

Date: 16 December 2015

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PA 09_0155 MOD3

Ms Rose-Anne Hawkeswood
Planning Officer, Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Hawkeswood

Tomingley Gold Mine - Modification 3 - environmental assessment review

Thank you for your email dated 18 November 2015 inviting the Office of Environment and Heritage (OEH) to comment on the publicly exhibited environmental assessment (EA) for the proposed Tomingley Gold Mine Modification 3. We note that the proposed modification includes establishing the new Caloma Two open cut and allowing a further cutback on the Caloma open cut; beginning underground workings under the Caloma open cut; extending Waste Rock Emplacement Three; backfilling Wyoming Three and modifying the mine site drainage and erosion and sediment control.

This proposal is a modification of an approval granted under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. We note that the application for the modification was submitted more than 12 months after the NSW Biodiversity Offsets Policy for Major Projects commenced. It is OEH's understanding that as formal Secretary's Environmental Assessment Requirements (SEARs) were not issued for this modification, the SEARs for the original proposal apply. Therefore the Framework for Biodiversity Assessment (FBA) does not need to be applied.

It is OEH's view that the impacts of major projects and their modification on biodiversity values should be assessed by a reliable and transparent assessment of those values. Determining the quantity of offsets required for unavoidable impacts should therefore occur through the application of the FBA or the Biobanking Assessment Methodology (BBAM). This has not occurred in the EA. The exact area to be disturbed by this proposal is unclear, although two of the larger components - Caloma Two open cut and the extension to Waste Rock Emplacement Three - total 20 hectares of disturbance. In addition no site assessment has been undertaken for this modification, rather the proponent has relied on biodiversity information gathered for the original project application in 2011. We accept this approach given the highly modified nature of the site and given that the proponent states that a small area - 0.8 hectares - of native vegetation will be impacted by the proposal.

No assessment of the required offset for the proposed clearing has occurred. The proponent has stated that clearing the 0.8 hectares of the Belah/Black Oak Western Rosewood, Wilga vegetation community (Benson 57) would be "*more than adequately compensated for in the existing biodiversity offset area*" (page 111). Whilst we note that the biodiversity offset strategy contains a surplus of ecosystem credits compared to those required by the original project approval, the vegetation community being impacted by this proposal is the only vegetation community that has a deficit of

credits within the current offset strategy. No assessment of the ecosystem credits required, nor any updating of the current credit status has occurred.

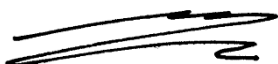
OEH accepts that surplus credits from the original project approval can be used to offset future modifications. We note that vegetation communities of a higher conservation status than Benson 57 exist within the offset strategy, and we support using surplus credits from one of these communities to offset the impact from this project modification. To ensure that incremental changes are appropriately recorded we request that the Biobanking credit report developed for the original project EA should be updated to reflect biodiversity impacts up to and including Modification 3. The credit report should clearly show the updated total credit status and the credit status for each individual vegetation community. An updated credit report similar to Table 20 in the Ecology Assessment (Volume 1, Part 4, page 114) of the EA for the original project would address this issue.

Given that the area of impact is minor compared to the approved project, surplus credits exist for other vegetation communities in the offset strategy that have a higher conservation status than the one in question, and application of the FBA or BBAM may not lead to a substantially different outcome from that proposed, OEH accepts the proponent's proposal that the existing offset strategy is adequate compared to the proposed impact.

OEH notes that the proposed modification operations will not result in the disturbance of any identified Aboriginal or non-Aboriginal heritage sites, and we also note that the proponent is aware of its responsibilities to protect Aboriginal cultural heritage under the *National Parks and Wildlife Act 1974*.

Should you require further information regarding any of the issues raised within this letter please contact Renee Shepherd, Conservation Planning Officer on (02) 6883 5355.

Yours sincerely



DAVID GEERING
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Regional Operations

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