



Our ref: DOC22/230000
Your ref: SSD-24319456

Mr Jack Turner
Senior Environmental Assessment Officer
Resource Assessments
Department of Planning and Environment
jack.turner@planning.gov.au

Dear Mr Turner

Subject: Federation Mine project (SSD – 24319456)

Thank you for your e-mail dated 4 March 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 the Federation Mine project.

BCS has reviewed the biodiversity development assessment report (BDAR) provided for the project. BCS concurs with the biodiversity credits calculated for the project and the application of the Biodiversity Assessment Method. However, the biodiversity credit report in the BDAR was finalised on 9 March 2021 and the BDAR was certified on 10 February 2022. 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.

BCS is aware that the biodiversity credit report has been submitted in the Biodiversity Assessment Method calculator; however, the BDAR will need to have the finalised credit report included and be recertified within fourteen days of the date shown on the finalised credit report. The BDAR will then need to be resubmitted to the Department of Planning and Environment.

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 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

28 March 2022

Attachment A – BCS's Recommendations

Attachment B – BCS's Detailed Comments

BCS recommendations

Federation Mine project - BDAR

Recommendations

- 1.1 The BDAR must include the finalised biodiversity credit report.
- 1.2 The BDAR must be recertified by a currently accredited assessor within 14 days of the date that the credit report is finalised.
- 1.3 The recertified BDAR must be submitted to the Department of Planning and Environment.
- 2.1 If approved, the consent includes a condition specifying the plant community type, zone and biodiversity credits to be retired for each stage of the development.
- 2.2 Credits for each stage must be retired before that stage impacts on biodiversity values.

BCS's detailed comments

Federation Mine project - BDAR

1. The biodiversity credit report must be recertified and resubmitted

The biodiversity credit report provided in Appendix H of the BDAR was finalised on 9 March 2021, and the BDAR was certified on 10 February 2022.

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 biodiversity development assessment report (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.

Certification of the BDAR was not done within fourteen days of finalising the credit report. The BDAR will need to have the finalised credit report included and be recertified within fourteen days of the date shown on the finalised credit report. The BDAR will then need to be resubmitted to the Department of Planning and Environment.

Recommendations

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

2 Staging of offsets is acceptable

The proponent intends to retire biodiversity credits in stages. The number of credits to be retired for each stage has been calculated through calculating the hectares and percentage of each vegetation zone to be impacted in each stage. This is an acceptable method for calculating staged retirement of biodiversity credits.

Section 7 of the BDAR states,

It is understood a requirement of BAM (2020) is the credit liability will need to be recalculated for each stage immediately before the offsetting liability is to be honoured, therefore the obligation for each stage may differ.

BCS advises that the credit liability will not need to be recalculated for each stage. If approved, the conditions of consent should include the credits for each plant community type and zone to be retired for each stage, as calculated in the BDAR provided.

As per section 7.14 (4) of the *Biodiversity Conservation Act 2016* credits for each stage must be retired before that stage impacts on biodiversity values.

Recommendations

- 2.1 If approved, the consent includes a condition specifying the plant community types, zone and biodiversity credits to be retired for each stage of the development.
- 2.2 Credits for each stage must be retired before that stage impacts on biodiversity values.