

Our ref: DOC21/132168-6

Your ref: SSD-6395

Gabrielle Allan
Principal Planning Officer
Energy Resource Assessment
Planning and Assessment Division
Department of Planning, Industry and Environment
gabrielle.allan@planning.nsw.gov.au

Dear Ms Allan,

Response to Submissions Report – Bobs Farm Sand Mine Project (SSD-6395)

I refer to your email dated 22 February 2021 in which Planning and Assessment Group invited Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department) to comment on the response to submissions report for the Bobs Farm Sand Mine Project (SSD-6395), at Bobs Farm, within the Port Stephens local government area.

BCD has reviewed the '*Bobs Farm Sand Mine SSD 6395 - Response to Submissions - AMMOS Resource Management Pty Ltd*' as prepared by Tattersall Lander Pty Ltd (dated February 2021), including relevant appendices, annexures and attachments in relation to impacts on biodiversity.

BCD'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 Steve Lewer, Senior Regional Biodiversity Conservation Officer, on 4927 3158 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely



19 March 2021

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Bobs Farm Sand Mine Project (SSD-6395)

Biodiversity

1. BCD recommends that the Biodiversity Offset Strategy (BOS) is revised and demonstrates how the credit obligation of the project will be met by the offset measures proposed. The BOS should show all credits as BAM credits, which will require an Assessment of Reasonable Equivalence to be undertaken to convert the BBAM credits (at the development site and the Bobs Farm offset site) to BAM credits.
2. BCD is satisfied that recommendations 1 to 4 of BCD's comments on the EIS (dated 25 January 2019) have been satisfactorily addressed in the response to submissions report.

BCD's detailed comments

Bobs Farm Sand Mine Project (SSD-6395)

Biodiversity

1. There is a shortfall of offset credits and a single credit type should be used

Previously in our comments on the EIS (dated 25 January 2019), BCD indicated that the Biodiversity Offset Strategy (BOS) was unclear with respect to the location of the offsets and the credit values of the development site compared to the proposed offsets.

The BOS (Section 15) in the updated Biodiversity Assessment Report (BAR, dated November 2020 by Wildthing Environmental Consultants) does not demonstrate how the proposed offset mechanisms meet the offset obligation of the proposed development.

Three offset sites (a site south of the development footprint at Bobs Farm and two sites at Nerong) are proposed to meet the biodiversity credit obligations of the proposed development. However, there appears to be a large credit shortfall between the development site and the three proposed offset sites.

The proposed development will generate 1,701 ecosystem credits matching 'HU860 - *Smooth-barked Apple - Blackbutt - Old Man Banksia woodland on coastal sands of the Central and Lower North Coast*' as per Table 14.1 of the BAR. However, the three proposed offset sites (as described in Tables 15.1, 15.2 and 15.3) will generate a total of only 260 ecosystem credits comprising 100 credits at the Bobs Farm site and 120 and 40 ecosystem credits at the two Nerong sites respectively. This represents a shortfall of 1,441 credits.

The shortfall may be due to the use of two different credit calculators, the BioBanking Assessment Method (BBAM) credit calculator for the development site and the Bobs Farm offset site, and the Biodiversity Assessment Method (BAM) credit calculator for the Nerong offset sites. However, the use of different credit calculators alone is unlikely to account for the large credit shortfall.

The credits generated by the development site and offset sites must be of the same type, either BBAM credits or BAM credits. As post approval only BAM credits can be generated at an offset site (when established as Biodiversity Stewardship Site) BCD recommends that an Assessment of Reasonable Equivalence is undertaken to convert the BBAM credits, at the development site and the Bobs Farm offset site, to BAM credits.

Information on the Assessment of Reasonable Equivalence process can be found at - <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/transitional-arrangements/apply-assessment-reasonable-equivalence>. Any questions regarding the application process should be sent to boscredits@environment.nsw.gov.au.

Once above assessments are completed, the proponent should indicate in the BOS how the offset sites credit generation meets the impact areas credit requirement, including:

- a. details of credit type matches (plant community types)
- b. demonstration that the quantum of credits between the development site and the offset sites match.

If there is a shortfall of credits, the BOS should identify what other offset mechanisms will be utilised, comprising:

- a. retiring BAM credits on additional offset sites established by the proponent
- b. purchasing BAM credits on the open market
- c. supplementary measures as determined in accordance with the NSW Biodiversity Offsets Policy for Major Projects
- d. contributing to the Biodiversity Conservation Fund
- e. a combination of the above.

Recommendation 1

BCD recommends that the Biodiversity Offset Strategy (BOS) is revised and demonstrates how the credit obligation of the project will be met by the offset measures proposed. The BOS should show all credits as BAM credits, which will require an Assessment of Reasonable Equivalence to be undertaken to convert the BBAM credits (at the development site and the Bobs Farm offset site) to BAM credits.

2. Further information has been provided to address previous recommendations

Further information has been provided on recommendations 1 and 5 raised in BCD's letter dated 25 January 2019 (DOC18/898987-7). Heritage NSW should be contacted to determine if recommendations 6, 7 and 8 have been satisfactorily addressed. The regulation of Aboriginal cultural heritage transferred to Heritage NSW on 1 July 2020.

Recommendation 2

BCD is satisfied that recommendations 1 to 4 of BCD's comments on the EIS (dated 25 January 2019) have been satisfactorily addressed in the response to submissions report.