



Your reference:

Our reference:

Contact:

FIL07/13224-02:DOC11/19917:CP

Craig Patterson, (02) 4224 4100

Department of Planning
(Attention: Clay Preshaw)
GPO Box 39
SYDNEY NSW 2001

Dear Sir

**PROPOSED MODIFICATION TO APEX ENERGY GAS EXPLORATION PROJECT
BOREHOLE AI19 - FURTHER ASSESSMENT OF PULTENAEA ARISTATA**

I am writing in regard to the meeting between representatives from the Office of Environment and Heritage (OEH), Sydney Catchment Authority (SCA), Niche Environment and Heritage, Olsen Environmental Consulting and the Department of Planning and Infrastructure (DPI) on 30 March 2011. The purpose of this meeting was to discuss the proposed modification to the Apex Energy Gas Exploration Project.

A key issue discussed at the meeting was the potential impact of the proposed additional Borehole AI19 on the Prickly Bush-pea (*Pultenaea aristata*) which is listed as threatened under the *Threatened Species Conservation Act 1995* (TSC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As you are aware OEH has provided considerable advice to DPI and the proponent in relation to this issue in our previous letter dated 25 January 2011 (reference DOC10/57671).

Following discussions at the meeting, the proponent agreed to provide additional information in response to the issues raised in our previous correspondence. This included the need for Borehole AI19, the selection of the site and any other alternative sites considered as part of the project. The proponent also undertook to quantify the local population of the *Pultenaea aristata*, the potential impacts on the species from the proposed borehole site and associated access track as well as include information about any proposed offset strategy. Information was submitted to OEH on 7 April 2011 and 21 April 2011 respectively.

In this instance DPI is the consent Authority for this activity and OEH is providing advice to the Department for consideration.

OEH has reviewed the additional information provided by the proponent and can advise DPI that the issues discussed at the meeting on 30 March 2011 have not been satisfactorily addressed. Whilst the additional reports and survey work completed by both Apex and its consultant (Niche) is acknowledged, the following information was not provided:

1. The report provided by Apex Energy in relation to AI19's site selection did not include information on any other potential alternative site locations that were considered as part of the site selection process. Whilst the report states that Apex has evaluated the areas along the northern boundary

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet.

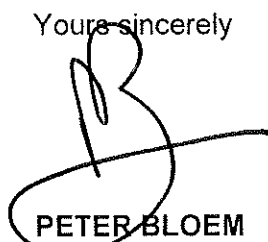
of PEL444 for potential sites and includes the criteria used to assess site suitability, Borehole A119 appears to be the only site considered. This information would allow the consent Authority to assess whether alternative sites to A119 are available that meets the proponent's assessment criteria and reduce the identified impacts on the local population of the *Pultenaea aristata*.

2. The Niche Report does not include an offset strategy for the identified project impacts. Whilst the Niche Report identifies actions that have and/or will be taken to avoid and mitigate any potential impacts, a residual loss of approximately 100 individuals and 0.66 hectares of habitat is still of concern to OEH given the local population size. In addition, even though the additional survey work undertaken by Niche to quantify the local population identifies that the *Pultenaea aristata* occurs elsewhere on the Woronora Plateau, the identified impacts are likely to endure beyond the life of the proposal.

OEH recommends DPI considers the above advice in determining the above application.

Should you have any further enquiries, please contact the above officer.

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to be 'PB' with a long horizontal stroke extending to the right.

30/6/11

PETER BLOEM
Manager Illawarra
Environment Protection and Regulation