



Office of  
Environment  
& Heritage

Your reference: SSD 5145  
Our reference: DOC14/239416-01  
Contact: Robert Gibson, 4908 6851

Mr Thomas Watt  
Planning Officer, Mining Projects  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Watt

**RE: NORTHERN COAL LOGISTICS PROJECT (SSD 5145) REVIEW OF ENVIRONMENTAL IMPACT STATEMENT: REQUEST FOR FURTHER INFORMATION**

I refer to your email dated 14 October 2014 inviting the Office of Environment and Heritage (OEH) to review the Environmental Impact Statement (EIS) and recommend conditions of approval for this project. OEH understands that this project, if approved, includes the:

- enlargement of the Newstan Colliery surface site
- transportation of coal rejects from the Newstan Colliery Surface Site to and emplacement at the Newstan Colliery Northern Rejects Emplacement Area, the Newstan Colliery Southern Rejects Emplacement Area and the Hawkmount Quarry
- increase in volume of water discharged from licensed discharge points at the Newstan Colliery Surface Site and the Cooranbong Entry Site.

OEH has reviewed the EIS in relation to Aboriginal cultural heritage, flood risk and threatened biodiversity matters. Based on this review, OEH has identified deficiencies in the EIS in relation to the flood risk study and consideration of impacts to threatened biodiversity and the provision of biodiversity offsets. Many of these matters were raised following the adequacy review of the draft EIS. OEH is not in a position to complete the review of the EIS for this project nor to provide any recommended conditions of approval until additional information is provided. An assessment of the EIS and the information OEH requires to complete the review is provided in **Attachment 1**.

If you require any further information regarding this matter, please contact Robert Gibson, Regional Biodiversity Conservation Officer, on 4908 6851.

Yours sincerely

17 NOV 2014

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

Enclosure: Attachment 1

## **ATTACHMENT 1: REVIEW OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE NORTHERN COAL LOGISTICS PROJECT (SSD 5145): REQUEST FOR FURTHER INFORMATION**

The Office of Environment and Heritage (OEH) has undertaken a review of the report titled 'Northern Coal Logistics Project Environmental Impact Statement' prepared by SLR Consulting Australia Pty Ltd and dated 15 September 2014. The review is focused on the assessment of Aboriginal cultural heritage, flooding and floodplains, and threatened biodiversity issues. OEH was unable to complete an assessment of flood risk and threatened biodiversity impacts and offsets due to the absence of some data. Details of the additional information OEH requires before it may be able to recommend conditions of approval for this project are provided below:

### **ABORIGINAL CULTURAL HERITAGE**

OEH reviewed the report titled 'Cultural Heritage Impact Assessment – Northern Coal Service: Northern Coal Logistics Project', prepared for Centennial Coal by RSP Australia East Pty Ltd (March 2014), which forms Appendix F of the EIS with respect to Aboriginal cultural heritage. From a review of the draft EIS OEH found that the Aboriginal cultural assessment had met the standard requirements outlined in the Secretary's Requirements (SR's), and this remains the case for the final EIS. OEH will be able to issue recommended conditions of approval for this project once it is able to complete its assessment of flood risk and threatened species issues (see below).

### **FLOODING AND FLOODPLAIN**

OEH reviewed the report titled 'Northern Coal Services: Northern Coal Logistics Project Water Impact Assessment' prepared by GHD (April 2014) which forms Appendix J of the EIS. This report includes a detailed site water balance and geomorphological assessment of the receiving waterways downstream of Newstan Colliery Surface Site, the Cooranbong Entry Site and the Hawkmount Quarry. A specific flood study was not included in this water impact assessment. Accordingly, OEH has also used the report titled 'LT Creek Flood Study', prepared for Lake Macquarie Council (2011) that includes the Newstan colliery site to complete this assessment.

Appendix J indicates that peak discharge through License Discharge Point (LDP) 001 is estimated at approximately 46Megalitres (ML)/day under both existing and proposed conditions for the Newstan Colliery Surface Site, however, the average discharges will increase from 11ML/day to 14.5ML/day for LDP 001. The estimated rate of discharge in both the existing and proposed conditions for LDP 002 is 0.5% of days. LDP 003 is proposed as part of the project to cater for emergency discharge from the clean water dam only (page 125 of Appendix J). The frequency of discharges through this site are expected to increase from 1.3% of days to 3.6% of days, with the maximum discharges from LDP 003 decreasing from 60ML/day to 39ML/day.

Appendix J indicates that peak discharge through LDP 001 at the Cooranbong Entry site will increase from 1.6ML/day to 5ML/day (current specified EPL limit) to 8ML/day.

