

Ms Melanie Hollis

Senior Environmental Assessment Officer
Resource Assessments Compliance –
Planning Services
melanie.hollis@planning.nsw.gov.au

Our ref: DOC19/448306-1
Your ref: DA 80/952 MOD 4
File: SF19/48078

Dear Ms Hollis

Glendell Mine (DA 80/952) Modification 4 – Response to Submissions report and Draft Conditions of Consent

I refer to your e-mail dated 28 May 2019 in which the Energy and Resources Division of the Department of Planning, Industry and Environment (the Department) invited the Biodiversity and Conservation Division (BCD) of the Department (formerly the Office of Environment and Heritage) to comment on the Response to Submissions Report (RTS) and draft conditions of consent for the Glendell Mine Modification 4 project (DA 80/952 MOD 4).

BCD reviewed the RTS and draft consent conditions in relation to Aboriginal cultural heritage and biodiversity issues including:

- the *Aboriginal Cultural Heritage Assessment Background Glendell Mine Modification 4 Mount Owen Complex* (ACHAB report) prepared by OzArk EHM (dated 17 January 2019)
- the *Aboriginal Cultural Heritage Assessment Report Glendell Modification 4 Mount Owen Complex* prepared by OzArk EHM (dated 9 May 2019)
- the *Glencore Mount Owen Open Cut Aboriginal Cultural Heritage Management Plan* (ACHMP), dated 29 May 2018.

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Gillian Goode, Archaeologist, on 02 4927 3114 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely



29 July 2019

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Glendell Mine Modification 4 – Response to Submissions Report and draft conditions of consent

1. BCD recommends the location and extent of the six previously identified archaeologically sensitive areas located in the Bowmans Creek and Swamp Creek landscape is clarified and it should be identified whether these areas will be impacted by the proposed Glendell MOD 4.
2. BCD recommends that the Aboriginal cultural heritage assessment report details the results of survey of the Glendell MOD 4 area in April/May 2018 with a record of the dates of the survey and evidence of the consultation with and participation by the RAPs.
3. BCD recommends that any Aboriginal cultural heritage sites that have not yet been registered on the AHIMS database be submitted for registration immediately.
4. BCD recommends that the Mount Owen Complex Aboriginal Cultural Heritage Management Plan (May 2018) is updated to include all identified Aboriginal sites and archaeologically sensitive areas.
5. BCD recommends that the ACHMP should be updated to show the location of the massacre site as being outside of the Glendell MOD 4 boundary and therefore will not be impacted by the proposed Glendell MOD 4.
6. BCD is satisfied with the proposed retirement of ecosystem credits for this project.
7. BCD recommends that the 'Offset Strategy Plan' in Appendix 5 of any updated version of the Glendell Mine consolidated consent includes the Southern Remnant and the Southern Remnant Offset.

BCD's detailed comments

Glendell Mine Modification 4 – Response to submissions report and draft conditions of consent

Aboriginal cultural heritage

1. The six archaeologically sensitive areas listed in the AHMP should be assessed in the Aboriginal cultural heritage assessment report

The *Aboriginal Cultural Heritage Assessment Report, Glendell Modification 4, Mount Owen Complex*, (ACHAR), prepared by OzArk EHM (dated 9 May 2019), shows that the proposed modification area is within 200 metres of Swamp Creek, which is a tributary of Bowmans Creek and a major watercourse in the local area.

This area was previously identified as being part of the Bowmans Creek and Swamp Creek Landscape, comprising six archaeologically sensitive areas and several artefact sites. These are recorded in the *Glencore Mount Owen Open Cut Aboriginal Cultural Heritage Management Plan* (ACHMP), dated 29 May 2018. The actual locations and extents of these archaeologically sensitive areas are not identified in the ACHAR. It is not clear whether they lie within or near to the current Glendell MOD 4 area or whether they will be impacted by the proposed modification.

Recommendation 1

BCD recommends the location and extent of the six previously identified archaeologically sensitive areas located in the Bowmans Creek and Swamp Creek Landscape is clarified and it should be identified whether these areas will be impacted by the proposed Glendell MOD 4.

