



Office of
Environment
& Heritage

Your reference: SSD 5465 Mod 2
Our reference: DOC15/371336-1
Contact: Steve Lewer, 4927 3158

Mr Hamish Aiken
Team Leader
Resource Assessments – Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Aiken

RE: OEH COMMENTS ON RESPONSE TO SUBMISSIONS - CHAIN VALLEY COLLIERY MODIFICATION 2 STATEMENT OF ENVIRONMENTAL EFFECTS – SECTION 96 MODIFICATION TO SSD 5465 (MOD 2)

I refer to your email dated 18 September 2015 requesting comment on the Response to Submissions document for the Chain Valley Colliery Modification No. 2. This is a modification under Section 96 of the *Environmental Assessment and Planning Act 1979* to the approved State Significant Development 5465.

OEH has undertaken a review of the document titled 'Chain Valley Colliery – Modification 2: Response to Submissions - Section 96 Modification to SSD-5465', prepared for LakeCoal Pty Ltd by EMGA Mitchell McLennan Pty Limited and dated September 2015. Detailed comments are provided in **Attachment A**.

OEH is of the opinion the Response to Submissions document adequately addresses the issues raised in OEH's review of the Statement of Environmental Effects (as per correspondence dated 6 August 2015). Only a few minor additions are recommended and these are provided in Attachment A. As such OEH has no further comment on the project.

If you require any further information regarding this matter please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4927 3158.

Yours sincerely

1 OCT 2015

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

Enclosure: Attachment A

ATTACHMENT A: OEH COMMENTS ON RESPONSE TO SUBMISSIONS - CHAIN VALLEY COLLIERY MODIFICATION 2 – SECTION 96 MODIFICATION TO SSD 5465 (MOD 2)

SUBSIDENCE IMPACTS

The Response to Submission (RTS) document does not provide any feedback on the inclusion of known threatened species, such as marine turtles in the Seagrass Management Plan. OEH recommends that the Department of Planning and Environment request their inclusion, given that the seagrass beds provide known foraging habitat to these species. Specifically, OEH would expect that the Seagrass Management Plan which was developed as part of the original consent (in 2014) would be amended to provide details / impacts on threatened species.

THREATENED SPECIES

OEH has reviewed the RTS document and is of the opinion that it adequately addresses OEH's previous concerns on adequacy of surveying and threatened species assessment.

OEH acknowledges that additional targeted surveys have been conducted for a number threatened birds (e.g. Glossy Black Cockatoo, Little Lorikeet, Scarlet Robin and the Varied Sittella) and plants (e.g. *Diuris praecox* and *Tetralthea juncea*). No additional species were detected. For species where targeted surveys were not undertaken due to time and/or project constraints, they were deemed present on the basis of whether or not suitable / potential habitat was present. OEH supports this approach and concurs that given the small amount habitat impacted upon the proposal is unlikely to have significant impact.

Biodiversity offsets

OEH previously acknowledged that the proposed development area and impacts to biodiversity are likely to be small and that the provision of a physical biodiversity offset is likely impractical. OEH recommended the use of the BioBanking Assessment Methodology (OEH 2014) to determine the biodiversity cost, based on the quantum of 'ecosystem credits' the proposed impact would generate. OEH was of the opinion that given the scale of the proposal it would generate in the order of 5-10 'ecosystem credits', which based on the current market value of ecosystem credits in the Hunter (approx. \$2000 per credit) would value the impact at \$10-\$20,000. Based on this figure, OEH recommended that the proponent should either retire the appropriate biodiversity credits or provide funding, equivalent to the biodiversity value that is being lost, to either a site specific environmental project that benefits threatened species or towards an action(s) that benefits a likely potential threatened species (as listed under OEH's 'Saving Our Species' program).

The RTS document states that because the impact is low (i.e. on 0.3 ha of clearing and implementation of an APZ) the credit cost would be at the lower range - \$10,000 and as such their cost would be based on this. Although this may be the case, OEH recommends that in determining the actual impact cost the BBAM credit calculator should be used. Nevertheless, the proponent has indicated they will investigate one of the following options in consultation with OEH:

- provide \$10,000 of funding, which is equivalent to the biodiversity being lost (i.e. 5 credits x \$2,000 per credit) to existing environmental programs at the site which benefits the Swamp Sclerophyll Forest EEC; or
- consult with OEH to identify a suitable conservation program and provide \$10,000 of funding; or
- purchase and retire five credits on the BioBanking register.

OEH supports all of the above options and is willing to negotiate the most appropriate option with the proponent.

References:

OEH (2014) *BioBanking Assessment Methodology*. Office of Environment and Heritage, detailed at: www.environment.nsw.gov.au/biobanking/bbreview.htm.

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

OEH has no further comment on matters of Aboriginal cultural heritage.

FLOODING AND FLOODPLAIN MANAGEMNT

OEH has no further comment on matters of flooding and floodplain management, all issues previously raised have been addressed in the RTS document, dated September 2015.

OEH – 1 OCTOBER 2015