There are existing residential developments downstream of both of these sites. Thus, the safety of these residents for floodplain management purposes must be considered when assessing this proposal. OEH recommends that the following matters are clarified in order for OEH to be able to complete its assessment of flood risks from this project:

1. a flood emergency response plan that takes into consideration the residential development downstream of the development site;
2. an assessment of the likely impact of the probably maximum flood (PMF) flood flows on the site, including onsite storage dams and the open cut areas, and the impact of PMF flood flows out of the site are not known;

3. a flood emergency response plan that has been developed in the case of failure in any of the water management structures on the site during flood and non-flood times, and details of safeguards in place for the management of the downstream residents in the flood prone areas. It should be ensured that the flood behaviour in the watercourses downstream are not altered by the works on the site, or the potential failure of these works; and
4. details of how piping of watercourses on site has catered for blockages whilst ensuring that a clear overland flowpath is maintained.

### **THREATENED BIODIVERSITY**

OEH reviewed the EIS in relation likely impacts on threatened biodiversity by this project, particularly 'Northern Coal Logistics Project: Flora and Fauna Assessment' prepared for Northern Coal Services Pty Ltd by RPS Australia East Pty Ltd (April 2014), which forms Appendix K of the EIS.

OEH reviewed the draft EIS and in a letter dated 25 August 2014 provided by the Department of Planning and Environment with a number of recommended changes to ensure that the final EIS fully met the SR's. These recommended changes were:

1. For the final EIS to discuss how the proposed mitigation measures meet the NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014);
2. Consideration of indirect impacts on threatened biodiversity, particularly in relation to possible harm caused by increased mine discharge from current and new Licenced Discharge Points; a plan on how any impacts will be monitored and measured; and a commitment to offset any such harm to threatened biodiversity that may occur by this project;
3. Additional floristic details on vegetation communities in the project area, including water bodies in the Hawksmount Quarry site and whether they may contain threatened species;
4. Further details on the survey effort, particularly its timing for two local threatened orchids - *Corybas dowlingii* and *Corunastylis* sp. Charmhaven; and
5. An update on the status of the provision of Threatened Species records to OEH for surveys for this project done in 2012 and 2013 under licences issued by OEH.

Following a review of the exhibited EIS the issues identified in OEH's letter dated 25 August 2014 have not been addressed and this has hindered OEH's ability to fully assess the impact on threatened biodiversity and the mitigation measures proposed. These are discussed more fully below:

#### **1. Proposed mitigation measures in relation to the NSW Biodiversity Offsets Policy for Major Projects**

The environmental impacts of the proposed development are described in Chapter 6 of Appendix K of the EIS and comprise:

1. Clearing about 7.5 hectares (ha) of remnant vegetation (comprising about 3.5 ha of Coastal Foothills Spotted Gum – ironbark Forest (MU 15), 1.22 ha of Coastal Plains Smooth-barked Apple Woodland (MU 30), and 2.78 ha of cleared/ disturbed land) at the Newstan Colliery Site that contains about 376 clumps of *Tetratheca juncea* has records of Little Lorikeet, Little Bentwing-bat and Large-eared Pied Bat; and
2. Clearing about 13.9 ha of land at the Hawksmount Quarry site (which comprises about 2 ha of regrowth *Acacia decurrens*, 1.93 ha of Coastal Plains Smooth-barked Apple Woodland, 0.1 ha of Coastal Narrabeen Moist Forest (MU 6) and about 9.85 ha of cleared land made up of roads, tracks and water bodies) and one plant of *Grevillea parviflora* subsp. *parviflora*.

OEH notes that proponent modified the development footprint to reduce impacts on threatened biodiversity and the proposed mitigation measures for this project are described in Chapter 7 of Appendix K of the EIS and are summarised below:

1. Translocation of all 376 clumps of *Tetratheca juncea* from the Newstan Colliery Site with an associated research programme on the results of translocation and also of the genetics of local populations; and
2. Installation of one nest box for every hollow habitat removed.

Contrary to OEH's advice provided in our adequacy review of the draft EIS, the final EIS does not provide an assessment of the mitigation actions proposed in relation to the NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014) and the six offsetting principles. Based on the impact of this project on threatened biodiversity the mitigation and offset strategy for this project is inadequate.

OEH acknowledges that the proponent has modified the development footprint to reduce its impact on threatened biodiversity. Proposed translocation of *Tetratheca juncea*, and associated research, and installation of nest boxes may be considered as appropriate supplementary measures only if the proponent has been able to demonstrate that both land-based offsets are not available and that the supplementary measures proposed have the approximately equivalent value that a land-based offset would have cost. These are spelt out in Offset Principle 6 and Appendices A and B of the 'NSW Biodiversity Offsets Policy for Major Projects' (OEH, 2014).

Figure 6 of Appendix K of the EIS is a map of the local extent of *Tetratheca juncea* near the Newstan Colliery Site. OEH notes that there are hundreds of records of *T. juncea* north of the project area on land owned by Centennial Coal. There is no indication in the EIS that Centennial Coal has considered providing a land-based offset with *T. juncea*, or has calculated the value of the impact of the project on threatened biodiversity, or of the proposed supplementary measures as required under the current offset policy.

OEH requires that this project and its mitigation measures are assessed as required under the current biodiversity offset policy.

