



Office of  
Environment  
& Heritage

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Ms Lauren Evans  
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Department of Planning & Environment  
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Dear Lauren

**Mount Owen Continued Operations Project (MOD 2) - Response to Submissions Report**

I refer to your e-mail dated 7 January 2019 in which the Department of Planning and Environment invited the Office of Environment and Heritage to comment on the Response to submissions (RTS) report for the Mount Owen Continuation Project (SSP 585) Modification 2.

OEH reviewed the RTS report in light of comments provided on the Statement of Environmental Effects in our letter (DOC18/564728-1) dated 10 September 2018.

OEH'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 Steven Cox, Senior Team Leader Planning, on 4927 3150 or via email at [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au).

Yours sincerely

*Sharon Molloy 18/01/2019*

**SHARON MOLLOY**  
**Director Hunter Central Coast Branch**  
**Conservation and Regional Delivery Division**

Contact officer: STEVEN COX  
02 4927 3150

Enclosure: Attachments A and B

## OEH's recommendations

### Mount Owen Continued Operations Project (MOD 2) – Response to submissions report

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1. OEH recommends that any consent issued includes a consent condition that requires the offset obligation to be met in accordance with the *NSW Biodiversity Offset Policy for Major Projects*. The offset package must be prepared to the satisfaction of OEH and the secretary of the Department of Planning and Environment.
2. The proponent has met the requirements of the Biodiversity Assessment Report for the development footprint and no further information is required for the impact of the proposed development.
3. OEH recommends that any consent issued for the proposed modification includes a consent condition that the *Aboriginal Cultural Heritage Management Plan for Mount Owen Open Cut* (OzArk 2018) will be updated to include mitigation of any Aboriginal sites within the MOD 2 Boundary.
4. OEH recommends that on approval of the proposed modification the consent issued includes a consent condition providing for Aboriginal objects at AHIMS Site #37-2-1172 (MOCO-IF3) to be collected in accordance with the *Aboriginal Cultural Heritage Management Plan for Mount Owen Open Cut* (OzArk 2018) prior to any ground surface disturbance works.
5. AHIMS Site #37-3-0687 (MC-7) is outside of the MOD 2 Project Area and as such cannot be salvaged as part of the Mount Owen Continued Operation Project.
6. OEH has no further comment on flooding issues and no further flooding assessment is required.

## OEH's detailed comments

### Mount Owen Continued Operations Project (MOD 2) – Response to submissions report

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#### Biodiversity

1. The Falbrook Biodiversity Offset Biodiversity Assessment Report is incomplete

The proponent has committed to providing an appropriate biodiversity offset package for this project using options available under the *NSW Biodiversity Offset Policy for Major Projects*. The offset package could include the Falbrook Biodiversity Offset, for which some details have been provided in the Statement of Environmental Effects and the Response to submissions (RTS) report. The stated credit yield of the Falbrook offset is unable to be verified until a Biodiversity Assessment Report (BAR) is provided to OEH. The BAR would need to be prepared in accordance with the BioBanking Assessment Methodology (OEH, 2014).

#### Recommendation 1

OEH recommends that any consent issued includes a consent condition that requires the offset obligation to be met in accordance with the *NSW Biodiversity Offset Policy for Major Projects*. The offset package should be prepared to the satisfaction of OEH and the secretary of the Department of Planning and Environment.

2. OEH is satisfied with the Biodiversity Assessment Report for the development footprint

The RTS report included the two maps requested in our letter dated 10 September 2018: a map of the final project footprint, including construction and operation, and a map of the land 20 metres either side of Betty's Creek Diversion and of the 6.8 hectares of potential foraging habitat for the swift parrot. These maps were required to meet the requirements of the Biodiversity Assessment Report for the assessment of the development footprint of this project.

#### Recommendation 2

The proponent has met the requirements of the Biodiversity Assessment Report for the development footprint and no further information is required for the impact of the proposed development.

#### Aboriginal cultural heritage

3. The Aboriginal Cultural Heritage Management Plan should be updated to include mitigation of all Aboriginal sites within the proposed Modification 2 Boundary

OEH recommends that on approval of the proposed modification the consent issued includes a consent condition that the *Aboriginal Cultural Heritage Management Plan for Mount Owen Open Cut* (OzArk 2018) be updated to include mitigation of any Aboriginal sites within the MOD 2 Boundary.

#### Recommendation 3

OEH recommends that any consent issued for the proposed modification includes a consent condition that the *Aboriginal Cultural Heritage Management Plan for Mount Owen Open Cut* (OzArk 2018) will be updated to include mitigation of any Aboriginal sites within the MOD 2 Boundary.



4. AHIMS Site #37-3-1172 (MOCO-IF3) will be harmed by the proposed modification and requires collection under the Aboriginal Cultural Heritage Management Plan

OEH recommends that any consent issued for the proposed modification includes a consent condition that provides for Aboriginal objects at AHIMS Site #37-2-1172 (MOCO-IF3) to be collected prior to ground surface disturbance works in accordance with the *Aboriginal Cultural Heritage Management Plan for Mount Owen Open Cut* (OzArk 2018).

#### Recommendation 4

OEH recommends that, on approval of the proposed modification, the consent issued includes a consent condition providing for Aboriginal objects at AHIMS Site #37-2-1172 (MOCO-IF3) to be collected in accordance with the *Aboriginal Cultural Heritage Management Plan for Mount Owen Open Cut* (OzArk 2018) prior to any ground surface disturbance works.

5. AHIMS Site #37-3-0687 (MC-7) is not within the proposed modification boundary and may not be harmed

AHIMS Site #37-3-0687 (MC-7) is more than 42 metres outside of the MOD 2 Boundary and therefore may not be harmed by works within the MOD 2 Project Area. The artefact scatter site cannot be salvaged as part of the MOD 2 Project.

#### Recommendation 5

AHIMS Site #37-3-0687 (MC-7) is outside of the MOD 2 Project Area and as such cannot be salvaged as part of the Mount Owen Continued Operation Project.

## **Flooding and flood risk**

6. OEH has no further comments in relation to flooding or flood risk

OEH has reviewed the RTS Report and is satisfied with the information provided on flooding and flood risk and has no further comments to make in relation to flood risk.

#### Recommendation 6

OEH has no further comment on flooding issues and no further flooding assessment is required.