



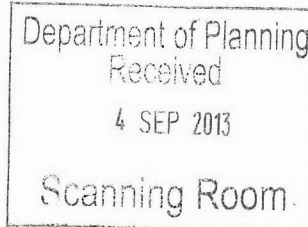
Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Carl Dumbleton
Senior Planner
Mining and Industry Projects
Department of Planning NSW
GPO Box 39
SYDNEY NSW 2001

ATTENTION: Caitlin Elliott

Date: 30 August 2013
EPBC Ref: 2012/6447
EPBC contact: Caitlin Ellis
(02) 6275 9927
caitlin.ellis@environment.gov.au



Dear Mr ^{Carl}Dumbleton

Merit Review of Environmental Impact Statement for accredited assessment process – Atlas Campaspe Mineral Sands Project (EPBC 2012/6447)

Thank you for your invitation of 6 June 2013 seeking comment from the Department of Sustainability, Environment, Water, Population and Communities (the Department) on the Environmental Impact Statement (EIS) for the Atlas Campaspe Mineral Sands Project. My apologies for the delay in responding to you.

I have enclosed the Department's review comments with this letter. Please note this advice is provided on a without prejudice basis and we would be grateful if they could be made available to the proponent.

The Department considers that further information is required in relation to certain key threatened species, including the Mallee Fowl, Corben's Long Eared Bat, Winged Peppercreep and the Cobar Greenhood. Particularly, further information is required in relation to the assessment of indirect impacts and cumulative impacts to these species.

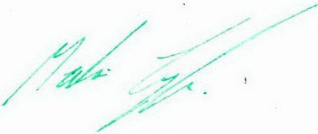
Further information is also required about the quality of vegetation in different areas of the site and the quality of habitat provided for threatened species. This is required to be able to undertake an adequate impact assessment, and will be required for input in the EPBC Act offsets policy and associated calculator guide.

Regarding impact avoidance and mitigation, the Department considers that further consideration of avoidance is required for certain matters of national environmental significance (MNES), including in relation to mining infrastructure such as internal roads and accommodation facilities. Please see attached document for further details.

The Department notes that the proponent still needs to demonstrate that the proposed offset adequately compensate for any residual impacts to MNES, in accordance with the requirements detailed in the EPBC Act offsets policy. We look forward to receiving this as a part of the Preferred Project Report for review.

If you have any questions about the enclosed comments, please contact me on mahani.taylor@environment.gov.au, or 6274 1448 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Mahani Taylor
Director
NSW Section
South-Eastern Australia Environment Assessments

Proposed Atlas Campaspe Mineral Sands Project, NSW
(SSD-5012 and EPBC 2012/6447)

Attachment A - Document Review Comments Sheet

Reviewer: The Department of Sustainability, Environment, Water, Population and Communities

Document Title: Environment Impact Statement, February 2013.

Date of Review: August 2013

sDGR	Comment
1. General Information	
(f) how the action relates to any other actions (which the proponent should be reasonably aware) that have been, or are being, taken or that have been approved in the region affected by the action.	<input type="checkbox"/> Please provide further information and an assessment of the likely cumulative impacts of the proposed action in conjunction with the proposed Balranald Mineral Sands Project on matters of national environmental significance (MNES). This should include, but not be limited to, consideration of the Malleefowl, Corben's Long-eared Bat, Winged Peppercross, Cobar Greenhood and Mossgiel Daisy.
2. Description of the action	
(a) all components of the action.	<input type="checkbox"/> The area (in hectares) of <i>each</i> component of the action, including but not limited to, the proposed infrastructure at the mine site (identified in figures 2-4 and 2-5 of the EIS) is still outstanding. <input type="checkbox"/> Further detailed information about the proposed staging of rehabilitation works and how these relate to the timing and location of the advancing void is still required. Although the Department notes that these are depicted in the figures, we request further information about the timing of commencement of rehabilitation at particular areas in regards to the stage of extraction, and the progression of rehabilitation works in relation to the progression of the mine void.

3. A description of the existing environment

Migratory species, threatened species and ecological communities

b) a description and map of the nature, location and extent of likely suitable habitat, and known records for migratory species, threatened species and ecological communities (including breeding, foraging, roosting habitat, habitat critical to the survival of the relevant species and ecological communities, movement corridors and migration paths) within the sites and in surrounding areas that may be impacted by the proposal; and

- ☐ Based on the information provided in the EIS, uncertainty remains as to the adequacy of surveys in the proposed offset areas (including of potential habitat near the project footprint). Further information will be required to characterise the presence of MNES and habitat values within any proposed offset lands.
- ☐ Please provide a map indicating likely suitable habitat within the region for the Malleefowl.
- ☐ The Department notes the NSW Office of Environment and Heritage (OEH) comment regarding the assessment of the quality of habitat in different areas of the site. This is required to determine the level of avoidance of areas of higher quality, a more precise assessment of impacts, and provides information that is required under the EPBC Act offsets policy (and for the calculator guide). Without this information, it will be difficult to assess the adequacy of any offset proposed.

c) adequate surveys for relevant species, including detailed description of the methodology, timing, effort and results of all targeted surveys undertaken for all relevant matters, in accordance with any relevant guidelines and a description of any limitations and constraints of the surveys undertaken;

- ☐ Survey effort in the areas of impact must be matched by those in potential offset areas such that an adequate understanding of MNES in all areas is provided (so as to inform decisions on the adequacy of proposed avoidance mitigation and proposed offset measures).
- ☐ Further details should be provided here as necessary, in particular, for the Malleefowl, the Winged Peppercress, and the Cobar Greenhood.

