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Team Leader, Resource Assessments  
NSW Department of Planning & Environment  
GPO Box 39, SYDNEY 2001

Dear Madam/Sir

**Supplementary Comments – Mount Owen Mine Continued Operations Project**

Thank you for your letter of 31 May 2016 advising that the Department has received a response from Glencore following the Planning Assessment Commission's review report on the proposed Mt Owen Continued Operations Project.

I have reviewed the applicant's response, and wish to make supplementary comments, specifically in relation to biodiversity issues. Since its establishment, the Mt Owen Mine has had a significant impact on regional biodiversity, and the proposed continuation and extension of operations will further increase this impact.

The assessment and response have not adequately considered or responded to the matters raised in my submission. Appropriate compensation and monitoring measures are required. Monitoring requirements are not specific enough or meaningful.

Your attention is drawn to my proposals for amended development consent conditions provided to the Planning Assessment Commission and attached to this letter. Changes to the proposed conditions should be required to provide for appropriate biodiversity impact compensation arrangements and an ongoing monitoring program. Please include the proposed changes in the updated assessment for the project.

Thank you for the opportunity to make further comments.

Yours sincerely

*M. Fallding*

M Fallding

**Principal, Land & Environment Planning** 16 June 2016



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NSW Planning Assessment Commission  
GPO Box 3415  
SYDNEY 2001

Dear Madam/Sir

**Submission – Review of Mount Owen Mine Continued Operations Project**

I wish to make a submission in relation to the Planning Assessment Commission review and public hearing for the Mt Owen Continued Operations. I refer also to my submission to the NSW Department of Planning and Environment dated 5 February 2015 which is not adequately considered in the Department's preliminary assessment report or consent conditions.

The Mt Owen Mine has had a significant impact on regional biodiversity, and the proposed continuation and extension of operations will further increase this impact.

Although Mt Owen Mine has a good past record in biodiversity monitoring and management, the preliminary assessment report and the conditions of consent proposed by the Department of Planning and Environment fail to adequately ensure that flora and fauna impacts can be adequately monitored and managed over the course of the project.

I am particularly concerned at the failure to recognise the flora and fauna monitoring committee established by the July 1994 Mt Owen Mine development consent and which has been carried through to the present. The operation of this committee has been instrumental in ensuring both public accountability and good practice in flora and fauna management at the mine.

Long term biodiversity monitoring undertaken at Mt Owen Mine over the last 20 years is of regional and national scientific importance. It is essential that the existing fauna and flora monitoring, management and governance program be maintained until the end of the mine life, and in the rehabilitation period following closure. This is not recognised in either the preliminary assessment report or the proposed consent conditions (pages 16 to 19).

Therefore, in the conditions of consent I propose under the heading 'Biodiversity' (1) a variation of condition number 31, (2) the insertion of an additional condition 33A, and (3) an amendment to condition 24. The details of these changes are outlined below:

## **BIODIVERSITY**

### **Threatened Species**

31. At the commencement of the condition before the word 'regeneration' insert 'protection,'.  
*(Reason – to recognise that protection of biodiversity is an important part of the offset strategy)*
31. Add the following subsection  
(d) local and regional habitat connectivity.  
*(Reason – to recognise that activities occurring outside areas being regenerated or re-established are important for biodiversity conservation)*
31. Add at the end of the condition – 'Note: the operation of this condition will be monitored annually as provided for in condition 33A.'  
*(Reason – to identify a mechanism for implementing and monitoring the condition)*

### **Flora & Fauna Monitoring**

- 33A. A flora and fauna management and monitoring committee will be maintained over the life of the project to be fully funded by the project, and will include representatives from government agencies, regional environmental groups, and independent scientists.

The flora and fauna management and monitoring committee shall be responsible for (1) reviewing the preparation of the Biodiversity Management Plan, (2) reviewing annually the implementation of this Plan, (3) specifying the scope and requirements of flora and fauna monitoring for the project, and (4) reviewing the effectiveness and results of the flora and fauna monitoring program.

A comprehensive flora and fauna monitoring program shall be prepared and maintained. This may (but is not required to) form part of the Biodiversity Management Plan and shall be used to ensure compliance with that Plan.

The existing Mt Owen Mine fauna monitoring program will be maintained, and an annual report shall be prepared and made public. The Applicant shall keep

monitoring reports and records and shall facilitate and support the publication of the results of monitoring in scientific journals.

*(Reason –*

- 1. A separate condition for biodiversity monitoring is appropriate, as this is an ongoing program separate from the Biodiversity Management Plan.*
- 2. The fauna and flora monitoring and management as outlined in the application documents are inadequate. The existing Mt Owen Mine flora and fauna monitoring program must be maintained and properly documented, and appropriate requirements need to be included as part of the development consent. The proposed Hunter Coalfields Flora and Fauna Advisory Committee foreshadowed in a previous consent never eventuated, and therefore site based monitoring at Mt Owen Mine needs to continue.*
- 3. Consent for the project must provide public access to the results of ecological monitoring undertaken on the site, and ensure publication of results in scientific journals.*
- 4. Flora and fauna management plans and practices must be subject to periodic peer review processes to ensure that best biodiversity management practice at the mine is being maintained.)*

### **Conservation Bond**

34. Add the following sentence at the beginning of the second paragraph in the condition, 'The Conservation Bond will be a minimum of \$263 million, indexed annually'.

*(Reason – to ensure certainty and transparency by specifying a minimum bond amount in the development consent, based on an in perpetuity restoration cost of \$90,000 per ha)*

Please include the amendments proposed above in the final approval conditions for the Mount Owen Mine Continued Operations Project? These amendments will maintain existing practice, provide a mechanism for ensuring effective compliance, and minimise the biodiversity impacts of the mine.

Thank you for the opportunity to make a submission.

Yours sincerely



M Fallding  
**Principal, Land & Environment Planning**

15 December 2015