



Office of
Environment
& Heritage

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PA 08_0184

Mr Anthony Ko
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Dear Mr Ko

Ulan Coal Mine Modification 4 (PA 08_0184) - Exhibited EIS

I refer to your request dated 6 April 2018 seeking comment from the Office of Environment and Heritage (OEH) on the exhibited Environmental Impact Statement for the Ulan Coal Mine Modification 4.

We have reviewed the information provided. Our recommendations are provided in **Attachment A** and our detailed comments are provided in **Attachment B**.

If you have any questions regarding this matter please contact Michelle Howarth on 02 6883 5339 or email michelle.howarth@environment.nsw.gov.au.

Yours sincerely

PETER CHRISTIE
Director Regional Operations
North West

2 May 2018

Contact officer: MICHELLE HOWARTH
02 6883 5339

ATTACHMENT A

OEH Recommendations

Ulan Coal Mine Modification 4 – Environmental Impact Statement

Acronyms

OEH Office of Environment and Heritage
DPE Department of Planning and Environment
EIA Environmental Impact Assessment
SCA State Conservation Area
NPWS National Parkes and Wildlife Service

Recommendations:

1. Provide a status update on the security of the offsets currently been managed by Ulan Coal.
2. Assess and offset all additional clearing in accordance with the Biodiversity Assessment Method and NSW Biodiversity Offsets Policy for Major Projects.
3. Consult with the local NPWS office regarding possible local offset opportunities.
4. Finalise the footprint and offset obligation for all clearing associated with the surface infrastructure in consultation with NPWS and prior to consent.
5. Surface impact be contained to already disturbed areas and areas of lesser biodiversity value where possible, particularly within Durrigere SCA.
6. Consult with the local NPWS office on visitation to and management of the infrastructure on park as well as fire planning and use of existing tracks and roads within the park.
7. Review the significance assessment to take into account the Aboriginal/Cultural significance of the sites, or provide details of the decision matrix on how the current overall significance rating has considered Aboriginal/Cultural significance.

OEH Detailed Comments

Ulan Coal Mine Modification 4 – Environmental Impact Statement

Security of Offsets

Section 4.7.4 of the EIA states that Ulan Coal currently manage a network of biodiversity offsets to compensate for the impacts to biodiversity from currently approved operations at the Ulan Coal site.

Consent Condition 43 of PA08_0184 states *'By the end of December 2011, the Proponent shall make suitable arrangements to provide appropriate long term security for the Bobadeen Vegetation Offset Area, the Bobadeen East Area, the Brokenback Conservation Area and the Spring Gully Cliffline Management Area to the satisfaction of the Director-General'*.

OEH notes that a request to extend the timeframe till 28 February 2018 was accepted by DPE on 2 August 2017.

It is not clear from the information provided whether security of the offsets has been finalised.

Recommendation:

1. Provide a status update on the security of the offsets currently been managed by Ulan Coal.

Additional impacts to biodiversity should be offset

OEH understands that the proposed modification will result in the clearing of a maximum of 25.68 hectares of native vegetation (including 6.31 hectares within Durridgere SCA). While an area of 22.05 hectares (including 3.61 hectares within Durridgere SCA) of previously approved clearing will be relinquished and removed from the approved footprint, reducing the net overall clearing for this modification to 3.63 hectares (including 2.7 hectares within Durridgere SCA).

No consideration has been given to offsetting the additional proposed clearing. The additional clearing should be assessed and offset in accordance with current approved NSW framework, the Biodiversity Assessment Method and NSW Biodiversity Offsets Policy for Major Projects. It is also recommended that the proponent consult with the local NPWS office regarding possible local offsets opportunities.

Recommendations:

2. Assess and offset all additional clearing in accordance with the Biodiversity Assessment Method and NSW Biodiversity Offsets Policy for Major Projects.
3. Consult with the local NPWS office regarding possible local offsets opportunities.

Consultation with local National Parks office

The proponent must consult with the local NPWS office to ensure that all infrastructure requirements of the landholder such as asset protections zones and tracks/roads can be fully contained within the proposed footprint. It is understood that the currently proposed footprint is conceptual and will be finalised prior to construction. The EIA states that the proponent will seek to limit surface disturbance associated with construction as far as practicable through micro-siting. It is recommended that surface impact be contained to already disturbed areas and areas of lesser biodiversity value where possible particularly within Durridgere SCA. The proponent must finalise the footprint and offset obligation in consultation with National Parks and prior to consent.

The proponent must consult with the local NPWS office on visitation to and management of the infrastructure on park as well as fire planning and use of existing tracks and roads within the park.

Recommendations:

4. Finalise the footprint and offset obligation for all clearing associated with the surface infrastructure in consultation with NPWS and prior to consent.
5. Surface impact be contained to already disturbed areas and areas of lesser biodiversity value where possible particularly within Durrigere SCA.
6. Consult with the local NPWS office on visitation to and management of the infrastructure on park as well as fire planning and use of existing tracks and roads within the park.

Consideration of Aboriginal/Cultural significance when determining overall significance of objects

In relation to Aboriginal cultural heritage, OEH acknowledge the additional objects identified in the modification investigation area. OEH notes that overall the proposed modification will result in no to low direct impacts on objects, which is reflected in the proposed management strategy.

The author of the report titled "Ulan Coal Mines Limited: Central Tablelands of New South Wales – Modification 4 – Aboriginal Cultural Heritage Assessment" states the following (page 63) *"Greater emphasis is generally placed on scientific and cultural criteria when assessing significance of Aboriginal heritage evidence in Australia"*. It appears that the author as not then considered the Aboriginal/Cultural significance and only used the Archaeological/ Scientific significance when working out the overall significance of the Aboriginal sites. This can be demonstrated by looking at Table 7 (page 70 & 71) of the report. The overall significance is the same as the Archaeological/ Scientific significance for each site regardless of what the Aboriginal/Cultural Significance is e.g.

- Low Archaeological Significance, High Cultural Significance = Low Overall Significance
- High Archaeological Significance, High Cultural Significance = High Overall Significance

The Author should use a significance assessment model or matrix's that truly and respectfully takes into account the Aboriginal/Cultural Significance of the sites and not just the Archaeological/ Scientific significance when calculating the overall significance of the Aboriginal sites. Once this is new model or matrix's has been applied to the sites, the result will need to be reflected in all of the other relevant parts of the report that talks about the significance.

Recommendation:

7. Review the significance assessment to take into account the Aboriginal/Cultural significance of the sites, or provide details of the decision matrix on how the current overall significance rating has considered Aboriginal/Cultural significance.