



Hume Highway Upgrade Woomargama Bypass

ROCKLEY FALLS QUARRY VEGETATION OFFSET
AREAS

REQUEST FOR MODIFICATION TO PROJECT
APPROVAL

- A
- 24 February 2010



Hume Highway Upgrade Woomargama Bypass

ROCKLEY FALLS QUARRY VEGETATION OFFSET AREAS

REQUEST FOR MODIFICATION TO PROJECT APPROVAL

- A
- 24 February 2010

Abigroup Project Number: 221344
RTA Project Number: 0002.186.RC.0514
SKM Project Number: NB11038



A Team consisting of RTA, Abigroup and SKM

Contents

1.	Introduction	2
1.1	Background	2
1.2	Content of this submission	2
2.	Scope and Justification of the Proposal	3
2.1	Location	3
2.2	Proposed Scope of Works	3
2.2.1	Vegetation Offset Areas	3
2.3	Fencing of the vegetation offset areas	8
2.4	Justification	11
3.	Assessment of environmental impact	12
3.1	Noise and air quality	12
3.2	Aboriginal & non-Aboriginal heritage	12
3.3	Soil and water impacts	12
3.4	Biodiversity	12
3.5	Waste	12
3.6	Socio-economic considerations	13
4.	Consultation	14
5.	Consideration of State & Commonwealth environmental factors	16
5.1	Clause 228(2) Factors (NSW Legislation)	16
5.2	EPBC ACT 1999 Factors (Commonwealth legislation)	18
6.	Conclusion	20
Appendix A Aboriginal Cultural Heritage Assessment		
Appendix B DECCW Correspondence		

Executive Summary

The Rockley Falls Quarry (the quarry) has been supplying aggregate material to the Hume Highway Southern Alliance (HHSA) duplication project. Operation of the quarry has been managed by the HHSA (on behalf of Abigroup) under project approval 07-0078 (dated 16 June 2008) and Environment Protection Licence (EPL) No. 12884 issued by the Department of Environment, Climate Change and Water (DECCW).

Following completion of the HHSA duplication project, the HHSA participants who have been selected to deliver the Woomargama Bypass Project reformed as the Hume Highway Woomargama Alliance (HHWA). Hence, the quarry is currently being operated by the HHWA on behalf of Abigroup.

This submission has been prepared to support a request for a modification to the existing project approval, specifically to change the boundary and extent of the vegetation offset areas and to redefine the requirements for fencing the vegetation offset areas. These proposed changes are not consistent to the project approval 07-0078, however changes are not anticipated to significantly change any impacts to what is currently described in the Environmental Assessment (EA) (Blueprint Planning 2008). Impacts to the environment from the proposed works have been identified and discussed in **Section 3**.

1. Introduction

1.1 Background

The Minister for Planning granted approval for Abigroup Contractors Pty Ltd (Abigroup) to establish and operate the Rockley Falls Quarry near Holbrook, NSW on 16 June 2008. The approval was based on the Environmental Assessment (EA) prepared by Blueprint Planning, February 2008.

Abigroup was a participant of the Hume Highway Southern Alliance (HHSA) formed to construct the duplication of the Hume Highway between Woomargama and Table Top and the quarry has been supplying material aggregate to the HHSA duplication project. Operation of the quarry has been managed by the HHSA (on behalf of Abigroup) under project approval 07-0078 (dated 16 June 2008) and Environment Protection Licence (EPL) No. 12884 issued by the Department of Environment, Climate Change and Water (DECCW).

Following completion of the HHSA duplication project, the HHSA participants who have been selected to deliver the Woomargama Bypass Project reformed as the Hume Highway Woomargama Alliance (HHWA). Hence, the quarry is currently being operated by the HHWA on behalf of Abigroup.

In accordance with the Minister's Conditions of Approval (MCoA) for the project specifically Schedule 3, Condition 27, the proponent has a requirement to establish, conserve and maintain approximately 243 hectares of native vegetation on the quarry site as shown in Appendix 4 of the MCoA (this map is included as **Figure 2-1** of this report). The proponent must also satisfy MCoA, Schedule 3, Condition 27(B), the Statement of Commitments and the Director-General's Assessment Report and ensure the boundaries of the offset areas are fenced and clearly marked at all times. The HHSA proposes to modify the boundaries and extent of the vegetation offset areas and to redefine the requirements for fencing the vegetation offset areas. The justification for the proposed changes is discussed in Section 2.4.

The Department of Planning (DoP) have advised the HHSA that the proposed modification vegetation offset areas and fencing requirements are not considered consistent with the existing approval. HHSA has prepared this submission to support a request for a modification to the existing project approval to modify the boundaries and extent of the vegetation offset areas and the fencing requirements for the vegetation offset areas.

1.2 Content of this submission

The report addresses the following aspects:

- Scope and justification of the proposal;
- Assessment of environmental impacts and proposed mitigation measures; and
- Consultation.

2. Scope and Justification of the Proposal

2.1 Location

Rockley Falls Quarry is situated approximately 4 kilometres northeast of Holbrook, NSW on the western escarpment and foothills of the ‘Cromer Hills’ (**Figure 2-1**).

The quarry and surrounding area have been extensively modified and used for agricultural purposes, primarily grazing of sheep and cattle. To the west of the quarry, neighbouring properties are dominantly pastoral with cropping increasing to the west of the Hume Highway.

2.2 Proposed Scope of Works

2.2.1 Vegetation Offset Areas

As referenced in **Section 1.1**, the proposed modifications are not considered consistent with the existing MCoA, Schedule 3, Condition 27. MCoA, Schedule 3, Condition 27(a) states:

‘the proponent shall establish, conserve, and maintain approximately 243 hectares (ha) of native vegetation onsite’

This area is shown in **Figure 2-1**.

The HHSA is proposing to modify this area, changing the boundaries as well as the extent of certain offset areas. Changes to the offset areas are summarised in **Table 2-1**. Overall, an additional 16.2 ha of vegetation would be conserved. **Figure 2-2** shows the proposed modified boundaries and extent of the vegetation offset areas.

