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Your ref: MP11\_0060-Mod-6

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Dear Brittany

### Northparkes Mine Modification 6 – Response to Submissions

Thank you for your e-mail dated 11 March 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment (DPE) inviting comments on the Response to Submissions (RTS) report for the Northparkes Mine Extension Project Modification 6.

BCS has reviewed the RTS report, including the amended Biodiversity Development Assessment Report (BDAR) against our comments provided on 15 December 2021. BCS's detailed comments are provided in **Attachment A**.

It is noted that since our previous comments the proponent has opted to prepare a staged offset proposal and therefore BSC have done a full review of these components. BCS's detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please contact Michelle Howarth, Senior Conservation Planning Officer, via [michelle.howarth@environment.nsw.gov.au](mailto:michelle.howarth@environment.nsw.gov.au) or (02) 6883 5339.

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**

24 March 2022

Attachment A – BCS's Recommendations

Attachment B – BCS's Detailed Comments

## BCS's detailed comments

### Northparkes Mine Modification 6 – Response to Submissions

BCS Previous comments provided on 15 December 2021	GHD Response	BCS Comments
<p>1. Liability disclaimer is inappropriate</p> <p>The Biodiversity Development Assessment Report (BDAR) contains a footnote that states that the document is in draft form with a disclaimer that <i>“the contents, including any opinions, conclusions or recommendations contained in, or which may be implied from, this draft document must not be relied upon”</i>. Elsewhere in the BDAR it is made clear that the document is finalised. Care should be exercised to ensure that final documents are checked and obsolete sections, such as the footnote in this BDAR, are removed.</p> <p>Section 1.6 of the BDAR contains the following statement: <i>“The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.”</i></p> <p>The Accredited Biodiversity Assessment Method (BAM) Assessor Code of Conduct states that accredited assessors:</p> <ul style="list-style-type: none"> <li>• Must be personally accountable for the validity of all data collected, analyses</li> </ul>	<p>This is a standard disclaimer which appears in all BDARs prepared by GHD.</p>	<p>Noted. Accredited assessors must ensure that they are conforming to The Accredited Biodiversity Assessment Method (BAM) Assessor Code of Conduct.</p>

<p>performed, or reports developed by them and for the scrutiny of all data collected, analyses performed, or reports developed under their direction.</p> <ul style="list-style-type: none"> <li>• Must ensure thorough quality control measures are in place to confirm the correctness and validity of all work prepared by them or by staff or contractors under their direction.</li> </ul> <p><u>Recommendation</u></p> <p>1.1 The disclaimer in Section 1.6 should be removed from the BDAR.</p>		
<p><b>2. The minimum number of plots required for Vegetation Zone 3 was not achieved.</b></p> <p>In accordance with the BAM, the assessor must determine the impacts on native vegetation and habitat. Each vegetation zone must be surveyed using the appropriate methodology, including a prescribed minimum number of plots.</p> <p>Only one plot was completed in vegetation zone three as the proposed impact area at the time of survey was less than two hectares. However, the impact area for zone three was subsequently increased and the minimum number of plots required increased from one to three. In the absence of additional plots, data from the existing zone three plot was replicated to meet minimum plot requirements.</p> <p>It is a requirement of the BAM that a minimum number of plots be sampled to ensure that a representative sample is taken for the</p>	<p>Additional plots were established within the relevant vegetation zone (Zone 3) in late November 2021, shortly after the finalisation of the Modification Report and original BDAR. Additional survey for species credit species in other areas of the Disturbance Footprint have also been conducted. Further discussion and justification for survey plots is provided in Section 3.2.2 of the revised BDAR</p>	<p>BCS notes that the use of the additional plots collected has resulted in the vegetation integrity score for zone 3 decreasing. BCS is satisfied that the BAM has been applied correctly.</p> <p>No further action required.</p>

<p>vegetation zone. Given that the vegetation zone is 9.58 hectares in size within a patch of 94 hectares an additional two survey plots may have provided more representative data.</p> <p><u>Recommendation</u></p> <p>2.1 An additional two plots appropriately placed within the vegetation zone should be sampled, benchmark data used, or justification for duplicating the plot as representative be provided.</p>		
<p><b>3. Reference to the E44 Rocklands Project</b></p> <p>Reference is made to the E44 Rocklands Project throughout the BDAR. In some instances, this relates to similarities in habitat and conclusions drawn in regard to the likelihood of flora and fauna species occurring on the Mod 6 development site. However, several statements are made in regards the E44 Rocklands site as though it is the development site being addressed by this BDAR. For example, <i>“A total of 49 species of fauna were recorded during the current field surveys and relevant surveys for the E44 Rocklands Project in the study area. These included 41 native bird species, five mammal species (including three introduced species), and three frog species (see Appendix B)”</i> in Section 5.4.1.</p> <p>While it is understood that surveys for the E44 Rocklands Project have been used to inform the potential for the occurrence of species on the Mod 6 development area this is blurred by statements such as the example above. Appendix B provides a list of flora and fauna</p>	<p>References to the E44 Rocklands Project have been clarified in Section 5.4.1 of the revised BDAR. Appendix B of the revised BDAR has been updated.</p>	<p>No further action required.</p>

