



DOC18/490558-2  
PA 08\_0102 MOD 8

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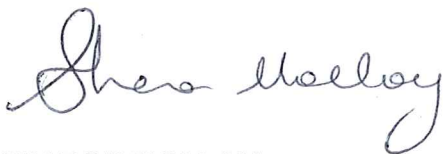
Dear Philip

**Rix's Creek North Open Cut Project (PA 08\_0102) Modification 8**

I refer to your e-mail dated 11 July 2018 in which the Department of Planning and Environment invited the Office of Environment and Heritage (OEH) to review and provide comment on the Statement of Environmental Effects (SEE) for the proposed modification of the Rix's Creek North Open Cut project (PA 08\_0102 MOD 8). OEH understands that this modification seeks to expand mining activities into a 7.2 hectare area.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely

 17/8/2018

**SHARON MOLLOY**  
**Director Hunter Central Coast Branch**  
**Regional Operations Division**

Contact officer: STEVEN COX  
02 4927 3140

Enclosure: Attachments A and B

## OEH's recommendations

### Rix's Creek North Open Cut Project (PA 08\_0102) Modification 8

1. OEH recommends that an assessment of the vegetation and habitat types likely to have been present in the modification 8 area prior to disturbance, is undertaken to determine the biodiversity credit offsetting requirement from the removal of vegetation and habitat areas.
2. OEH recommends that an Aboriginal cultural heritage assessment be undertaken in consultation with relevant Aboriginal parties, to adequately determine if there are, or were, any Aboriginal cultural heritage items or cultural values present within the modification footprint.
3. OEH is satisfied the proposed modification will have no significant off-site flooding impacts and no further flooding assessment is required.

## OEH's detailed comments

### Rix's Creek North Open Cut Project (PA 08\_0102) Modification 8

#### Biodiversity

1. An assessment of the previous biodiversity values present has not been undertaken

The statement of environmental effects (SEE) does not include an assessment of the vegetation and habitat types likely to have been present in the modification 8 area prior to disturbance. Such an assessment should be undertaken to determine the biodiversity credit offsetting requirement of the clearing previous vegetation and habitat types. Vegetation and habitat types adjacent to the disturbance area could be used to determine the vegetation and habitat types likely to have been present prior to disturbance.

##### Recommendation 1

OEH recommends that an assessment of the vegetation and habitat types likely to have been present in the modification 8 area prior to disturbance, is undertaken to determine the biodiversity credit offsetting requirement from the removal of vegetation and habitat areas.

#### Aboriginal Cultural Heritage

2. An Aboriginal cultural heritage assessment should be provided

OEH has reviewed the information supplied with respect to Aboriginal cultural heritage for the Rix's Creek North Open Cut Project (PA 08\_0102) Modification 8 and notes that a current assessment of Aboriginal cultural heritage items or cultural values has not been undertaken. OEH further notes that there has been no consultation undertaken with the Aboriginal community.

An assessment of the Aboriginal cultural heritage items and cultural values that may occur, or previously occurred, should be undertaken. Identifying Aboriginal cultural heritage values and consultation with Aboriginal people should be guided by the following OEH documents:

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (DECCW, 2011) [www.environment.nsw.gov.au/licences/investassessreport.htm](http://www.environment.nsw.gov.au/licences/investassessreport.htm)
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010) [www.environment.nsw.gov.au/licences/consultation.htm](http://www.environment.nsw.gov.au/licences/consultation.htm), and
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) [www.environment.nsw.gov.au/licences/archinvestigations.htm](http://www.environment.nsw.gov.au/licences/archinvestigations.htm)

##### Recommendation 2

OEH recommends that an Aboriginal cultural heritage assessment be undertaken in consultation with relevant Aboriginal parties, to adequately determine if there are, or were, any Aboriginal cultural heritage items or cultural values present within the modification footprint.

#### Flooding and Flood Risk

3. OEH is satisfied the proposed modification will have no significant off-site flooding impacts

The SEE states that all disturbed areas in the MOD 8 proposal will be contained within the Rix's Creek Mine water catchment area and will be managed as part of the sites water management process.

Recommendation 3

OEH is satisfied the proposed modification will have no significant off-site flooding impacts and no further flooding assessment is required.