Table 2-1 Modification to the project approval vegetation offset areas

Vegetation Offset Area	Vegetation Type	EA/Project Approval area (ha)	Modified plan area (ha)	Change in area (ha)
Vegetation Offset Area 1	Western Slopes Grassy Woodland (White Box- Yellow Box-Blakely’s Red Gum Woodland) and Western Slopes Dry Sclerophyll Forest (Rocky Scarps and Ranges Complex)	21.63	21.63	0
Vegetation Offset Area 2	Western Slopes Grassy Woodland (White Box- Yellow Box-Blakely’s Red Gum Woodland) including riparian vegetation	12.60	13.09	0.49
Vegetation Offset Area 3	Western Slopes Grassy Woodland (White Box- Yellow Box-Blakely’s Red Gum Woodland)	18.39	18.08	-0.31

Vegetation Offset Area	Vegetation Type	EA/Project Approval area (ha)	Modified plan area (ha)	Change in area (ha)
Vegetation Offset Area 4	Western Slopes Dry Sclerophyll Forest (Rocky Scarps and Ranges Complex) and areas of Western Slopes Grassy Woodland (White Box- Yellow Box-Blakely's Red Gum Woodland) below	190	206	16
Total		242.62 ha	258.80 ha	16.2 ha

It should be noted that the above has been mapped using topographical data from a Geographical Information Database (GIS) while the survey information for the covenant areas has uses an alternate system. This would result in a small difference in the mapped vegetation offset areas (i.e. in ha) provided within the covenants.

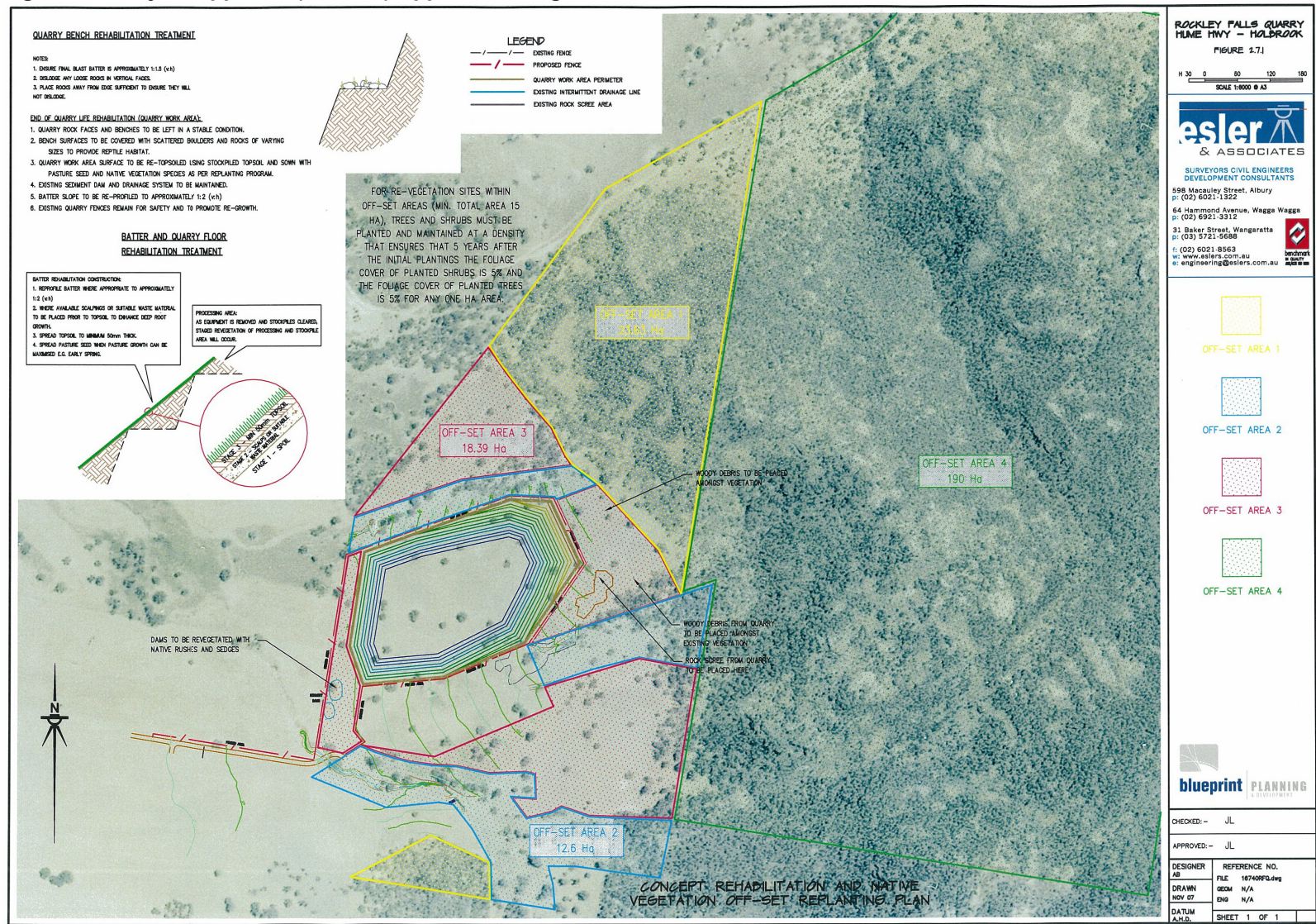
The reasons for the changes, summarised in **Table 2-1** include:

- To correct a mapping anomaly in the EA regarding encroachment of vegetation offset area 2 into an adjoining private property, the south western boundary of offset area 2 would be relocated further westwards. In addition, the total area of offset area 2 would be increased to accommodate the removal of a farm dam within this vegetation offset area and within vegetation offset area 3;
- To clarify the nature and extent proposed quarry operations within vegetation offset area 3. It should be noted that the Director-General's Assessment Report for the quarry recognises that this vegetation offset area would be impacted to a certain degree by quarry operations and noted that certain circumstances may warrant further consideration of this area prior to detailed plans being submitted. Hence, the HHSA proposes to reduce vegetation offset area 3 by 0.31 ha to accommodate removal of a farm dam. The area removed from vegetation offset area 3 would be supplemented by an increase of 0.49 ha in vegetation offset area 2. This would result in no net loss of White Box- Yellow Box-Blakely's Red Gum Woodland within the vegetation offset areas. Adjusting vegetation offset areas 2 and 3 to accommodate permanent grazing access to two farm dams, includes a 10 m wide fenced access track from within the quarry extraction area; and
- To correct a mapping anomaly in the EA, the eastern boundary of offset area 4 has been extended to the eastern property boundary, increasing the total area by 16ha.

