Respondent: Office of Environment and Heritage

Aspect	Issue	Clarification / Response	EA Section/ Specialist Study reference
Aboriginal cultural heritage	OEH supports the mitigation measures recommended by the assessment report, in particular that: ▪ Impacts to potential archaeological deposits (PADs) be entirely avoided; or if impact to an area of PAD cannot be avoided ▪ Test excavations be undertaken in accordance with current archaeological practice and any relevant guidelines to determine the nature, extent and significance of any Aboriginal archaeological deposit.	Noted. SIMTA is has committed to implementation of the General Mitigation Measures in the Aboriginal Cultural Heritage Assessment, as stipulated in the Statement of Commitments (Section 18).	Section 18
Aboriginal cultural heritage	The report does not make clear in its assessment of potential impacts that PAD 1, part of PAD 2, Area 1 and artefacts 2, 3, 4 5 and 6 are located outside of the study area.	Noted. These PADs and artefacts are outside of the study/ subject area. Appendix S: *Aboriginal Cultural Heritage Assessment* (Figure 33) shows the location of isolated artefacts (shown by numbers) and PADs in relation to the study area. Within the figure the study area is delineated by a red line. Section 1.2 of Appendix S, *Aboriginal Cultural Heritage Assessment* describes the 'Subject Area', which is also shown in Figure 2 of the assessment report. Within the report the terms 'subject area' and 'study area' are used interchangeably have refer to the same area.	Section 12.3.2 Appendix S: *Aboriginal Cultural Heritage Assessment* (AHMS, 2012)

Aspect	Issue	Clarification / Response	EA Section/ Specialist Study reference
Aboriginal cultural heritage	The aerial photographs from 1986 and 1994 suggest that the area of PAD 3 is smaller than indicated in Figure 33 of the assessment report.	Noted. The Statement of Commitments (Section 18) states: *The detailed application for the first stage of works shall include test excavations in each of PADs 1 - 3 in accordance with current archaeological practice and any relevant guidelines to determine the nature, extent and significance of any Aboriginal archaeological deposit. Such testing would be undertaken under Section 75U of the Environmental Planning and Assessment Act 1979, and be used to inform the assessment of these areas prior to lodgement of the subsequent staged application.* Prior to commencement of the investigations, for subsequent approvals, the aerial photography would be reviewed to further define the PADs and develop the test excavation methodology.	Section 18 Appendix S: *Aboriginal Cultural Heritage Assessment* (AHMS, 2012)
Aboriginal cultural heritage	Table 8 in the Statement of Commitments document recommends "Monitoring of works or archaeological test excavations…" as possible mitigation strategies. Monitoring of works is not an appropriate substitute for sub-surface test excavations. If any area of PAD is to be impacted by proposed works sub-surface test excavations should be conducted by a qualified archaeologist.	Table 8 within the EA relates to the management and mitigation strategies for non-indigenous heritage and these strategies would not be adopted for the management of Aboriginal heritage. The following statement regarding the PADs and sub-surface excavations within the SIMTA proposal footprint is included in the Statement of Commitments (Section 18): *The detailed application for the first stage of works shall include test excavations in each of PADs 1 - 3 in accordance with current archaeological practice and any relevant guidelines to determine the nature, extent and significance of any Aboriginal archaeological deposit. Such testing would be undertaken under Section 75U of the Environmental Planning and Assessment Act 1979, and be used to inform the assessment of these areas prior to lodgement of the subsequent staged application.*	Section 18

<table>
<tr><th>Aspect</th><th>Issue</th><th>Clarification / Response</th><th>EA Section/ Specialist Study reference</th></tr>
<tr><td>Biodiversity</td><td>OEH is concerned with the impacts from the proposed alignment of the rail spur to the south. Adapting and utilising the existing rail spur will avoid impacts on Persoonia nutans and Grevillea parviflora.</td><td>The alignment of the rail spur on the land to the south of the SIMTA site is designed for 35 kph speed with a minimum horizontal curve radius of 200 metres. The alignment has been determined based on current design specifications and requirements prescribed by ARTC.

Relocation of the rail link to the east of the SIMTA site would result in a lesser impact to the Persoonia nutans and Grevillea parviflora subsp. parviflora within the rail corridor; however, it would result in rail, freight handling and truck movements occurring closer to the residences at Wattle Grove and Moorebank, with reduced opportunities for constructed warehouses to effectively attenuate noise and air emissions generated by the terminal operations, or provide visual screening of the operation. It would also pose a safety hazard to the site by reducing the separation between truck container transfer points and warehouse container storage areas.</td><td>N/A</td></tr>
<tr><td>Biodiversity</td><td>The Biodiversity Offsets Strategy does not include the size of the offset required, the offset site or security measures.

Recommended offsets include:
an area of approximately five times the size of the impacted area consisting of the vegetation communities listed in Table 39 of the Flora and Fauna report
an area of Persoonia nutans containing at least 130 individuals
an area of Grevillea parviflora ssp parviflora habitat containing at least 682 individuals.</td><td>The quantum of the offset will depend on the precise alignment of the rail link, and impacts on threatened species and communities, would be determined during the detailed design phase. The potential impacts on flora and fauna will be assessed in greater detail in association with the detailed applications for future stages.

