



Office of
Environment
& Heritage

DOC16/347988-2
SSD 4960 MOD 1

Ms Megan Dawson
Planning Officer
Department of Planning and Environment
megan.dawson@planning.nsw.gov.au

Dear Ms Dawson

RE: BULGA OPTIMISATION PROJECT – MODIFICATION 1 (SSD_4960 MOD 1)

I refer to your e-mail dated 12 July 2016 inviting the Office of Environment and Heritage (OEH) to review and provide advice on the Statement of Environmental Effects (SEE) for the proposed modification. OEH notes that the proposed modification includes a redesign of the Eastern Emplacement Area and the in-pit tailings disposal in the Main Pit. OEH understands that the area covered by the proposed modification was previously assessed in the Environmental Impact Statement (EIS) for the Bulga Optimisation Project (Umwelt, 2012), however the extent of the Eastern Emplacement Area was reduced in the consent conditions that were issued on 1 December 2014 (Planning Assessment Commission, 2014).

OEH has reviewed the SEE in relation to Aboriginal cultural heritage, flooding and floodplain and threatened biodiversity matters. OEH identified no major issues for this project. However, OEH notes that the threatened biodiversity assessment was not done fully in accordance with requirements of the Framework for Biodiversity Assessment (FBA) and as such we would normally recommend to Department of Planning and Environment that further work would be required to ensure the SEE is compliant with the policy. However, in this instance OEH notes that the proposed clearing of native vegetation within the current modification application is similar to the area the proponent will now retain (i.e. north of the 'Stage 1 Mushroom Composting Facility'), with respect to size and environmental / biodiversity values. As such OEH is of the opinion that the current offset package is sufficient and no further assessment under the FBA would be warranted nor would it provide any additional value to the process. Nevertheless, OEH notes that future modifications where new areas of clearing are proposed, the FBA will need to be allied to its fullest and in accordance with appropriate guideline material.

OEH provides a more detailed appraisal in **Attachment 1**.

If you require any further information regarding this matter please contact Robert Gibson, Regional Biodiversity Conservation Officer, on 4927 3154.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Steve Lewer', with a stylized, flowing script.

29 JUL 2017

STEVE LEWER

A/Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Enclosure: Attachment 1

ATTACHMENT 1: OEH REVIEW OF THE PROPOSED BULGA OPTIMISATION PROJECT MODIFICATION 1 (SSD_4960 MOD 1)

The Office of Environment and Heritage (OEH) reviewed the report, 'Bulga Surface Operations Eastern Emplacement Area Modification: Statement of Environmental Effects. Final. July 2016' (the SEE) that was prepared by Umwelt (Australia) Pty Limited (2016). OEH's review focused on Aboriginal cultural heritage, flooding and floodplain management, and threatened biodiversity matters. These are discussed below.

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

OEH has no additional comments to provide in relation to Aboriginal cultural heritage, other than that advice provided previously in correspondence to the Department of Planning and Environment (dated 14 June 2013 and 27 September 2013) for the Bulga Optimisation Project.

FLOODING AND FLOODPLAIN MANAGEMENT

The SEE indicates that there will be no impact on Wollombi Brook and minimal impact on Loders Creek. The catchment area, velocity and flow rates within Loders Creek are all reduced by the already approved activities and the data shown indicates that a minor further reduction will occur as a result of the changes to the Eastern Emplacement Area. The flood analysis provided in the SEE appears to be for the flows occurring downstream of the mine site. However, no local analysis is provided within the mine working area. Due to the decreased flows it is unlikely that adverse flooding affects will occur outside of the mine area.

The batter slopes of the spoil placed within the Eastern Emplacement Area may however direct flows towards land utilised by Mushroom Composters Pty Ltd. It is understood from the documentation in the SEE that Mushroom Composters Pty Ltd have entered into commercial arrangements with the mine operators. Therefore the design of surface water management around the eastern Emplacement Area should be able to accommodate flows from the stockpile without nuisance to the Mushroom Composters Pty Ltd's operations.

OEH has no further comments to make in relation to flooding and floodplain management for this proposed modification.

THREATENED BIODIVERSITY ASSESSMENT

OEH has reviewed the threatened biodiversity assessment for the project presented in the SEE. The modification area was assessed as part of the development footprint in the exhibited Environmental Impact Statement (EIS) (Umwelt (Australia) Pty Limited, 2013: e.g. see Figures 1.2 and 1.3 in the EIS), and its proposed clearance was considered in the development of the offset package for the Bulga Optimisation Project. Therefore no new offset is required for vegetation clearance associated with the proposed modification to the Eastern Emplacement Area.

The original environmental assessment was undertaken using the 'OEH principles for the use of biodiversity offsets in NSW' (OEH, 2016a). However, for this Modification the Department of Planning and Environment in a letter dated 10 December 2015 (provided in Appendix 3 of the SEE) requested that the new section of the Eastern Emplacement Area was to be assessed using the Framework for Biodiversity Assessment (FBA) and use the current 'NSW biodiversity offsets policy for major projects' (OEH, 2016b).

Section 6.6 of the SEE presented the ecological assessment for the modification, including: details of 13 biometric plots that have been conducted in the new eastern footprint of the Eastern Emplacement Area (Figure 6.7 of the SEE); details of the five vegetation zones identified in this 88.9 ha area (section 6.6.1.2 of the SEE); a comparison of the vegetation to be impacted by the proposed change (86.62 ha) compared to vegetation now no longer intended to be impacted (90.98 ha) on the northern side of the eastern Emplacement Area (Table 6.14 of the SEE); and an assessment of threatened biodiversity impacted by the proposed change (section 6.6.2.2). The format of the Ecological assessment does not

follow the format of an assessment required under the FBA; see Appendix 7 of the FBA (OEH, 2016c). As discussed above the modification involves the development of land already assessed for clearing, and thus is already considered to be appropriately offset, therefore the modification does not alter the offsetting requirement for the project. However, in the event that a modification involved new areas of disturbance where the FBA is applied then OEH would expect the full requirements of the FBA to be implemented.

CONCLUSION

OEH has not identified any issues for the proposed modification for which any new consent conditions are recommended for this project.

References:

- OEH (2016a) *OEH principles for the use of biodiversity offsets in NSW*. 18 April 2016. Office of Environment and Heritage, Sydney. <http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>
- OEH (2016b) NSW biodiversity offsets policy for major projects. 18 April 2016. Office of Environment and Heritage, Sydney. <http://www.environment.nsw.gov.au/biodivoffsets/biooffsetspol.htm>
- OEH (2016c). *Framework for Biodiversity Assessment. NSW Biodiversity Offsets Policy for Major Projects September 2014*. Office of Environment and Heritage, Sydney. <http://www.environment.nsw.gov.au/resources/biodiversity/140675fba.pdf>
- Planning Assessment Commission (2014) Development Consent: Section 89E of the Environmental Planning & Assessment Act 1979: Bulga Optimisation Project. SSD-4960. 01December2014. Planning Assessment Commission, Sydney. http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4960
- Umwelt (Australia) Pty Limited (2013) *Ecological Impact Assessment: Bulga Optimisation Project*. April 2013. In 'Environmental Impact Statement. Bulga Optimisation Project. April 2013. Appendix 9'. Umwelt (Australia) Pty Limited, Teralba. http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4960
- Umwelt (Australia) Pty Limited (2016) Bulga Surface Operations Eastern Emplacement Area Modification: Statement of Environmental effects. Final. July 2016. Umwelt (Australia) Pty Limited, Teralba. http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7737