Access to the farm dams located within the vegetation offset areas is important to the landowner and future property values. Two northern dams would be excluded from the vegetation offset areas 2 and 3. An additional dam located to the south-east of the quarry extraction area would remain part of the offset area and would be excluded from grazing. HHSA originally proposed to exclude this dam; however this proposal was not supported by DECCW because providing laneway and access through a large area of the vegetation offset area would result in fragmentation.

The revised proposal would result in no net loss of White Box-Yellow Box-Blakely's Red Gum Woodland within the vegetation offset areas and would increase the area conserved by approximately 16 ha of Western Slopes Dry Sclerophyll Forest (Rocky Scarps and Ranges Complex).





Figure 2-1 Project Approval (07-0078) Appendix 4 Vegetation Offset Areas



■ **Figure 2-2 Proposed Vegetation Offset Areas**



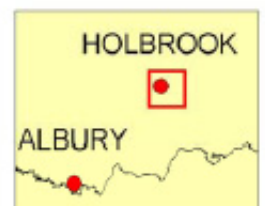
Legend

-  Offset Area 1
-  Offset Area 2
-  Offset Area 3
-  Offset Area 4
-  Farm Dams and Access Tracks

Data Sources:
Department of Lands (2006)
BluePrint Planning and Development (2007)
LPI (2009)



0 250
A4 Metres



2.3 Fencing of the vegetation offset areas

MCoA, Schedule 3, Condition 27(b) specifies that the vegetation offset areas must be clearly marked at all times in a permanent manner; while the EA and the Director-General's Assessment Report note that offset areas are to be fenced with fauna friendly fencing to prevent stock entry.

The HHSA has noted that fencing of the entire vegetation offset area is neither practical nor feasible and would not necessarily achieve any further ecological benefit. Consequently, the HHSA has developed an alternative fencing proposal in consultation with the DECCW. The following process has been followed to develop the new fencing strategy:

- HHSA provided written correspondence to DECCW on 4 May 2009 noting the constraints associated with meeting the approved fencing requirements (Refer Section 2.3 for a description of these constraints);
- A site inspection was undertaken by representatives of DECCW and HHSA on 24 June 2009. During this inspection it was agreed that it would be impracticable to fence all of the vegetation offset areas due to the steep terrain and dense vegetation. The DECCW suggested the HHSA prepare a proposal for an alternate fencing strategy taking into consideration the current state of neighbouring fences and past land-use history; and
- Meetings were held with the property owners of "Quambatook" to the south and "Blairgowrie" to the east of the quarry. Using a combination of the land owner's farm maps (developed by Landcare) and topographic maps, the stock proof fences surrounding these properties were mapped using a Geographic Information System (GIS).

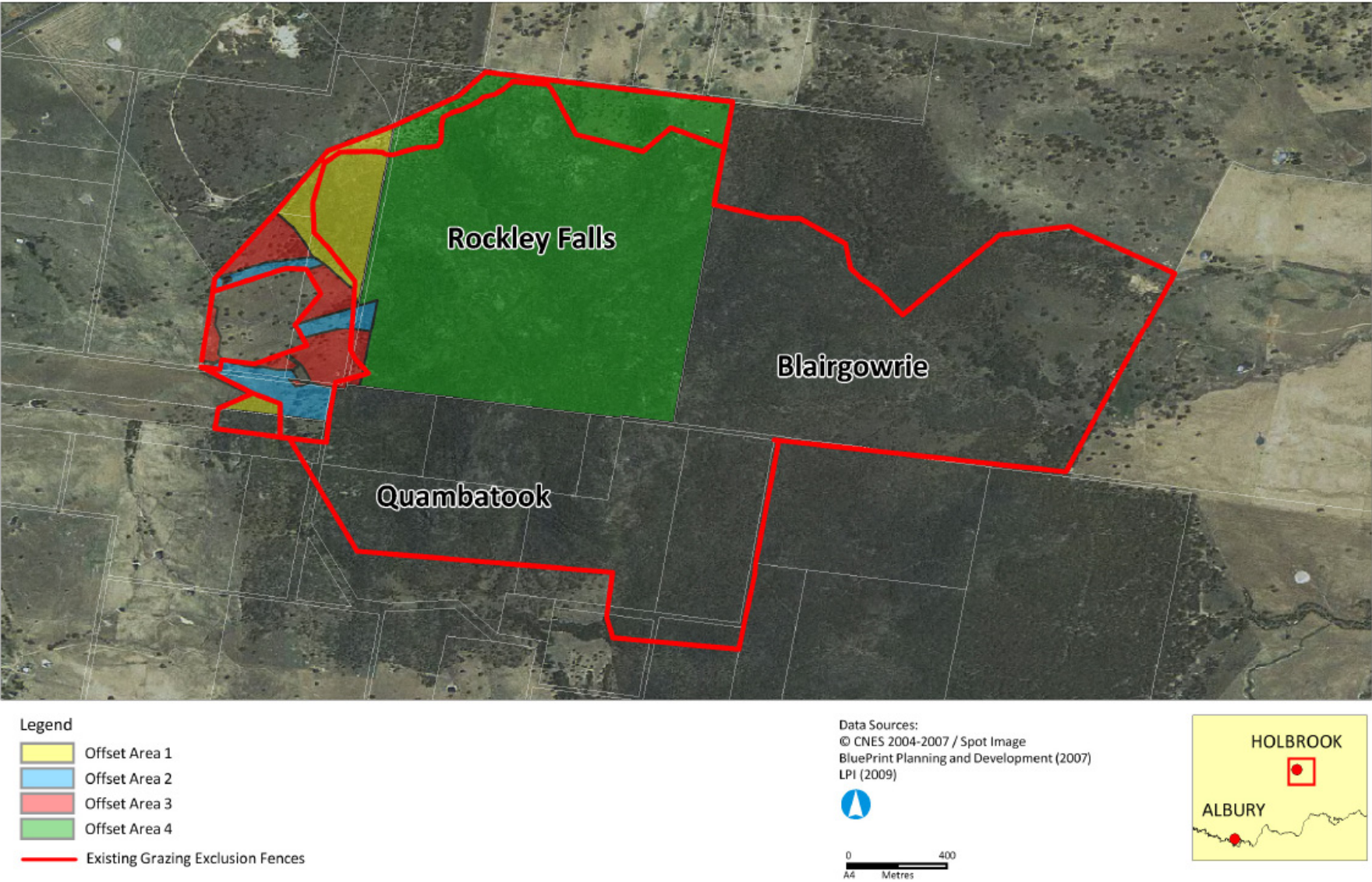
The property owners noted that the vegetation on Morgans Ridge was grazed at times in the past, but due to its steep, rocky nature and general lack of production value, the land owners collectively made a decision to fence off the vegetation from grazing. It was also noted that the only grazing pressure currently exerted on the vegetation of the offset areas is by large mobs of Eastern Grey Kangaroos. Given that there are no water sources on Morgans Ridge, it is unlikely that any stock that may manage to breach the stock proof fences and remain on the hill for any significant period of time.

