



OUT19/13875

Ms Elle Clémentine
Environmental Assessment Officer
NSW Department of Planning, Industry and Environment

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Dear Ms Clémentine

McPhillamys Gold Mine Project (SSD 9505)

I refer to the above matter that was distributed to the Department of Primary Industries (DPI) for comment on 9 September 2019

DPI has reviewed the project and has the following comments and recommendations.

DPI Fisheries

DPI is responsible ensuring that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*.

For noting, the construction of large mines on the Belubula River is inconsistent with the objects of the *Fisheries Management Act 1994* and several *NSW Government Policies including the NSW Weirs Policy and the Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*.

Aquatic Ecology Offset Package

The *NSW Biodiversity Offsets Policy for Major Projects* allows for both site based offsets to compensate for the loss of each aquatic habitat type or the payment of an amount to compensate for the value of the aquatic habitat being lost to be considered. The policy and guidelines require a minimum 2:1 offset for Type 1–3 key fish habitats to help redress both direct and indirect impacts of development.

DPI therefore requests the inclusion of consent conditions requiring the negotiation of an aquatic ecology offset package with DPI through the use of aquatic biodiversity offsets and/or supplementary measures to ensure a minimum 2:1 offset for approximately 1.8km of Type 1 highly sensitive Key Fish Habitat and 0.4km of Type 3 minimally sensitive Key Fish Habitat affected that is directly impacted by the disturbance footprint. Verification of the affected length of waterways of Type 1 and Type 3 key fish habitats within the disturbance footprint should be provided. In addition, it is unclear whether the footprint impedes Tributary

A as per Figure 4.3 of Appendix O (Aquatic Ecology Assessment), as this figure differs to Figure 14.1 of the EIS Main Report.

The Aquatic Ecology Assessment also needs to identify and quantify the extent of Key Fish Habitat that has been isolated adjacent to the disturbance footprint, particularly Tributaries B in the south east, Tributary G in the north and the Belubula River in the north east for which fish passage is no longer available and assessment of fish passage trade-offs should be considered.

Final Landform - Permanent Clean Water Diversion Channels

There is minimal information regarding design objectives for the reinstatement of previously existing watercourses in the post mining landscape.

The post mining landscape should have waterways that have similar characteristics in terms of stream type, alignment (where possible), riparian zone width and longitudinal grade to the existing watercourses. Where existing watercourses are degraded, the reinstated watercourses in the post mining landscape should aim to improve on or at the very least maintain existing aquatic and riparian attributes.

DPI Agriculture

DPI is also responsible for ensuring developments comply with the *Strategic Regional Land Use Policy Guideline for AISs (Re-issued October 2012)* and *Agriculture Impact Statement (AIS) technical notes: A companion to the AIS guideline (April 2013)*. This part of the review has been informed by Section 2, 3, 4.1, 4.3 and 5 of the *AIS technical notes*.

DPI advises that the applicant AIS does not satisfy the requirements for a socio-economic impact assessment. DPI recommends a revised assessment include the following:

- **Section 2.4 Location and areas of land to be temporarily removed from agriculture** – describe anticipated rehabilitation process that includes agricultural land restoration, and an indication of its availability for grazing.
- **4.1.4 Further Risks:**
 - **Biosecurity risks** – implement a biosecurity risk section as part of the weed, pest and disease management plan
 - **Pests and diseases** - this be reported on as part of the annual reporting
 - **Noise and vibration** - Incidents to be recorded. Notifications of surrounding landholdings take place. Incidents that mimic lightning conditions can still create stress to horses/livestock.
- **Section 4.1.2 Consequential productivity effects on agricultural enterprises** – address the proposed actions to restore agriculture, including land emplacement, pasture species and anticipated grazing availability (including productivity parameters that include stocking density) when developed.
- **Section 4.1.5 Account for any physical movement of water away from agriculture**
 - **Ground water** - Identify and seek agreement on a monitoring process as part of the water management plan for the mine that considers the impacts on existing

local water bores and spring flows, and inform community of any changes. What are the remedial actions should impacts be greater than those modelled?

