

APPENDIX



Aboriginal Heritage Impact Assessment (OzArk, 2014b)

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VIEW OF THE PROPOSED ABATTOIR LOCATION, BLAYNEY NSW.

ABORIGINAL HERITAGE ASSESSMENT

Proposed Small Stock Abattoir Development and Continued Operation of the Blayney SeaLink Cold Store Complex, Lots 103-105 & 107 in DP1161062, Blayney NSW

October 2014

**Report Prepared by
OzArk Environmental & Heritage Management Pty Ltd
for SLR Consulting Australia Pty Ltd
on behalf of
Metziya Pty Ltd**



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EXECUTIVE SUMMARY

OzArk Environmental & Heritage Management (OzArk) was commissioned by SLR Consulting Australia Pty Ltd (SLR; the Client) on behalf of Metziya Pty Ltd (the Applicant) to prepare an Aboriginal heritage assessment over the proposed Impact Footprint of a small stock abattoir, 137 Newbridge Road, in Blayney NSW.

The Applicant is seeking a single new development consent for the continued operation of the existing Blayney SeaLink Cold Store Complex, and to develop a small stock abattoir within the site; hereafter referred to as the Project. This report has been prepared as a supporting document for an Environmental Impact Statement (EIS) required to accompany the Development Application (DA).

This Project is being assessed under Division 4.1 of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which provides for the assessment and determination of State Significant Developments (SSDs).

In response to a request by the Department of Planning and Environment (DP&E), the Office of Environment and Heritage (OEH) provided input into the Environmental Assessment Requirements (EARs) for the Project, which was forwarded by OEH to the DP&E on July 25 2014. In the EARs, OEH requires that reference be made to several documents, the first of which is the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Planning (DoP), 2005). These guidelines identify the factors to be considered in Aboriginal cultural heritage assessments for development proposals under Part 3A of the EP&A Act (OEH correspondence 25.07.14). It is noted that Division 4.1, in part, has now replaced Part 3A.

Section 2.1.1 of this report outlines the environmental and disturbance factors of the proposed Impact Footprint, while **Section 3.3** documents the results of the desktop database search and the visual inspection of the area.

The resulting evidence demonstrates:

- Significant prior ground surface impacts and landscape modification;
- Overall low landform sensitivity in terms of Aboriginal site location; and
- A lack of any previously recorded Aboriginal sites over the area,

and leads to the conclusion that Aboriginal cultural heritage values are unlikely to be present over the Project Site.

Based on this conclusion, no further Aboriginal heritage assessment should be required and consequently there is no need to progress to the next Step contained within the DoP 2005 guidelines.

Although the above review concludes that no further Aboriginal heritage assessment should be required for the proposed small stock abattoir, Blayney, it is nonetheless important to note that in the event that an Aboriginal artefact is located anywhere during the course of the project, all works in that area should cease immediately and the DP&E and OEH should be contacted for advice on how to proceed.

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1.2 PROPOSED WORKS

The Project will include the development of an abattoir and associated infrastructure, including an access road from Newbridge Road to the abattoir, car parking, services, and a waste water treatment system (**Figures 1-2, 1-3**). The Project Site is located approximately 1km east of Blayney within DP1161062, Lots 103, 104, 105 and 107. In addition, a pipeline to convey waste water to the Cadia Valley Operations dewatering facility will be constructed from the Project Site into Lot 106 in DP1161062.

