

Our ref: DOC22/1058875-06

Your ref: SSI-22338205

Dr Mandana Mazaheri
Principal Planning Office
Energy and Resource Assessments
Planning and Assessment Division
Department of Planning and Environment
mandana.mazaheri@planning.nsw.gov.au

Dear Dr Mazaheri

Subject: Kurri Kurri Lateral Pipeline Project (SSI-223382505) – Review of new information

Thank you for your e-mail dated 30 November 2022 in which the Planning and Assessment (PA) of the Department of Planning and Environment (the Department) invited the Biodiversity and Conservation Division (BCD) for advice in relation to the 'Kurri Kurri Lateral Pipeline Project (SSI-223382505)'. This project occurs in the Cessnock, Maitland and Newcastle local government areas.

On 24 October 2022 BCD provided a review of the *Kurri Kurri Lateral Pipeline Amendment Report* by Umwelt (Australia) Pty Limited (dated 29 September 2022) which included 19 recommendations for further information for the biodiversity assessment for this project. In response the proponent has provided additional information including a revised Biodiversity Development Assessment Report (BDAR) (Umwelt Australia Pty Ltd, 25 November 2022), maps and some GIS shapefiles (provided on 2 December 2022). BCD has reviewed this new information in relation to previous advice of 24 October 2022, Biodiversity Assessment Method 2020 and the Commonwealth's Bilateral Assessment requirements.

BCD's comments are summarised in **Attachment A**. While several matters previously raised have been addressed it is noted that some issues have not been adequately dealt with. The key outstanding issues are:

- survey information remains inadequate and therefore it is not certain that biodiversity impacts and associated credit yields have been completely assessed
- most of the GIS shapefiles of figures from the BDAR have yet to be provided, and so details, such as areas, have not been able to be checked
- not all data requirements for the bilateral assessment have been provided.

If you require any further information regarding this matter, please contact Robert Gibson, Senior Regional Biodiversity Conservation Officer, via huntercentralcoast@environment.nsw.gov.au or 02 4927 3154.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Crick', with a stylized flourish at the end.

Steven Crick
Acting Director
Hunter Central Coast Branch
Biodiversity and Conservation Division

7 December 2022

Enclosure: Attachment A

BCD's findings

Kurri Kurri Lateral Pipeline Project (SSI-223380205) – Review of additional information in relation to BCD's letter dated 24 October 2022

BDAR assessment under the *Biodiversity Conservation Act 2016*

Issue identified in BCD letter dated 24 October 2022	BCD's review findings
<p>1. BCD recommends that the new areas of the Development Footprint, following recent design refinements, are fully assessed by the Biodiversity Assessment Method 2020, including the Biodiversity Assessment Method – Calculator. Include the details of the assessment, which follows the requirements of the BAM 2020, in the Response to Submissions Report.</p>	<p>Addressed</p> <p>Species have been assumed to be present if the areas were not adequately surveyed (Table 2.6 'Threatened species surveys in areas of the Development Footprint refinement' of the BDAR dated 25 November 2022).</p>
<p>2. BCD recommends that the proponent outlines the minimum survey effort for all threatened fauna species considered for this assessment and compares this with the survey effort done to date for each of those species. If any species has been inadequately surveyed then their lively presence on the site will need to be further assessed to meet minimum survey requirements. This may result in the BAM-C being re-run and additional credits required to be offset.</p>	<p>Not Addressed</p> <p>The minimum survey effort required for targeted threatened species surveys has not been provided. Table 2.2 'Details of diurnal threatened fauna surveys completed' and Table 2.3 'Details of nocturnal threatened fauna surveys completed' have not been updated.</p> <p>Tables 5.7 'Summary of species credit threatened flora surveys completed' and Table 5.8 'Summary of species credit threatened fauna surveys completed' and adjacent text in the BDAR do not state the minimum survey effort required.</p>
<p>3. BCD recommends that the proponent provides information about vegetation density in relation to areas surveyed for threatened plants. Provide a statement about whether targeted surveys at 10-metre spaced transects met BCD's survey guidelines for all threatened plant species with potential to be on the subject land.</p>	<p>Addressed</p> <p>Section 2.3.3 'Field surveys' states that 10 metre-spaced surveys were 'appropriate for the project scale and vegetation condition' with '...the vegetation within the development footprint is largely considered as 'sparse or open', therefore the use of 10 m wide transects is deemed as appropriate' (pages 49-50 of the BDAR).</p> <p>However, BCD notes the reference (on page 50) to the use of two-phase grid approach for large projects and that the total of 65 hectares of native vegetation in the development footprint meets the definition of the 'large area project'. This is not a correct interpretation of the trigger for this method, it is if a vegetation zone, or zones is more than 50 hectares, and the two-phase grid approach can only be used after discussion with BCD and BCD's support.</p>
<p>4. BCD recommends that details are provided in the Response to Submissions Report that demonstrate how survey effort meets at least the minimum survey effort for all species considered.</p>	<p>Addressed</p> <p>Section 1.6 'Information sources' and Section 2.4.3 'Field surveys' cites the TBDC for the threatened flora assessment (Table 5.2) and for the regent honeyeater (Table 5.9), <i>Grevillea parviflora</i> ssp. <i>parviflora</i> (Table 5.10) <i>Callistemon linearifolius</i> (Table 5.11), squirrel glider (Table 5.12) and <i>Eucalyptus parramattensis</i> ssp. <i>decadens</i> (Table 5.13). However, the TBDC is only</p>

