



Office of
Environment
& Heritage

Your reference: PA 08_0111 MOD3
Our reference: DOC13/72905; FIL12/7304
Contact: Robert Gibson, 4908 6851

Mr Paul Freeman
Senior Planner, Mining Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Freeman

RE: MODIFICATION 3 - AUSTAR LWA7-A10 MODIFICATION, STAGE 3 AREA - ENVIRONMENTAL ASSESSMENT (PA 08-0111 MOD 3)

I refer to your email dated 17 October 2013 seeking comments and recommended conditions of approval for the Austar Coal Project MOD 3.

The Office of Environment and Heritage (OEH) has undertaken a review of the document 'Austar Coal Mine LWA7-A10: modification – Stage 3 Area: Environmental Assessment. October 2013' (EA) for likely Aboriginal cultural heritage and threatened biodiversity impacts by the proposed extension of longwall panels A7, A8, A9 and A10 by 100, 300, 200, and 170 metres respectively.

OEH notes that the mine subsidence from the proposed modification may impact five Aboriginal heritage sites, about 17 hectares of endangered ecological community vegetation, and two or three threatened plants species. Detailed comments and recommended conditions 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

30 OCT 2013

RICHARD BATH
A/Regional Manager, Hunter Central Coast
Regional Operations

Enclosure: Attachment 1

ATTACHMENT 1: OEH COMMENTS AND RECOMMENDED CONDITIONS OF APPROVAL

OEH reviewed Section 6.6 of the Environmental Assessment (EA) for likely impacts on Aboriginal cultural heritage and Section 6.5 and Appendix 4 of the EA for likely impacts on threatened biodiversity when reviewing this proposed modification. OEH's comments on both aspects are provided below:

ABORIGINAL CULTURAL HERITAGE ISSUES

OEH notes that five Aboriginal sites (a scar tree, artefact scatters and isolated funds) occur above or adjacent to the proposed modification area and have potential to be affected by mine subsidence (EA, 2013: p. 6.11). Any resulting subsidence impacts, particularly surface cracking, if they occur are expected to be minor and be able to be addressed by the implementation of existing approved management strategies.

Recommended Conditions of Approval for Aboriginal Cultural Heritage

1. The proponent shall consult with the Director General of DP&I, local aboriginal groups and OEH to develop a mutually agreeable subsidence monitoring program and an Aboriginal Cultural Heritage Management Plan for all culturally sensitive areas for the duration of this project.
2. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s) or are managed in accordance with an approved methodology. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS.
3. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police must be contacted immediately. No action can be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Environment Line on 131555 and no works can continue until OEH provide written notification to the proponent.
4. All reasonable efforts must be made to avoid impact to Aboriginal cultural heritage values in the event that surface disturbances occur at any stage of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and OEH.

THREATENED BIODIVERSITY ISSUES

OEH notes that the proposed modification includes a change in the starting position of at the eastern end of longwall panels LWA7 and LWA8 due to a cross-cutting geological structure (a dyke), which reduce the proposed area of mining by about 6 hectares (ha). The planned extension of the four longwall panels covered by this proposed modification has a surface footprint of about 18.75 ha.

Biodiversity surveys have identified the presence of about 16.7 ha is Lower Hunter Spotted Gum – Ironbark Forest endangered ecological community, and several plants of the threatened *Grevillea parviflora* subsp. *parviflora* and *Rutidosis heterogama*, and possible plants of *Callistemon linearifolius* above the four longwall extension areas. A small area of Riparian Red Gum Forest occurs immediately east of LWA10, and may be impacted by mine subsidence. Commitment 1.4.1 of the Revised Statement of Commitments presented in Section 7.0 of the main text of the EA reads as follows:

'Austar Coal Mine will establish and manage the proposed Biodiversity Offset Area (refer to Figure 7.1) to protect and enhance its ecological values in perpetuity, to the satisfaction of the Director General'.

However no details of this proposed biodiversity offset area are referred to anywhere else in the EA, and Figure 7.1 is not presented. OEH requests that further details of this proposed offset package are provided.

According to the EA the depth of cover above longwall panels in the Stage 3 area is at a minimum of 455 metres, and such depths of cover are usually associated with minor mine subsidence impacts. OEH notes that the height of the fracture zone to be created above each longwall panel, based on Stage 2 longwall panels, is predicted to not reach the ground surface and thus not lead to any connective cracking to the underground workings. However, this is not known with absolute certainty. Thus, as per OEH's previous correspondence on Stage 3 (DOC10/34150) OEH adopts a precautionary approach and requests that similar conditions of consent for the monitoring of mine subsidence and offsetting of harm caused to threatened biodiversity, or their habitats by mine subsidence is offset in accordance with OEH biodiversity offsetting policy.

Recommended Conditions of Approval for Threatened Biodiversity

1. The proponent must implement the commitments described in Section 1.4 of the 'Statement of Commitments' in the Main Report of the EA.
2. If the works done as part of Modification 3 to Stage 3 cause harm to threatened species (such as *Callistemon linearifolius*, *Grevillea parviflora* subsp. *parviflora* or *Rutidosia heterogama*), threatened populations, threatened ecological communities or their habitats then this harm must be offset in accordance with OEH biodiversity offsetting policy.