It is not clear how the offsets recommended in the OEH submission have been calculated. When extrapolated from the numbers provided in the submission, the recommended offset ratios are as follows:<table><tr><th>Threatened entity</th><th>Impacts</th><th>Recommended offsets</th><th>Offset ratio</th></tr><tr><td>Vegetation communities</td><td>1.19 hectares</td><td>Five times the size of the impact area</td><td>5:1</td></tr></table></td><td>Section 18

Appendix J, Preliminary Biodiversity Offset Strategy (Hyder Consulting, 2013)</td></tr>
</table>

Aspect	Issue	Clarification / Response	EA Section/ Specialist Study reference

Persoonia nutans	17 individuals	130 individuals	7.65:1
Grevillea parviflora subsp. *parviflora*	464 stems	682 individuals	1.47:1

A preliminary calculation of the expected offset requirement for impacts on *Persoonia nutans* using the EPBC Act *Offset Assessment Guide* found that an offset consisting of 36 individuals of *Persoonia nutans* would be adequate to meet 100% of the offset requirement for the loss of 17 individuals of the species – this would represent an offset ratio of approximately 2.1:1.

The requirement for an offset that includes 682 individuals of *Grevillea parviflora* subsp. *parviflora* for an impact on 464 stems of the species is questioned, as the number of genetically distinct individuals of the species to be impacted is likely to be lower than the estimated number of stems, given the suckering habit of this species and the localised high density of plant stems observed.

There is a commitment for SIMTA to progress the Biodiversity Offset Strategy. This will be undertaken in accordance with:

- Principles for the use of biodiversity offsets in NSW (OEH, 2011);
- NSW offset principles for major projects (state significant development and state significant infrastructure) (OEH 2013)
- Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (DSWEPC 2012).

Appropriate offsets will be determined in consultation with the Department of the Environment and OEH. Section 18 contains the

Aspect	Issue	Clarification / Response	EA Section/ Specialist Study reference
		following statement of commitment: *Off-Set Impacts* *The Proponent will update the Preliminary Biodiversity Offset Strategy (Hyder Consulting 2013) and continue to consult with DoTE and OEH through the project approval processes.*	
Biodiversity	OEH recommends that SIMTA identify offsets and demonstrate that they can be secured	A *Preliminary Biodiversity Offset Strategy* has been developed which sets out measures and priorities for the identification of offsets. The progression of this strategy is included with the Draft Statement of Commitments (Section 18). SIMTA is currently progressing the identification of offsets in accordance with the strategy.	Section 18 Appendix J, *Preliminary Biodiversity Offset Strategy* (Hyder Consulting, 2013)
Protected areas	Ensure that the proposed development has no adverse impact on the natural and cultural values of Leacock Regional Park. Refer to 'Guidelines for Developments Adjoining Department of Environment and Climate Change Land'.	Leacock Regional Park is located to the north-west of the SIMTA proposal, adjacent to the SSFL and the Casula Powerhouse Arts Centre. The connection of the SIMTA rail link to the SSFL would occur on land adjacent to Leacock Regional Park but would not encroach on the parkland. Through the implementation of the mitigation measures included in the EA & Statement of Commitments, the SIMTA proposal is not predicted to have an adverse impact on Leacock Regional Park. The following points address the issues considered as per the *Guidelines for Developments Adjoining DECC Land* (DECC, 2008): ▪ The SIMTA proposal would not alter the hydrological regimes of the park and, with the implementation of a soil and water management plan, as per the Statement of Commitments, sediment would not move onto the parkland during construction of the proposal. ▪ Surface water flows at the park would generally be from west to east, towards the SSFL and the Georges River, and flows from the	Section 18 Appendix J, *Flora and Fauna Assessment* (Hyder Consulting 2013) Appendix H: *Rail Access report*, (Hyder Consulting , 2013) Appendix S,

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		SIMTA connection to the SSFL would be in this direction. As water from the proposal would flow away from the park, the SIMTA proposal would not alter nutrient levels or flow regimes at the park during construction or operation. A soil and water management plan would be developed and implemented during construction to minimise erosion and sedimentation during construction of the Proposal. In considering the *Guidelines for developments adjoining Department of Environment and Climate Change land* (2008) the following conclusions are drawn: ▪ A Weed Management Plan would be developed for the Proposal to manage the spread of weeds and edge effects during construction and operation. ▪ The SIMTA proposal would not encroach on Leacock Park. ▪ The Noise Impact Assessment report assessed the noise impacts on the Casula Powerhouse and determined that the predicted operational noise (including noise from trucks and trains operating on the site and within those sections of the rail link that are on privately owned land) levels for this receiver are not expected to exceed the assessment criteria in either calm or adverse meteorological conditions. In addition the cumulative noise levels were assessed for the MICL proposal as well as the SIMTA proposal and similarly found that the noise level criteria will not be exceeded. Air quality and noise impacts during construction would be managed through the implementation of a Construction Environmental Management Plan (CEMP). Furthermore, an Operational Environmental Management Plan (OEMP) would be prepared to monitor and manage noise and air quality during the operational phase. ▪ The SIMTA proposal is located to the east of the SSFL from Leacock Park. The SSFL corridor and Glenfield Waste Disposals site, at the point of intersection with the SIMTA proposal do not	*Aboriginal Cultural Heritage Assessment* (AHMS, 2012)

Aspect	Issue	Clarification / Response	EA Section/ Specialist Study reference
		contain vegetation and the SSFL would act as a barrier to migrating fauna. ▪ No PADs or artefacts were identified within the vicinity of Leacock Park (AHMS, 2012). Therefore, the SIMTA proposal would not have an adverse impact on Leacock Park.	