



Office of
Environment
& Heritage



PCU038482

Your reference: DA 73-11-98 MOD 5
Our reference: DOC12/39232; FIL12/7028
Contact: Robert Gibson, 4908 6851

Mr Matthew Riley
Mining and Industry Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Riley

RE: NEWSTAN COLLIERY MODIFICATON (DA 73-11-98 MOD 5)

Reference is made to your email of 18 September 2012 seeking comments from the Office of Environment and Heritage (OEH) on the proposed modification to the Newstan Colliery development consent (DA 73-11-98 MOD5).

OEH understands that the proposed modification to:

- receive, handle and process up to 4 Mtpa of coal from the Mandalong Mine at the Newstan Colliery surface site via private haul roads
- transport excavated material produced from the construction of the two already approved shafts at Awaba Colliery to the Newstan Colliery reject emplacement areas or the Coal Preparation Plant (CPP) for processing via private haul roads.

OEH has reviewed to the Environmental Assessment (EA) for the proposed modification and understands that the proposed changes will not result in any additional land clearing. Therefore, the proposed changes appear unlikely to lead to any additional impacts on Aboriginal cultural heritage values or threatened biodiversity, and so OEH is not providing any Recommended Conditions of Approval in this instance. Further details and comments are provided in **Attachment 1**.

If you have any questions about this letter then please contact Dr Robert Gibson, Regional Biodiversity Conservation Officer, on 4908 6851.

Yours sincerely

3 OCT 2012

RICHARD BATH
Head – Hunter Planning Unit
Conservation and Regulation, North East



Enclosure: Attachment 1 - Review of Environmental Assessment, Newstan Colliery Modification s.75W Modification (DA 73-11-98 MOD5) with comments for Aboriginal Cultural Heritage and Threatened Species issues.

ATTACHMENT 1

Review of Environmental Assessment, Newstan Colliery Modification s75W Modification (DA 73-11-98 MOD5) with comments on Aboriginal cultural heritage and threatened species issues

OEH notes that the proposed modification will not result in any additional construction activities within the project area. The proposal is therefore not likely to impact on any additional Aboriginal cultural heritage values or threatened biodiversity associated with the existing approved project area.

Aboriginal Cultural Heritage Assessment

OEH acknowledges that Conditions 3.3 and 8.6 of the Ministers Condition of Approval (Mod 4, dated 16 March-2012) provide appropriate management strategies for the existing Aboriginal cultural heritage values located with the project area.

Conclusion

OEH has no concerns with the Aboriginal cultural heritage assessment for the proposed modification to the existing consent.

Threatened Biodiversity Assessment

OEH acknowledges that Condition 3.4 of the Mod 4 approval allows for the provision of 'compensatory areas' to offset the '...net loss of ecologically significant vegetation communities, with the DA area as a result of the development'. OEH recommends that any offsets provided for this project are consistent with OEH biodiversity offsetting policy (DECC, 2012; OEH, 2011).

Conclusion

On the basis that there is no additional clearing of threatened biota, or their habitats in the current project then OEH has no concerns the proposed modification to the existing consent.

References

DECC (2011) Principles for the use of biodiversity offsets in NSW. 17 June 2011. NSW Department of Environment and Climate Change, Sydney www.environment.nsw.gov.au/biocertification/offsets.htm

OEH (2011) NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State significant development (SSD) and State significant infrastructure (SSI) projects. NSW Office of Environment and Heritage, Sydney, June 2011.