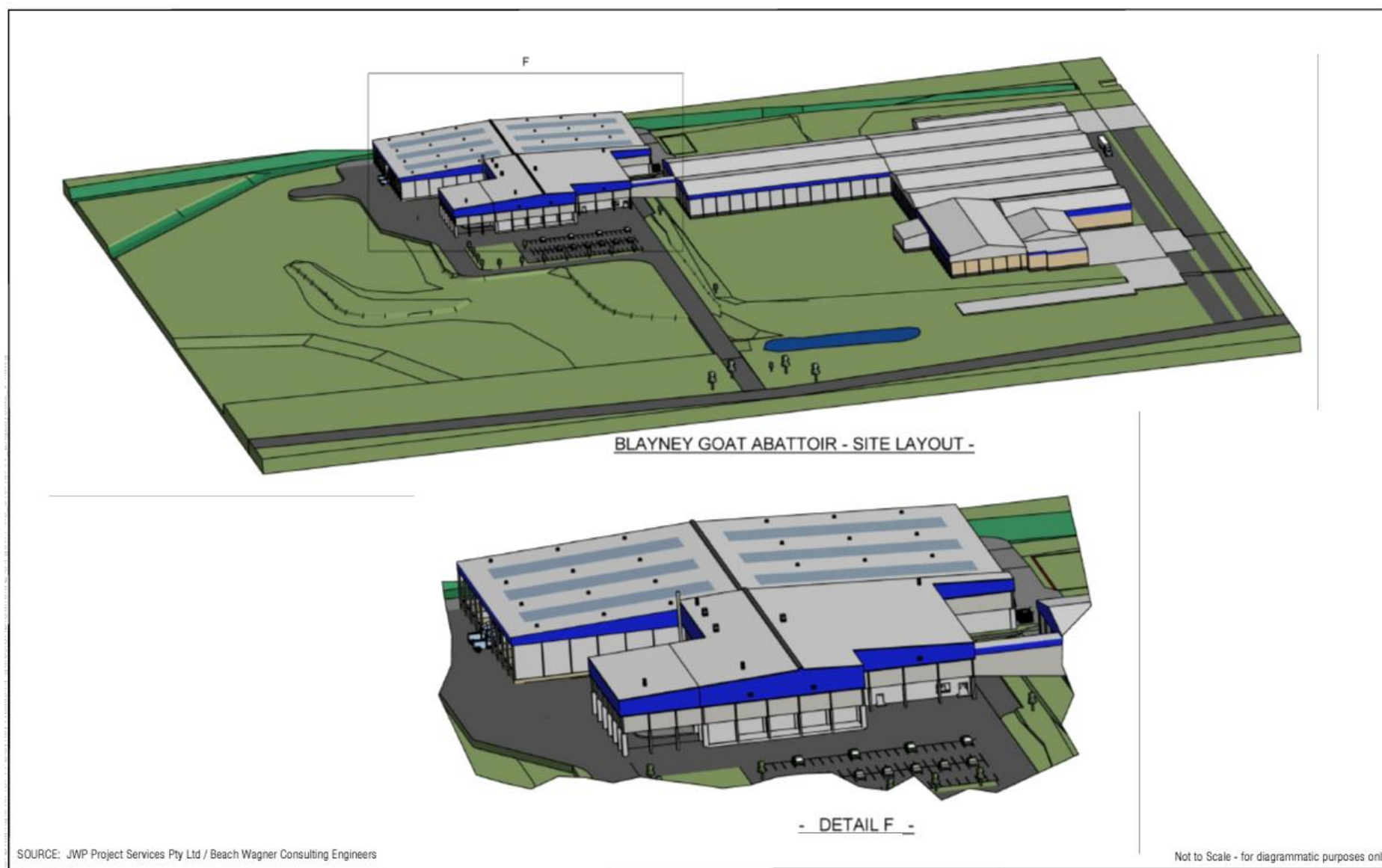
The abattoir will have the capacity to process up to 4,500 head per day, consisting primarily of rangeland goats, and some lambs. Livestock will be transported to the Project Site in semi-trailers and/or B-doubles and off-loaded at ground level within the abattoir building via an undercover unloading bay.

The existing Blayney SeaLink Cold Store Complex currently operates 24 hours a day, seven days per week and will continue to do so. It is proposed the abattoir will also operate 24 hours a day, seven days per week.

Figure 1-2: Proposed works (SLR; Project Briefing Paper).



Figure 1-3: Conceptual Engineering Design (SLR; Project Briefing Paper).



1.3 STATUTORY OBLIGATIONS

This Project is being assessed under Division 4.1 of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which provides for the assessment and determination of State Significant Development (SSD) Projects. Pursuant to Section 89C of the EP&A Act, projects are classified as SSD if they are declared to be such by the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Clause 3 of Schedule 1 of the SRD SEPP identifies development for the purposes of an abattoir with a Capital Investment Value (CIV) of more than \$30 million as SSD. The proposed abattoir has a CIV of approximately \$38.5 million, and as a result, pursuant to clause 8(1) of the SRD SEPP the Project comprises SSD.

The Minister for Planning (or their delegate) determines development applications for SSD under Part 4 of the EP&A Act. The Minister has delegated the consent authority function for SSD projects to the NSW Planning Assessment Commission (PAC) and to senior staff of the Department of Planning and Environment (DP&E) (SLR 2014: 17).