<p>recorded but does not indicate if this was on the E44 Rocklands site (as suggested) or the Mod 6 site.</p> <p><u>Recommendations</u></p> <p>3.1. Discussion relating to the results of surveys should be clearly defined between Mod 6 and the E44 Rocklands project.</p> <p>3.2. Update Appendix B to reference E44 Rocklands as the related source.</p>		
<p>4. <u>There is no discussion of avoidance or minimisation of impacts relating to the E22 portal</u></p> <p>The <i>Biodiversity Conservation Act 2016</i> (s1.3) requires proponents to consider whether appropriate steps have been taken to ‘avoid, minimise and offset the impacts of proposed development and land use change on biodiversity’.</p> <p>The E22 portal disturbance area is currently 9.58 hectares. It is noted that this was less than two hectares at the time that vegetation plot surveys were conducted. Other than a statement that “<i>This area is likely to be refined further by Northparkes during detailed design and the area of disturbance could potentially only be about one hectare</i>” there is no detailed discussion of what measures may be possible to reduce or minimise disturbance at this location.</p> <p>The detailed design impact area should be finalised prior to approval of the modification. Should the final area of impact be less than</p>	<p>As discussed in Section 7 of the BDAR (Appendix C), the Proposed Modification has been designed in accordance with the hierarchy of avoidance, mitigation and offsetting of biodiversity impacts. The large majority of surface disturbance associated with the Proposed Modification would occur within the existing Approved Operational Area or within Category 1 – Exempt Land. Of the total area of proposed additional disturbance associated with the Proposed Modification, approximately 85% is identified as Category 1 Exempt Land. Where possible, new and relocated site infrastructure has been sited so as to avoid native vegetation. For example:</p> <ul style="list-style-type: none"> <li>- the proposed rehabilitation material stockpiling area to the northeast of the E48 mining area has been reduced to avoid existing vegetation adjacent on the western side of the access road</li> <li>- the proposed realignment of the water supply pipeline would follow the existing access road alignment to avoid unnecessary disturbance.</li> </ul>	<p>No further action required.</p>

<p>approved under this modification the approval conditions should reflect the biodiversity credit liability required for the area assessed for disturbance in the BDAR.</p> <p><u>Recommendations</u></p> <p>4.1. The BDAR must include discussion relating to measures to avoid or minimise all impacts of the proposed development for the current disturbance area, in addition to explaining the measures that will be taken during the detailed design phase to further avoid and minimise.</p> <p>4.2 Should the final area of impact be less than approved under this modification the approval conditions should reflect the biodiversity credit liability in the BDAR.</p>	<p>While vegetation removal in the vicinity of the proposed E22 portal cannot be avoided, the following should be noted:</p> <ul style="list-style-type: none"> <li>- vegetation within this area (PCT 248) is not commensurate with any threatened ecological community and exhibits a degraded understorey</li> <li>- vegetation disturbance in the E22 portal area will be undertaken in two stages; where detailed design indicates that the additional disturbance area (Stage 3) is not required for the establishment of the E22 portal and associated facilities, this area will not be disturbed.</li> </ul> <p>It is also noted that the proposed adjustment to the Approved Operational Area to remove the 'swap area' from the area currently approved for disturbance almost entirely mitigates the additional disturbance associated with the Stage 1 area in terms of ecosystem credit offset requirements. The BDAR includes a range of additional commitments to manage and mitigate biodiversity impacts associated with the Proposed Modification. These are reflected in Appendix B.</p>	
<p>5. <u>BCS has considered the proposed offset swap</u></p> <p>Northparkes have identified a 0.69 hectare area of retained vegetation that has approval to be cleared within the existing approved operational area.</p>	<p>Noted. This area has been removed from the "Approved Operational Area" in Figure 2.1 and the consolidated Project Layout Figure (see Figure 1 in Appendix A). It is considered that a specific condition in this regard is unnecessary and the identified ecosystem credit offsetting requirements in Table 3.1</p>	<p>BCS notes that the size of the proposed offset swap area has increased from 0.69 hectares to 2.78 hectares.</p> <p>BCS notes that 2 additional vegetation integrity plots have been collected to meet the minimum plot requirement (2) for the increased area. BCS is satisfied that the BAM</p>

