



Our ref: DOC19/644775

Senders ref:

Andrew Rode
Senior Environmental Assessment Officer
Department of Planning, Industry and
Environment
320 Pitt St, Sydney NSW 2001

Via email: andrew.ode@planning.nsw.gov.au

15 August 2019

Dear Mr Rode

Subject: Atlas-Campaspe Mineral Sands – MOD 1 (SSD 5012)

Thank you for your email dated 30 July 2019 seeking comments from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (the Department) on a modification to the approval for the Atlas-Campaspe Mineral Sands project.

We have reviewed the documents supplied in support of the proposed modification.

We consider there will not be an increase in impacts on biodiversity values as a result of the proposed modification. The modification would result in a reduction in the area of native vegetation to be cleared.

Five Aboriginal cultural heritage sites were identified in the modification area. The process for managing these sites is considered appropriate, including updating the Heritage Management Plan.

Detailed comments including recommendations for consent conditions are provided in **Attachment A**.

If you have any questions about this advice, please contact Simon Stirrat, Senior Conservation Planning Officer via rog.southwest@environment.nsw.gov.au or 03 5021 8930.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Fisher'.

Andrew Fisher

Senior Team Leader Planning

South West Branch

Biodiversity and Conservation Division

Department of Planning, Industry and Environment

ATTACHMENT A – Detailed comments on the Atlas-Campaspe Mineral Sands – MOD 1 (SSD 5012)

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Biodiversity

In April this year the Department approved a request from the proponent for a waiver of the requirement for a full Biodiversity Development Assessment Report (BDAR) for the modification. At the time we noted that a BDAR may have been needed. However, we also acknowledged that the modification would result in a smaller impact area at the Ivanhoe Rail Facility and, while the new development is in area not previously surveyed, the vegetation communities affected are the same as those assessed in the original EIS. This is confirmed in Appendix D *Vegetation Condition Assessment* attached to the modification application. The vegetation integrity scores calculated from surveys in June 2019 differ between the original and new areas. The Biodiversity and Conservation Division accepts the rationale of the report (supported by photographs) that this difference is most likely due to natural variation (and patchiness) rather than an actual difference in vegetation condition.

We consider there will not be an increase in impacts on biodiversity values as a result of the proposed modification. The modification would result in a reduction in the area of native vegetation to be cleared by approximately 12 ha

We note that section 3.5.3 of the modification report states that the Biodiversity Management Plan (CMA 2018d) will be 'reviewed and, if necessary revised by Tronox to include the Modification.'

The Department recommends that:

- The Biodiversity Management Plan be reviewed and revised as necessary to incorporate the changes resulting from this modification.

Aboriginal cultural heritage

The Department has reviewed the Modification Report (Tronox July 2019) for the proposed modifications for the Atlas Campaspe Mine and Ivanhoe Rail Facility Extension. This report includes an assessment of Aboriginal Cultural Heritage (ACH) in section 3.6 and an Aboriginal Cultural Heritage Assessment (Appendix E) prepared by Landskape (July 2019). As part of the modification there were no changes to the footprint of the mine. There were however changes to the footprint of the Ivanhoe Rail Facility which was the focus of the ACH assessment.

The 11 known Registered Aboriginal Parties (RAPs) were written to regarding the proposed Modification on 29 March 2019, invited to an information session held on 30 April 2019 and invited to attend the field survey on 1 May 2019. During the field survey five Aboriginal sites were identified in the area of the proposed Ivanhoe Rail Facility Extension comprising three isolated artefacts and two artefact sites, each containing three artefacts. All five sites were identified as having low scientific significance and moderate cultural significance.

Due to engineering constraints of the infrastructure alignment, the assessment proposes that the five artefact sites be collected and recorded in consultation with the Aboriginal community and stored in the keeping place. A copy of the report was provided to the 11 RAPs and no comments were received.

The assessment recommended the Heritage Management Plan be updated with the proposed management of the five new sites. A protocol for the management of previous unrecorded Aboriginal cultural heritage sites and the discovery of human remains is presented in sections 6.8 and 6.9 of the Heritage Management Plan (Landskape, July 2015).

ACH assessment in the Modification Report has been prepared to the standard required in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (DECCW 2010) and the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)'.

The Department recommends the following:

- Prior to construction, the five artefact sites identified (RLF29-RLF33) are to be recorded and collected in consultation with the RAPs and moved to the identified keeping place.
- An Aboriginal Site Impact Recording Form (ASIRF) must be completed and submitted to AHIMS for each site collected or harmed.
- A temporary barrier or fencing (e.g. star pickets and flagging) is to be erected with a 10 m radius buffer around Aboriginal sites as a protective measure when works are occurring in the vicinity. The impact assessment has determined the 22 Aboriginal sites previously identified in the region of the Ivanhoe Rail Facility Extension and Access Track (RLF7-RLF28) can be avoided by the modification works. These barriers would remain in place throughout the life of the Modification Project. Staff or contractors working in the vicinity are to be made aware of the sites and the sites are not to be impacted by works.
- The Heritage Management Plan must be updated to include the results and management of the five artefact sites identified during the modification assessment in consultation with DPIE and the RAPs. The Heritage Management Plan should be updated to include AHIMS numbers of all sites (see Table B-1).
- A search of the National Native Title Tribunal should be undertaken for this modification and the results presented to the Department and included in the updated Heritage Management Plan. The Department (as the former Office of Environment and Heritage) advised Cristal Mining on 3 April 2019 that this should be done, in the event that there were additional Aboriginal stakeholders or a change of determinations or applications to the area. No evidence of this has been presented in the modification report.

Historic heritage

We are unable to comment on historic heritage. Historic heritage assessments, and queries regarding historic heritage should be sent to the Department of Premier and Cabinet – Heritage: heritage@heritage.nsw.gov.au
