



Your reference:
Our reference:
Contact:

DOC12/4062; LIC07/689-05
Ross Brylinsky (02) 4908 6809

Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001
Attention: Colin Phillips

10 FEB 2012

Dear Mr Phillips

AUSTAR COAL MINE - PROPOSAL TO LENGTHEN LONGWALL A5a (DA29/95 – MOD 5)

I refer to your letter of 30 January 2012 and the Environmental Assessment titled: "*Austar Coal Mine: Stage 2 – Longwall A5A, Longwall A5A Variation to Commencing End, December 2011*" (the EA) and requesting comments from the Environment Protection Authority (EPA) regarding the proposed development.

The EPA has assessed the EA and recommended conditions of approval for this proposal are provided at Attachment A. The following comments are also provided:

Biodiversity Issues

The EPA notes that new geological information with regards to dykes in the proposed footprint of Longwall Panel A5a has led to a change in the mine plan, and as a consequence an application to modify the existing consent. The presence of geological structures, such as dykes, can lead to non-conventional subsidence impacts to those predicted by modelling (Holla, 1987). In this case the significance of these dykes, as associated faults on any likely resulting mine subsidence for this proposal is not stated in the EA, and the EPA notes that none of the plans or cross-sections in the EA show any geological structures that may identify areas on the surface where non-conventional subsidence events could occur.

The EPA recommends that if this application is approved, that approval conditions require the proponent to measure and monitor subsidence caused by the proposed additional development, and to measure and monitor the health of threatened biodiversity and its habitat above the development footprint, such as River-flat Eucalypt Forest on the Coastal Floodplains Endangered Ecological Community (EEC) that occurs along the section of Cony Creek that will be undermined if this proposal is approved. In the event that the proposed development results in harm any threatened biodiversity, particularly through mine subsidence, then adaptive mine management must implemented to stop any further harm from occurring and that any harm to threatened biodiversity, or its habitats must be offset in accordance with EPA offsetting principles.

In April 2011, the introduction and establishment of Exotic Rust Fungi, of the order Pucciniales, pathogenic on plants of the family Myrtaceae, commonly known as 'myrtle rust' was listed as a key threatening process on the *Threatened Species Conservation Act 1997*. There is potential for myrtle rust to occur in the region of the Austar coal mine, and as stated in correspondence to the Department of Planning and Infrastructure of 30 September 2011 (DOC11/39900) the EPA remains concerned about activities that may facilitate the spread of this fungus to new areas of remnant woody vegetation.

Therefore, the EPA recommends that the monitoring program should also include regular monitoring for myrtle rust and development of associated mitigation, management, hygiene and reporting measures, should myrtle rust be detected. Further information regarding the hygiene practices to be implemented can be found at the NSW Department of Trade and Investment, Regional Infrastructure and Services web site: <http://www.dpi.nsw.gov.au/biosecurity/plant/myrtle-rust>.

Please contact Ross Brylinsky on (02) 4908 6809 if you require any further information regarding this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K. Marler', with a stylized flourish at the end.

KAREN MARLER
Head Regional Operations Unit – Hunter
Environment Protection Authority

ATTACHMENT A – EPA Recommended conditions of approval – Austar Coal Mine modification to longwall panel A5a.

1. The proponent must carry out ground surveys above the footprint of the proposed lengthened longwall panel A5A on at least a six-monthly basis to:
 - (a) Measure the amount of mine subsidence associated with the Austar Coal Mine;
 - (b) Identify any surface disturbances and changes in drainage lines or watercourses that may be attributable to mine subsidence; and
 - (c) Determine how such disturbances and changes are impacting or may impact on Endangered Ecological Communities within the approved project area.

Reports of the survey findings must be submitted to the EPA on an annual basis.

2. The proponent must take remedial action in the event of any mine-subsidence related impact that is likely to significantly adversely affect the ecological viability of any Endangered Ecological Communities within the approved project area. In the event that any harm has occurred to any threatened species, population, or community, or their habitats then the EPA recommends that the proponent implement adaptive management to prevent any further harm from occurring and that any harm caused is offset in accordance with the EPA's 'Principles for the use of biodiversity offsets in NSW' (EPA, 2011) or the 'NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State significant development (SSD) and State significant infrastructure (SSI) projects' (EPA 2011b).
3. The proponent must carry out a field survey and assessment for the presence of Exotic Rust Fungi, of the order Pucciniales, within the approved project area.

Reports of the survey findings must be submitted to the EPA Hunter Regional Office within four weeks of the survey being carried out.

4. The proponent must develop a reporting procedure to be followed should Exotic Rust Fungi, of the order Pucciniales, be identified within the approved project area. As a minimum, the proponent must report the sighting, including the GPS location of the sighting, to the EPA's Environment Line via phone (131 555) and the NSW Department of Trade and Investment, Regional Infrastructure and Services by telephoning the Exotic Plant Pest Hotline -1800 084 881 or by sending photos to biosecurity@industry.nsw.gov.au.
5. The proponent must develop a hygiene protocol to be followed when surveying for Exotic Rust Fungi, of the order Pucciniales. The protocol should be developed in accordance with hygiene recommendations outlined on the Department of Trade and Investment, Regional Infrastructure and Services website at <http://www.dpi.nsw.gov.au/biosecurity/plant/myrtle-rust>.

References:

- EPA (2011a) Principles for the use of biodiversity offsets in NSW. 17 June 2011. NSW EPA, Sydney. <http://www.environment.nsw.gov.au/biocertification/offsets.htm>
- EPA (2011b) NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State significant development (SSD) and State significant infrastructure (SSI) projects. 25 June 2011. NSW EPA, Sydney
- EA Austar Coal Mine: Stage 2 - Longwall A5A. Longwall A5A Variation to Commencing End. 5 December 2011. Report Number MSEC529, Revision A. Mine Subsidence Engineering Consultants Pty Ltd, Chatswood.

Holla, L. (1987) Mining Subsidence in New South Wales. 2. Surface Subsidence Prediction in the Newcastle Coalfield. NSW Department of Mineral Resources, Sydney.