



Office of
Environment
& Heritage

Your reference: PA 07-0087
Our reference: DOC13/1273; FIL13/739
Contact: Robert Gibson
4908 6851

Ms Margaret Kirton
Senior Planner
Mining & Industry Projects
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Kirton

**RE: BLOOMFIELD COLLIERY PROPOSED MODIFICATION TO PA 07-0087 COMMENT WITH
RECOMMENDED CONDITIONS OF APPROVAL**

I refer to your email dated 15 January 2013 to the Office of Environment and Heritage (OEH) in which you asked for comments on a proposed modification to consent PA 07-0087 for Bloomfield Colliery, as well as recommended conditions for approval.

OEH understands that the proposed modifications involve clearing about 1.6 ha of remnant woody vegetation behind the highwall of the Creek Cut Open Pit for mining infrastructure, and will no longer result in the clearing of 1.3 ha of remnant woody vegetation for a new electricity power line corridor (as originally described in the Environmental Assessment). OEH notes that 1.3 ha of the proposed clearing is Lower Hunter Spotted Gum Ironbark Forest, which is an endangered ecological community (EEC) as listed under Schedule 1 of the *Threatened Species Conservation Act 1995* and that the vegetation in the previously proposed new electricity powerline transmission easement is this same EEC. As such OEH notes that the net local clearing of EEC vegetation remains the same as the previous consent. OEH also notes that proponent has secured Lot 2371 in Deposited Plan 1170348 as a biodiversity offset by restricting the use of the land as required by Consent Condition 29A of Schedule 3 of PA 07-0087 MOD 1.

OEH has reviewed the proposed modification for its likely impacts on Aboriginal cultural heritage and threatened biodiversity values and has identified no additional concerns with regards to these issues, however OEH recommends the public release of more information on the biodiversity offsets and monitoring programs. More details, and a recommended condition of approval are provided in **Attachment 1**.

If you have any questions concerning this advice, please contact Robert Gibson, Regional Biodiversity Conservation Officer, on 4908 6851.

Yours sincerely

1 FEB 2013

STEVE LEWER
A/Head – Hunter Planning Unit
Regional Operations

Enclosures: Attachment 1

ATTACHMENT 1: REVIEW OF PROPOSED MODIFICATION TO THE BLOOMFIELD COAL PROJECT AND RECOMMENDED CONDITIONS OF APPROVAL

OEH has reviewed the request by The Bloomfield Group to the Department of Planning and Infrastructure dated 17 December 2012, and associated attachments to modify current consent PA 07_0087 MOD 1 for likely impacts on Aboriginal Cultural Heritage and threatened biodiversity. The results of the review and recommended conditions of approval are provided below.

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

OEH acknowledges that the Aboriginal cultural heritage assessment has been undertaken in accordance with the OEH's assessment guidelines.

OEH acknowledges the significance of the local environment to the local Aboriginal community. The results of the Aboriginal cultural heritage assessment undertaken of the modified project area on 18 September 2012 are also acknowledged. It is noted that no additional Aboriginal sites were identified. However, OEH also notes the existence of numerous registered Aboriginal sites in the immediate locality and acknowledges that the proposed modified project area contains landforms which have yielded a significant volume of evidence of Aboriginal occupation. These sites include artefact scatters, isolated finds, and camp sites. There is also a limited possibility that currently undetected cultural material may be present within the project area in those areas where Aboriginal objects have not been previously identified. It is therefore expected that the proponent would develop and implement appropriate management strategies to address this matter.

The Aboriginal Cultural Heritage Management Plan (ACHMP) (approved on 27 May 2010) for the broader project area is also noted. OEH notes that the ACHMP is an appropriate mechanism to manage any potential impacts on the Aboriginal cultural heritage values associated with the proposed modification.

OEH also encourages the proponent to continue to engage with the registered Aboriginal parties in developing and maintaining appropriate cultural heritage outcomes for the life of the proposed development.

Conclusion

OEH has no additional concerns with the Aboriginal cultural heritage assessment for the modified project application.

THREATENED BIODIVERSITY ASSESSMENT

The proposed modification would result in an increase of clearing of native woody vegetation from 1.3 ha to 1.6 ha in adjacent to the Creek Cut Open Pit of the Bloomfield Colliery. It would result in the same area of Lower Hunter Spotted Gum – Ironbark Forest Endangered Ecological Community (EEC) being cleared as covered in the consent PA 07-0087 MOD 1 (issued on 16 May 2011), for which a biodiversity offset has already been provided in the form of Lot 2371 in Deposited Plan 1170348 near Ellalong in the Cessnock LGA.

OEH notes that the new area of clearing is near a location where four threatened species of microbats have been recorded; namely the Eastern Bentwing Bat, the Little Bent-wing Bat, the Eastern Freetail-bat and the Greater Broad-nosed Bat. These four species are likely to utilise most of the remnant woody vegetation in the area for food and shelter resources and the extent of impact for the proposed modification on these species is likely to be the same as that of the current consent in this area. No threatened plants or highly localised threatened fauna species have been reported from the new area proposed to be cleared therefore OEH considers that the impact on threatened species by this modification is effectively unchanged from PA 07-0087 MOD 1, and given that the offset has now been provided that no further biodiversity offsets are required for this new modification.

OEH notes that Consent Condition 29B in Schedule 3 of PA 07-0087 MOD 1 required the preparation and implementation of a Biodiversity Offset Management Plan. OEH recommends that this plan, and any resulting monitoring reports are made publically available on the proponent's website for transparency and to ensure that the intent of this consent condition is realised.

RECOMMENDED CONDITIONS OF APPROVAL FOR THREATENED BIODIVERSITY

OEH recommends that the following consent condition is included in any consent issued for the proposed modification:

1. Within four months of the date of this approval, the Proponent must make publically available a copy of the 'Biodiversity Offset Management Plan', as required by Consent Condition 29B of Schedule 3 (i.e. publically available on the proponent's website); and that copies of any reports generated by the Biodiversity Offset Management Plan are also made publically available on the proponent's website within six months of completion of each monitoring period, to the satisfaction of the Director General of the Department of Planning and Infrastructure.