- **Surface water** - Monitoring required as part of the mine water management plan. How will this impact on water availability from Carcoar impact on downstream users over each year? How will this inform agricultural water use availability?
- **Section 4.3.1 Agricultural support services** – assess cumulative impacts in the longer term, considering other developments in the region.
- **Section 4.3.1 Processing and other value adding industries** – assess:
 - potential impacts on the throughput of the Central Tablelands Livestock Exchange;
 - potential impacts on other processing and value-adding industries in the region (or provide evidence that there are no such industries); and
 - cumulative impacts in the longer term, considering other developments in the region.
- **Section 4.3.2 Visual amenity** – assess potential impacts of night lighting of the project area on The Beekeepers Inn.
- **Section 4.3.2 Landscape values** – consider whether it would be reasonable to also offer Cottesbrook Honey access to apiary sites on Regis owned land.
- **Section 4.3.2 Tourism infrastructure** – substantiate why no noise or air quality impacts are anticipated at The Beekeepers Inn.
- **Section 4.3.3 Local and regional employment impacts:**
 - describe the “local labour recruitment practices and rates” that Regis will implement, including the percentage of recruitment to be drawn from the local agricultural workforce; and
 - estimate potential impacts on agricultural support services, processing and other value-adding industries, and agricultural tourism enterprises, due to agricultural workers being employed by the project.
- **Section 5 Mitigation measures** –
 - **Agricultural lands** for the “rehabilitation plan”, describe the proposed pasture species and grazing strategies, and present evidence that they can support sustainable grazing enterprises typical of the region at the proposed stocking rates; and
 - **Agricultural lands** for the “water management plans”, describe the intended content with specific reference to agricultural water use, including how management and mitigation measures would be agreed, developed, implemented, monitored and reported, and what mechanisms for dispute resolution with agricultural stakeholders would be put in place, including the role of the Community Consultative Committee in this process.
 - **Agricultural enterprises** for the “Recruitment strategy”, describe recruitment scenarios, including the percentage of recruitment to be drawn from the local agricultural workforce; and

- **Agricultural enterprises** for the “stakeholder engagement plan”, describe the intended content with specific reference to agricultural enterprises, including how management and mitigation measures would be agreed, developed, implemented, monitored and reported, and what mechanisms for dispute resolution with agricultural stakeholders would be put in place, including the role of the Community Consultative Committee in this process.
- **Agricultural infrastructure** describe the intended content of the “transport management plan” with specific reference to agricultural-related traffic, including how management and mitigation measures would be agreed, developed, implemented, monitored and reported, and what mechanisms for dispute resolution with agricultural stakeholders would be put in place, including the role of the Community Consultative Committee in this process.
- **Landform establishment and stability (active erosion aspect)** - include an aerial assessment in addition to the ground assessment of active erosion.
- **Performance indicators for the growth medium development** - include water holding capacity and bulk density in addition to the chemical testing.
- **Section 6 Consultation** - Future consultation should continue with landholders in the locality, with specific attention to complaint management and groundwater/surface water changes.

The Pipeline

DPI notes that the applicant did not prepare an AIS on the pipeline development. The applicant justified this by stating that the development is outside the boundaries of the proposed mining lease application area for the project. However, the Secretary’s Environmental Assessment Requirements (SEARs) at page 2 does not appear to warrant this claim. As such, DPI notes that the omission of the water supply pipeline from the AIS is a major deficiency; particularly the absence of assessments of the socio-economic impacts and the mitigation measures for minimising adverse impacts on agricultural resources from the pipeline traversing approximately 90 km of land primarily used for agriculture. In AIS Section 1.1 (p.12), it is stated that the potential impacts of the pipeline “on land and agricultural resources” are addressed in the main report of the EIS (see Part E, pp.557-689).

DPI recommends that in relation to the rehabilitation process (page 94, 2.15.9 EIS) the process should also consider the stability of the area. Many of the soils that will be encountered during the pipeline’s construction are erodible, for example they have sodic subsoils that are prone to tunnel erosion (as identified in Appendix W Soils Pipeline). As such, extra care and amelioration may be required in relation to the reinstatement of these soils as part of the process. Ideally specific soil analysis across the identified soil landscapes and landscape features will assist with identifying soil limitations across the site, and appropriate targeted management needs.

For further information on the agricultural related comments and recommendations please contact Mary Kovac, DPI Agriculture on 0427 949 987.

For further information on the fisheries related comments please contact David Ward, DPI Fisheries on 0429 908 856.

Any further referrals to DPI can be sent by email to dpi.cabinet@dpi.nsw.gov.au

Yours sincerely



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DPIE DPI – Strategy & Policy
15 October 2019