Further to the above a revised fencing strategy as shown in **Figure 2-3** has been developed in consultation with DECCW. Correspondence received from the DECCW on the 28 October 2009 has confirmed that they consider the fencing strategy adequate subject to the following:

1. Additional fencing is undertaken to separate vegetation offset area 1, 2 and 3 into two grazing units, the southern unit containing a large area of direct seeding contained within offset area 3;
2. The western area of direct seeding in vegetation offset area 3 is fenced out from the quarry;
3. The landholder commits to non grazing of non-offset areas incorporating into offset areas due to the lack of fencing; and
4. All fencing is stock proof and wildlife friendly.

In relation to Point 1, the HHSA proposes to install a fence (approximately 90 metres) long to separate the area into two grazing units. The HHSA proposes to manage the aspects noted in Points 2 and 3 through the implementation of the Landscape Management Plan. While in relation to the Point 4, the HHSA would ensure fencing is stock proof and wildlife friendly.

■ Figure 2-3 Proposed Fencing Strategy



2.4 Justification

Table 2.2 provides a summary of the justifications for the proposed amendments to the vegetation offset areas and the revised fencing strategy. The proposed amendments to the vegetation offset areas will result in an additional 16.2 ha of native vegetation being conserved. Conserving more vegetation than the previous approval will have a cumulative positive impact on the surrounding area.

Table 2-2 Justification for Changes to the Project Approval

Summary of justification	
Vegetation Offset Area 1	No change to the vegetation offset area.
Vegetation Offset Area 2	To correct an anomaly in the EA regarding encroachment of vegetation offset area 2 into adjoining private property and to accommodate the removal of two farm dams from vegetation offset area 2 and 3, the total extent of the vegetation offset area would be increased. As noted in Section 2.2.1 access to this farm dam is important to the landowner and future property values.
Vegetation Offset Area 3	As noted above access to this farm dam is important to the landowner and future property values, hence the HHSA proposes to decrease in the extent of the vegetation offset area to allow regular access to a farm dam by the property owner.
Vegetation Offset Area 4	To correct a mapping anomaly in the EA regarding the eastern boundary of vegetation offset area 4, the eastern boundary of this area would be extended east to the rear property boundary.
Fencing of the Vegetation Offset Areas	<ul style="list-style-type: none"> ■ To fence the eastern and southern boundaries of offset area 4, clearing an approximately 5 m wide track would be required over 2 km (1 ha in area). This clearing is counterproductive to the management of the vegetation offset area vegetation offset areas; ■ Given the steep, rocky terrain it is very unlikely that offset area 4 would be grazed from the east or south; ■ The property has stock proof fencing around the base of Morgans Ridge to exclude grazing in the steep, rocky and well vegetated areas upslope. This fence effectively excludes grazing of offset area 4 from the west and north; and ■ The revised fencing strategy which has been prepared in consultation with the DECCW is considered adequate to ensure the long term conservation of the vegetation offset areas.

3. Assessment of environmental impact

Environmental impacts are not anticipated to change from those impacts discussed in the EA (Blueprint Planning 2008).

A Landscape Management Plan (LMP), which includes a Rehabilitation and Vegetation Offset Management Plan, has been prepared in accordance with MCoA, Schedule 3, Condition 28 and 29 to outline management for the vegetation offset areas. A draft of the LMP was submitted to DECCW and the Department Planning (DoP) for review on 19 August 2009, the LMP would need to be updated to address the modified vegetation offset areas and fencing strategy. To date the Landscape Management Plan has not been approved.

3.1 Noise and air quality

Noise, vibration and air quality emission impacts are likely remain consistent with the impacts described in the EA.

3.2 Aboriginal & non-Aboriginal heritage

An Aboriginal Cultural Heritage Assessment undertaken by Waters Consultancy (Appendix A) during preparation of the EA noted that knowledge holders recognised Place 2 (Women's Cultural Area) and 3 (Ancestral Spirit Figure of D and Totem Markers) occurred in the vegetation offset areas. The report stated that knowledge holders support the vegetation offset areas because of their limited potential impacts on the area.

There are no identified Non-Aboriginal heritage items in the project footprint. Hence, based on the above information, the proposal is not anticipated to have any impact on Aboriginal or Non-Aboriginal heritage.

3.3 Soil and water impacts

Impacts are expected to remain consistent with the impacts discussed in the EA.

3.4 Biodiversity

As discussed in **Section 2.2** the proposed modification to the vegetation offset areas would result in an additional 16.2 ha being conserved. This land would be managed according to the LMP. The aim of the LMP is to rehabilitate the native vegetation in the offset areas to increase the biodiversity value of the area.

3.5 Waste

Impacts on the vegetation offset areas as a result of waste are expected to be negligible and remain compliant with the predictions made for the initial scope of the works in the EA.