As part of determining the Environmental Assessment Requirements for the Project, the DP&E approached the NSW Office of Environment and Heritage (OEH) for their Project specific requirements. These were forwarded by the OEH to DP&E on July 25 2014. In these EARs, OEH request that reference be made to several documents, the first of which is the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Planning (DoP), 2005). These guidelines identify the factors to be considered in Aboriginal cultural heritage assessments for development proposals under Part 3A of the EP&A Act (OEH correspondence 25.07.14). It is noted that Division 4.1, in part, has now replaced Part 3A.

1.3.1 Applicability to the Current Study

These DoP 2005 guidelines outline the steps required in the Aboriginal heritage assessment process, the first of which is Step 1, Preliminary Assessment. This step is described as primarily desktop and involves review of the landscape and its history and it is noted that “There will be situations where it could be anticipated that an Aboriginal cultural heritage assessment would not be necessary” (DoP 2005: 3). Examples are provided whereby land has been so significantly altered that there is “little likelihood of objects remaining”. Step 1 concludes that “if following a preliminary assessment, it is determined that Aboriginal cultural heritage values are not likely to occur on the proposed development site, no further assessment is required” (DoP 2005: 3).

In regards to the current Project’s Impact Footprint, it is noted that the area of disturbance is small, the landscape element upon which it is located has a general low sensitivity in terms of Aboriginal site location and the land has undergone significant levels of prior ground surface disturbance. The following sections describe in greater detail these aspects of the Impact Footprint, demonstrating that there is an anticipated low likelihood of Aboriginal objects remaining

extant. It is noteworthy that this approach is in line with that of the *Due Diligence Code of Practice for the Protection of Aboriginal objects in NSW* (DECCW 2010), which has not been used for this assessment as it is not designed for application to SSD Projects (DECCW 2010: 3, **Section 4.2**).

2 STUDY AREA

The Project Site covers approximately 47 hectares (Lots 103-105 & 107 in DP1161062 in the Blayney Local Government Area), of which much has already been developed as the SeaLink Cold Store Complex. The Study Area also includes the treated waste water pipeline from the Project Site into adjacent Lot 106 DP 116102 to the Cadia Valley Operations (CVO) dewatering facility. The additional Impact Footprint for the proposed abattoir is relatively small, comprising only 3.1 hectares and located adjacent to existing SeaLink buildings (**Figures 1-2 and 1-3**).

2.1.1 Environmental Settings / Disturbance

The Impact Footprint is located on relatively flat land, at approximately 869-871 m Australian Height Datum (AHD). The Belubula River, part of the Lachlan catchment, lies to the west of the Impact Footprint and at its closest point is around 400 m distant. An ephemeral drainage line enters the Project Site, however this has been significantly modified in accordance with previous development consents to become a formalised channel that directs flow around the existing Complex and proposed Impact Footprint to a detention basin in the south-west corner of the Project Site (**Figure 1-2**).

The entirety of the Project Site, including the Impact Footprint of the proposed abattoir, has been significantly modified by both historic land clearing and agricultural production activities (see **Plate 2**). In addition, the majority of the Site has been modified in accordance with previous development consents as part of the development of the Blayney SeaLink Cold Store Complex (see **Plate 1**). As evident on **Figure 1-2** and **Plates 1-2**, the Impact Footprint is devoid of significant vegetation.



Plate 1: View north of the proposed Impact Footprint, adjacent to existing infrastructure of the SeaLink complex. Note the clearly modified landscape with the elevated construction pad and road.



Plate 2: View northeast over Lot 107 to the proposed Impact Footprint adjacent to the existing visible building. The land is cleared and has a long history of agricultural use.

3 THE ABORIGINAL HERITAGE ASSESSMENT

3.1 METHODOLOGY

The Aboriginal heritage assessment for this project is being undertaken primarily at desktop level due to the considerable level of disturbance the Project Site has suffered from a history of agricultural use. There was also, however, a site inspection undertaken by Jennifer Bertolani (Archaeologist, OzArk) on Wednesday 4 June, 2014, to confirm disturbance levels and potential archaeological sensitivity.

This approach has included a search of the NSW Office of Environment & Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) (**Appendix 1**).

3.2 OZARK INVOLVEMENT

3.2.1 Field Assessment

The fieldwork component of the current project was undertaken by:

- Fieldwork Director: Jennifer Bertolani (OzArk Project Archaeologist; BS Anthropology Central Washington University).

