



Office of
Environment
& Heritage

DOC16/587110-1
DA 49/94 MOD 8

Ms Genevieve Seed
Planning Officer, Resource Assessments
Department of Planning and Environment
genevieve.seed@planning.nsw.gov.au

Dear Ms Seed

Rixs Creek Mine - Modification 8 (DA 49/94)

I refer to your email dated 17 November 2016 seeking advice from the Office of Environment and Heritage (OEH) on the proposed modification for the Rixs Creek Coal Mine. OEH understands that this involved the construction and use of two temporary Run-of-Mine (ROM) coal stockpile pads which the Rixs Creek North Coal Handling and Processing Plant is brought out of care and maintenance to service coal produced from the adjacent Rixs Creek North (formerly Integra) Open Cut coal mine as it is brought back into production.

OEH has reviewed the Environmental Assessment prepared for this proposed modification and understands that the two new ROM pads are planned to be constructed on areas of old mine dump with limited biodiversity and no Aboriginal cultural heritage values. Further details are provided in **Attachment A**.

If you require any further information regarding this matter please contact Robert Gibson, Regional Biodiversity Conservation Officer, on 4927 3154.

Yours sincerely



28 NOV 2016

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Enclosure: Attachment A

ATTACHMENT A: OEH REVIEW OF THE ENVIRONMENTAL ASSESSMENT FOR RIXS CREEK MINE MODIFICATION 8

OEH has reviewed the document titled 'Environmental Assessment for Proposed Modifications to Rix's Creek DA 49/94 N90/00356 (Mod 8)' prepared by the proponent. Due to the location and highly disturbed nature areas of proposed development OEH does not consider that the area is likely to contain Aboriginal objects, and so provides comments on the biodiversity assessment for this project.

THREATENED SPECIES

The two Run-of-Mine (ROM) coal pads proposed for this project have a total area of less than one hectare and occur on a post-mined landscape. The southern ROM pad occurs on recently emplaced mine waste. The other occurs on mine waste that was rehabilitated in 1992 and sown with a mix of exotic species, including the Western Australian Golden Wattle (*Acacia saligna*).

The site assessment was conducted in Spring 2016 during which the main species on the site were recorded. No fauna survey appears to have been conducted. The assessment was not done in accordance with the Framework for Biodiversity Assessment (OEH, 2014a) which is the standard assessment for measuring biodiversity impacts under the current 'NSW Biodiversity Offsets Policy for Major Projects' (OEH, 2014b). OEH acknowledges that the Department of Planning and Environment applies discretion when considering the application of this policy for modifications to existing projects, particularly one like this with its original consent that predates the start of biodiversity offsetting policies in this state, and in the scale and nature of the vegetation it will impact.

OEH notes that the proponent is committing to rehabilitate the new stockpile areas once the second coal handling and processing plant is up and running and these ROM pads are no longer needed. They are intended to be rehabilitated with pasture species of the standards seed mix used on the rest of the mine site. However, public expectations post-mine rehabilitation of mine in the Hunter Valley have changed since 1992 with greater consideration of biodiversity values given of new plantings, therefore OEH suggests that if this project is approved that the land is rehabilitated using the tree species mix rather than the pasture mix to return biodiversity values to the site as per the 'Rix's Creek Mine – Rehabilitation Strategy' (AECOM, 2015).

Recommended consent condition for threatened species:

1. That at least half of the area of the new Run-of-Mine coal pads are rehabilitated with the 'trees over grass' mix from the 'Rix's Creek Mine Rehabilitation Strategy' (AECOM, 2015; or later version) within six months of the recommissioning of the Rixs Creek North coal handling and processing plant.

References

- AECOM (2015) *Rix's Creek Mine – Rehabilitation Strategy prepared for Rix's Creek Pty Ltd. 19 August 2015*. AECOM Australia Pty Ltd, Singleton. Available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6300
- OEH (2014a) Framework for Biodiversity Assessment. NSW Biodiversity Offsets Policy for Major Projects. September 2014. NSW Office of Environment and Heritage, Sydney. www.environment.nsw.gov.au/resources/biodiversity/140675fba.pdf
- OEH (2014b) NSW Biodiversity Offsets Policy for Major Projects. September 2016. NSW Office of Environment and Heritage, Sydney. www.environment.nsw.gov.au/resources/biodiversity/140672biopolicy.pdf