



Office of Environment & Heritage

Your reference: DA13/0307
Our reference: DOC13/83951
Contact: Peter Ewin
(02) 6022 0606

Manager Development Services
Wagga Wagga City Council
PO Box 20
WAGGA WAGGA NSW 2650

Attn: Sam Robins

Dear Mr Robins

RE: Proposed Extension of Tarcoola Turf Quarry (Revised Notification DA13_0307)

Thank you for your letter dated 15 November 2013 to the Office of Environment and Heritage (OEH) seeking our submissions on the proposed (revised) extension of the Tarcoola Quarries, Gillard Road Wagga Wagga (DA13/0307). This response is in regard to statutory matters relating to application of the *Environmental Planning and Assessment Act 1979*, the *National Parks and Wildlife Act 1974* and the *Threatened Species Conservation Act 1995*.

Based on the provided information, the comments that we have remain largely as submitted for the original application and are as follows.

Aboriginal Cultural Heritage:

The Director General's requirements for the Tarcoola Turf Quarry EIS states the following matters must be considered:

An Aboriginal cultural heritage assessment (including cultural and archaeological significance) which must demonstrate effective consultation with Aboriginal communities in determining and assessing impacts and developing and selecting mitigation options and measures.

Appendix G of the EIS presents a detailed Aboriginal archaeological assessment of the proposed development. This assessment revealed the presence of one isolated Aboriginal object located within the Stage 1 development area. The object consisted of a quartz flake. This flake is an Aboriginal object and is protected under the *National Parks and Wildlife Act 1974* (NPW Act). The EIS has identified the need to obtain an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act to impact this Aboriginal object.

The significance of this object is assessed in the EIS. The EIS concludes that the object should be recorded and collected prior to any works and stored appropriately. The EIS also concluded there was a very low to nil likelihood that other Aboriginal objects would be present on the development area and no further archaeological management was recommended.

Section 4.3.3 of the EIS addresses Aboriginal Community Consultation. This section states that the process of consulting the Aboriginal community commenced in commenced in February 2013 with the placement of an advertisement in the local paper for expressions of interest in the proposal. Letters were also sent to government agencies and the Wagga Wagga Local Aboriginal Land Council (WWLALC).

As a result of the notification process, the following Aboriginal parties registered an interest in the proposal:

- WWLALC; and
- Wiradjuri Culture and Heritage Aboriginal Corporation.

The draft Aboriginal Cultural Heritage Assessment and draft AHIP application supporting documentation were submitted to the Registered Aboriginal Parties on 9 May 2013 seeking feedback. No responses have been received and a draft AHIP application has been finalised for submission to OEH.

OEH has reviewed the information provided in the EIS. OEH has also received supporting information for an Aboriginal Heritage Impact Permit. The cultural heritage assessment and the process of consultation that has been undertaken for this development is consistent with OEH policies, and OEH is able to issue a Section 90 Aboriginal Heritage Impact Permit for the proposal subject to a number of conditions, including one that would not allow any harm to an Aboriginal burials if they are encountered.

The general terms of approval for this proposal are provided at Attachment A. If Wagga Wagga City Council grants development consent for this proposal these conditions must be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to OEH. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with OEH about the changes before the consent is issued. This will enable OEH to determine whether its general terms need to be modified in light of the changes.

Flooding:

Management of flood prone lands including proposed development assessment shall be in accordance with the NSW Government's Flood Prone Land Policy ('the Policy') and guidelines set out in the Floodplain Development Manual, 2005 ('the Manual').

The primary objective of the Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from flooding, utilising ecologically positive methods wherever possible. The Manual outlines the floodplain risk management process which advocates the development of flood risk management plans by councils to understand and manage their flood risk strategically.

Wagga Wagga City Council has prepared a Floodplain Management Plan (2009) that covers the urban areas of Wagga Wagga including the location of the Tarcoola Quarry Site. It is important that this proposed development is consistent with this Plan.

To be consistent with the NSW Government's Flood Prone Land Policy the EIS needs to make allowances for the assessment of the impacts of flooding on the development and the impact of the development on flood behaviour including any cumulative impacts. Impacts on surrounding local landholders is a key concern with particular considerations made for the future raising of the Main City and North Wagga Levees to provide 100 year and 20 year ARI levels of protection, respectively. This has been covered in a fashion in the EIS – Annex E – Flooding, however we would like to remind Council that the Hydraulic Model that has been used in the assessment of flooding impacts is currently in the process of being updated by WMAwater using newly acquired bathymetry survey of the Murrumbidgee River and data collected during the recent flooding events in 2010 and 2012. As such, it is expected that the design flood levels are expected to change as such the Flooding Assessment within the EIS will also need to be updated to properly reflect current floodplain conditions.

Furthermore, although the Flooding Assessment concluded that "the proposed quarry operations are not considered to pose an increase in flood risk to other properties..." it did report that flood levels were expected to rise by up to six centimetres in surrounding areas, which is concerning. This impact is primarily due to the proposed construction of levees around the extraction pits to exclude flows greater than the 20 year ARI flood event. Although the impact of this development by itself maybe minor the cumulative impacts of future development on the floodplain needs to be carefully considered by Council.

Also of major importance is the involvement of the NSW Office of Water as they are the consent authority for works on the floodplain under Part 8 of the *Water Act 1912* (or the *Water Management Act 2000*) and as such should be consulted in the assessment of this proposal.

Biodiversity:

Based on the information presented in the EIS and the proposed mitigation measures identified, we have no further comments in regard to the impacts on biodiversity. If the application is modified resulting in the clearing of native vegetation then further consideration of the impacts of threatened species may be needed.

Should you wish to discuss these matters further please contact me on (02) 6022 0606, or at peter.ewin@environment.nsw.gov.au.

Yours sincerely

 19/12/13

PETER EWIN
Senior Team Leader Planning
South West Region
Regional Operations
Office of Environment and Heritage

ATTACHMENT A

General Terms of Approval

ADMINISTRATIVE CONDITIONS

Information supplied to OEH

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application D/2013/0307 submitted to Wagga Wagga City Council on 20 June 2013; and
- The Environmental Impact Statement (*Tarcoola Turf and Quarries. Extension of Tarcoola Quarry Environmental Impact Statement* - dated June 2013) relating to the development.

ABORIGINAL CULTURAL HERITAGE CONDITIONS

- No harm can occur to any Aboriginal objects within the development area unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by the Office of Environment and Heritage (OEH).
- The proponent must comply with the conditions of the AHIP that is issued by OEH.
- The proponent must ensure that all persons involved in actions or works covered by an AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of the AHIP.
- If any human remains are disturbed in, on or under the land, the AHIP holder must:
 - (a) not further disturb or move these remains;
 - (b) immediately cease all work at the particular location;
 - (c) notify OEH's Environment Line on 131 555 and the local police as soon as practicable and provide any available details of the remains and their location; and
 - (d) not recommence any work at the particular location unless authorised in writing by OEH.
- If any other Aboriginal objects are located during the life of the development activity, all work in the area of the finds must cease immediately and OEH contacted for advice. Works must not recommence unless authorized by OEH.