<p>BCS understands that this modification would remove this area from the current approval conditions so that it can no longer be impacted; and, as the offset obligation for this area has been discharged, the credits used to offset the area would be transferred to reduce the credit requirement for this modification.</p> <p>BCS notes that a vegetation integrity plot was sampled during the survey period for this proposal to determine the condition of the vegetation (PCT 80) of the offset swap area. The credit calculator was then used to determine the vegetation integrity score and the number of credits the area would generate. The credit requirement for the offset swap area (27 ecosystem credits) is proposed to be subtracted from the like-for-like options for this PCT (PCTs 56, 76, 80 and 82) impacted by Mod 6.</p> <p>BCS can confirm that the BAM has been applied correctly in the offset swap area and that the area generates 27 ecosystem credits.</p> <p><u><a href="#">Recommendation</a></u></p> <p>5.1 If the consent authority endorses the proposed offset swap, the offset swap area indicated in Figure 6 of the BDAR should be removed from the current approval conditions as an area to be impacted.</p>	<p>above reflect the net offsetting requirements taking into account the removal of the swap area.</p>	<p>has been applied correctly in the offset swap area and that the proposed offset swap area generates 101 ecosystem credits.</p> <p>If the consent authority endorses the proposed offset swap, the offset swap area indicated in Figure 6 of the BDAR should be removed from the current approval conditions as an area to be impacted.</p>
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## BCS's detailed comments

### Northparkes Mine Modification 6 – Staged Offset Proposal

#### 1. The offset liability has changed for *Lepidium aschersonii*

It is noted that in the exhibited EIS *Lepidium aschersonii* was assumed present in Zone 4 due to surveys been conducted outside the nominated survey period (November to April). This resulted in a species credit liability of 36 credits.

BCS acknowledges that since submission of the exhibited BDAR further targeted surveys have been undertaken on 22-23 November 2021 and that *Lepidium aschersonii* was not detected during these surveys. As a result this species has been assessed as not present and therefore there is no credit liability for this species.

BCS is satisfied that this species has been adequately assessed under the BAM.

#### 2. Staging of offsets is acceptable

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

BCS accepts the staging and credit liabilities set out in Table 30 of the BDAR, dated 9 March 2022 (see below) and confirm that the stages are consistent with the data entered into the BAM-C.

Table 30 Ecosystem credits required to offset impacts of the proposal

Vegetation zone / PCT	Area (ha)	Current vegetation integrity score	Future vegetation integrity score	Change in VI score	BC Act status	Ecosystem credits required
<b>Stage 1</b>						
Zone 1 – 56 Poplar Box - Belah woodland on clay-loam soils on alluvial plains – degraded understorey	0.73	34.2	0	-34.2	Not listed	12
Zone 2 – 80 Western Grey Box - White Cypress Pine tall woodland on loam soil on alluvial plains of NSW South Western Slopes Bioregion and Riverina Bioregion – good	0.19	89.4	0	-89.4	EEC	8
Zone 4 – 76 Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions – good	1.43	50.4	0	-50.4	EEC	36
Zone 5 – 82 Western Grey Box – Poplar Box – White Cypress Pine tall woodland on red loams - good	1.11	85.5	0	-85.5	EEC	47
Zone 6 – 277 Blakely's Red Gum – Yellow Box grassy tall	0.073	54.8	0	-54.8	CEEC	2

Vegetation zone / PCT	Area (ha)	Current vegetation integrity score	Future vegetation integrity score	Change in VI score	BC Act status	Ecosystem credits required
woodland of the NSW South Western Slopes Bioregion – planting						
<b>Total credits for E31 Precinct &amp; TSF2 buttressing (Stage 1)</b>						<b>105</b>
<b>Stage 2</b>						
Zone 3 (Area 1) – 248 – Mixed box eucalypt woodland on low sandy-loam rises on alluvial plains in central western NSW – degraded understorey	6.19	48.7	0	-48.7	Not listed	151
<b>Total credits for E22 portal (Stage 2)</b>						<b>151</b>
<b>Stage 3</b>						
Zone 3 (Area 2) – 248 – Mixed box eucalypt woodland on low sandy-loam rises on alluvial plains in central western NSW – degraded understorey	3.38	48.7	0	-48.7	Not listed	82
<b>Total additional credits for E22 portal (Stage 3)</b>						<b>82</b>

BCS notes that no species credits are required.