



Ms Rose-Anne Hawkeswood
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Dear Ms Hawkeswood

Bowdens Silver – Transmission Line and Water Pipeline Amendment – Response to Submissions

Thank you for your e-mail dated 25 March 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment inviting comments on the amended Bowdens Silver projects Response to Submissions (RTS).

BCS has reviewed the Amendment Submissions Report (February 2022), Biodiversity Assessment Report and Biodiversity Offset Strategy (both March 2022).

We note that the project has been amended to:


- remove the water supply pipeline, instead developing an integrated water supply and management strategy; and
- refine the alignment of the 500kV power transmission line

In our submission of 13 August 2021, BCS made thirteen recommendations, eleven of which were to be addressed by the proponent in the RTS. BCS is satisfied that the RTS has addressed and incorporated all eleven recommendations. We are especially pleased that the Koala and Regent Honeyeater species polygons have been expanded and that habitat for the Large-eared Pied Bat has been mapped and species credits calculated, as per our recommendations.

BCS have provided some additional comments and recommendations relating to the project. These have been provided to assist Planning and Assessment Group when preparing project consent conditions, if approval is granted. BCS have also provided recommendations to assist the proponent in ensuring the suitability and timely retirement of biodiversity credits within land-based offset sites. These recommendations require no further action from the proponent in relation to the content of the Biodiversity Assessment Report.

BCS's additional 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, appearing to read 'Ben Ellis', is positioned below the text 'Yours sincerely'.

Ben Ellis
A/Senior Team Leader, Planning North West
Biodiversity, Conservation and Science Directorate

13 April 2022

Attachment A – BCS's Recommendations

Attachment B – BCS's Detailed Comments

BCS Recommendations

Bowdens Silver Transmission Line and Water Pipeline Amendment – Response to Submissions

- 1.1 Credits for each stage must be retired before that stage impacts on biodiversity values in accordance with Section 7.14(4) of the *Biodiversity Conservation Act 2016*.
- 1.2 If approved, the consent for the project should include conditions specifying the biodiversity credits to be retired for each stage of the development
- 1.3 Calculations for the staged ecosystem and species credits be updated once the statement of reasonable equivalence has been finalised.
- 2.1 The proponent should contact the Biodiversity Conservation Trust as soon as possible to discuss identified land-based offset sites.

BCS Detailed Comments

Bowdens Silver Transmission Line and Water Pipeline Amendment – Response to Submissions

1. The proposed staged offsetting for the project is acceptable

Section 2.4 of the Biodiversity Offset Strategy states,

...a staged offsetting approach for the Project was discussed and agreed to on 28 May 2019 with the former NSW OEH whereby a tranche of offsetting would occur directly prior to each discrete stage of clearing.

BCS has been unable to find a record of the discussion stated by the proponent to have occurred on 28 May 2019. However, we agree that it is acceptable to stage retirement of biodiversity credits.

Table 3 of the Biodiversity Offset Strategy states that the deadline for credit retirement of Stage 1 of the project will be within twelve months of project commencement.

While the assessment follows the Framework for Biodiversity Assessment to calculate BioBanking credits, the credits will need to be converted to, and retired under, the Biodiversity Offset Scheme in accordance with the *Biodiversity Conservation Act 2016*.

Section 7.14 (4) of the *Biodiversity Conservation Act 2016* requires that retirement of biodiversity credits must occur before any development is carried out that would impact on biodiversity values. BCS notes that Stages 2 and 3 of the project will comply with this requirement as credits will be retired before the clearing for these stages will impact on biodiversity values. Credits for Stage 1 should also be retired before any impacts on biodiversity occur.

The areas and biodiversity credits to be retired for each stage are detailed in Tables A1-1 and A1-2 of the Biodiversity Offset Strategy. Extracts of these Tables are provided in Figures 1 and 2.

