



Your ref: SSD-11826681; SSD-11826621
Our ref: DOC26/120800; DOC26/120788;
DOC/26/109090; DOC26/108927

Jack Turner
Team Leader, Resource Assessments
Department of Planning, Housing and Infrastructure

By email: jack.turner@planning.nsw.gov.au

Dear Jack,

Subject: HVO North and South Open Cut Coal Continuation Project (SSD-11826681 and SSD-11826621) (Singleton Shire)

Thank you for your Major Projects Portal request dated 18 February 2026, seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the HVO North and South Open Cut Coal Continuation (SSD-11826681 and SSD-11826621) (Singleton Shire) Project.

CPHR has reviewed submitted documentation and provided recommendations in **Attachment A**.

If you have any further questions about this issue, please contact our Planning Team at hcc.planning@environment.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stacy Warren'.

Stacy Warren
Senior Manager, Conservation Planning and Assessment
Conservation Programs, Heritage & Regulation Group (CPHR)
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)

2 April 2026

Enclosure A



Attachment 1 - CPHR Comments

HVO North and South Open Cut Coal Continuation Project

In preparing this advice CPHR has reviewed the following documents:

- *HVO Continuation Project Response to Residual Agency Advice, EMM February 2026*
- *Hunter Valley Operations Continuation Project – Amendment Submissions Report, EMM November 2025*
- *Hunter Valley Operations Continuation Project Revised Biodiversity Development Assessment Report, Umwelt February 2026 (BDAR)*
- *Hunter Valley Operations River Red Gum Rehabilitation and Restoration Strategy, HVO August 2025 (RRGRRS)*

Key Assessment Issues

No	Comments	Recommendation	Timing
1	CPHR considers that the reported 0.28% of the EEC that is proposed to be impacted may quantify a significant and irreversible impact (SAIL). Any impacts – direct OR indirect, to this species are capable of being considered a SAIL as the community is listed under principle 1 and 2 and the impacts proposed will both reduce its geographic extent and contribute to a reduction in its ecological function.	It is noted that effort has been made to avoid the EEC, but impacts proposed may constitute an SAIL. Management measures proposed below for the River Red Gum Rehabilitation and Restoration Strategy (RRGRRS) will be important to mitigate this impact.	To be conditioned prior to commencement of works.
2	It is recommended that the BDAR identify previous commitments to offset or rehabilitate the subject land. The BDAR should demonstrate that the proposed activity does not impact upon these	CPHR recommends that all previous offset / rehabilitation areas associated with Hunter Valley Operations be included and mapped within the BDAR to allow adequate assessment of avoidance and ensure no double dipping has occurred.	Prior to approval

	<p>areas. It is currently unclear whether proposed offset or rehabilitation areas within this proposal overlap with those that have been previously committed to.</p> <p>For example, the BDAR proposes 6.6ha be offset as part of the proposed 'Hunter Floodplain Red Gum Woodland Restoration Area'. However, it is unclear whether this area has already been committed to be offset under a previous consent.</p>		
3	Land Category Assessment	<p>Land categorisation matters for the project are being dealt with by separate consultation and correspondence with the proponent (DOC25/744898-16).</p> <p>CPHR has undertaken a review of the additional information regarding land categorisation provided in the BDAR.</p> <p>As previously advised, the assessment of Category 1 – Exempt land was expected to be undertaken in accordance with departmental guidance provided, including the application of an appropriate number of IGGAM plots to demonstrate that grasslands and other groundcover meet the criteria for low conservation value.</p> <p>While this approach has not been wholly undertaken, in this instance CPHR is satisfied that the combination of rapid assessment data points and BAM plots undertaken in these areas provides sufficient evidence to support the conclusion that the mapped Category 1 – Exempt land is appropriate for the current proposal.</p> <p>Please note any future applications and/ or future work must meet the Land Category requirements in full and be undertaken in accordance with departmental guidance.</p>	
4	<p>CPHR supports the inclusion of 6.6ha of land entering into conservation, however, considers that the current River Red Gum Rehabilitation and Restoration Strategy (RRGRRS) does not reflect best practice management methods that reflect the current onsite conditions.</p> <p>Findings from the recent HVO RRGRRS assessment (HVO, August 2025) indicate that rehabilitation within the existing protected areas has not been demonstrably successful.</p>	<p>CPHR recommends that any approval include consent conditions requiring the preparation of an updated RRGRRS, to include the additional 6.6ha and provide improvements to the plan to ensure that positive and measurable environmental outcomes can be achieved.</p> <p>CPHR requests that the revised RRGRRS be developed in consultation with, and to the satisfaction of, CPHR to ensure its adequacy.</p>	To be conditioned prior to commencement of works

5	Ensure previous offsetting/ rehabilitation obligations have been met.	It is noted that in line with previous conditions of consent, the determining authority should be satisfied that all offset / rehabilitation areas associated with the project are offset and protected in perpetuity (using a suitable mechanism such as a Biodiversity Stewardship Agreement). Without confidence that previous commitments to offsetting and rehabilitation have been fulfilled, it is difficult to determine whether these areas are adequately protected.	To be conditioned prior to commencement of works
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