter further please contact Allison Treweek on (02) 6229 7082.

Yours sincerely

Handwritten signature of Sandra Jones and the date 14/9/12.

**DR SANDRA JONES**

**Acting Manager Landscape and Aboriginal Heritage Protection**  
**CONSERVATION AND REGULATION DIVISION**

## **Attachment 1: Aboriginal Cultural Heritage Issues.**

Section 1.5 – The description and documentation of the Aboriginal consultation process does not meet the requirements listed in the DEC July 2005 ACH guidelines for 3A matters. There is no documentation on efforts to undertake cultural mapping and/or oral history recording with Aboriginal community representatives. The information provided in correspondence from Buru Ngunawal Aboriginal Corporation and Ngunawal Heritage Aboriginal Corporation has not been discussed or documented within the EMM report. It would also be helpful to include the Aboriginal Heritage Management Plan as an appendix to the report.

Section 2 – This landscape assessment does not meet requirements in the DEC July 2005 ACH guidelines for 3A matters. No information or discussion about interaction of Aboriginal people with the land in the assessment area; maps of landscape and landform units utilised for the assessment have been included. Maps of landscape features, places, and natural resources of interest to Aboriginal people should also be included.

Section 3.5 – There are four previous ACH assessment reports listed on the OEH Aboriginal Heritage Information Management System (AHIMS) search results for the study area which have not been discussed in this section (see below). The report by Lance and Koettig (1986) has been discussed but it has not been included in the list of references on page i.

Sefton, C. 1995 AHIMS catalogue number 3605  
Williams, D. 2004 AHIMS cat. no. 99346  
ERM 2004 AHIMS cat. no. 102089  
RPS 2008 AHIMS cat. no. 101390

Section 4 – Documentation of the survey strategy and survey units does not meet the requirements stipulated in the 2005 guidelines. For example, the report contains no map that shows the boundaries of the survey units and the route(s) of the survey transects within each unit. There is also no information on survey transect widths. This information is required to calculate effective survey coverage and is a requirement listed in the 2005 guidelines.

Section 4.2 – Survey units must be based on recognised landscape and/or landform units. The units described here do not meet the criteria discussed in the 2005 guidelines.

Section 4.3 – Site PTQ2 has not been listed on AHIMS and no site card appears to have been submitted. Section 89A of the NPW Act 1974, as amended and Section 102 of the NPW Regulation 2009 are not overridden by Part 3A of the EP&A Act and it is an offence to not provide a site record card to OEH within a reasonable time of discovery of the site. A completed site card should be forwarded to OEH Queanbeyan as soon as possible.

Section 5.2 – Two Registered Aboriginal Parties (Buru Ngunawal Aboriginal Corporation and Ngunawal Heritage Aboriginal Corporation) have provided written comment on the report and have provided information on Aboriginal heritage significance. This information should be discussed in this section. The discussion must include a description of the proponent's responses to the comments. It is recommended that all sections of the report that relate to the Aboriginal consultation process should be re-written to meet 2005 requirements.

Section 7.2 – The report recommendations are not consistent with OEH policy as they include a recommendation that works should be monitored by Aboriginal community representatives, where monitoring may not be the best outcome for protecting and understanding ACH values. Often monitoring only results in the discovery of Aboriginal objects (including Aboriginal skeletal remains) after they have been disturbed. Instead OEH suggests that a program of subsurface testing to refine the predictive model for site and artefact locations could be undertaken before construction commences.