



Our ref: DOC20/411760-3

Your ref: SSD-9349

Lauren Evans

Team Leader
Energy and Resource Assessments, Planning and Assessment Division
Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2001

Dear Ms Evans

Glendell Continued Operations Project (SSD-9349) - Review of Response to Submissions Report (Part A)

I refer to your email dated 27 May 2020 in which the Planning and Assessment Division (P&A) of the Department of Planning, Industry and Environment (the Department) invited the Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the Glendell Continued Operations Project (SSD-9349) Project.

BCD have reviewed the Response to Submissions Report (Part A) in relation to flooding, flood risk and biodiversity, and notes that responses to Aboriginal cultural heritage matters will be provided in a separate Part B to the Response to Submissions Report. BCD is satisfied with the proponent's response in relation to flooding and flood risk matters, and for the rehabilitation and mine closure strategy.

BCD's recommendations on biodiversity 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 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink that reads 'Lucas Grenadier'.

LUCAS GRENADIER
Acting Director Hunter Central Coast Branch
Biodiversity and Conservation Division

Date: 11 June 2020

Enclosure: Attachments A and B

BCD's recommendations

Glendell Continued Operations Project (SSD-9349) – Review of Response to Submissions Report

Biodiversity

1. BCD recommends that the proponent provides details on the surveys undertaken for *Thesium australe* and *Dichanthium setosum* and demonstrates their adequacy against the 2016 *NSW Guide to Surveying Threatened Plants* (OEH 2016). If adequate surveys have not been undertaken, BCD recommends the creation of a consent condition to allow for such surveys to be undertaken post approval and if present, for both species to be assessed and offset in accordance with the Biodiversity Assessment Method and Biodiversity Offset Scheme.
2. BCD recommends that a consent condition is created that requires post approval surveys for *Delma impar* in accordance with the *Survey Guidelines for Australia's Threatened Reptiles* (DSEWPC, 2011). If *Delma impar* is recorded it should be assessed and offset in accordance with the Biodiversity Assessment Method and Biodiversity Offset Scheme.

BCD's detailed comments

Glendell Continued Operations Project (SSD-9349) – Review of Response to Submissions Report

Biodiversity

1. *Dichanthium setosum* and *Thesium australe* surveys are not described

In the Biodiversity Development Assessment Report and the Response to Submissions Report the proponent has not demonstrated that they have conducted sufficient survey effort for *Thesium australe* and *Dichanthium setosum* based on current survey guidelines. While neither species was automatically flagged as a species to consider for this project by the Biodiversity Assessment Method (BAM) Calculator, the BAM allows consideration of additional threatened species, particularly with nearby records exist in similar habitats.

Records of both species occur in the Hunter Valley, in similar habitat to that of the project area and there is a chance that one or both species could occur on site. The information provided in the Biodiversity Development Assessment Report (reviewed in our letter dated 20 February 2020 – Recommendation 4) and the Response to Submissions Report have not yet demonstrated adequate survey effort to conclude that neither species is present. The Response to Submissions Report (p. 56) does not provide details on the 'targeted floristic surveys' that have been undertaken. A description of each of the surveys undertaken, including survey dates, number of surveyors, distance between transects, duration of individual surveys and figures showing all survey transects, should be provided. The level of survey undertaken should be compared to the requirements of the 2016 *NSW Guide to Surveying Threatened Plants* (OEH 2016).

If neither species is considered to have been adequately surveyed, further survey will be required (or assumed presence or an expert report). If any plants are found, they should be assessed in accordance with the BAM and offset in accordance with the Biodiversity Offset Scheme. BCD recommends the creation of a consent condition to allow for such surveys to be undertaken post approval if adequate surveys have not already been undertaken.

Recommendation 1

BCD recommends that the proponent provides details on the surveys undertaken for *Thesium australe* and *Dichanthium setosum* and demonstrates their adequacy against the 2016 *NSW Guide to Surveying Threatened Plants* (OEH 2016). If adequate surveys have not been undertaken, BCD recommends the creation of a consent condition to allow for such surveys to be undertaken post approval and if present, for both species to be assessed and offset in accordance with the Biodiversity Assessment Method and Biodiversity Offset Scheme.

2. The proponent will conduct targeted surveys for *Delma impar*

Delma impar is known to occur in heavily degraded habitats, such as near Muswellbrook, and is an easy species to miss if appropriate survey techniques are not used. BCD is satisfied that the proponent has committed to surveying for this species from September 2020 and will do so in accordance with the *Survey Guidelines for Australia's Threatened Reptiles* (DSEWPC, 2011). This will include setting out the artificial shelter sites during June 2020. If *Delma impar* is found in the project area, the species will need to be assessed in accordance with the BAM and offset in accordance with the Biodiversity Offset Scheme. BCD supports the creation of a consent condition for the surveys to be undertaken post approval.

Recommendation 2

BCD recommends that a consent condition is created that requires post approval surveys for *Delma impar* in accordance with the *Survey Guidelines for Australia's Threatened Reptiles* (DSEWPC, 2011). If *Delma impar* is recorded it should be assessed and offset in accordance with the Biodiversity Assessment Method and Biodiversity Offset Scheme.

3. BCD is satisfied that the following biodiversity comments have been addressed

- Comment 1 of BCD's letter dated 20 February 2020 – the proponent has conducted an appropriate BAM assessment of 55 hectares of degraded grassland and that it does not generate credits to be offset.
- Comment 2 – the proponent has re-run the BAM calculator with the appropriate consideration of Yorks Creek as a landscape feature, and that it does not change the credit yield.
- Comment 3 – the proponent has assessed the planted *Acacia pendula* in the Project area in accordance with BAM and that it generates 33 ecosystem credits to be offset.
- Comment 4 – with the exception of details about survey effort for *Thesium australe* and *Dichanthium setosum*, the proponent has provided additional data to meet the requirements of a BDAR.
- Comment 6 – a response from the proponent was not required.