

Our ref: DOC19/690383-2

Your ref: SSD 5465

Melissa Anderson

Environmental Assessment Officer
Division of Resource Assessments
Department of Planning Industry and Environment
melissa.anderson@planning.nsw.gov.au

Dear Ms Anderson

Biodiversity and Conservation Division Review of Response to Submissions – Chain Valley Colliery Modification 3 (SSD 5465)

I refer to your correspondence dated 14 August 2019 to the Biodiversity and Conservation Division (BCD, previously the Office of the Environment and Heritage) of the Department of Planning, Industry and Environment, inviting comments on the Response to Submissions Report for the Chain Valley Colliery Modification 3 (SSD 5465).

BCD has reviewed the Response to Submissions Report, including relevant appendices, annexures, attachments and parts of the documents titled '*Response to Submissions Chain Valley Colliery- Modification 3, Mannering Colliery- Modification 5*' (prepared by EMM and dated August 2019), in relation to impacts on Aboriginal cultural heritage and coastal management.

BCD has no further comments with regard to coastal management or biodiversity and no further coastal or biodiversity assessment is required.

BCD's Aboriginal cultural heritage recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Vanessa Owen, Senior Regional Biodiversity Conservation Officer, on 4927 3116 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely



26 August 2019

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Chain Valley Colliery Modification 3 – Response to submissions

1. The Biodiversity and Conservation Division recommends that a consent condition is created that requires the Lake Coal Chain Valley Colliery Heritage Management Plan be updated by Delta Coal in consultation with Aboriginal stakeholders within three months of approval of Modification 3.

BCD's detailed comments

Chain Valley Colliery Modification 3 – Response to submissions

Aboriginal cultural heritage

1. The approved Heritage Management Plan for Chain Valley Colliery should be updated

The Chain Valley Colliery MOD 3 Statement of Environmental Effects (SEE) refers to the *Lake Coal Chain Valley Colliery Heritage Management Plan* (HMP) which was approved on 1 July 2013 and reviewed on 23 June 2014 (Baker 2013). An updated AHIMS search has not been provided by Delta Coal. The current HMP requires ongoing consultation with the registered Aboriginal parties (RAPs). As recorded in the AHMP, there is no evidence of consultation with the RAPs since review of the HMP in June 2014.

The HMP requires updating and Biodiversity and Conservation Division recommends that a consent condition is created that requires the HMP be updated in consultation with Aboriginal stakeholders within 3 months of approval of Modification 3. If consultation with the RAPs has not been continuous (six monthly or more frequently) since June 2014, the consultation for the updated HMP should be started such that all current self-nominated Aboriginal stakeholders in the Local Government Areas (LGAs) are given the opportunity to be involved. All existing RAPs should also be given the opportunity to comment on the updated HMP. A current list of potential Aboriginal stakeholders for the LGA should be requested from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

Recommendation 1

The Biodiversity and Conservation Division recommends that a consent condition is created that requires the Lake Coal Chain Valley Colliery Heritage Management Plan be updated by Delta Coal in consultation with Aboriginal stakeholders within three months of approval of Modification 3.