3.2.2 Reporting

The reporting component of the current project was undertaken by:

- Report Author: Dr Jodie Benton (Director, OzArk); and
- Reviewer: Jennifer Bertolani

3.3 RESULTS

3.3.1 AHIMS database search

A search of the AHIMS database was undertaken on August 26, 2014. A copy of this search is appended to this report as **Appendix 1**. The entire Project Site was searched with a 200 m buffer, finding that no Aboriginal sites have been previously recorded over this landscape.

3.3.2 Visual Inspection

Visual inspection of the Impact Footprint for the Project (Wednesday June 4 2014) confirmed that the area has suffered high levels of ground surface disturbance. The land has been cleared and used for over a century for agricultural purposes. More recently the nearby ephemeral draining line has been channelled and there have been significant earthworks for the establishment of SeaLink Cold Store Complex. Visual inspection of the dirt track around the existing buildings (**Plate 1**) was undertaken, even though this track appears to be situated on introduced / borrowed fill, with no Aboriginal artefactual material being seen, as expected.

3.3.3 Survey of adjacent land

The Environmental Assessment for the Cadia East Project included an Aboriginal Cultural Heritage Assessment which was undertaken by Colin Pardoe Bio-Anthropology and Archaeology (2009). The scope of this assessment included the proposed CVO dewatering facility to be located on Lot 106 DP 1161062, adjacent to the SeaLink Complex.

This report documented the results of a 2008 report by Kayandal Archaeological Services, which assessed the parcel of land immediately east of the SeaLink Complex (Lot 106). This assessment, undertaken in conjunction with the Orange Local Aboriginal Land Council (OLALC), noted that no Aboriginal sites or areas of archaeological potential were recorded over the area (Pardoe, 2009).

4 APPLICATION OF THE DRAFT GUIDELINES FOR ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT AND COMMUNITY CONSULTATION (DEPARTMENT OF PLANNING, 2005)

As documented in **Section 1.3.1**, the DoP 2005 guidelines outline the steps required in the Aboriginal heritage assessment process.

4.1 STEP 1 - PRELIMINARY ASSESSMENT

Section 2.1.1 of this report outlines the environmental and disturbance factors of the proposed Impact Footprint, while **Section 3.3** documents the results of the desktop database search and the visual inspection of the area.

The resulting evidence demonstrates

- Significant prior ground surface impacts and landscape modification;
- Overall low landform sensitivity in terms of Aboriginal site location; and
- A lack of any previously recorded Aboriginal sites over the area,

and leads to the conclusion that Aboriginal cultural heritage values are unlikely to be present over the Project Site.

Based on this conclusion, no further Aboriginal heritage assessment should be required and consequently there is no need to progress to the next Step contained within the DoP 2005 guidelines. This also removes the need to progress to initiating the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (ACHCRs, DECCW, 2010) or the *Code of the Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (documents b. and c. referenced in the EARS), as there is an assessed low potential for the presence of Aboriginal sites over the Impact Footprint of the project.

5 MANAGEMENT RECOMMENDATIONS

Although the above review concludes that no further Aboriginal heritage assessment should be required for the proposed small stock Abattoir, Blayney, it is nonetheless important to note that in the event that an Aboriginal artefact is located anywhere during the course of the Project, all works in that area should cease immediately and the DP&E and OEH be contacted for advice on how to proceed.

A generic unanticipated finds protocol has been attached in **Appendix 2**.

6 REFERENCES

- DECCW 2010 Department of Environment, Climate Change and Water. *Due Diligence Code of Practice for the Protection of Aboriginal objects in New South Wales*.
- OEH 2014 Office of Environment & Heritage Correspondence to Department of Planning and Infrastructure, July 25, 2014. *OEH's Recommended Environmental Assessment Requirements for State Significance Development*
- Pardoe 2009 Colin Pardoe Bio-Anthropology and Archaeology, 2009 Cadia East Project: Aboriginal Cultural Heritage Assessment. Report to Cadia Holdings.
- SLR 2014 SLR Consulting Australia 2014 Proposed Smallstock Abattoir Development – Blayney Export meats, Newbridge Road, Blayney, NSW. Report to Metziya P/L.