	<p>cited for species considered to be affected by the project, but it is not cited by way of specific survey requirements for all potential species. This issue is not completely addressed but has been accepted as per point number 3.</p> <p>Reference sites used - none cited</p> <p>Factors that affected survey effort & ameliorative steps undertaken – Met, see Section 2.6 ‘Limitations’</p>
5. BCD recommends that a revised version of Table 2.1 is provided that identifies the PCTs associated with the candidate threatened plant species.	<p>Addressed</p> <p>Provided in Table 2.1 of the revised BDAR</p>
6. BCD recommends the proponent provides an updated copy of Table 5.2 in the Response to Submissions Report that matches the predicted flora species with the PCTs on the Subject Land.	<p>Addressed</p> <p>Provided in Table 5.2 of the revised BDAR</p>
7. BCD recommends the accredited assessor provides the GIS shapefiles used for maps in the BDAR.	<p>Partially Addressed</p> <p>Provided on 1 December 2022, but the files provided did not work for BCD. New GIS shapefiles were requested by BCD on 2 December 2022.</p>
8. BCD recommends the accredited assessor provides copies of the plot field data of the vegetation quadrats used for this assessment.	<p>Addressed</p> <p>Provided in Appendix F of the revised BDAR</p>
9. BCD recommends that Table 5.1 ‘Predicted ecosystem credit species’ is revised to indicate whether all species listed require further assessment.	<p>Addressed</p> <p>Provided in Table 5.1 of the revised BDAR</p>
10. BCD recommends that information about additional landscape features, as described in the SEARs, are provided in the Response to Submissions Report.	<p>Addressed</p> <p>Requested information was not provided, but it will not affect the BAM credit yield for this project.</p>
11. The construction and operational footprints for the project must be clearly defined.	<p>Addressed</p> <p>This issue was not been addressed in full accordance with the BAM 2020 but has been accepted.</p>
12. BCD recommends that the revised BDAR includes a discussion of the older vegetation maps of native vegetation on the subject land and how they compare with the mapping for the project.	<p>Not Addressed</p> <p>Section 1.6 ‘Information sources’ cites six vegetation maps, and Section 2.2.1 ‘Existing information’ cites two vegetation maps. However, there is no discussion on how they compare with the vegetation mapping undertaken for the project.</p>
13. BCD recommends that existing maps are revised, or new maps are prepared that show all of the features required by the BAM.	<p>Partially Addressed</p> <p>Important wetlands and acid sulfate soil risk areas are shown in Figure 1.2</p> <p>Prescribed impacts are shown on Figure 8.2A-K and 10.1A-K. But temporary/ ancillary works, and areas not requiring BAM assessment are not shown on any maps.</p>
14. BCD recommends the proponent provides a new version of Figure 1.2, or a series of new maps that show the mapped extent of native vegetation for the Subject Land at no more than 1:10,000 scale so that it meets the requirements of the BAM 2020.	<p>Addressed</p> <p>Provided in the revised BDAR (e.g., Figure 2.1A-K ‘Field Survey Locations: BAM plot locations’ and Figure 4.1A-K ‘Native Vegetation Extent’).</p>

15. BCD recommends the proponent provides a revised version of the table 'Authors and contributors' that summarises the relevant qualifications and experience of all people who have contributed to the BDAR.	Addressed Provided in the revised BDAR (pages numbered xiii to xv).
16. BCD recommends that Table 4.6 'Vegetation Condition Zones and patch sizes' is revised to include the BAM plots used in the assessment of each vegetation zone.	Addressed Provided in the revised BDAR (pages numbered 165 to 170)
17. BCD recommends that edits are made to the site value scores for Q28 and Q29 in Appendix C.	Not Addressed Not addressed (see page 416 of 665 in Appendix B of the BDAR)
18. BCD recommends all maps from the BDAR are provided as jpeg files.	Addressed Provided on 1 December 2022
19. BCD recommends that further information is provided about likely impacts on Matters of National Environmental Significance to enable BCD to undertake the Bilateral Assessment.	Partially Addressed The information provided does not meet the requirements of the bilateral assessment template.