



Office of
Environment
& Heritage

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Contact: Gabrielle Pietrini
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Planning Assessment Commission
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Dear Ms Van Laeren

**RE: Russell Vale Colliery Underground Expansion Project
Public Hearing, Addendum Report & Draft Project Approval**

Thank you for notifying the Office of Environment and Heritage (OEH) of the public hearing for the abovementioned major project on 8 December 2015. OEH has reviewed the DPE addendum and draft project approval conditions and provide the following comments on the draft project approval, supplementary to our submission dated 21 October 2015.

Impacts upon Swamps CRUS1, CCUS1, CRUS6 and CCUS 24

OEH supports the inclusion in Schedule 3, Condition 1 - Table 1 of a detailed and specific definition of 'negligible environmental consequences' for upland swamps CRUS1, CCUS1, CRUS6 and CCUS24, particularly the inclusion of "negligible change to the shallow groundwater regime when compared with control swamps". OEH considers the shallow groundwater regime to be a key component of the ecological function of the swamp ecosystem and suggests that the definition could be further strengthened by reference to measurable triggers, such as groundwater levels below the lowest recorded baseline period and exceedance of the water level recession rate compared to before mining or un-impacted reference swamps.

Impacts upon Swamps CUS2, CCUS4, CCUS5, CCUS10, CCUS11, CCUS12, BCUS4 and BCUS11

All other upland swamps in the project area are addressed by Schedule 3, Conditions 4 and 5. These conditions address the proposed timing for any required offsets and the payment of a Swamp Offset Bond for the first upland swamp proposed to be undermined (CCUS4).

Conditions 4 and 5 identify no greater than 'negligible environmental consequences' as the threshold under which the bond can be released and for which offsets are not required. OEH considers that it should be explicit that 'negligible environmental consequences' in this context is defined as in Table 1, including "negligible change to the shallow groundwater regime when compared with control swamps". Swamps CCUS2, CCUS4, CCUS5, CCUS10, CCUS11, CCUS12, BCUS4 and BCUS11 have a higher likelihood of significant and irreversible impacts as a result of mining. It is important that the trigger for the provision of offsets is clear and measurable in order to support effective regulation of the mining activity.

OEH considers that all upland swamps affected by the proposed activity should have a specific performance measure defined in Table 1 of the approval. If the definition of 'negligible environmental

consequences' as defined in Table 1 is not predicted to be achieved for the upland swamps identified in Conditions 4 and 5, an alternate performance measure that reflects an approved level of impact should be specified to enable effective monitoring and regulation.

Impacts upon Biodiversity

OEH considers that the performance measure for biodiversity specified in Table 1 (ie '*negligible environmental consequences*') is not adequately defined to support effective regulation of the proposed activity. This performance measure should refer to changes in population levels or regional persistence of specific species such as the Giant Dragonfly, and should refer to all swamps.

Please contact Gabrielle Pietrini, Regional Manager Illawarra, on 4224 4159 or gabrielle.pietrini@environment.nsw.gov.au should you have any further queries.

Yours sincerely



8/12/15

DEREK RUTHERFORD
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