



Office of
Environment
& Heritage

DOC17/615496-1
MP10-0183 MOD1

Ms Melissa Anderson
Environment Assessment Officer, Resource Assessments
Department of Planning & Environment
melissa.anderson@planning.nsw.gov.au

Dear Melissa

OEH Review of Environmental Assessment – Teralba Quarry Extension Project Modification 1 (MP10-0183 MOD1)

I refer to your email dated 8 December 2017, seeking comments on the Environmental Assessment for the Teralba Quarry Extension Project (Modification 1). The Office of Environment and Heritage (OEH) understands that the modification relates to project approval, and amendments to Conditions 52 and 53 of Schedule 3 of the approval. The proponent proposes that the wording of these conditions be modified to reflect the retirement of biodiversity credits rather than the development of Biodiversity Offset Strategy (BOS) and its management under a 'conservation agreement'.

OEH has undertaken a review of the 'Environmental Assessment of Modification 1 for Project Approval 10_0183 for the Teralba Quarry' prepared for Metromix Pty Ltd by R.W. Corkery & Co. Pty. Limited (dated December 2017). 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 11/1/2018

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

Contact officer: STEVEN COX
02 4927 3140

Enclosure: Attachments A and B

OEH's recommendations

Teralba Quarry Extension Project (Metromix Pty Ltd)

1. OEH agrees with the calculation of 1343 ecosystem credits (PCT 1589) and 1103 species credits (Black-eyed Susan) as the credit obligation for the proposed modification and no further assessment of the credit obligation is required.
2. OEH recommends that condition 52 of the development approval (MP10-0183) is changed to:

By 30 June 2018, the applicant must submit a Biodiversity Offset Strategy in accordance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act 2016, for the retirement of ecosystem and species credits as set out in table 1, to the satisfaction of the Secretary of the Department of Planning and Environment, and the Office of Environment and Heritage.

Table 1: Biodiversity credits to be retired

CREDIT TYPE	NUMBER OF CREDITS
Ecosystem Credits	
PCT1589 'Spotted Gum - Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast'	1343
Species Credits	
Black-eyed Susan (<i>Tetratheca juncea</i>)	1103

3. OEH recommends that condition 53 of the development approval (MP10-0183) is changed to:
By 31 December 2018, the applicant must have retired all the ecosystem and species credits listed in table 1 (see condition 52) in accordance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act 2016.
4. Rehabilitation cannot be used to retire biodiversity credits for the proposed quarry modification project and all references to using rehabilitation as part of the offset package should be removed.

OEH's detailed comments

Teralba Quarry Extension Project (Metromix Pty Ltd)

Biodiversity

1. OEH agrees with the type and number of credits required to be offset

OEH agrees that PCT 1589 'Spotted Gum - Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast' is the equivalent to the old biometric vegetation type (i.e. the previous vegetation typology used in the 2012 credit calculator and biobanking methodology) – HU 631 'Spotted Gum - Grey Ironbark open forest on the foothills of the Central Coast, Sydney Basin'.

OEH also agrees with the calculation of 1343 ecosystem credits (PCT 1589) and 1103 species credits (Black-eyed Susan) as the credit obligation for the proposed modification.

Recommendation 1

OEH agrees with the calculation of 1343 ecosystem credits (PCT 1589) and 1103 species credits (Black-eyed Susan) as the credit obligation for the proposed modification and no further assessment of the credit obligation is required.

2. The credit obligation should be satisfied in accordance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act 2016

The proponent proposes to modify consent conditions 52 and 53 to allow the offset obligation to be satisfied in accordance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act 2016 (BC Act). However, the proponents proposed wording of condition 52 refers to the Framework for Biodiversity Assessment (FBA) of the NSW Offset Policy for Major Project (OEH 2014) which is not an option under the BC Act. The proposed revised conditions should refer to the offset obligation of the Teralba Quarry Extension Project Modification 1 being satisfied in accordance with the Biodiversity Offset Scheme of the BC Act.

Recommendation 2

OEH recommends that condition 52 of the development approval (MP10-0183) is changed to:

By 30 June 2018, the applicant must submit a Biodiversity Offset Strategy in accordance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act 2016, for the retirement of ecosystem and species credits as set out in table 1, to the satisfaction of the Secretary of the Department of Planning and Environment, and the Office of Environment and Heritage.

Table 1: Biodiversity credits to be retired

CREDIT TYPE	NUMBER OF CREDITS
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3. Condition 53 should refer to the timeframe for satisfying the offset credit obligation

As the proponent is proposing to use the options available under the Biodiversity Offset Scheme of the BC Act to satisfy their offset obligation, a land-based offset may not be used to meet that

obligation. Condition 53 should therefore refer to the timeframe for satisfying the offset obligation of the proposed modification project, rather than solely referring to a timeframe to establish a conservation mechanism for a land based offset.

Recommendation 3

OEH recommends that condition 53 of the development approval (MP10-0183) is changed to:

By 31 December 2018, the applicant must have retired all the ecosystem and species credits listed in table 1 (see condition 52) in accordance with the Biodiversity Offset Scheme of the Biodiversity Conservation Act 2016.

4. The use of rehabilitation to retire biodiversity credits is not permitted for quarries

The proponent has proposed using rehabilitation as an option to meet or partially meet their offset obligation for the proposed modification. Only mine site rehabilitation can be used to generate credits to satisfy an offset obligation under the Biodiversity Offset Scheme of the BC Act. Quarries are not defined as a mine under the mining legislation and as such this option is not available.

Recommendation 4

Rehabilitation cannot be used to retire biodiversity credits for the proposed quarry modification project and all references to using rehabilitation as part of the offset package should be removed.

References

OEH (2014) *NSW Biodiversity Offset Policy for Major Projects*. September 2014. NSW Office of Environment and Heritage, Sydney. <http://www.environment.nsw.gov.au/resources/biodiversity/140672biopolicy.pdf>