



Office of
Environment
& Heritage

Our reference: DOC13/92748; FIL13/10940
Contact: Steve Lewer, 4908 6814

Ms Jessie Giblett
Planning Officer, Mining Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Giblett

RE: REVIEW OF MINOR PIPELINE CORRIDOR REALIGNMENTS – MODIFICATION TO THE GLOUCESTER GAS PROJECT (AGL)

I refer to email dated 11 December 2013 requesting comments on Minor Pipeline Corridor Realignments Environmental Assessment (the 'EA') which represents a modification to the approved 'AGL Gloucester Gas Project' project and concept plan approvals (PA_08_154 and CA_08_1054). The Office of Environment and Heritage (OEH) understands that the EA was on public exhibition from 2 December to 18 December 2013.

OEH has undertaken a review of the report titled 'Minor Pipeline Corridor Realignments: Modification to the Gloucester Gas Project' (including its appendices, notably Appendix C 'Ecological Assessment') (prepared for AGL Upstream Infrastructure Investments Pty Limited and dated November 2013) and has provided detailed comments in **Attachment A**. OEH acknowledges that with respect to Aboriginal cultural heritage and biodiversity (including threatened species matters), the EA generally addresses OEH's interests and concerns, albeit some minor issues detailed below:

- Aboriginal community consultation is maintained during the life of the Gloucester Gas Project and that during the development and implement of the Aboriginal Heritage Management Plan (AHMP) their concerns are incorporated into the development process for the final AHMP
- Suitability of Compensatory Offset Package.

In summary, OEH still has minor concerns with some sections of the EA with respect to biodiversity and Aboriginal cultural heritage, and requests that these be appropriately addressed.

If you require any further information regarding this matter please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4908 6814.

Yours sincerely

19 DEC 2013

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Enclosure: Attachment A

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ATTACHMENT A: OEH REVIEW OF MINOR PIPELINE CORRIDOR REALIGNMENTS EA: MODIFICATION TO THE GLOUCESTER GAS PROJECT

THREATENED SPECIES

OEH has undertaken a review of the report titled 'Minor Pipeline Corridor Realignments: Modification to the Gloucester Gas Project' (including its appendices) (prepared for AGL Upstream Infrastructure Investments Pty Limited and dated November 2013), but specifically focussed on:

- Appendix C – Ecological Assessment (prepared by Alison Hunt and Associates Pty Ltd, November 2013).

SURVEY AND THREATENED SPECIES ASSESSMENT:

OEH understands that the minor pipeline corridor alignments will result in an overall reduced impact in the totally area of native vegetation and/or threatened species habitat from that already approved in the Project Approval, particularly at the southern end which no longer impacts on areas of important Freshwater Wetlands and Coastal Saltmarsh endangered ecological communities associated with the Hunter Estuary. The EA indicates that the proposed realignment will occur in four specific areas:

- I. Seaham: - which will involve a reduced development footprint and minor clearing of small areas of intact Ironbark – Spotted Gum woodland and pockets of regrowth *Acacia*;
- II. Brandy Hill: - which is predominantly devoid of native vegetation (i.e. disturbed Kikuyu pasture), apart from small highly degraded patches of Swamp Oak Floodplain Forest and Hunter Lowland Redgum endangered ecological communities which will be cleared;
- III. Millers Forest: - which is devoid of native vegetation; and
- IV. Tomago: - which is predominantly devoid of native vegetation (i.e. disturbed Kikuyu pasture), apart from small highly degraded patches of Swamp Oak Floodplain Forest endangered ecological community which will be cleared. This realignment significantly reduces the previous development footprint, now avoiding the areas of Freshwater Wetland and Coastal Saltmarsh that would have been impacted upon if the pipeline was to be connected to the Hexham Delivery Centre.

OEH is of the opinion that the proposed realignments (as discussed above) will have a reduced impact upon biodiversity, including threatened species, ecological communities and their habitats, in comparison to the impacts associated with the previously approved pipeline footprint. OEH has reviewed Section 5 'Impact assessment' of the Ecological Assessment and generally concurs with the conclusions, including the use of proposed Seaham biodiversity offset as a mitigation measure for the any minor impacts associated with the realignment on the basis there is a reduction in the amount of clearing. OEH considers the proposed Biodiversity Offset required under Approval Condition 3.34 (Project Approval dated 22 February 2011), which is to be negotiated with OEH, is likely to be adequate to compensate any minor impacts associated with this project, albeit review of the final offset package. Please refer to comments under 'Biodiversity Offsets' with respect to this process.

With respect to the adequacy of the flora and fauna surveys undertaken for the above realignments, OEH notes that they consisted of desktop analysis, quadrats, foot traverses (transects) and habitat assessments (to determine the likelihood of presence for threatened fauna); the latter over a two-day period (25-26 September 2013). OEH notes that in general the surveys undertaken (particularly fauna) are not consistent with the effort required under our guidelines (DEC 2004), however, given that the majority of the development footprint is highly disturbed / modified (i.e. not native vegetation), clearing in comparison to the approved project has been reduced, and the likelihood that the proposed biodiversity offset at Seaham adequately compensates any impacts, OEH in this instance is of the opinion that the survey effort undertaken is sufficient to assess the proposal.