APPENDIX 1: AHIMS DATA BASE SEARCH RESULTS

AHIMS Web Services (AWS) Search Result

Your Ref Number : Abattoir

Client Service ID : 145836

OzArk Environmental and Heritage Management

Date: 26 August 2014

PO Box 2069

Dubbo New South Wales 2830

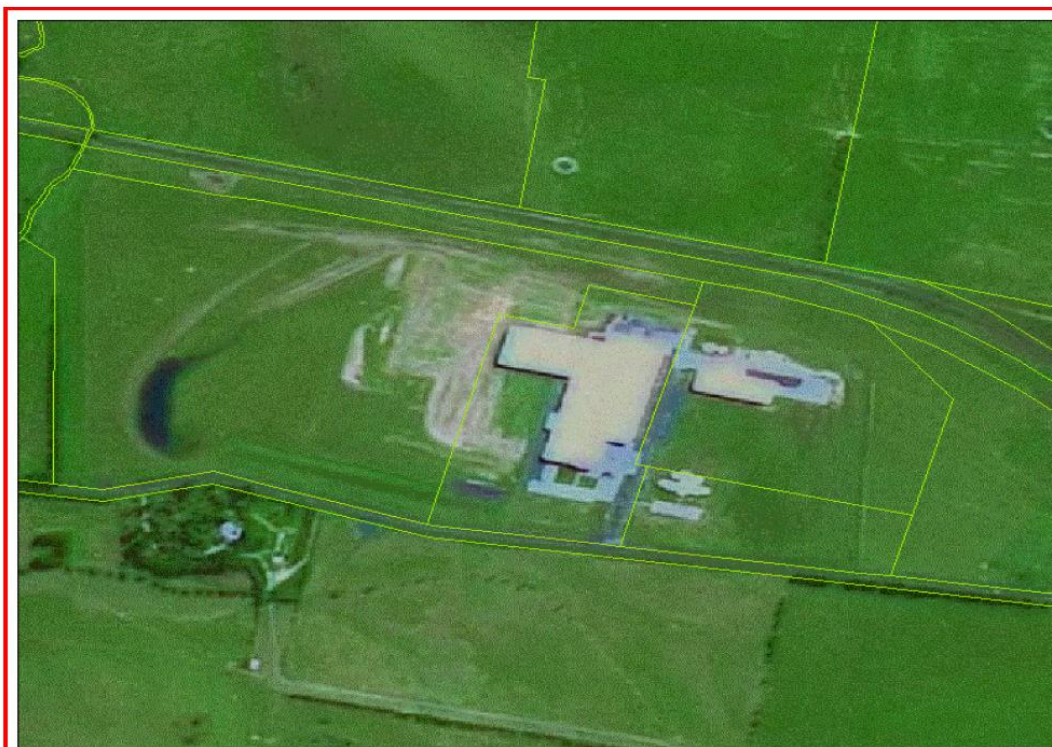
Attention: Jennifer Bertolani

Email: jennifer@ozarkehm.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 55, Eastings : 710305 - 711109, Northings : 6287134 - 6287636 with a Buffer of 200 meters, conducted by Jennifer Bertolani on 26 August 2014.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

APPENDIX 2: UNANTICIPATED FINDS PROTOCOL

UNANTICIPATED FINDS PROTOCOL

An Aboriginal artefact is anything which is the result of past Aboriginal activity. This includes stone (artefacts, rock engravings etc.), plant (culturally scarred trees) and animal (if showing signs of modification; i.e. smoothing, use). Human bone (skeletal) remains may also be uncovered while onsite.

Cultural heritage significance is assessed by the Aboriginal community and is typically based on traditional and contemporary lore, spiritual values, and oral history, and may also take into account scientific and educational value.

Protocol to be followed in the event that previously unrecorded or unanticipated Aboriginal object(s) are encountered:

- All ground surface disturbance in the area of the finds should cease immediately the finds are uncovered.
 - a) The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted; and
 - b) The site supervisor will be informed of the find(s).
- If there is substantial doubt regarding an Aboriginal origin for the finds, then gain a qualified opinion from an archaeologist as soon as possible. This can circumvent proceeding further along the protocol for items which turn out not to be archaeological. If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.
- Immediately notify the following authorities or personnel of the discovery:
 - a) OEH (Northwest Office) and the Department of Planning and Environment;
 - b) the Orange LALC;
- Facilitate, in co-operation with the appropriate authorities and Aboriginal groups:
 - a) The recording and assessment of the finds;
 - b) Fulfilling any legal constraints arising from the find(s). This will include complying with OEH directions; and
 - c) The development and conduct of appropriate management strategies. Strategies will depend on consultation with the Broken Hill LALC and other stakeholders and the assessment of the significance of the find(s).
- Where the find(s) are determined to be Aboriginal Objects, any re-commencement of construction related ground surface disturbance may only resume in the area of the find(s) following compliance with any consequential legal requirements and gaining written approval from OEH (as required).