3.6 Socio-economic considerations

Views of the quarry from surrounding receivers and the Hume Highway are limited due to the low lying nature of the quarry site and the trees between the quarry and the highway. Impacts would remain consistent to those outlined in the EA.

4. Consultation

HHSA has consulted with DECCW and DoP regarding the proposed modification to the vegetation offset areas. Per correspondence dated 28 October 2009 (**Appendix B**) DECCW advised that it supported the proposal. A summary of correspondence between the HHSA, DECCW and DoP is provided in **Table 4-1**. Further details of correspondence can be provided upon request.

Table 4-1 Summary of correspondence

Agency	Date	Response / Outcome
DECCW and DoP	May 2009	<p>Letter outlining aspects related to the vegetation offset areas that require further discussion and resolution prior to the extent being finalised and the covenant for the land being executed. The items raised included:</p> <ul style="list-style-type: none"> ■ The mapping anomaly regarding encroachment of vegetation offset area 2 into an adjoining private property; ■ The ongoing operational use (including the noise mound and haul road) and partial revegetation of vegetation offset area 3; ■ The mapping inconsistency in vegetation offset area 4 between the project approval and subsequent advice from DECCW and DoP; and ■ Fencing, the HHSA's consideration that it is not practical and feasible to fence the entire vegetation offset areas as it would not necessarily achieve any further ecological benefit.
Site Meeting - DECCW	June 2009	<p>Site meeting to discuss the vegetation offset areas, the noise mound in vegetation offset area 3 and fencing requirements. The following items were clarified during the meeting:</p> <ul style="list-style-type: none"> ■ The section of vegetation offset area 2 on adjoining private property could be replaced with a similar area on the current land owners property; ■ The noise mound within vegetation offset area 3 could remain in its current position until the cessation of quarry activities; ■ Vegetation offset area 4 is to be extended to the eastern property boundary, increasing the total area by 16 ha; ■ A proposal is required to be prepared outlining the impracticalities of fencing all of the offset areas. The proposal was to include information regarding neighbouring fences and past land use history.
DECCW	August 2009	<p>A revised vegetation offset proposal which excluded 3 farm dams from the vegetation offset areas 2 and 3 provided to DECCW.</p> <p>DECCW advised that they would support the exclusion of two northern farm dams from the vegetation offset areas but not the southern farm dam due to the fragmentation it would cause. The use of the southern dam for quarry operation is supported whilst Abigroup hold the EPL, beyond this date it is required that the vegetation offset area be managed such that access to this dam would cease.</p>
DECCW	August 2009	<p>Revised fencing proposal which included a detailed map showing the extent of existing stock fences on adjoining private land provided to DECCW. The proposal included details of correspondence with adjoining land owners, past land use history and current grazing practices.</p>

Agency	Date	Response / Outcome
		The HHSA considered that the revised fencing proposal was sufficient to achieve the intentions of condition 27, the EA and the Director-General's assessment report in respect to grazing exclusion.
DECCW	October 2009	<p>DECCW considered the fencing proposal submitted by HHSA adequate subject to the following conditions:</p> <ul style="list-style-type: none"> ■ Additional fencing is undertaken to separate vegetation offset area 1, 2 and 3 into two grazing units, the southern unit containing a large area of direct seeding contained within vegetation offset area 3; ■ The western area of direct seeding in vegetation offset area 3 is fenced out from the quarry; ■ The landholder commits to non grazing of non-offset areas incorporating into offset areas due to the lack of fencing; and ■ All fencing is stock proof and wildlife friendly.

5. Consideration of State & Commonwealth environmental factors

5.1 Clause 228(2) Factors (NSW Legislation)

The factors which need to be taken into account when considering the environmental impact of an activity are listed in Clause 228(2) of the Environmental Planning and Assessment Regulation, 2000. Those factors have been addressed in the following table to ensure that the likely impacts of the proposed activities on the natural and built environment are fully considered.

Factor (NSW Legislation)	Impacts
<p><i>a. Any environmental impact on a community?</i></p> <p><u>Comments:</u></p> <p>As demonstrated in Section 3, there is minimal risk of the proposed works having any additional impact on the community beyond that already approved.</p>	Nil
<p><i>b. Any transformation of a locality?</i></p> <p><u>Comments:</u></p> <p>No impact is anticipated.</p>	Nil
<p><i>c. Any environmental impact on the ecosystems of the locality?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification is not anticipated to have any additional environmental impact on the ecosystems of the locality. The vegetation offset areas would be managed in accordance with the current conditions and outlined within the Rockley Falls Quarry Landscape Management Plan.</p>	Nil
<p><i>d. Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?</i></p> <p><u>Comments:</u></p> <p>The works are not anticipated to cause any reduction on the aesthetic, recreational, scientific, or other environmental quality or value of the locality.</p>	Nil
<p><i>e. Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations?</i></p> <p><u>Comments:</u></p> <p>Two Aboriginal cultural heritage places (Place 2 - Women's Cultural Area and Place 3 - Ancestral Spirit Figure of D and Totem Markers) have been identified in the vegetation offset areas. It should be noted that the knowledge holders have been consulted and support the use of this area as vegetation offset areas for their limited potential impacts on the area.</p>	Nil

Factor (NSW Legislation)	Impacts
<p>f. Any impact on the habitat of any protected fauna (within the meaning of the <i>National Parks and Wildlife Act, 1974</i>)?</p> <p>The proposed project modification would increase the area of vegetation being protected, thus having a positive impact on habitat of protected fauna. As such it is anticipated that the vegetation offset areas will have a positive impact on habitat of any protected fauna.</p>	Positive long-term
<p>g. Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?</p> <p><u>Comments:</u></p> <p>The proposed project modification is not anticipated to result in any endangering of any species of animal, plant or other life form.</p>	Nil
<p>h. Any long-term effects on the environment?</p> <p><u>Comments:</u></p> <p>The proposed project modification is expected to have a positive long term effect on the immediate or surrounding environment by protecting more vegetation than previously approved.</p>	Positive long-term
<p>i. Any degradation of the quality of the environment?</p> <p><u>Comments:</u></p> <p>The proposed project modification is not anticipated to result in any degradation of the environment. The site would be managed in accordance with the current conditions and procedures.</p>	Nil
<p>j. Any risk to the safety of the environment?</p> <p><u>Comments:</u></p> <p>The proposed project modification represents minimal risk to the environment. The vegetation offset areas would be managed in accordance with the Rockley Falls Quarry Landscape Management Plan.</p>	Nil
<p>k. Any reduction in the range of beneficial uses of the environment?</p> <p><u>Comments:</u></p> <p>There are not expected to be any reduction in the range of beneficial uses of the environment.</p>	Nil
<p>l. Any pollution of the environment?</p> <p><u>Comments:</u></p> <p>No impact is anticipated.</p>	Nil

