

Our ref: DOC20/420655-4

Your ref: SSD-5144

Mr Colin Phillips

Team Leader
Minerals Quarry Assessments
Department of Planning Industry and Environment
colin.phillips@planning.nsw.gov.au

Dear Colin

Re - Mandalong Mine Extension Modification 9 Longwall Reorientation, near Morisset, (SSD-5144) – Review of Modification Report

I refer to your email dated 1 June 2020 in which Planning and Assessments Group (P&A) of the Department of Planning, Industry and Environment (the Department) invited Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the Mandalong Mine Extension Modification 9 Longwall Reorientation at Mandalong, via Kerry Anderson Drive off Mandalong Road, near Morisset (SSD-5144).

BCD has reviewed the '*Mandalong Mine Modification report for modification to development consent (SSD-5144)*' Modification Report (MR; prepared by EMM Consulting Pty Ltd and dated 14 May 2020), including relevant appendices, annexures and attachments in relation to impacts on biodiversity, Aboriginal cultural heritage, flooding and flood risk. BCD does not have any comments in relation to biodiversity.

Recommendations in relation to Aboriginal cultural heritage and flooding and flood risk are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steve Lewer, Senior Regional Biodiversity Conservation Officer, on 4927 3158 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely



13 June 2020

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

Enclosure: Attachments A and B

BCD's recommendations

Mandalong Mine Extension Modification 9 Longwall Reorientation, near Morisset, (SSD-5144) – Review of Modification Report

Aboriginal Cultural Heritage

1. Consultation should be undertaken with the registered Aboriginal parties regarding the increase in the impacts to three Aboriginal sites and to inform the development of proposed mitigation and management measures from the predicted impacts of Modification 9.
2. BCD recommends that the approved Aboriginal Cultural Heritage Management Plan should be updated to include management and mitigation measures for the three Aboriginal sites (AHIMS 45-3-3513, AHIMS 45-3-1223 and AHIMS 45-3-1226) where increased impacts are likely to occur from Modification 9.

Flooding and flood risk

3. BCD recommends a watercourse scouring monitoring program is developed for Morans Creek that includes procedures for undertaking remediation works if required.

BCD's detailed comments

Mandalong Mine Extension Modification 9 Longwall Reorientation, near Morisset, (SSD-5144) – Review of Modification Report

Aboriginal cultural heritage

1. Consultation should be completed with the registered Aboriginal parties

Consultation has not been undertaken with the registered Aboriginal parties (RAPs) on the increased level of predicted impacts to some Aboriginal sites from Modification 9. Initial consultation advising the RAPs that several longwalls would be reorientated and renumbered was undertaken. However, consultation has not been undertaken with the RAPs to discuss the increase in impacts to three extant Aboriginal registered sites (AHIMS 45-3-3513 Rockshelter with PAD, AHIMS 45-3-1223 Artefact Scatter and AHIMS 45-3-1226 Grinding Groove sites).

Modification 9 includes reorientation of several of the approved longwalls LW30 – LW37 at Mandalong Mine to avoid the effects of a geological fault. These longwalls have been renumbered to LW30 – LW34. Ditton Geotechnical Services Pty Ltd (DGS 2020) predict an increase in impacts to three previously recorded and currently extant Aboriginal sites. The predicted increase in impacts to the three sites are:

- AHIMS 45-3-3513 Rockshelter with PAD LW30 – increase from Possible to Likely
- AHIMS 45-3-1223 Artefact Scatter LW30 – increase from Possible to Likely
- AHIMS 45-3-1226 Grinding Groove LW31 – increase from Very Unlikely to Possible

Recommendation 1

Consultation should be undertaken with the registered Aboriginal parties regarding the increase in the impacts to three Aboriginal sites and to inform the development of proposed mitigation and management measures from the predicted impacts of Modification 9.

2. The approved Aboriginal Cultural Heritage Management Plan should be updated

The approved Aboriginal Cultural Heritage Management Plan has not been updated to include the impacts of Modification 9. The approved Aboriginal Cultural Heritage Management Plan should be updated to include management and mitigation measures for the three Aboriginal sites (AHIMS 45-3-3513, AHIMS 45-3-1223 and AHIMS 45-3-1226) where increased impacts are likely to occur from Modification 9.

AHIMS 45-3-3513 Rockshelter with PAD may require test excavation of the PAD to identify the nature and extent of the PAD to mitigate against the predict likely impact to the site from the effects of subsidence.

AHIMS 45-3-1223 Artefact Scatter may require salvage of the Aboriginal objects to mitigate against the predict likely impact to site from the effects of subsidence.

AHIMS 45-3-1226 Grinding Grooves are expected to be directly impacted by the proposed Modification.

Baseline recording and site monitoring should be undertaken for the three sites.

Recommendation 2

BCD recommends that the approved Aboriginal Cultural Heritage Management Plan should be updated to include management and mitigation measures for the three Aboriginal sites (AHIMS 45-3-3513, AHIMS 45-3-1223 and AHIMS 45-3-1226) where increased impacts are likely to occur from Modification 9.

Flooding and flood risk

3. The proposed changes to Morans Creek will likely result in scouring of the watercourse

The Modification Report identified that it is likely that scouring will occur between chainages 100 m to 400 m of Morans Creek.

Recommendation 4

BCD recommends a watercourse scouring monitoring program is developed for Morans Creek that includes procedures for undertaking remediation works if required.