



Our ref: DOC21/59870-16  
Your ref: SSD-10418

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Advice provided via the Major Projects Portal

Dear Ms Cole,

**Advice on Environmental Impact Statement – State Significant Development – Mount Pleasant Continued Operations, Muswellbrook LGA (SSD 10418)**

Thank you for your referral uploaded to the Major Projects Portal on 2 February 2021 seeking advice on the Environmental Impact Statement (EIS) for the above state significant development (SSD) proposal.

We understand that development consent for the existing Mount Pleasant Operation (MPO) was granted in 1999, and the MPO was also approved under the *Environment Protection and Biodiversity Conservation Act 1999* in 2012. The current application seeks SSD approval for the project to continue mining activities beyond 2026. The proposed development involves:

- Extending the life of open cut mining operations to 2048;
- Extracting an additional 247 million tonnes of run-of-mine (ROM) coal over the life of the Project, through the mining of deeper coal seams and optimisation of the North, Central and South Pits;
- Extracting and processing up to 21 million tonnes per annum (Mtpa) of ROM coal;
- Transporting up to 17 Mtpa of ROM coal by rail;
- Dispatching up to 10 laden trains per day, with an average of 6.5 laden trains per day;
- Constructing new ancillary infrastructure, including water management facilities;
- Relocating, upgrading and augmenting existing ancillary infrastructure;
- Increasing the operational workforce to 830, with an average workforce of 600;
- Realigning the future Northern Link Road; and
- Changes to the approved final landform.

Heritage NSW understands that the currently approved MPO has been subject to various Aboriginal cultural heritage assessments, with heritage survey coverage previously achieved over much of the current project area (Kuskie 2020). Three separate Aboriginal Heritage Impact Permits (AHIPs) have been issued in relation to substantial portions of the MPO, and numerous Aboriginal sites have already been salvaged and/or impacted under these approved AHIPs. The project is currently managed under the provision of these three AHIPs and the approved Aboriginal Heritage Management Plan (AHMP) (MACH Energy 2017).

Heritage NSW understands that the current SSD Application would involve an administrative change, whereby management of identified and potential heritage would transition from the AHIP system to a revised AHMP. In support of the current application, an Aboriginal Cultural Heritage Assessment Report (ACHAR) (Kuskie 2020) has been prepared, which brings

together the previous assessment results for the existing approved MPO project area and presents an assessment of additional areas that form part of the current application.

In preparing the below advice we have reviewed the following documents:

- *Environmental Impact Statement, Executive Summary – Mount Pleasant Operation, MACH Energy.*
- *SEARs for Mount Pleasant Operation*, issued 17 February 2020.
- *Environmental Impact Statement, Appendix G – Mount Pleasant Operation Aboriginal Cultural Heritage Assessment*, prepared by Peter Kuskie, South East Archaeology Pty Ltd December 2020, and *Addendum report to assess minor amendments*, dated 10 December 2020.

### **Further Aboriginal cultural heritage assessment is required**

Heritage NSW has reviewed the ACHAR and notes that the potential impacts of the development on Aboriginal heritage (cultural and archaeological) have been assessed across the vast majority of the project area. However, the ACHAR includes recommendations for some further primary assessment to be undertaken post approval. Heritage NSW notes that the applicant was significantly constrained by site access issues and other impacts associated with Covid-19 when completing the ACHAR and field survey, however is of the view that where further Aboriginal cultural heritage assessment is recommended, this should be completed as part of the EIS rather than being deferred until post-approval. Heritage NSW recommends the following:

1. Where potential impact areas have not been subject to systematic heritage survey, this should be completed as part of the current ACHAR to inform the impact assessment for the project. The following areas have not been subject to systematic survey and Heritage NSW recommends this be completed so that impacts to Aboriginal cultural heritage in these areas are understood and evaluated within the ACHAR:
  - a. Small portions of the additional primary impact areas of SSD Zones B3 and B4, including the alternative alignment of the Northern Link Road that may be adopted, and the remaining 13.8 hectares of zone B3 and B4 that were unable to be surveyed due to property access restrictions.
  - b. Potential surface impact areas associated with works subject to future detailed design within SSD Zone C.
2. Where the significance of identified sites has been assessed as 'uncertain' and there is a recommendation to conduct further investigation via archaeological test excavations (such as for the ten sites located in SSD Zone A2R-C), Heritage NSW recommends this test excavation should be undertaken as part of the ACHAR, rather than be deferred to post-approval. This position is consistent with advice provided by the Biodiversity and Conservation Division in their recommended project SEARs (8 January 2020), which identified that test excavation may be required as part of the ACHAR.
3. Reassessment of 'possible scarred trees' should be undertaken as part of the current ACHAR to inform the EIS for the project. Specifically, the scarred trees in Zone A1 and SSD Zone C should be evaluated to determine the origins of the scars and assess the significance of these sites. These results should be included within the ACHAR to ensure the significance and potential impacts to these sites is evaluated.

