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Mr Alexander Grierson  
Planning Officer  
Department of Planning & Environment  
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SYDNEY NSW 2001  
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Dear Mr Grierson

**RE: Heritage Council comments for the Rix's Creek Open Cut Coal Mine Modifications No. 7 (DA 08\_0102 Mod 7) and No. 9 (DA 49/94 Mod 9)**

I refer to your e-mail dated 10 July 2017 inviting comments on the above State Significant Development modifications relevant to the Rix's Creek Open Cut Coal Mine located 5 Kilometres northwest of Singleton in the Hunter Valley.

The two modifications seek to allow the following changes:

- Allow exploratory drilling to be conducted in area at Rix's Creek North to confirm the geological structure and available coal resource within this area; and
- Transfer up to 5 million bank cubic metres (BCM) per annum of overburden and 0.5 million BCM per annum of dried tailings refuse from the Rix's Creek Coal Handling Preparation Plant to the Rix's Creek North Overburden dumps.

The supporting EIA for these two modifications is undated and lacks a covering page with title and author. It has however been reviewed considering the proposed modification impacts on items of Environmental Heritage and the following comments are provided to the Department of Planning and Environment:

It is noted that the supporting Environmental Assessment has discussed Aboriginal heritage and archaeology and does not discuss 'European heritage' as expressed in the original Environmental Assessment supporting the original approval. However, it is clearly stated that the proposed haul roads will use existing road systems, which were considered in the original EIA for this project and no additional impacts are proposed beyond these. This is understood to apply to the land where the overburden will be transferred to. On this basis, it has been argued that any new items of Environmental Heritage are unlikely to be identified or impacted. Consequently, there are no new mitigation measures proposed. This argument is supported based on the information provided and when considered against the original approval issued by the Department of Planning and Environment dated 26 November 2010. This assessment is considered appropriate and no new conditions are recommended for inclusion at this time.

If you have any questions regarding the above advice, please feel free to contact Felicity Barry, Senior Archaeologist, Heritage Division, Office of Environment and Heritage, at e-mail: [Felicity.Barry@environment.nsw.gov.au](mailto:Felicity.Barry@environment.nsw.gov.au) or on telephone: 9995 6914.

Yours sincerely

**Rajeev Maini**  
Manager, Conservation, Heritage Division,  
Office of Environment & Heritage  
**As Delegate of the NSW Heritage Council**  
24 July 2017