World Heritage and National Heritage values

- a) a description of the world heritage values and national heritage values of the Willandra Lakes Area;
- b) the research methodology to assess impacts to the values that has been used and if fieldwork has been undertaken, the process including: the dates the fieldwork was undertaken, the area covered, who did it and the methods employed;
- c) the identification of the relevant Indigenous people with rights or interests in the Willandra Lakes Area, and how these people were determined as the relevant Indigenous people; and
- d) A description of the consultation process undertaken to seek active involvement from the relevant Indigenous people with rights or interests. The Department strongly encourages the use of the *Ask First* principles and the principle of free prior informed consent when engaging with Indigenous communities.

The Department considers that a Cultural Heritage Management Plan developed and implemented in accordance with the recommendations of Appendix E - Aboriginal and non-Aboriginal cultural heritage assessment (pp.81-82), and the Aboriginal heritage and cultural awareness program are likely to be sufficient to manage any potential impacts on the World and National Heritage cultural values.

The Department recommends that this Plan be submitted as a part of the assessment, or that the key commitments to be included in the Plan provided, in particular. the plan should:

- recognise the principles expressed in the Department's Ask First Guide that Indigenous people;
- include and consider the World and National Heritage values of Willandra Lakes region, particularly criterion (iii) World Heritage value and criterion (g) National Heritage value which include the social and traditional value of the Willandra Lakes Region to the local Aboriginal community.
- formalise protocols and policies for continued and regular consultation to identify, assess, protect and manage known and newly discovered Indigenous heritage. It should also identify any gender or age restrictions relating to access and activities at heritage sites.

The Department recommends that the cultural awareness program be conducted before the action is commenced and with direct input from the relevant Aboriginal people with rights or interests in the place. The Department also recommends that this training include an introduction to the World and National Heritage Lists, and specifically the listed values of the Willandra Lakes region.

4. A description of the relevant impacts

a) a detailed description and assessment of the nature and extent of all relevant impacts, including direct, indirect and facilitated impacts that the action will have or is likely to have on:

- i. threatened species and ecological communities listed under sections 18 and 18A of the EPBC Act;
- ii. migratory species listed under sections 20 and 20A of the EPBC Act.
- iii. the world heritage values of a declared World Heritage property listed under Sections 12 and 15A of the EPBC Act; and
- iv. the national heritage values of a National Heritage place listed under section 15B and 15C of the EPBC Act.

- ☐ The following information in regards to the impacts to MNES of the action is still outstanding:
 - the area of impact (in hectares) for each component of the action;
 - the quantification of indirect impacts likely to occur as a result of the action. The Department notes that some further information has been provided on potential indirect impacts (vehicle strike) on the Malleefowl. However, potential indirect impacts to the Malleefowl, Cobar Greenhood and Winged Peppercreep need to be considered further. For example, the potential impacts of mining activities on use of habitat by Malleefowl in areas adjacent to the mine, including the potential for abandonment of nest mound/s and foraging habitat and; impacts on threatened plant species caused by runoff, erosion, sedimentation and/or accidental trampling. These impacts should be quantified.
- ☐ The assessment of indirect impacts from the proposal to the adjacent proposed offset areas is also required.
- ☐ Furthermore, adequate baseline data to determine habitat use in the area is likely to be required to undertake the impact assessment, as well as the successful implementation of mitigation measures.

<p>e) If relevant Indigenous people with rights or interests have been involved in a particular study, have asserted a particular view or, have provided information that has influenced the findings of the assessment, please attach a letter from those people confirming that they understand what has been written in your report and agree that this is an accurate reflection of their view and/or involvement.</p>	<p><input type="checkbox"/> The Department notes that the EIS was provided in CD form to people identified in this requirement at the beginning of the public comment period, with the offer to provide a hard copy of the document if requested.</p>
<p>5. Proposed Safeguards and Mitigation Measures</p>	
<p>A description of changes to the action and feasible mitigation measures, that are intended to avoid, minimise or compensate for relevant impacts, including:</p> <p>a) a description of how the action has been designed to avoid impacts to migratory species, threatened species and ecological communities, world and national heritage values;</p>	<p><input type="checkbox"/> The Department considers that the Cobar Greenhood on-site is an important population under the EPBC Act as it is outside the known range of the species. The Department therefore recommends that, where possible, further avoidance to the Cobar Greenhood, as a result of mine infrastructure, stock piles and water management, is required.</p> <p><input type="checkbox"/> The Department notes that the stockpile placement has been modified since the draft EIS to increase the avoidance to the species. However, likelihood of the species persisting in such close proximity, and surrounded by the mining operations, and the likelihood of restoring the habitat to an adequate level for the species, is also required.</p> <p><input type="checkbox"/> The Department recommends that, where possible, further avoidance to habitat removal for the Corben's Long-eared Bat is required, as a result of mine infrastructure, stock piles and the accommodation facilities. The Department notes OEH's comment that the vegetation within the proposed footprint for the mine facility is likely to provide high quality habitat for Corben's Long-eared Bat. This requires further assessment and demonstration of avoidance.</p> <p><input type="checkbox"/> Demonstration of how the internal roads and accommodation facilities will be placed to avoid impacts is required.</p>

c) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures, including a justification of the location and design of mitigation measures to be implemented to ensure their effectiveness. This analysis should be based on best available knowledge and baseline data for the relevant areas;

- ☐ The Department notes the inclusion of attachment D in the EPBC Report, however considers that this table does not address this requirement. The issue of predicted effectiveness needs to be based on the likely success of the mitigation measures achieving the desired outcomes rather than the list of desired outcomes that has provided. This assessment of effectiveness needs to be based on best available information for the relevant threatened species, or evidence of successful application of these measures to mitigate impacts for other species. For example, the Department requests the following information:
 - an assessment of the likely success of proposed mitigation measures minimising indirect impacts to the Cobar Greenhood;
 - whether the collection of topsoil around the Cobar Greenhood has been found to be an effective method for the species;
 - what evidence is available to demonstrate that mitigation measures proposed for the Black Box/ephemeral wetland as habitat for MNES will be successful;
 - what evidence is available in relation to the use of nest boxes by the Corben's Long-eared Bat;
 - what is the likely success of the proposed rehabilitation and management in restoring habitat for MNES impacted by the proposal? For example, is the change in the physical and chemical properties to soil as a result of the mine likely to affect the success of mallee restoration?
 - how long is restoration expected to take before the vegetation is considered as providing habitat for the relevant MNES?
- ☐ The Department considers that further, ongoing monitoring of the Malleefowl to determine its habitat use of the impact and offset area is required. This will be critical to confirm findings of the indirect impact assessment, when undertaken; to determine baseline data to assess the success of the proposed offset, and to implement adaptive management processes should a decline be noted.
- ☐ This assessment is not provided in the EIS and is a key requirement.

<p>e) a description of the objectives of the mitigation measures, thresholds for corrective actions, and the corrective actions to be implemented should these thresholds be exceeded;</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Please provide further information about the groundwater monitoring program, how this will be effective in ensuring that no impacts will occur to the World Heritage Area, and what corrective actions would be implemented if monitoring indicated impacts beyond what has been predicted. <input type="checkbox"/> While a high level, qualitative description of proposed mitigation is provided, detail is still required regarding the mitigation measures proposed. For example, including key objectives/targets, what, how, why, when, where, how often, by whom, allocated expenditure and resourcing, for how long, evidence of known/predicted effectiveness, baseline data/collection of baseline data, ongoing monitoring to ensure that the measures are effective, thresholds for corrective actions, corrective actions and the relevant impacts that will be reduced on individual MNES. <input type="checkbox"/> The Department notes the commitment to avoid clearing active Malleefowl mounds with eggs where practicable, and recommends that this commitment be strengthened to ensure that this does not occur. Mortality of young is considered a threat to the species which should be avoided.
<p>g) details of environmental management plans that set out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including the person or agency responsible for implementing these programs and provisions for independent environmental auditing;</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The Rehabilitation Plan does not include information specific to the revegetation of the mine void and how this will be implemented to ensure that habitat for MNES is restored to the site post mining. <input type="checkbox"/> Key measures that are currently proposed in the EIS to be included in a Biodiversity Management plan at a later date, need to be included as part of the EIS. For example, the threatened species management protocols referred to in the EPBC controlling provisions index should be provided as part of the PPR, to ensure that these will be effective in minimising impacts to threatened species.

i) in the event that impacts cannot be avoided or mitigated, a description of any offsets to compensate for any predicted or potential residual impacts on migratory species, threatened species and ecological communities. This should be in accordance with the Department's Offsets Policy and include:

- i. an assessment of how any proposed offset compensates for the residual impacts on migratory species, threatened species and ecological communities likely to remain following avoidance and mitigation measures to be implemented;
- ii. the location of any proposed offset;
- iii. the timing of the delivery of any offset; and
- iv. how the offset will be secured and managed in perpetuity.

- ☐ The Department acknowledges the close timing of the release of the EPBC Act Offsets Policy in relation to the preparation of the EIS. However, it is reiterated that this requirement must be addressed in the Preferred Project Report. The Department notes that Resources Strategies have requested further guidance in relation to meeting this requirement and look forward to receiving the offset assessment in due course. Once this information is received, the Department can undertake an assessment of the adequacy of the proposed offset in compensating for the impacts of the action.
- ☐ Refer also previous comments regarding information requirements for potential offset areas.