



**Environment,
Climate Change
& Water**

Your reference: 1003652
Our reference: DOC10/34150 LIC07/689-04
Contact: Cameron Perry, 49086808

Mr Collin Phillips
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

19 AUG 2010

Dear Mr Phillips

**AUSTAR COAL MINE
PROPOSED STAGE 2 EXTENSION PROJECT
DA29/95 - MOD 4: ADDITIONAL LONGWALL PANEL A5a
RECOMMENDED CONDITIONS OF APPROVAL**

I refer to your letter of 26 July 2010 to the Department of Environment, Climate Change and Water (DECCW) asking for comment on the document "*Austar Coal Mine Environmental Assessment Proposed stage 2 Extension Project*". (DA 29/95 – MOD 4) prepared by Umwelt ("the Environmental Assessment") and dated July 2010.

DECCW understands that proposed modifications to the existing approval include:

- mining of one additional longwall within the footprint of the original conceptual mine plan for the DA 29/95 approval area using Longwall Top Coal Caving technology resulting in an increased extraction height from 4.5m to 6.5m.

DECCW understands that this will result in:

- no change to the existing underground mining area approved under DA 29/95;
- no increase in the rate of extraction approved under DA 29/95; and
- no change to the surface infrastructure required for the mining, handling, processing and transport of coal from the DA 29/95 approval area.

DECCW has reviewed the information provided and has determined that it is able to recommend conditions of approval contained in Attachment A. The recommended conditions of approval relate to the development as proposed in the documents and information currently provided to DECCW.

Please note that this submission does not include comments on matters that fall under the responsibility of the DECCW's Office of Water.

DECCW would appreciate receiving a copy of any submissions received by the Department of Planning (or a report summarising these submissions) in response to the exhibition of the EA. This will enable DECCW to review the appropriateness of, and determine the need for any amendments to, recommended conditions of approval.

If you require any further information on this matter please contact Cameron Perry on (02) 4908 6808.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MB' followed by a stylized flourish.

MITCHELL BENNETT
Head Major Industries Unit – Hunter Region
Environment Protection and Regulation

Encl. Attachment A

**DECCW COMMENTS ON ENVIRONMENTAL ASSESSMENT
PROPOSED STAGE 2 EXTENSION PROJECT**

BIODIVERSITY

1. The proponent must monitor the condition of the remnant native woody vegetation including the River-flat Eucalypt Forest EEC and the Lower Hunter Spotted Gum – Ironbark Forest EEC. Monitoring must cover the areas potentially impacted by the mining of proposed longwall panel A5a, including parts of Quorrobolong and Cony Creeks in the Stage 2 extension area. The monitoring must include:
 - (1) permanent vegetation monitoring plots;
 - (2) assessment of remnant woody vegetation condition;
 - (3) photo monitoring; and
 - (4) assessment of changes to surface conditions.

This monitoring must be carried out twice each year, or more frequently in the event of visible changes in vegetation health in the subject area.

The assessment of vegetation condition must include, but need not be limited to, changes in vegetation canopy cover (such as from local die off), mortality of juvenile plants, and the presence of pathogens (such as Myrtle Rust). The monitoring of changes to surface conditions must include, but need not be limited to, the development of surface cracks or the unexpected drainage of ponds or sections of the adjacent creeks.

2. Should any surface cracking or irregular ground movements occur within the areas of remnant woody vegetation then any impacts must be rectified promptly and appropriately.

ABORIGINAL CULTURAL HERITAGE

1. The proponent shall consult with the Director General, local aboriginal groups and DECCW to develop a mutually agreeable subsidence monitoring program and an Aboriginal Cultural Heritage Management Plan for all culturally sensitive areas for the duration of this project.
2. The proponent will liaise with DECCW to ensure that the registering error identified with the isolated find site identified by Brayshaw on Broken Back Ridge is rectified to ensure compliance with section 91 of the *National Parks and Wildlife Act 1974*.
3. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s) or are managed in accordance with an approved methodology. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS.

4. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW Enviroline 131555 and no works are to continue here until DECCW provide written notification to the proponent.
5. All reasonable efforts must be made to avoid impact to Aboriginal cultural heritage values in the event that surface disturbances occur at any stage of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and DECCW.

- End -

18 August 2010