Factor (NSW Legislation)	Impacts
<p><i>m. Any environmental problems associated with the disposal of waste?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification is not expected to result in the generation of any hazardous materials or any other waste problems.</p>	Nil
<p><i>n. Any increased demands on resources, natural or otherwise which are, or are likely to become in short supply?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification is not likely to cause any increased demand on resources likely to become in short supply.</p>	Nil
<p><i>o. Any cumulative environmental effect with other existing or likely future activities?</i></p> <p><u>Comments:</u></p> <p>With the implementation of appropriate safeguards as outlined in the Rockley Falls Quarry Landscape Management Plan, the proposed works are not expected to have any cumulative impact. The proposed modification would result in an increase in the extent of vegetation being protected, which would have a positive cumulative impact on the site and the surrounding area.</p>	Nil/Positive long-term

5.2 EPBC ACT 1999 Factors (Commonwealth legislation)

Factor (Commonwealth Legislation)	Impacts
<p><i>a. Any environmental impact on a World Heritage property?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification would not be undertaken near any world heritage properties and as such are not expected to have any impact on any world heritage properties.</p>	Nil
<p><i>b. Any impact on a National Heritage place?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification would not impact on any places listed on the National Heritage List.</p>	Nil
<p><i>c. Any environmental impact on wetlands of international importance?</i></p> <p><u>Comments:</u></p> <p>There are no wetlands of international significance in the surrounding area. The proposed project modification is not expected to have any impact on any wetlands of international significance.</p>	N/A
<p><i>d. Any environmental impact on Commonwealth listed threatened species or ecological communities?</i></p> <p><u>Comments:</u></p> <p>There are no commonwealth listed threatened species or ecological communities that are</p>	Nil

expected to be impacted on by the proposed works.	
<p><i>e. Any environmental impact on Commonwealth listed migratory species?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification is not expected to have any impact on any habitat for Commonwealth listed migratory species or any actual Commonwealth listed threatened species.</p>	Nil
<p><i>f. Does any part of the proposal involve a nuclear action?</i></p> <p><u>Comments:</u></p> <p>No part of the proposed project modification involves a nuclear action.</p>	N/A
<p><i>g. Any environmental impact on a Commonwealth marine area?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification is not within a Commonwealth marine area.</p>	N/A
<p><i>Additionally, any impact (direct or indirect) on Commonwealth land?</i></p> <p><u>Comments:</u></p> <p>The proposed project modification is not expected to have any impact on any Commonwealth Land.</p>	N/A

6. Conclusion

The HHSA, on behalf of Abigroup, seeks to modify project approval (07-0078, dated 16 June 2008) to change the extent, boundaries and fencing requirements of the vegetation offset areas.

Section 3 of this submission considered potential impacts from the proposal. The current proposal results in a net increase of vegetation to be conserved as part of the vegetation offset areas.

Environmental impacts are likely to remain consistent to those discussed in the EA prepared by Blueprint Planning in February 2008.

Appendix A Aboriginal Cultural Heritage Assessment

Cultural Heritage Assessment Report

Rockley Falls Quarry (Holbrook)



Submitted to: Sinclair Knight Merz (SKM) on behalf of Abigroup Contractors Pty Ltd

Date: 13th March, 2008

18 Allans Avenue
Petersham NSW 2049
T & F: 02 9518 0835
M: 0417 438146
E: watersconsult@optusnet.com.au
ABN: 891 3141 1886



HISTORY

CULTURE

HERITAGE

METHODOLOGY OF ABORIGINAL CULTURAL HERITAGE ASSESSMENT

This is a supplementary specialist report to be considered in relation to the Environmental Assessment for the Rockley Falls Quarry (Holbrook). This Aboriginal cultural heritage assessment for Rockley Falls Quarry (Holbrook) has been undertaken by Waters Consultancy through consultation with the identified Aboriginal knowledge holders for the location. The knowledge holders were identified in a 2007 report produced for the RTA during the Hume Highway Upgrade Duplication Project. The 2007 report identified an area of cultural value within which the current proposal sits.¹ Permission for the use of the findings of the previously cited report was provided by the RTA to the proponent.

This assessment has been undertaken through a site visit with the identified knowledge holders involving the identification, mapping and assessment of the items and locations holding cultural heritage value within and adjacent to the proposed quarry.²

The site visit occurred on the 1st of March, 2008 in the company of Courtney Hoops of Abigroup Contractors Pty Ltd.

The following section provides a summary of the two items and three places holding Aboriginal cultural significance. Their locations are identified and their assessed level of significance and recommendations for avoidance or mitigation are provided. Each location or item of cultural heritage value has been given a significance ranking ranging from Low to Very High. All listed locations hold Aboriginal cultural heritage significance and this is a relative ranking that is provided to assist in future planning.

¹ Waters Consultancy, *Aboriginal Cultural Heritage Assessment: Hume Highway Duplication Project*, RTA, 2007. The current proposal sits within the area identified as Place 6: Holbrook Cultural Area in the 2007 report.

² The Rockley Falls Quarry development plans provided by the proponent on which the following assessments of impact were based are taken from Blueprint Planning & Development, *Establishment of Rockley Falls Quarry: Environmental Assessment Report*, February 2008, for Abigroup.

Identified Aboriginal Cultural Heritage Places & Items

Place Sheet Legend

Place Number and Name: This field provides the listed places number and referral name.

Location: This field provides a brief text description of the location of the listed place.

Description: This field provides a brief description of the nature of the place and its Aboriginal cultural heritage values.






