



Office of Environment & Heritage

Your Reference
Our reference:
Contact:

DA 14/98 MOD 11
DOC13/67106
Peter Ewin
03 5021 8915

Director, Mining and Industry Projects
Development Assessment Systems & Approvals
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Alice Smith

Dear Ms Smith

RE: Cowal Gold Mine Extension Modification DA 14/98 MOD 11 – Exhibition of Environmental Assessment

Thank you for the opportunity to comment on the Environmental Assessment (EA) for the Cowal Gold Mine Extension Modification, received by the Office of Environment and Heritage (OEH) on 27 September 2013.

OEH has assessed the documentation presented with the Modification proposal, and would support the proposal only if additional targeted threatened flora survey was undertaken within the Modification area, and appropriate mitigation measures, including offsets, were identified if any threatened flora species were found to be present. The threatened flora survey described by Australian Museum Business Services (AMBS 2012) does not meet OEH guidelines for assessing likely impacts on threatened species and their habitat. Further details on this matter are detailed in Attachment A.

The EA identifies an addition to the existing offset to mitigate the impacts of the Modification, and OEH considers this to be an appropriate action, but notes the need to update Section 3.6 of the Conditions of Approval and finalisation of the Rehabilitation and Offset Management Plan (ROMP). The offset area may require modification depending on the results of additional targeted threatened flora survey. Section 4.7 of the ROMP confirms that a Voluntary Planning Agreement (VPA) is being established between Barrick (Cowal) and the Minister for Planning under Section 93F of the *Environmental Planning and Assessment Act 1995*. OEH considers a VPA to be an acceptable mechanism for securing the offset areas in perpetuity if the agreement is in place before clearing for the current Modification commences.

Section 2 of Appendix I of the EA (Figure 5) cites 'conservation' as a proposed land use following closure of Mining Lease (ML) 1535. OEH would consider that only land within ML 1535 that has been rehabilitated to identified standards (i.e. vegetation condition meets benchmarks identified in BioMetric) be considered for this final land use, and expects any land intended to be managed for conservation, additional to the agreed offset areas, to be protected in perpetuity through a mechanism such as extension of the VPA.

The modification does not propose any actions that require a new approval or a variation to an existing approval under Part 6 of the *National Parks and Wildlife Act 1974*. OEH notes the commitments in the Environmental Assessment to salvage, excavate, monitor and manage Aboriginal heritage sites in accord with existing approvals. OEH also notes that the *Cowal Gold Mine Indigenous Archaeology and Cultural Heritage Management Plan* will continue to operate and will be used to manage Aboriginal heritage issues in the area.

Should you wish to discuss this submission further, please contact me on (03) 5021 8915, or at peter.ewin@environment.nsw.gov.au.

Yours sincerely

P.E. — 8/11/13

PETER EWIN
Team Leader Planning
South West Region
Regional Operations
Office of Environment and Heritage

Enclosure: Attachment A – Detailed Comments on Biodiversity Assessment

Attachment A: Detailed Comments on Biodiversity Assessment

Targeted Threatened Flora Species Survey

In a letter to Cowal Gold Mine dated 15 July 2013, OEH provided requirements to be considered within the Environmental Assessment (EA) in regard to the *National Parks and Wildlife Act 1974* and the *Threatened Species Conservation Act 1995*.

Requirements for the EA included detailing the “biodiversity values, including threatened species and native vegetation communities, that are present *within*... the proposed modification”. The targeted fauna survey is comprehensive, however the Modification area was not subject to systematic targeted threatened flora searches as specified in our letter. The *Threatened Species Survey and Assessment Guidelines* (DEC and DPI 2005) also require targeted searches to be carried out in areas of preferred habitat for threatened flora considered likely to occur in the locality.

Three threatened plant species were identified in the flora survey report (AMBS 2012) as having potential habitat within the Modification area (Section 6.2):

- *Lepidium aschersonii* (Spiny Peppercress)
- *Pilularia novae-hollandiae* (Austral Pillwort)
- *Swainsona murrayana* (Slender Darling-pea).

The locations of the threatened flora searches do not coincide with the mapped extent of potential threatened flora habitat within the Modification area. Potential habitat for *Lepidium aschersonii* within the Modification area comprises 1.5 ha of ‘Weeping Myall–Belah–Poplar Box shrubland/woodland’ (Community 1). *Pilularia novae-hollandiae* and *Swainsona murrayana* both potentially inhabit ‘Sedgeland/Herbfield’ (Community 7), which was mapped over 0.5 ha of the Modification area. Additional surveys for *Pilularia novae-hollandiae* undertaken by AMBS during December 2011 and April 2012 were focussed near the lake shore, and did not include the Modification area.

Targeted threatened flora searches were conducted at the location of full floristic sites, in which the presence of all plant species is recorded (AMBS 2012). Visual analysis of mapped flora survey sites (Figure 5, Page 17 of Appendix D) against the extent of the Modification area indicates that only one full floristic site was undertaken within the Modification area, near to the boundary and within Community 2 ‘Spear Grass – Windmill Grass grassland/low open woodland’.

Definition of Inland Grey Box EEC

The flora survey report includes a map showing vegetation dominated by *Eucalyptus microcarpa* (Inland Grey Box) occurring throughout the study area, including the existing and proposed offset areas and a small patch inside the Mining Lease (ML) boundary. This vegetation is described in the flora survey report as ‘Inland Grey Box–Belah–Poplar Box Woodland’ (Community 3) and is correlated with NSW Plant Community Type (PCT) ID248.

The report concludes that Community 3 matches the Commonwealth listing advice for ‘Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia’ endangered ecological community (EEC) but does not conform to the analogous NSW EEC.

OEH does not agree with the justification for excluding Community C3 from the NSW ‘Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions’ endangered ecological community (Inland Grey Box EEC). The flora survey report provides an analysis of how Community C3 conforms to criteria that define the Inland Grey Box EEC. Community C3 exhibits characteristics matching the EEC with respect to species composition, vegetation structure, bioregional context, climate, location and soil type. As such, OEH considers Community C3 to be within the definition of Inland Grey Box EEC, irregardless that ID248 is not specifically listed in the Final Determination as a component of Inland Grey Box EEC. The NSW Master Community List database specifies that ID248 represents the NSW EEC. The database is accessible to registered users on the OEH website www.environment.nsw.gov.au/NSWVCA20PRapp/LoginPR.aspx.

Community 3 was not mapped within the Modification area. However, the conservation value of the Southern Offset Area Extension is potentially increased by recognising Community 3 within the definition of the NSW Inland Grey Box EEC.