



## Office of Environment & Heritage

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Our reference: DOC15/159508  
Contact: David Geering  
(02) 6883 5335

Paul Freeman  
Acting Team Leader, Resource Assessments  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney, NSW 2011

Dear Mr Freeman

**RE: Modification applications for Stages 1 and 2 of the Moolarben Coal Project  
(05\_0117 MOD 11 and 08\_0135 MOD 1)**

The Office of Environment Heritage (OEH) has reviewed the exhibited Environmental Impact Statement (EIS) for the Moolarben Coal Project Modifications, and provides the following advice for consideration by the Department of Planning and Environment.

OEH has no specific comments on the direct impacts of the proposed backfilling of the northern Open Cut 1 (OC1) void, which is the subject of the Stage 1 Mod 11.

From the EIS we understand that this particular OC1 void was originally proposed in order to provide access to the Stage 1 Underground 4 (UG4) mining area. The EIS states that the preferred access to UG4 is now from Underground 1 (UG1) and hence the northern void is no longer required to provide that access point. However the EIS also notes that approval for access to UG4 via UG1 would be sought as part of a separate EIS and approval application.

Correspondence from the proponent (dated 13 April 2015) indicates that the relocation of the mains access to UG4 may be linked to a proposed extension and widening of the approved UG1 long wall panels. OEH may have comments to make on any biodiversity and/or Aboriginal cultural heritage impacts potentially occurring as a result of that future modification (including the relocation of the access to UG4) when it is lodged.

OEH's major concern regarding the Stage 2 modification is the lack of information in the Environmental Assessment that allows OEH to make a comparative assessment of the impacts of the two routes. While a detailed assessment is provided of the proposed haul road no assessment is provided of the currently approved road, nor is this information readily available in the Stage 2 EA of 2008. Detailed comments are provided in Attachment 1.

If you have any questions regarding this matter further please contact David Geering on 02 68835335.

Yours sincerely,

**SONYA ARDILL**  
**Senior Team Leader Planning**  
**North West Region**

## Moolarben Stage 2 Modification 1

### OEH Response to Environmental Assessment

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#### 1. Insufficient information provided to quantify impacts

Figure 1 of the Environmental Assessment gives the location of the proposed haul road along with the approved Stage 2 disturbance area. Unfortunately this map does not clearly indicate the location of the approved haul road. Figure 3 of the Stage 2 EA (Ecovision Consulting 2008) suggests, without implicitly indicating, that the haul road traverses the south-eastern corner of Underground No. 1. This is confirmed by the map of the Stage 1 and Stage 2 Indicative Project Layouts provided in the Consolidated Conditions of Consent for the Moolarben Coal Project.

While the EA provides detail of the vegetation types and fauna habitats impacted by the proposed haul route it provides no direct comparison of potential impacts of the approved haul road and the proposed road other than the quantum of vegetation impacted. The EA simply states that the two haul roads contain “*similar habitat*”. The initial EA for Stage 2 confirms that “*The initial open-cut mine works include building of access and haul road, clearing of vegetation, stripping and stock-piling of topsoils, dewatering of dams plus creation of diversion channels to collect and divert runoff around the proposed open cut footprint.*” but provides no detail of the impacts of the haul road itself. It is therefore not possible for OEH to make a quantitative assessment of the impacts of the two routes.

The maps contained within the 2008 EA and the Consolidated Conditions of Consent suggest that the route of the approved haul road is predominantly through vegetation mapped as Secondary Grasslands and Shrublands (Figure 9, Stage 2 EA). This appears to contradict the EA’s statement that the habitats are similar.

#### Recommendation:

- 1.1 That the location of the approved haul road is confirmed.
- 1.2 That information regarding the vegetation types, and their condition, is provided to allow direct comparison of impacts of the two routes.

#### 2. Assessment of threatened species

The EA suggests that “*No additional species would potentially be impacted by this proposed haul road alignment than the currently approved haul road*”. Given the apparent differences between the habitats impacted by the approved and proposed haul roads outlined in Issue 1 it is likely that the suite of species likely to be impacted will differ.

It would be useful for the EA to include a table listing the species potentially impacted by both routes. OEH has identified several species that have been assessed as being unlikely to occur within the study area that do have the potential to occur. These include:

##### Acacia ausfeldii

Table 5 of the EA indicates that this species is associated with *Eucalyptus albens*, *E. blakelyi* and *Callitris* species with an understorey dominated by *Cassinia spp.* and grasses. The EA indicates that one of the dominant vegetation types on the proposed route is White Box – Narrow-leaved Ironbark Shrubby Forest. The canopy of this vegetation type is dominated by *Eucalyptus albens* with *E. blakelyi* occurring less frequently. One of the dominant mid-storey species is *Cassinia spp.*. This indicates that the vegetation on site is suitable habitat for *A. ausfeldii*. The EA also indicates that this species was previously recorded within the Stage 1 approval area. No satisfactory reason has been provided as to why this species is considered unlikely to occur.

##### Spotted-tailed Quoll & Squirrel Glider

Table 6 of the EA indicates that both these species are unlikely to occur. However there are recent records of both species in the Mudgee-Ulan area and the OEH Threatened Species Profile Database indicates that the vegetation types identified as occurring within the study area are habitats for these

species. No rationale has been provided in the EA to suggest that these species are unlikely to occur.

#### Gilbert's Whistler

The EA states that habitat of the Gilbert's Whistler includes shrubby woodland. Both vegetation types occurring within the development area are shrubby in nature. The EA confirms that "*this species has been recorded previously during assessments undertaken for Stage 1*" but concludes that this species is unlikely to occur and that "*No potential habitat will be removed*".

#### **Recommendation:**

- 2.1 Further consideration should be given as to the likelihood of all species predicted to occur within the development area and a rationale provided for those species deemed unlikely to occur.
- 2.2 A direct comparison of species potentially impacted by the approved and proposed haul roads should be provided.