



**Office of
Environment
& Heritage**

Your reference: 9041687
Our reference: DOC12/39026
Contact: Harvey Johnston 03 5021 8914



Chris Ritchie
Manager, Industry
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY
NSW 2001

Dear Mr Ritchie

**Re: OEH comments on the Environmental Assessment for McWilliams Winery
Expansion Project MP 09-0177**

I refer to the above Part 3A Application and accompanying Environmental Assessment ("EA") received by the Office of Environment and Heritage (OEH) on the 15th November 2012.

We have reviewed the information provided and have determined that we are able to support the proposed McWilliams Winery Expansion subject to the Department of Planning and Infrastructure (DP&I) seeking amendments to the draft Statement of Commitments outlined in Attachment 'A'.

It is expected that OEH will be given an opportunity to review the draft Director-General's Environmental Assessment Report for this proposal. If the proposed amendments to the draft Statement of Commitments are not included to our satisfaction, we will be recommending that they are included as Conditions of Approval, if approval is recommended by DP&I.

Should you wish to discuss these matters further, please contact Harvey Johnston on (03) 5021 8914 or by email at harvey.johnston@environment.nsw.gov.au.

Yours sincerely

M Sheehan 19/12/2012

MARK SHEAHAN
A/Manager Landscape and Aboriginal Heritage Protection (South)
Regional Operations Group



Enclosure: Attachments A

ATTACHMENT A

Aboriginal Cultural Heritage

The EA states (Main report Page 63) that *McWilliams acknowledge and accept the recommendations made by Ozark and have included the proposed actions in their statement of commitments.*

The existing Statement of Commitments (SoC) concerning Aboriginal cultural heritage is as follows:

Heritage *The proponent will implement the recommendations of the Ozark report and take due care when excavating near the sites where objects have been found.*

While this SoC is a broad commitment to Aboriginal heritage, it lacks detail and does not build on or summarise earlier descriptions of proposed actions in the EA (Section 6.7) and in Appendix F (the Cultural heritage specialist report). The above SoC lacks a clear commitment to particular actions. Specifically the SoC does not refer to a number of detailed actions that have been recommended.

OEH recommends that the SoC under the heading of **Heritage** be modified, as follows, to clearly articulate the recommended actions that will be implemented:

- If possible, locate and collect isolated artefacts MW-IF1 and MW-IF2, and relocate the artefacts nearby out of harms way.
- Locate and collect artefact scatter MW-OS1 prior to trenching and relocate the artefacts nearby out of harms way. Monitoring, by the Aboriginal community, will occur along a ca. 200 m section of the pipeline in the vicinity of MW-OS1 to collect and relocate objects should they be present.
- Management of any collected artefacts will occur in consultation with the Aboriginal community.
- Staff and contractors will undergo cultural heritage inductions alerting them to the location of recorded cultural heritage sites within the study area.
- Should any previously unidentified Aboriginal objects be uncovered during construction, work in that area will cease and the OEH Regional Archaeologist and local Aboriginal community will be contacted to discuss how to proceed.

Flora and Fauna

The EA states (Main report Page 66) that *McWilliams acknowledge and accept the recommendations made by GHD and have included the proposed actions in their statement of commitments.*

The existing Statement of Commitments (SoC) concerning biodiversity is as follows:

Biodiversity *The proponent will implement the mitigation measures as outlined in Table 3 of the GHD report.*

While this SoC is a broad commitment to biodiversity, it lacks detail and does not build on or summarise earlier descriptions of proposed actions in the EA (Section 6.8) and in Appendix G (the Ecological Assessment). While OEH acknowledges the impacts of the proposal on

biodiversity and in particular threatened species are minimal, the above SoC lacks a clear commitment to particular actions. Specifically the SoC does not refer to a number of detailed actions that have been recommended.

OEH recommends that the SoC under the heading of **Biodiversity** be modified, as follows, to clearly articulate the recommended actions that will be implemented:

- An Environmental Management Plan (EMP) must be prepared prior to construction that includes on details methods that will minimise impacts on biodiversity during construction. This will include information on the final pipeline route, protocols for clearing to minimise disturbance and impacts and native fauna and actions to identify potential threatened species including Endangered Ecological Communities.
- The pipeline route should avoid area of native vegetation as much as possible, including aligning with existing table drains and as far from existing vegetation as possible.
- Areas of temporary disturbance, such as set down and spoil disposal areas, must be located in areas where native vegetation is not located (i.e. dominated by introduced species or within previously cleared areas).
- Any woody vegetation that is removed (either through clearing or lopping) should be placed in adjoining native vegetation as habitat. The woody debris must be spread in a fashion that replicates the natural vegetation.
- Where native shrub and overstorey species are removed, particularly Boree regrowth, plantings of local provenance tubestock of the same species should be made to compensate for the loss of native vegetation. These plantings should be made as close as possible to the plants lost, but should also be located to not cause future impacts on such features as the pipeline. If plantings are to be made in other parts of the development footprint (i.e. to assist with soil retention) then consideration of endemic species of local providence should be made when selecting species.

The commitments above are a selection of those presented in Table 3 of the Ecological Assessment and are considered the most important to mitigate impacts on biodiversity. The other actions listed in Table 3 area appropriate and it may be necessary to refer to these actions within the Conditions of Consent. The final action listed above (plantings) is not listed in Table 3 but is considered necessary to address the impacts of clearing (although minimal) on a disturbed area of Endangered Ecological Community and also as a recommendation for any other remediation works involving plantings within the development area.