

28 April 2021  
REF: 1208\_EGOVR:CK

WE CARE. WE DELIVER.

Department of Planning, Industry and Environment  
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GPO Box 39  
SYDNEY NSW 2001  
Attn.: Matthew Sprott

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Four Mile Creek Road  
Ashtonfield NSW 2323  
AUSTRALIA  
  
TEL + 61 2 4930 2600  
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ABN 76 000 106 972

**RE: Rix's Creek Mine- Biodiversity Offset Areas- Request for further extension to facilitate finalisation of conservation agreement with BCT.**

Dear Matthew,

Schedule 3, Condition 39 of Project Approval 08\_0102 requires Rix's Creek North to provide long term security for all areas in the biodiversity offset strategy by 31 October 2016. In 2016, 2017, 2018, 2019 and again in 2020 the Bloomfield Group, (TBG), requested DPIE for an extension to provide long term security for these areas, which was subsequently granted till 1 May 2020.

The Bloomfield Group have made substantial progress with the biodiversity offsets with Apple Tree Flats Conservation Area now gazetted with NSW National Parks and Wildlife. Final Survey Plans of the Martins Creek and Northern Biodiversity Areas have been completed and are currently being reviewed along with the Conservation Agreement by the NSW Biodiversity Conservation Trust (BCT).

As noted, the BCT is currently reviewing the final survey plans and Conservation Agreement for the Northern and Martins Creek Biodiversity Offsets. Recent correspondence from BCT notes that they are currently restricted from undertaking inspections due to COVID-19 and suggest that "12 months is a realistic timeframe" for an extension. A copy of the recent email with BCT is attached to this letter.

A list of actions undertaken by TBG is listed to demonstrate effort in attempting to finalise the Martins Creek and Northern Biodiversity Areas. As noted substantial delays have been caused by Ausgrid not responding to emails and not providing removal of caveat or a caveat consent letter, which has now been resolved as of 29 October 2019.

Onsite Biodiversity Areas- actions so far;

- Landscapes Conservation Unit, OEH, conducted an inspection of the onsite biodiversity area on 29 November 2016.
- OEH Landscape Conservation Unit supplied a template for a Conservation Agreement in January 2017 which was completed and submitted by TBG.
- July 2017 OEH supplied suggested amendments including the requirement to gain a Caveators Consent (an Ausgrid caveat for a transmission line which exists within the area), when registering the Conservation Agreement.
- September 2017- finalised costing and Draft Deed for Appletree Flats submitted to NPWS.
- November 2017- finalised Biodiversity Assessment Report for Appletree Flat submitted to OEH.
- March 2017- Appletree Flat Conservation Area transferred to NPWS.
- June 2018 Survey and Drafting Resources Company engaged to undertake survey and Section 88b instrument. Work still remains outstanding due to workload of company.

- Third draft of Martins Creek and Northern- Bridgman- Southern Biodiversity conservation agreements submitted to OEH – September 2018. (was withheld awaiting finalisation of section 88b instrument).
- October 2018 survey of easement undertaken by Survey and Drafting Resources. (SDR)
- 9 November 2018 Final Plan of Annexure created and sent to Ausgrid for sign off.
- 23 November 2018 Ausgrid contacted via email to check progress with approval and sign off.
- 16 January 2019 Ausgrid contacted via email to check progress with approval and sign off.
- 1 March 2019 Ausgrid contacted via email to check progress with approval and sign off.
- 4 March 2019 Ausgrid request for further information from SDR
- 16 April 2019 TBG request to SDR on status of provision of info to Ausgrid.
- 3 June 2019 SDR contact Ausgrid regarding progress.
- 16 July 2019 TBG request SDR of progress update.
- 12 August 2019 TBG provide information to SDR.
- 14 August 2019 email from TBG to Ausgrid providing further information and clarification on Caveats.
- 29 August 2019 further information provided to Ausgrid regarding Title searches and caveats.
- 8 October 2019 TBG request update from SDR
- 11 October 2019 email from TBG to Ausgrid providing further information and clarification on Caveats.
- 15 October 2019 phone call to Ausgrid, checking status- left message no answer- email to SDR
- 16 October 2019 email from SDR to TBG noting lack of success with Ausgrid.
- 17 October 2019 Chris Knight contact Ben Ortner from Ausgrid seeking another channel to progress finalisation of caveat consent. Contact with SDR notifying or different approach to get resolution with Ausgrid.
- 23 October 2019 Chris Knight receives other contact details from previous email.
- 23 October 2019 TBG sent two emails to [operationalsupport@ausgrid.com.au](mailto:operationalsupport@ausgrid.com.au)
- and [property@ausgrid.com.au](mailto:property@ausgrid.com.au)
- 23 October 2019 email from Ausgrid Lisa Wartner stating that *“It looks like the caveat just needs to be removed”*.
- 28 October 2019, email from Ausgrid directing Thomson Geer Lawyers to provide a caveators consent.
- 30 October 2019 email from Thomson Geer Lawyers noting lodgement of withdrawal of caveat over *“Auto-Consol 9983-140. Dealing Number is AP640353”*
- Caveat on Lot 7 DP 113538 and Lot 3 DP 113540 removed by Land Registry Services.
- Plan of Annexure finalised and registered with NSW Land Registry Services
- 16 June 2000 email of draft Conservation Agreements from BCT to TBG with request for further information.
- 12 August 2020 draft Conservation Agreements submitted to BCT including required information.
- 14 October 2000 site inspection of Bridgman, Northern, Southern and Martins Creek areas by BCT.
- 15 October 2020 email requesting further information for Draft Conservation Agreement
- 23 February 2021 provision of information from TBG to BCT as requested.
- 28 April 2021 email from RCM to BCT requesting update on progress of Agreement and expected timeframe.
- 28 April 2021 email to BCT requesting expected date for finalisation of Conservation Agreements.

