



Office of
Environment
& Heritage

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Ms Genevieve Seed
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Dear Genevieve

OEH Review of Revised Response to Submissions – Rix's Creek Extension Project – Bloomfield Collieries Pty Ltd – (SSD 6300)

On 5 March 2018 the Office of Environment and Heritage (OEH) received a copy of the updated Response to Submissions Report for biodiversity issues for Rix's Creek Extension Project (SSD 6300) from the proponent.

The Office of Environment and Heritage (OEH) has undertaken a review of the 'Rix's Creek – Continuation Project – Revised Response to Submissions – Biodiversity' Report prepared by EMM (dated 2 March 2018). This report was prepared to address requests for further information from OEH in a letter dated 6 February 2017, in an e-mail dated 18 December 2017, and a letter dated 1 February 2018 to enable OEH to complete its assessment of the impacts of the project on biodiversity.

OEH's 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 Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely

Sharon Molloy 19/3/2018.

SHARON MOLLOY
Director Hunter Central Coast Branch
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Enclosure: Attachments A and B

Attachment A

OEH's recommendations

Rix's Creek Extension Project (SSD 6300) – Updated Revised Response to Submissions Report – biodiversity

1. OEH is satisfied that all requested information, data and analysis has been provided.
2. OEH is satisfied with the assessment of the impacts of the project and no further assessment is required.

OEH's detailed comments

Rix's Creek Extension Project (SSD 6300) – Updated Revised Response to Submissions Report - biodiversity

Matters raised in OEH's letter dated 06 February 2017

The Office of Environment and Heritage (OEH) reviewed the 'Rix's Creek Continuation of Mining Project: Response to Submissions Addendum' Report prepared by AECOM (dated 21 December 2016) and provided advice in a letter dated 06 February 2017. OEH identified seven matters for which further information was requested, which the proponent has responded to in the 'Rix's Creek Continuation Project: Revised Response to Submissions-Biodiversity' Report prepared by EMM (dated 02 March 2018). OEH's assessment of the additional information provided is provided below:

1. OEH is satisfied with the identification of Central Hunter Valley Eucalypt Forest and Woodland Critically Endangered Community in the project area

OEH requested that the proponent identify native vegetation in the project area that met the definition of the (Commonwealth) *Environment Protection and Biodiversity Conservation Act* 1999-listed 'Central Hunter Valley eucalypt forest and woodland Critically Endangered Ecological Community' (CEEC). The proponent has identified 47.12 hectares of vegetation that meets this CEEC. OEH is satisfied with the assessment undertaken and the area of the CEEC mapped by the proponent.

2. OEH is satisfied with the mitigation measures and post-mine rehabilitation proposed under the Upper Hunter Strategic Assessment

OEH sought clarification on the requirements of planned mitigation measures and mine site rehabilitation proposed for this project. The proponent lists 10 mitigation actions and cross-references them with the *Draft Guidelines for the Mitigation of Coal Mining and Impacts on Biodiversity* (OEH, 2016), that was prepared for the Draft Upper Hunter Strategic Assessment (UHSA).

OEH is satisfied with the proposed mitigation measures and proposed post-mine rehabilitation measures in relation to the Upper Hunter Strategic Assessment.

3. OEH is satisfied that the proponent has demonstrated reasonable steps to investigate land-based offsets for this project

OEH requested that the proponent demonstrate that they had taken 'reasonable steps' to seek land-based offsets before considering paying into the Offsets Fund. The proponent lodged an expression of interest for the required ecosystem credits on the 'credits wanted' register on 14 March 2016. Further the proponent has engaged a consultant that has identified local properties that would likely yield the required type of credits required for this project – subject to the land owners willing to enter into a Stewardship Agreement with the proponent.

OEH is satisfied with that the proponent has taken reasonable steps to find land-based offsets for this project.

4. OEH is satisfied with the revised Biodiversity Certification Assessment Methodology calculations for this project

OEH requested that the proponent review and re-run the Biodiversity Certification Assessment Methodology (BCAM) calculator and provide OEH with the background data used. The proponent provided OEH with background data for the BCAM analysis, and re-ran the assessment for a smaller assessment circle that covers the smaller development footprint. OEH has reviewed the information provided and is satisfied with the results of the BCAM calculation.

5. OEH is satisfied that the proponent has adequately considered avoidance measures to reduce impacts on biodiversity for this project

OEH asked that the proponent consider all reasonable steps to avoid impacts on biodiversity and provide reasons where such impacts cannot be further avoided. The proponent has reduced the development footprint from 280 hectares to 213 hectares, removing the most densely wooded area of the original mine footprint. Avoidance of impacts on biodiversity are difficult when it comes to the mining operations, however the proponent will apply mitigation measures to reduce the impact of infrastructure on biodiversity.

OEH is satisfied that the proponent has adequately considered avoidance measures for this project.

