



## Department of Planning and Environment

Gabrielle Allan  
Energy Resource Assessment  
Department of Planning & Environment  
gabrielle.allan@dpie.nsw.gov.au

Our ref: DOC22/122063  
Your ref: SSD-5579 Mod 4

Dear Ms Allan

### Western Coal Services Mod 4 (SSD-5579 Mod 4)

Thank you for your request dated 2 February 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment (DPE) inviting comments on the Environmental Impact Statement (EIS) for Western Coal Services Mod 4.

BCS has reviewed the biodiversity development assessment report (BDAR). Please note that this is not a full review as we have not received data from the proponent as requested in our email sent to you on 9 February 2022.

In addition, the biodiversity credit report in the BDAR has not been finalised. Under section 6.15 of the *Biodiversity Conservation Act 2016*, a BDAR cannot be submitted with a development application unless the accredited assessor has certified it within fourteen days of the biodiversity credit report being submitted.

As the credit report has not been submitted, the BDAR cannot be accepted. The credit report needs to be finalised and submitted in the Biodiversity Assessment Method calculator. The BDAR will then need to be recertified within fourteen days of the date shown on the finalised credit report and resubmitted to the DPE.

BCS's biodiversity 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 Liz Mazzer, Senior Conservation Planning Officer, via [liz.mazzer@environment.nsw.gov.au](mailto:liz.mazzer@environment.nsw.gov.au) or (02) 6883 5325.

Yours sincerely

A handwritten signature in black ink that reads 'Samantha Wynn'.

**Samantha Wynn**  
**Senior Team Leader Planning North West**  
**Biodiversity, Conservation and Science Directorate**

18 February 2022

Attachment A – BCS's Recommendations  
Attachment B – BCS's Detailed Comments

## BCS recommendations

### Western Coal Services Mod 4 Biodiversity Development Assessment Report

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BAM	Biodiversity Assessment Method
BCS	Biodiversity, Conservation & Science Directorate
BDAR	Biodiversity Development Assessment Report

## Recommendations

- 1.1 The biodiversity credit report must be finalised and submitted in the BAM calculator.
- 1.2 The BDAR must include the finalised biodiversity credit reports.
- 1.3 The BDAR must be recertified by a currently accredited assessor within 14 days of the date that the credit report is finalised.
- 1.4 The recertified BDAR must be submitted to the Department of Planning and Environment.
- 2.1 All digital shape files and plot data are to be provided with the recertified BDAR.
- 2.2 BCS be given the opportunity to verify the biodiversity credit calculations when the BDAR is resubmitted.
- 3.1 The Department of Planning and Environment notes that it is appropriate for the impacts to Lamberts Gully Rehabilitation offset areas and Lamberts Gully Rehabilitation Area to be offset via the NSW Biodiversity Offset Scheme.

## BCS detailed comments

### Western Coal Services Mod 4 – Biodiversity Development Assessment Report

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#### 1. The biodiversity credit report must be finalised

The biodiversity credit report provided in Appendix B of the biodiversity development assessment report (BDAR) is 'to be finalised'.

Section 6.15(1) of the *Biodiversity Conservation Act 2016* requires that,

*A biodiversity assessment report cannot be submitted in connection with a relevant application unless the accredited person certifies in the report that the report has been prepared on the basis of the requirements of (and information provided under) the Biodiversity Assessment Method as at a specified date and that date is within 14 days of the date the report is so submitted.*

To meet this requirement a BDAR must be certified, for instance by signing the first page. In addition, the date of submission of the BDAR must be within 14 days of the date shown on the relevant finalised credit report generated using the BAM Calculator.

While the BDAR for the project has been certified, the biodiversity credit report has not been finalised or submitted. The project case in the BAM calculator must be finalised and submitted.

The accredited assessor will need to have a current accreditation to certify the BDAR.

#### Recommendations

- 1.1 The biodiversity credit report must be finalised and submitted in the BAM calculator.
- 1.2 The BDAR must include the finalised biodiversity credit reports.
- 1.3 The BDAR must be recertified by a currently accredited assessor within 14 days of the date that the credit report is finalised.
- 1.4 The recertified BDAR must be submitted to the Department of Planning and Environment.

#### 2. Supporting shape files and plot data must be provided

All digital shape files and plot data are required to be supplied with the certified BDAR (BAM Appendix K). These were not included with the BDAR and were subsequently requested by BCS on 9 February 2022.

As this data has not yet been provided, BCS is unable to verify the biodiversity credit calculations for the proposed modification. The digital shape files, plot data, and finalisation and submission of the credit report in the BAM Calculator is required to enable BCS to complete our review.

#### Recommendations

- 2.1 All digital shape files and plot data are to be provided with the recertified BDAR.
- 2.2 BCS be given the opportunity to verify the biodiversity credit calculations when the BDAR is resubmitted.

### 3 Lamberts Gully Rehabilitation offset areas and Lamberts Gully Rehabilitation Area will be impacted

Section 7.7.3 of the Modification Report identifies that the modification will impact 7 hectares of the Lamberts Gully Rehabilitation offset areas and 0.6 hectares of land within the Lamberts Gully Rehabilitation Area. These rehabilitation and offset areas are required under condition 26 and 28 of the consent for SSD-5579.

The proponent intends to offset these impacts in accordance with the NSW Biodiversity Offset Scheme.

BCS accepts that it is appropriate for the impacts to Lamberts Gully Rehabilitation offset areas and Lamberts Gully Rehabilitation Area to be offset via the NSW Biodiversity Offset Scheme.

#### Recommendation

- 3.1 The Department of Planning and Environment notes that it is appropriate for the impacts to Lamberts Gully Rehabilitation offset areas and Lamberts Gully Rehabilitation Area to be offset via the NSW Biodiversity Offset Scheme.