A copy of the above documentation can be provided upon request.

In an email from BCT received on the 28<sup>th</sup> April 2021, BCT noted that they will be sending revised draft agreements through via email in the coming weeks. BCT have noted that they would like to discuss their expected timeframe for completion of the Conservation Agreements. Given this position from BCT, the Bloomfield Group unfortunately now requests a further extension to the timeframe to provide long term security for all areas in the Rix's Creek North biodiversity offset areas for a further 12 months.

If you require any further information please do not hesitate to contact this office.

Yours sincerely



**Chris Knight**

Environment Manager

**The Bloomfield Group - *Celebrating over 80 years in Business***

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Encl: email from BCT regarding current status of RCN Offset.

## Chris Knight

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**From:** Brynley Walters <Brynley.Walters@bct.nsw.gov.au>  
**Sent:** Wednesday, 28 April 2021 10:16 AM  
**To:** Chris Knight; Chris Quinn; Joel Stibbard  
**Subject:** RE: Northern, Bridgman and Southern Conservation Agreement

Hi Chris,

We will send your draft agreements back to you with comments by early next week latest.  
Perhaps we touch base shortly after and discuss expected timeframe for completion?

Kind regards

Bryn

**Brynley Walters**  
**Senior Landholder Support Sydney- Hunter Region**  
NSW Biodiversity Conservation Trust  
T 02 9995 6761 | [www.bct.nsw.gov.au](http://www.bct.nsw.gov.au) | [Who is the BCT?](#)  
Locked Bag 5022 Parramatta NSW 2124

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**From:** Chris Knight <cknight@bloomcoll.com.au>  
**Sent:** Wednesday, 28 April 2021 9:44 AM  
**To:** Brynley Walters <Brynley.Walters@bct.nsw.gov.au>; Chris Quinn <cquinn@bloomcoll.com.au>; Joel Stibbard <Joel.Stibbard@bct.nsw.gov.au>  
**Subject:** RE: Northern, Bridgman and Southern Conservation Agreement

Hi Bryn,

Just a quick follow up on status of the Conservation Agreement for Rix's Creek North areas.

Can you please send me an update, we need to request a further extension with Planning.  
An idea on expected timing for the finalisation of the agreements would be appreciated, (ie 1 year, 2 years etc).

Best Regards



**Chris Knight**  
Environment Manager  
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**From:** Brynley Walters [<mailto:Brynley.Walters@bct.nsw.gov.au>]  
**Sent:** Tuesday, 23 February 2021 12:41 PM  
**To:** Chris Quinn <[cquinn@bloomcoll.com.au](mailto:cquinn@bloomcoll.com.au)>; Joel Stibbard <[Joel.Stibbard@bct.nsw.gov.au](mailto:Joel.Stibbard@bct.nsw.gov.au)>  
**Cc:** Chris Knight <[cknight@bloomcoll.com.au](mailto:cknight@bloomcoll.com.au)>; David Holmes <[dholmes@bloomcoll.com.au](mailto:dholmes@bloomcoll.com.au)>  
**Subject:** RE: Northern, Bridgman and Southern Conservation Agreement

Dear Chris,

Thanks for sending through the Agreements.

We will review and get back to you.

Kind Regards

Bryn

**Brynley Walters**  
**Senior Landholder Support Sydney- Hunter Region**  
NSW Biodiversity Conservation Trust  
**T 02 9995 6761 | [www.bct.nsw.gov.au](http://www.bct.nsw.gov.au) | Who is the BCT?**  
Locked Bag 5022 Parramatta NSW 2124

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**From:** Chris Quinn <[cquinn@bloomcoll.com.au](mailto:cquinn@bloomcoll.com.au)>  
**Sent:** Tuesday, 23 February 2021 11:53 AM  
**To:** Brynley Walters <[Brynley.Walters@bct.nsw.gov.au](mailto:Brynley.Walters@bct.nsw.gov.au)>; Joel Stibbard <[Joel.Stibbard@bct.nsw.gov.au](mailto:Joel.Stibbard@bct.nsw.gov.au)>  
**Cc:** Chris Knight <[cknight@bloomcoll.com.au](mailto:cknight@bloomcoll.com.au)>; David Holmes <[dholmes@bloomcoll.com.au](mailto:dholmes@bloomcoll.com.au)>  
**Subject:** Northern, Bridgman and Southern Conservation Agreement

Hi All,

Please find the Northern, Bridgman and Southern Conservation Agreement for review.

Regards,



**Chris Quinn**  
Environmental Advisor  
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