Significance: This field provides a ranking of the significance of the places. They are ranked as Very High, High, or Medium. This ranking has been developed in consultation with key knowledge holders. All listed places hold Aboriginal cultural heritage significance and this field provides a relative ranking only in order to assist in future planning.

Impact: This field identifies whether the listed places lie within the potential impact zone of the development and summarizes any potential impact of the development on the listed places.

Impact Mitigation and Management: This field details the views of the knowledge holders on the actions required to limit the impact of the development on listed places within the potential impact zone and summarizes the views of the knowledge holders in relation to future management of potential impacts on the listed place.

Knowledge Holders: This field lists the Aboriginal knowledge holders who have provided the information regarding the listed place and its cultural significance for this project. It is not a comprehensive listing of knowledge holders for that place and there are likely to be further knowledge holders for each place that have either not been identified during this project or have chosen not to formally record their information at this point.

Map Legend

-  Items 1 and 2: Cultural Trees located within delineated area – see sheets for location details.
-  Place 1: Totem Marker area as delineated.
-  Place 2: Women's Cultural Area as delineated.
-  Place 3: Ancestral Spirit Figure of D and Totem Markers area as delineated.
-  Identified Area of Concern.



Map 1: Aboriginal Cultural Heritage Assessment Overlay

Item 1: Cultural Tree

Location: To west of current farm track and proposed haul road, in north east corner of Lot 2/827281.

Description: A living tree with a cultural marking related to associated ceremonial pathways.

Significance: High Significance. This is based on consultation with the key knowledge holders.

Impact: There is no identified impact in the Rockley Falls Quarry development plans as the item lies to the west of the footprint.

Impact Mitigation and Management: This area is located adjacent to the proposed haul road within the current development area (as displayed in the environmental assessment). Permanent barrier fencing to be constructed providing a two metre buffer zone from the item in all directions. Any work within this area would require further consultation with knowledge holders and may require further assessment, detailed cultural mapping, and possible mitigation.

Knowledge Holders: Alice Williams, Lindsay Connolly.



Images 1: Place 1 Cultural Tree. Looking northwards from proposed haul road.³

³ Photographs by Kate Waters, 1st March, 2008.

Item 2: Cultural Tree

Location: In north east corner of Lot 2/827281 within proposed haul road impact corridor.

Description: A dead tree with a cultural marking related to associated ceremonial areas.

Significance: Very High Significance. This is based on consultation with the key knowledge holders.

Impact: Impact would occur with the existing footprint Rockley Falls Quarry development as the item lies within the proposed haul road.

Impact Mitigation and Management: This area is located within the proposed haul road corridor within the current development area (as displayed in the environmental assessment). The proposed haul road will require diversion to the south in this location to prevent impact. Permanent barrier fencing to be constructed providing a one metre buffer zone from the item in all directions. Any work within this area would require further consultation with knowledge holders and may require further assessment, detailed cultural mapping, and possible mitigation.

Knowledge Holders: Alice Williams, Lindsay Connolly.



Images 2: Place 2 Cultural Tree. Looking eastwards along proposed haul road.⁴

⁴ Photographs by Kate Waters, 1st March, 2008.

Place 1: Totem Marker

Location: Treed rise to the south east edge of the proposed *stockpile and loading area*.

Description: A totem figure in the cultural landscape. This totem figure is associated with the Ancestral Spirit Figure of D located in Place 3.

Significance: Very High Significance. This is based on consultation with the key knowledge holders.

Impact: There is no identified impact in the Rockley Falls Quarry development plans (as displayed in the environmental assessment).

Impact Mitigation and Management: This area is located outside of the current development area. Any work within this area would require further consultation with knowledge holders and may require further assessment, detailed cultural mapping, and possible mitigation.

Knowledge Holders: Alice Williams, Lindsay Connolly.

Place 2: Women's Cultural Area

Location: Creek line above proposed creek crossing.

Description: Series of rocky areas along the upper reaches of the creek associated with women's cultural activities.

Significance: High Significance. This is based on consultation with the key knowledge holders.

Impact: There is no identified impact in the Rockley Falls Quarry development plans (as displayed in the environmental assessment).

Impact Mitigation and Management: This area is located outside of the current development area. Any work within this area would require further consultation with knowledge holders and may require further assessment, detailed cultural mapping, and possible mitigation.

Knowledge Holders: Alice Williams.

Place 3: Ancestral Spirit Figure of D and Totem Markers

Location: Treed ridge lying on the eastern edge of proposed development.

Description: A series of cultural landscape features including the Ancestral Spirit Figure of D and associated totem markers.

Significance: Very High Significance. This is based on consultation with the key knowledge holders.

Impact: There is no identified impact in the Rockley Falls Quarry development plans (as displayed in the environmental assessment).

Impact Mitigation and Management: This area is located outside of the current development area. The northern component of the Place is within the area identified in the proposed Native Vegetation Offset Approach as Offset Areas 1 and 4 to be recognized as covenants on the land title.⁵ The proposed offsets are supported by the knowledge holders for their limitation of potential impacts. Any work within this area would require further consultation with knowledge holders and may require further assessment, detailed cultural mapping, and possible mitigation.

Knowledge Holders: Alice Williams, Lindsay Connolly.

⁵ As per information provided by proponent in *Proposed Offset Approach – Rockley Falls Quarry* (report) and *Proposed Rockley Falls Quarry Offset Plan* (map), produced by GHD Wodonga, January 2008. ; Blueprint Planning & Development, *Establishment of Rockley Falls Quarry: Environmental Assessment Report*, February 2008, for Abigroup, Section 4.4: Flora and Fauna.

Identified Area of Concern

Location: Flat area identified in the development plans as *stockpile and loading area*.

Description: This is not an identified cultural place but an area of concern to the knowledge holders due to its proximity to Place 3 and location within the broader cultural landscape. It is considered that it may hold physical cultural heritage material.

Significance: Potential Significance. This is based on consultation with the key knowledge holders.

Impact: Ground disturbance throughout identified area during construction of *Stockpile and Loading Area* in the Rockley Falls Quarry development plans (as displayed in the environmental assessment).

