

Our ref: DOC20/839563

Your ref: MP08_2011-Mod-2 and DA504-00-Mod-6

Andrew Rode
Senior Environmental Assessment Officer
Planning and Assessments Group
Resources Assessments
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Dear Andrew

Request for Advice – Modification Application - Charbon Colliery (MP08_2011-Mod-2) and Clarence Colliery (DA504-00-Mod-6).

I refer to your email dated 6 October 2020 to the Biodiversity, Conservation and Science Directorate (BCS) seeking advice on the proposed modifications to both Charbon Colliery (MP08_2011-Mod-2) and Clarence Colliery (DA504-00-Mod-6). As requested in your email this advice relates to both modification applications.

BCS understands that the applications seek to allow the transfer of coarse coal reject from Clarence Colliery by rail to be used for rehabilitation at Charbon Colliery. The applications also propose to extend the time permitted to transfer water between Charbon and Airly Mines (the modification application).

Consultation with BCS

Section 6.2.7 of the modification report for the project states that,

A letter was sent to DPIE's Biodiversity Conservation Division on 11 August 2020 to introduce the proposed modifications and notify them that a MR will be submitted to DPIE. No feedback regarding the proposed modifications has been received to date.

BCS advises that feedback was provided through a telephone conversation between Liz Mazzer (BCS) and Iain Hornshaw (Centennial Coal) on 27 August 2020. Mr Hornshaw advised that a formal response to the letter was not required. Potential impacts on biodiversity were discussed, and Mr Hornshaw was advised that, if native vegetation was to be cleared, a BDAR waiver was not appropriate. Planning and Assessment Group was advised of this conversation via email on 27 August 2020.

BCS notes that a BDAR waiver request has been submitted by the proponent as part of the modification application. The proposed modification will require the clearance of 0.04 hectares of native vegetation, resulting in an increase in impacts on biodiversity values.

The *Biodiversity Conservation Act 2016* (BC Act) does not prescribe or identify a formal process for a proponent to 'waive' the requirement to prepare a BDAR for a modification application. However, if the modification is likely to increase the impact on biodiversity values, then a BDAR will be required.

As the proposal will increase impacts on biodiversity values BCS considers that a BDAR prepared in accordance with the BC Act is required to accompany the modification application.

If you require any further information regarding this matter, please contact Ben Ellis, Senior Conservation Planning Officer, via ben.ellis@environment.nsw.gov.au or 8275 1838.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Carr', with a stylized, cursive script.

Sarah Carr
Director North West
Biodiversity Conservation and Science Directorate

14 October 2020