## **2. Consideration of downstream impacts from altered flow regimes**

As described in Section 6.2 of Appendix K of the EIS the project will change the hydrology of local creeks downstream of the Cooranbong Entry Site, Newstan Colliery Surface Site and the Hawkmount Quarry, and these drainages (as described in sections 6.2.5, 6.2.6 and 6.2.7 of Appendix K of the EIS) include threatened biodiversity including threatened species and endangered ecological community vegetation. The EIS considers that the impact of the project is unlikely to be significant on them, however, the NSW Biodiversity Offsets Policy for Major Projects requires any harm to threatened species or their habitat or endangered ecological community vegetation above a certain condition level, whether it is significant or not. Thus OEH requires that Centennial Coal commits to an appropriate level of modelling of health and persistence of threatened biodiversity downstream the project area and commits to offsetting any harm to this biodiversity in accordance with the NSW Biodiversity Offsets Policy for Major Projects.

## **3. Biodiversity value of wetlands in the Hawkmount Quarry site**

As identified in our letter dated 25 August 2014, the draft EIS did not include a survey or a description of the one hectare or so of wetlands at the Hawkmount Quarry site, and that remains the case in the final EIS (Section 4.3.1 of Appendix K of the EIS). Based on the time that has elapsed since the last quarrying activities and, based on available satellite imagery, and the longevity of these water bodies OEH has adopted a precautionary approach and considers that that these wetlands may provide habitat for threatened species, such as *Maundia triglochoides* - which is considered likely to occur downstream of the quarry (EIS, Appendix K, pg. 3), but the quarry site was not surveyed (Figure 3, Appendix K of the EIS). Thus OEH considers that in the absence of a survey for this species at the quarry site then it is likely to occur and must be offset for this project.



#### **4. Survey effort for *Corybas dowlingii* and *Corunastylis* sp. Charmhaven**

Biodiversity survey effort for the project area is described in Section 3.0 of Appendix K of the EIS and indicates that they all occurred outside the flowering season of *Corybas dowlingii* (NSW Scientific Committee, 2007) and *Corunastylis* sp. Charmhaven (NSW Scientific Committee, 2012). This was discussed in our letter of 25 August 2015. Therefore, OEH applies the precautionary principle and in the absence of any new information and assumes presence of these plants in suitable habitat in the project area which must be offset in accordance with the NSW Biodiversity Offsets Policy for Major Projects.

#### **5. Provision of threatened species records of 2012 and 2013 to OEH**

Scientific Licences issues under section 132C of the *National Parks and Wildlife Act 1974* come with reporting requirements that require a full report of the survey, research or other biodiversity assessment works carried out under the licence to be submitted to OEH at the expiry of the licence. Where a licence is valid for more than one year, records must be submitted annually. Section 3.0 of Appendix K of the EIS documents that biodiversity survey work for this project commenced in April 2012. Given that RPS's scientific licence (No. S100536) was issued on 1 January 2013 then this suggests that RPS is in breach of their scientific licence conditions by not yet having provided threatened species records for this project collected in 2012 and 2013. It is noted that a recent provision of records to OEH, as administrators of the Wildlife Atlas, includes several *Grevillea parviflora* subsp. *parviflora* and many *Tetratheca juncea* records; but none that are shown in the maps included in the EIS for this project.

### **CONCLUSIONS**

OEH recommends that the proponent address the above-listed concerns about the flood risk and biodiversity assessment for this project. This would enable OEH to complete its assessment and then be able to recommend conditions of approval.

### **References**

- OEH (2014) NSW Biodiversity Offsets Policy for Major Projects. September 2014. NSW Office of Environment and Heritage, Sydney. [www.environment.nsw.gov.au/resources/biodiversity/140672biopolicy.pdf](http://www.environment.nsw.gov.au/resources/biodiversity/140672biopolicy.pdf)
- Lake Macquarie City Council (2011) *LT Creek Flood Study*. April 2011. Lake Macquarie City Council, Speers Point. [www.lakemac.com.au/downloads/LT%20Creek%20Flood%20Study\\_Final%20Report%202011.pdf](http://www.lakemac.com.au/downloads/LT%20Creek%20Flood%20Study_Final%20Report%202011.pdf)
- NSW Scientific Committee (2007) Final determination: *Corybas dowlingii* (and orchid) – endangered species listing. 19 November 2007. NSW Scientific Committee, Sydney. [www.environment.nsw.gov.au/determinations/CorybasDowlingiiEndSpListing.htm](http://www.environment.nsw.gov.au/determinations/CorybasDowlingiiEndSpListing.htm)
- NSW Scientific Committee (2012) Final determination: *Corunastylis* sp. Charmhaven. NSW Scientific Committee, Sydney. [www.environment.nsw.gov.au/resources/threatenedspecies/FDCorCharmCRES.pdf](http://www.environment.nsw.gov.au/resources/threatenedspecies/FDCorCharmCRES.pdf)

OEH – November 2014