Impact Mitigation and Management: An archeological survey to be undertaken by a professionally qualified archeologist prior to any impact occurring. The archaeological survey to be undertaken following consultation with the knowledge holders regarding the areas of concern. If no professionally qualified archeological survey is undertaken then the knowledge holders are to monitor on site all ground disturbance work in the area (soil scrapping).

Knowledge Holders: Alice Williams, Lindsay Connolly.

Appendix B DECCW Correspondence

Our reference: DOC09/40487 and DOC09/43698 LIC07/1790-02
Contact: Chris Burton, 02 6022 00609

The Construction Manager Southern Hume Alliance
Abigroup Contractors Pty Ltd
PO Box 195
PYMBLE NSW 2073

Dear Mr Moran

Re Rockley Falls Quarry Landscape Management Plan and Vegetation Offset Area Fencing

I refer to the email dated 19 August 2009 from Jenny Butler which included the Landscape Management Plan for the Rockley Falls Quarry (EPL12884) and the letter from Cameron Silverthorne dated 31 August 2009 regarding fencing of the vegetation offset areas for the quarry.

The Department of Environment, Climate Change and Water (DECCW) has reviewed the revised Landscape Management Plan. It is noted that amendments to the Plan have been made to address our previous comments. However, other changes have been made and a number of issues require clarification prior to finalisation of the plan. These are outlined in **Attachment A**.

DECCW has also reviewed the proposal for the fencing of the vegetation offset areas and conditionally supports the approach presented. In **Attachment B** we have outlined some management difficulties with the approach presented and we have provided conditions that are required to be met for DECCW to support the proposal.

Should you require any further information about this matter or wish to clarify our requirements please contact Chris Burton or Matt Cameron by telephoning 02 6022 0600.

Yours sincerely



BRIAN WILD 28/10/09
Head, Albury Unit
Environment Protection and Regulation

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

PO Box 544 Albury NSW 2640
Level 2, State Government office Block
512 Dean Street Albury NSW
Tel: (02) 6022 0600 Fax: (02) 6022 0610
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Climate Change** NSW



ATTACHMENT A

Revised Landscape Management Plan

We note that amendments to the Plan have been made to address our previous comments. Other changes have been made. A number of issues require clarification prior to finalisation of the plan. These are discussed below.

- Objective 4 for the Vegetation Offsets has been amended from “maintenance of the offset areas in perpetuity” to “establish a regime for the long term maintenance of the offset areas”. DECCW have no concerns about the incorporation of an additional objective, but maintenance of the offset areas in perpetuity must remain as a key objective. Responsibility for ongoing management is a matter for the proponent, though ultimately this requirement will be attached to the title of the land and fall to the landowner.
- It is unclear how the strategic grazing of the 40-m wide firebreak along the northern and north-western boundary of the offset areas will be accomplished. In the absence of additional fencing, it's assumed this will entail the grazing of all areas contained within existing fences enclosing the firebreak. This is reasonable provided that grazing is limited to that period in late winter/early spring when the growth of exotic weeds and grasses is at its maximum. This is consistent with GHD (2007) and will have the effect of ensuring that grass fuel loads do not reach unacceptable levels, as well as minimising impacts on native vegetation. In line with the approach adopted of restricting grazing to seasons where a fire hazard exists, grazing should not occur in years where dry conditions mean there is little growth of annual grasses.
- The response to our previous comment on grazing states that a statement has been included at A.4.7.2 that clearly spells out the length of time grazing is permitted (Appendix A). Only part of the statement shown in Appendix A has been incorporated into the relevant section. The statement contained in Appendix A should be incorporated into the Plan, with some rewording to ensure it is a more definitive statement (i.e. remove “proposed”).

We note that the covenants have not been finalised and included. These are essential to ensuring that values of the offset areas are maintained and improved in perpetuity. We look forward to receiving drafts of these covenants.

ATTACHMENT B

Vegetation Offset Area Fencing

The Director General's assessment report requires that offset areas be fenced to exclude stock. From the information provided it is understood that it is neither practical nor feasible to fence the eastern and southern boundaries of Offset Area 4 due to the steep terrain and dense vegetation. The current undertaking by landholders to the east and south of Offset Area 4 not to graze Morgan's Ridge means that stock will not have access to the offset area from these properties.

The Department of Environment, Climate Change and Water (DECCW) conditionally supports the proposed approach. However, if adjoining landowners once again run stock on land bordering Offset Area 4, there may be a need for stock proof fences to be erected or an alternate means of livestock exclusion to be implemented. The Landscape Management Plan should be amended to reflect this undertaking.

Your letter of 31 August 2009 also sought agreement that "fencing as currently installed is appropriate to meet the intent and requirements for the management of the vegetation offset areas." We have not conducted an inspection of all existing fencing. The following comments are based on the map attached to your letter titled *Rockley Falls Quarry: Offset Area Fencing* that shows existing grazing exclusion fences, and a review of the revised Landscape Management Plan.

The fencing shown on the provided map has the effect of creating the following grazing management zones.

- A. Offset Area 4; part Offset Areas 1, 2 and 3.
- B. Majority of Offset Areas 2 and 3; part Offset Area 4; part Offset Area 1; non-offset area.
- C. Quarry area; part Offset Area 3.
- D. Part Offset Area 1; non-offset area.

This has the potential to create ongoing management difficulties, including the following.

- Non-offset areas fenced into offset area would not be able to be grazed by the landholder.
- Future grazing of the quarry area would not be possible as part of Offset Area 3 has not been fenced to exclude stock.
- Strategic grazing cannot be targeted to particular areas dependent on fire hazard and the vulnerability to grazing of planted or regenerating native vegetation.

Notwithstanding the above issues, we consider the fencing shown on the map *Rockley Falls Quarry: Offset Area Fencing* to be adequate subject to the following.

1. Additional fencing is undertaken so that Zone B (identified above) is separated into two grazing units, the southern unit containing the large areas of direct seeding contained within Offset Area 3.
2. The western area of direct seeding in Offset Area 3 is fenced out from the quarry.
3. The landholder commits to no grazing of non-offset areas incorporated into offset areas due to a lack of fencing.
4. All fencing is stock proof and wildlife friendly.