



Office of Environment & Heritage

Date
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Contact:

11 November 2014
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David Geering
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Sara Wilson
NSW Department of Planning and Environment
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Dear Sara

RE: Moolarben Stage 2 - Regent Honeyeater Biobanking Assessment

Thank you for the opportunity to comment on the review by EcoLogical Australia (ELA) of the adequacy of potential Regent Honeyeater habitat in the proposed Moolarben Stage 2 Biodiversity Offset Strategy.

OEH would like to reiterate its position, stated in its submission to the PAC on 2 April 2014 and in various submissions to the Department of Planning & Environment throughout the assessment period (2008-2014), that the proposed biodiversity offset strategy is inadequate as it does not satisfy the "like for like" principle in the NSW Biodiversity Offsets Policy for Major Projects.

OEH has re-assessed the suitability of the Dun Dun offset properties using the new Framework for Biodiversity Assessment and the BioBanking Assessment Methodology (BBAM) 2014. The Cumberland Ecology Moolarben 2 Offset Strategy (December 2012) identified 119.6 ha of the vegetation type '*Red Stringybark – Scribbly Gum – Red Box – Long-leaved Box shrub – grass open forest of the NSW South Western Slopes Bioregion*' (CW176) on Dun Dun West and 371.9 ha of '*Apple Box – Broad-leaved Peppermint dry open forest of the South Eastern Highlands*' (CW101) on Dun Dun West as well as 1281.3 ha of CW101 on Dun Dun East. These were not biometric matches in the original BioBanking Credit Report for vegetation on the development site. OEH has not been able to run the current calculator in the time available but it is anticipated that the vegetation type '*Red Stringybark - Inland Scribbly Gum open forest on steep hills in the Mudgee - northern section of the NSW South Western Slopes Bioregion*' (CW291) which ELA consider to replace both CW176 and CW101 is also unlikely to be a biometric match. OEH is of the view that a variation of the offset rules (FBA Subsection 10.5.4) would fail as:

10.5.4.2 (a) all reasonable steps to secure a matching ecosystem credit have not been taken by the proponent.

ELA were requested to provide a review of the adequacy of potential Regent Honeyeater habitat in the Moolarben Stage 2 proposed Biodiversity Offset Strategy. The OEH position is that significant areas of the Dun Dun offset properties, the vegetation types initially identified as CW176 and CW101 and now described as CW291, are not habitat for the Regent Honeyeater. It should be noted that at the time of the initial assessment neither CW176 nor CW101 were regarded as Regent Honeyeater habitat within the OEH Threatened Species Profile Database (BioNet database).

ELA claims that OEH's concerns that CW291 is not Regent Honeyeater habitat is inconsistent with the data provided on the OEH website for this species which is used in BioBank offset calculations.

This does appear to be the case, but reflects an error in the TSPD which then manifests itself in the BioBanking Calculator.

Table 2 of the ELA review shows the number of credits required/generated for the impact and offset sites of vegetation types recognised as Regent Honeyeater habitat by the TSPD. A total of 2,094.59 hectares of CW291 is included, generating 12,463 credits on the offset sites, predominantly on the Dun Dun properties (being 1794.09 ha, comprising 65.6% of these two properties). CW291 is a newly mapped vegetation type. As previously stated, at the time of OEH's assessment of the suitability of the offset strategy neither CW176 nor CW101 were regarded as Regent Honeyeater habitat in the TSPD. The presence of CW291 within the TSPD as Regent Honeyeater habitat is an error resulting from new vegetation types automatically being added to the TSPD in early 2013. It is the intention of OEH to remove this vegetation type from the TSPD.

CW291 is not regarded as Regent Honeyeater habitat as none of the upper stratum species are considered to be Regent Honeyeater feed trees. In contrast, the closely allied '*Red Stringybark woodland on hillslopes, northern NSW South Western Slopes Bioregion*' (CW292) is regarded as Regent Honeyeater habitat as it contains Mugga Ironbark as a component species of the upper stratum.

Regardless of whether the Regent Honeyeater is treated as an 'ecosystems' or 'species' credit species the vegetation type CW291 should not be included in the BioBanking calculations.

Under the ecosystems credit species this would result in the loss of 12,463 credits at the offset sites. This results in a shortfall in the number of credits required highlighting the inability of the offset strategy to satisfy the "like for like" principle.

The manner in which ELA has approached its species credit calculations is unnecessarily complicated. Using 3 as the threatened species multiplier in equation 5 appears to reflect a misinterpretation of the FBA. That section of the FBA applies to PCT's and EEC's, not to individual species. In the case of a species credit, such as the Regent Honeyeater, the individual multiplier, in this case 0.125, would apply. The results of these calculations are provided in Table 3 of ELA's review. Without the detailed calculations the exact number of credits generated by CW291 that would need to be removed is not known but is likely to again result in a deficit.

Section 6.5 of the BBAM 2014 provides five steps for identifying species credit species. Species credits may be assumed to be present on a development site. Given the number of records of Regent Honeyeaters in the area immediately adjacent the development site this assumption is sound. At the biobank, or offset, site the species must be either known, or an expert report obtained stating that the species is likely, to be present on the biobank site. Neither of these conditions have been satisfied. The NSW Wildlife Atlas contains only three Regent Honeyeater records within twenty kilometres of the Dun Dun properties, all in close proximity to riparian areas suggesting that the area is not likely to support other than potentially vagrant records of the species.

OEH remains of the view that the Offsets Strategy does not satisfy the "like for like" principle in the NSW Biodiversity Offsets Policy for Major Project as removing the credits generated by the vegetation type CW291, which expert opinion does not regard as Regent Honeyeater, will result in a credit deficit.

If you have any questions regarding this matter further please contact David Geering on 02 68835335.

Yours sincerely,



PETER CHRISTIE
Regional Manager
North West Region

References

Moolarben Stage 2 Biodiversity Offset Strategy. Summary for Hansen Bailey. Cumberland Ecology. December 2012.