4. A significance assessment should be undertaken for all recorded sites that are currently listed as being of 'uncertain' significance and which will be impacted by the project (this includes those sites in SSD Zones B2, B4 and C which remain *in situ* and are subject to potential additional impacts, but which have not had their significance assessed). The significance assessment should be undertaken in consultation with Registered Aboriginal Parties (RAPs) and presented in the ACHAR.

#### **Further Aboriginal community consultation should be undertaken and documentation provided**

Heritage NSW has reviewed the supplied consultation documentation and recommends some further consultation be undertaken, and additional documentation be provided, as follows:

5. Documentation should be provided to demonstrate that RAPs were consulted with regard to the additional impact assessment presented in the '*Addendum Report to Assess Minor Amendments*'. Heritage NSW acknowledges that this additional assessment identified relatively minor additional impacts, however we would still recommend that consultation with RAPs is appropriate in relation to this additional assessment.
6. Further Aboriginal community consultation should be undertaken in relation to those parts of the project area where further investigation, significance assessment and impact assessment has been recommended in the ACHAR (as per Recommendations 1 to 4 above).
7. Further Aboriginal community consultation should be undertaken in relation to the identification and assessment of suitable alternative conservation areas.

#### **Alternative conservation outcomes should be identified and assessed**

Heritage NSW understands that the project will involve the surrender of provisional Conservation Areas B and C and that alternative conservation measures are recommended to be implemented in lieu of these. The ACHAR states that these alternative conservation measures would "counterbalance the approved and additional impacts of the SSD project on Aboriginal heritage" (Kuskie 2020:247), however alternative conservation areas have not been identified or evaluated in the ACHAR. Heritage NSW acknowledges that the applicant is in the process of identifying and assessing potential alternative conservation areas, and recommends these be subject to further assessment as follows:

8. Suitable alternative conservation area(s) should be evaluated to ensure any proposed conservation options will appropriately mitigate the impacts of the project. The recording of cultural heritage values within any alternative conservation area(s) should be undertaken in consultation with RAPs, and should include detailed comparative analysis of the existing Conservation Areas B and C with the alternative area(s), to ensure that the alternative areas are generally consistent with the existing provisional areas.

#### **The Aboriginal Cultural Heritage Management Plan should be updated**

Heritage NSW understands that the currently approved Mount Pleasant Operation Aboriginal Heritage Management Plan (AHMP) (MACH Energy 2017) will be updated following project

approval in line with the recommendations set out in the ACHAR. Heritage NSW recommends the following:

9. Policies and actions required to manage Aboriginal heritage within the project area. should be included in an updated AHMP for the project area. These policies and actions should be developed by an appropriately qualified heritage practitioner with expertise in Aboriginal Heritage, in consultation with RAPs, and should take into account the results of the additional assessment and consultation recommended above.
10. The AHMP should include procedures for further management and mitigation measures to be implemented prior to any impacts occurring to specific sites, values and areas. This should include management strategies for all identified Aboriginal heritage sites as listed in Appendix 7 of the ACHAR.
11. Provisions related to the management and curation of all salvaged Aboriginal objects from within the project area should be developed in consultation with the RAPs and included within the AHMP.
12. Appropriate management and mitigation measures, as outlined in the AHMP, should be implemented, as per the recommendations of the ACHAR, prior to the commencement of any ground disturbing works within the project area. All mitigation measures should be undertaken in consultation with RAPs.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. We understand you have sought separate advice from Heritage NSW in relation to matters under the *Heritage Act 1977*.

If you have any questions in relation to above advice, please contact Laura Dafter, Archaeologist at Heritage NSW on (02) 4927 3132 or [laura.dafter@environment.nsw.gov.au](mailto:laura.dafter@environment.nsw.gov.au).

Yours sincerely



**Dr Sam Higgs**  
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**Heritage NSW**

26 February 2021