

DOC18/739694-2
DA 73-11-98 MOD 8

Ms Melissa Anderson
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Department of Planning & Environment
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Dear Melissa

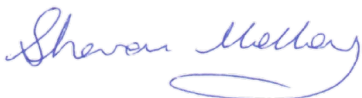
Newstan Colliery DA 73-11-98 Modification 8 Project

I refer to your email dated 2 August 2018 in which the Department of Planning and Environment (DPE) invited to the Office of Environment and Heritage (OEH) to review and comment on the Environmental Assessment for the Newstan Colliery (DA 73-11-98) Modification 8 Project.

Modification 8 includes the expansion of first workings into the West Borehole Coal Seam over an area of approximately 229 hectares. No surface clearing or other surface works are proposed. The main surface impact is likely to be mine subsidence, which is predicted to be no more than 20 millimetres. OEH notes that this part of the Newcastle Coal Measures is cut by numerous faults which may lead to unexpected subsidence impacts and as such, has taken a precautionary approach in relation to possible impacts on threatened biodiversity.

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 Nicole Davis, A/Senior Team Leader Planning, on 4927 3156 or by e-mail at rog.hcc@environment.nsw.gov.au

Yours sincerely



16/10/2018

SHARON MOLLOY
Director Hunter Central Coast Branch
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Enclosure: Attachments A and B

Attachment A**OEH's recommendations****Centennial Newstan Colliery (DA 73-11-98) Modification 8**

1. Details of consultation with the Aboriginal stakeholders for Modification 8 should be provided, including minutes of meetings held.
2. OEH recommends that site condition monitoring of the Scar Tree AHIMS Sites 45-7-0318 and 45-7-0319 be undertaken as outlined in Section 6.5.2 of the *Centennial Coal Aboriginal Cultural Heritage Management Plan: Northern Region (September 2016)*.
3. The *Centennial Coal Aboriginal Cultural Heritage Management Plan: Northern Region (September 2016)* be updated to show the current location of AHIMS Site 38-4-1374.
4. OEH recommends that if the project causes greater subsidence impacts than predicted, the impact is quantified by use of the Biodiversity Assessment Method (BAM), and that those impacts are offset in accordance with the NSW Biodiversity Offsets Policy for Major Projects.
5. The development should ensure that the proposed works do not adversely impact flood behaviour on any property not owned by the proponent.

OEH's detailed comments

Centennial Newstan Colliery (DA 73-11-98) Modification 8

Aboriginal cultural heritage

1. Aboriginal stakeholder consultation documentation is required

The *Aboriginal Heritage Impact Assessment, Proposed Modification 8, Newstan Colliery* (RPS 2018), Appendix F of the *Newstan Colliery Development Consent Modification Environmental Assessment* (GHD 2018), states that a site visit was conducted on 26 June 2018. No details are provided as to the extent of the area surveyed, survey coverage or whether the previously registered sites were inspected. The report states that a presentation for Modification 8 was held on the 8 May 2018, however no specific details of Aboriginal consultation or minutes of meetings held with the Aboriginal stakeholders is provided. In the absence of this information, OEH is unable to comment on the adequacy of the assessment of impacts on Aboriginal cultural heritage and/or cultural values for this development.

Recommendation 1

Details of consultation with the Aboriginal stakeholders for Modification 8 should be provided, including minutes of meetings held.

2. Aboriginal Cultural Heritage Management Plan Monitoring protocols

The *Centennial Coal Aboriginal Cultural Heritage Management Plan: Northern Region (September 2016)* (CCACHMP) documents two extant Scar Trees within the Newstan Colliery (DA 73-11-98) Modification 8 boundary:

- AHIMS Site 45-7-0318
- AHIMS Site 45-7-0319.

OEH notes that three phase site condition monitoring protocols are outlined in the CCACHMP in Section 6.5.2 Monitoring Protocols for Scarred Trees.

Recommendation 2

OEH recommends that site condition monitoring of the Scar Tree AHIMS Sites 45-7-0318 and 45-7-0319 be undertaken as outlined in Section 6.5.2 of the *Centennial Coal Aboriginal Cultural Heritage Management Plan: Northern Region (September 2016)*.

3. The approved Aboriginal Cultural Heritage Management Plan should be updated

Centennial Coal Aboriginal Cultural Heritage Management Plan: Northern Region (September 2016) should be updated to show the current location of the extant isolated find site AHIMS Site 38-4-1374 on:

- the figure in Section 1 of the CCACHMP and
- the figure in *Attachment 1 Newstan/ Awaba Colliery* in the CCACHMP.

Recommendation 3

The *Centennial Coal Aboriginal Cultural Heritage Management Plan: Northern Region (September 2016)* be updated to show the current location of AHIMS Site 38-4-1374.

Biodiversity

4. Biodiversity offsets may be required for greater-than-expected subsidence

Appendix E, Environmental Assessment 'Biodiversity Thresholds Test' concluded that the development was unlikely to trigger an offset requirement, based on the absence of any surface clearing and that mine subsidence would be no greater than 20 millimetres. OEH notes that this part of the Newcastle Coal Measures is cut by numerous faults and that the location and throw is not completely known, which may lead to unexpected subsidence impacts.

The development also partially underlies the Awaba Colliery which has experienced sink hole development above the shallowest parts of the old workings. The development works may also result in greater subsidence impacts from interactions with faults or the shallow workings of the Awaba Colliery. OEH has taken a precautionary approach to threatened biodiversity.

Recommendation 4

OEH recommends that if the project causes greater subsidence impacts than predicted, the impact is quantified by use of the Biodiversity Assessment Method (BAM), and that those impacts are offset in accordance with the NSW Biodiversity Offsets Policy for Major Projects.

Flooding and flood risk

5. Flood impacts as a result of the development

The environmental assessment states that less than 20 millimetres of subsidence is predicted as a result of the development. There are several waterways, creeks and tributaries that are within the boundary that may be impacted. There are also several private properties downstream that may be impacted due to potential changes in the catchment.

The development should ensure that the proposed works do not adversely impact flood behaviour on any property not owned by the proponent.

There are no flood or coastal related issues associated with this development.

Recommendation 5

The development should ensure that the proposed works do not adversely impact flood behaviour on any property not owned by the proponent.