2. Details regarding field survey undertaken with the RAPs for Glendell MOD 4 is required

BCD requires details showing evidence of consultation with the RAPs relating to their participation in any field survey of the Glendell MOD 4 area. BCD has not received any documentation identifying which RAPs were present for archaeological survey undertaken sometime in April/May 2018. No consultation documents or survey reports have been provided regarding survey of the Glendell MOD4 area at this time and the actual dates of the survey have not been identified.

Recommendation 2

BCD recommends that the Aboriginal cultural heritage assessment report details the results of survey of the Glendell MOD 4 area in April/May 2018 with a record of the dates of the survey and evidence of the consultation with and participation by the RAPs.

3. Unregistered Aboriginal sites should be submitted to the AHIMS database

BCD recommends that any Aboriginal sites identified in Glendell MOD 4 area, that have not yet been submitted for inclusion on the AHIMS database, be registered on the AHIMS database immediately. This includes but is not limited to those noted in the ACHMP as not registered, such as Glendell North OS29, Glendell North OS30, Glendell North OS31; and Glendell North IF22.

Recommendation 3

BCD recommends that any Aboriginal cultural heritage sites that have not yet been registered on the AHIMS database be submitted for registration immediately.

4. All Aboriginal sites should be included in the management plan

The *Aboriginal Cultural Heritage Management Plan (ACHMP) for the Mount Owen Complex (OzArk EHM 2018)* has not been updated to show the locations or site extents of the additional sites identified during surveys undertaken in April/May and November 2018. The following sites listed in the ACHAR are missing from the ACHMP:

- Glendell North IF22
- Glendell North OS25
- Glendell North OS27
- Glendell North OS28
- Glendell North OS29
- Glendell North OS30
- Glendell North OS31

Recommendation 4

BCD recommends that the Mount Owen Complex Aboriginal Cultural Heritage Management Plan (May 2018) is updated to include all identified Aboriginal sites and archaeologically sensitive areas.

5. The Ravensworth Massacre site 37-3-0390 is outside the modification boundary

Three public submissions have been received regarding the location of the Ravensworth massacre site. The Ravensworth Massacre site is recorded on the AHIMS database as 37-3-0390. The Ravensworth Massacre site card 37-3-0390 was generated on 3 December 1998 and refers to the massacre site near Ravensworth. The specified area for this site is located outside of the Glendell Continued Operations boundary and will not be impacted by the proposed modification.

Recommendation 5

BCD recommends that the ACHMP should be updated to show the location of the massacre site as being outside of the Glendell MOD 4 boundary and therefore will not be impacted by the proposed Glendell MOD 4.

Biodiversity

6. BCD is satisfied with the proposed retirement of ecosystem credits

BCD reviewed the proposed changes to the conditions of consent and notes that retirement of the ecosystem credits for the Glendell MOD 4 project, if approved, would be done in accordance with the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016*. Further, the amount of ecosystem credits to be retired for the Modification 4 projects will be included as a new condition in any new consent issued. BCD is satisfied with the proposed changes to the treatment of ecosystem credits in the conditions of consent for this project.

Recommendation 6

BCD is satisfied with the proposed retirement of ecosystem credits for this project.

7. The Southern Remnant and Southern Remnant Offset need to be added to the Offset Strategy Plan map in Appendix 5

The map of the 'Offset Strategy Plan' presented in Appendix 5 of the Glendell Mine consolidated consent includes most, but not all of the biodiversity offsets in the adjacent Mount Owen Mine site. The map does not show the Southern Remnant or the Southern Remnant Offset of the Mount Owen Mine complex. BCD recommends that the Southern Remnant and the Southern Remnant Offset are shown on a revised version of the Offset Strategy Plan in any new consent issued to complete the map.

Recommendation 7

BCD recommends that the 'Offset Strategy Plan' in Appendix 5 of any updated version of the Glendell Mine consolidated consent includes the Southern Remnant and the Southern Remnant Offset.