COMPENSATORY HABITAT PACKAGE

Condition 3.34 of the Project Approval (dated 22 February 2011) requires the proponent to submit a Compensatory Habitat Package, in consultation with OEH (formerly DECCW), prior to the commencement of construction. To date OEH has not reviewed a Compensatory Habitat Package, however, note confirm that AGL has consulted the agency on various aspects of this package, though mainly during the early stages prior to the original Project Approval given in 2011 (i.e. no recent consultation). OEH understands that this package will consist of a land-based offset at Seaham and a species-specific offset for *Grevillea parviflora* subsp. *parviflora*.

OEH would expect to be a key agency in review of Compensatory Habitat Package, and would expect that any new package would address how this package compensates for the any impacts associated with the realignment, along with meeting OEH requirements stated in previous correspondence. As stated in our correspondence to DP&I (dated 19 October 2010) OEH reviewed the preliminary offset report, titled 'Seaham Property Potential Land Acquisition – Ecological Values Report' (prepared by Alison Hunt & Associates Pty Ltd for AGL) and acknowledged that it provided an overview of the ecological values of the proposed offset site, such as broad scale vegetation mapping (including potential threatened ecological communities), conservation significance and potential fauna habitat (including potential threatened species). Based on this report and its immediate location next to OEH conservation estate (i.e. Wallaroo National Park) OEH acknowledged that it had potential values that may be adequate to offset the clearing of threatened species habitat on the development footprint. However, OEH had a number of concerns with this document as stated in our correspondence.

Given we have not reviewed any recent documents or provided any recent feedback on the required Compensatory Habitat Package, OEH wishes to reiterate that we unable to make a complete adequacy appraisal of the proposed Seaham offset until the appropriate baseline flora and fauna surveys (including vegetation / habitat mapping and targeted surveys) and its associated final report are completed, and a comparison assessment by the proponents ecologist (based on the BioBanking Assessment Methodology [OEH 2011] of the ecological values of the offset site against those to be lost on the development footprint is finalised. As such, OEH is not in a position to come to a firm and informed conclusion on the suitability of the proposed offset, until such time as appropriate surveys and calculations are performed. OEH acknowledges that the proponent and their ecologist have liaised with OEH on this matter, but there have been no recent updates. As such, OEH would expect to review the package when finalised.

References

DEC (2004) *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*. Working Draft. November 2004. Department of Environment and Conservation (NSW). This document is available at: www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf.

OEH (2011) BioBanking Assessment Methodology and Credit Calculator Operational Manual. Office of Environment and Heritage (NSW), Goulburn Street, Sydney. www.environment.nsw.gov.au/biobanking/calculator.htm

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

OEH has reviewed Appendix D - Aboriginal Cultural Heritage Assessment (ACHA) for Gloucester Gas Project (GGP) prepared by EMGA Mitchell McLennan Pty Ltd (EMM) November 2013 on behalf of AGL. This ACHA is supplementary to the comprehensive ACHA report prepared by AECOM (2009b). This ACHA deals specifically with the realignment of four sections for the proposed pipeline corridor, and was prepared in line with the DGR's previously issued for the GGP. The realignment works are considered minor and seek to further reduce vegetation clearing and to avoid recently constructed utilities.

EMM found that the proposed realignment sections to have 'mixed values'. No Aboriginal objects, sites or PAD's were identified as part of the archaeological assessment and field survey of the Seaham, Brandy Hill, Miller's Forest and Tomago section of the realignment. The overall archaeological assessment

considered the new sections examined to be of low scientific significance, OEH concurs with this assessment.

The information relating to cultural significance received from the Registered Aboriginal Parties (RAPs) indicates that the Newcastle area and Hunter River, in the vicinity of the Tomago section has socio-cultural values to the Awabakal people. This cultural value is reflected within the community consultation documentation supplied with the ACHA. Two RAPs representing the Awabakal people fail to support the overall findings of the ACHA, Awabakal Traditional Owners Corporation (ATOAC) and the Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC). Both groups reject the assertion that 'the project area is unlikely to contain Aboriginal objects'. OEH recommends that community consultation is maintained and further attempts to resolve this issue is perused during the preparation of the Aboriginal Heritage Management Plan (AHMP). Both groups support the preparation of this document and OEH views this as an opportunity to further explore the issues raised by the RAPs.

OEH recognises that the ACHA does not identify any specific Aboriginal cultural heritage values, including heritage sites or objects, with the potential to be impacted by the proposed modification and that the additional areas survey were considered to be of low scientific significance. However, as identified above, the Tomago section of the proposed realignment is of cultural significance and concern to two RAPs representing the Awabakal people, ATOAC & ADTOAC. OEH recommends that community consultation is maintained during the life of the GGP and that during the development and implement of the AHMP their concerns are incorporated into the development process for the final AHMP.

OEH - DECEMBER 2013