6. OEH is satisfied that the BCAM report has been prepared by an accredited assessor

OEH requested that the proponent state that the BCAM report had been prepared by an accredited assessor to meet statutory requirements. The proponent has stated that accredited assessor Eugene Dodd prepared the BCAM report. OEH is satisfied that the BCAM report has been prepared by an accredited assessor.

7. OEH is satisfied with that the BCAM assessment for the UHSA is compliant with the Bio Certification Operation Manual (OEH, 2015)

OEH asked the proponent to demonstrate that the BCAM report included all the information requirements of the checklist in Appendix A of the 'BioCertification Operation Manual' (OEH, 2015). OEH is satisfied that the proponent has provided sufficient information to satisfy the requirements of Appendix A of the BioCertification Operation Manual' (OEH, 2015).

Response to OEH's additional matters (18 December 2017)

On 18 December 2017 OEH emailed a list of issues for the proponent to address regarding the UHSA and FBA assessments for the project. OEH's assessment of the additional information provided is provided below.

8. OEH is satisfied with the GIS shape files used for the Framework for Biodiversity Assessment (FBA) for this project

OEH requested digital shapefiles for all relevant figures produced in the FBA assessment. OEH also requested the credit calculator be submitted online. All shapefiles were provided by the proponent and the credit calculator was submitted. OEH has reviewed the data entered into the BBAM calculator and the GIS shapefiles behind the analysis and is satisfied with the results of the BBAM calculation.

9. OEH is satisfied with the plot and transect data provided for the FBA assessment

OEH requested plot and transect data for the FBA assessment. The proponent provided plot and transect data in digital format for the six new flora quadrats for the FBA assessment. OEH is satisfied with the plot and data transect data provided for the FBA assessment.

10. OEH is satisfied with the assumptions and reasoning behind decisions in the FBA assessment

OEH identified several decisions behind the FBA assessment in the previous version of the revised Response to Submissions Report that were not fully explained. Each of the matters raised in the email were adequately explained by the proponent. OEH is satisfied with the background assumptions and decisions made by the proponent during the FBA assessment of the project.

11. OEH is satisfied with the plant community descriptions provided for the FBA assessment

OEH requested details on the plant community types (PCTs) mapped in the development footprint to satisfy FBA assessment requirements. OEH is satisfied with the PCT description details provided.

12. OEH is satisfied with consideration of threatened species for the FBA assessment

OEH requested further information on the selection of the candidate species for the FBA assessment. The proponent provided adequate justification for the selection and exclusion of candidate species for the assessment. OEH is satisfied with the consideration of species credit threatened for the FBA assessment.

13. OEH is satisfied with the avoidance and minimisation measures to be undertaken for this project during project design

OEH requested further information on the avoidance and minimisation measures undertaken during project design for the FBA assessment. The proponent identified that the development footprint has been reduced by 67 hectares and that they will investigate ways of further reducing impacts during the placement of infrastructure for the mining operation. OEH is satisfied with the avoidance and minimisation measures to be undertaken during project design for this project.

14. OEH is satisfied with the assessment of indirect impacts

OEH identified four aspects of the consideration of indirect impacts, and how they may be avoided or minimised that had not been covered by previous assessment reports for this project. The proponent provided adequate information on the strategies in place to address the identified indirect impacts. OEH is satisfied with strategies to be undertaken to reduce potential indirect impacts of this project.

Response to OEH's additional matters (1 February 2018)

Following OEH's e-mail dated 18 December 2017, the proponent provided additional information. In a subsequent letter dated 1 February 2018 OEH requested further clarification of a small number of issues.

15. OEH is satisfied with the GIS shapefiles provided for the FBA assessment

OEH requested further GIS shapefiles for the FBA assessment. OEH is satisfied with the GIS files provided.

16. OEH is satisfied with the revised UHSA and FBA assessments

OEH requested that the proponent re-run the UHSA and FBA assessments using smaller assessment circles that fitted more tightly over the reduced development footprint. The proponent completed this assessment and provided the results to OEH. OEH is satisfied with the assessments provided.

17. OEH is satisfied with the benchmark values in the connectivity value calculation for the FBA assessment

OEH asked the proponent to explain the lower-than-benchmark values in the connectivity assessment for the FBA. OEH is satisfied with the justification provided by the proponent.

18. OEH is satisfied with the field sheet data provided for the FBA assessment

OEH requested legible copies of field data for the FBA assessment. The proponent provided plot and transect data in digital format. OEH is satisfied with the plot and data transect data provided for the FBA assessment.

19. OEH is satisfied with the efforts to be undertaken to reduce direct and indirect impacts

OEH requested further details of measures to be undertaken to avoid and minimise direct and indirect impacts of the proposed development for the FBA assessment. OEH is satisfied with strategies to be undertaken to avoid and minimise direct and indirect impacts.