If the project is approved, conditions specifying the biodiversity credits to be retired for each stage of the development should be included within the projects consent. When preparing the conditions for the project it should be noted that Table A1 of the Biodiversity Offsets Strategy contains an error in credit calculations. When the three stages are added together, the BBAM credits for PCT 323 Moderate/Good_Medium total 654 credits rather than the 653 credits displayed in Table A1.

As stated in BCS's previous submission and in the Biodiversity Assessment Report, a statement of reasonable equivalence will be required to convert the credits from BioBanking to Biodiversity Offset Scheme credits. The ecosystem and species credits for each stage should be updated once the statement of reasonable equivalence has been finalised.

Table A1-1 Staged Ecosystem Credit Requirement

PCT Code	BVT Code	Management zone	Clearing area – total disturbance	Clearing area – Stage 1 (hectares)	Clearing area – Stage 2 (hectares)	Clearing area – Stage 3 (hectares)	Total BBAM Credits required	BBAM Credits required – Stage 1	BBAM Credits required – Stage 2	BBAM Credits required – Stage 3
273	CW217	Moderate/Good_Medium	22.04	22.04	0.00	0.00	1360	1360	0	0
277	CW112	Moderate/Good_Poor	22.97	5.64	4.29	13.05	1250	307	233	710
281	CW111	Moderate/Good_Medium	90.80	74.23	6.80	9.76	6803	5562	510	731
281	CW111	Moderate/Good_Poor	66.40	29.87	20.47	16.06	3315	1491	1022	802
323	CW291	Moderate/Good_High	84.37	45.35	24.85	14.18	5603	3012	1650	941
323	CW291	Moderate/Good_Medium	13.93	2.24	6.44	5.26	653	105	302	247
323	CW291	Moderate/Good_Poor	21.26	12.10	6.91	2.25	703	400	229	74
324	CW263	Moderate/Good_High	58.69	40.95	7.70	10.05	4150	2895	544	711
358	CW270	Moderate/Good_High	0.71	0.62	0.08	0.00	42	37	5	0
Totals			381.17	233.04	77.54	70.61	23879	15169	4495	4217

Figure 1: Extract of Table A1-1 from the Biodiversity Offset Strategy

Table A1-2 Staged Species Credit Retirement

Species	BBAM Credits required	Stage 1 Credits required	Stage 2 Credits required	Stage 3 Credits required
Regent Honeyeater	29350	17943	5970	5437
Squirrel Glider	8386	5127	1706	1553
Koala	9910	6059	2016	1835
Large-eared Pied Bat	4391	2860	835	696
<i>Swainsona recta</i>	104	0	104	0
<i>Swainsona sericea</i>	972	954	0	18

Figure 2: Extract of Table A1-2 from the Biodiversity Offset Strategy

Recommendations

- 1.1 Credits for each stage must be retired before that stage impacts on biodiversity values, in accordance with Section 7.14(4) of the Biodiversity Conservation Act 2016
 - 1.2 If approved, the consent for the project should include conditions specifying the biodiversity credits to be retired for each stage of the development
 - 1.3 Calculations for the staged ecosystem and species credits be updated once the statement of reasonable equivalence has been finalised.
- 2 The Biodiversity Conservation Trust should be contacted to discuss proposed land-based offset sites

The biodiversity offset strategy proposes satisfying offset requirements through a combination of on-site offsets, off-site offsets and purchasing credits on the market.

BCS recommends that the proponent contacts the Biodiversity Conservation Trust (BCT) as soon as possible to discuss the suitability of identified land-based offsets and the proposed timing for retiring credits which will be used to offset the Bowden's Silver project.

Early engagement with the BCT may assist the proponent in ensuring that the identified biodiversity offset sites are suitable for the project. It may also assist the proponent in ensuring that sufficient time can be resourced for preparing land-based offset site assessments, prior to works being carried out that would impact on biodiversity values.

Recommendation

- 2.1 The proponent should contact the Biodiversity Conservation Trust as soon as possible to discuss identified land-based offset sites.