

Our ref: DOC22/1104366
Your ref: MP10_0138-Mod 9

Ms Brittany Golding
Environmental Assessment Officer
Department of Planning and Environment
Brittany.Golding@planning.nsw.gov.au

Dear Ms Golding

Maules Creek Coal Mine Project Modification 9 – Biodiversity offsets and powerline

Thank you for your email dated 2 December 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment (DPE) inviting comments on the modification report for the Maules Creek coal mine biodiversity offsets and powerline modification (mod 9).

As the proposed Roma Bore electricity transmission line will not require clearing of native vegetation, BCS has no comment for this component of the modification. Our correspondence to Whitehaven Coal dated 6 June 2022 confirmed that given the proposed clearing was occurring on Category 1-Exempt land under the *Local Land Services Act 2013*, no BDAR was required.

BCS has reviewed the proposed changes to the biodiversity offset strategy in relation to the:

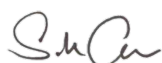
- Australian Government variation of conditions attached to approval Maules Creek (EPBC 2010/5566) dated 21 October 2022,
- NSW Government consolidated consent for the Maules Creek Coal Project (MP10_0138), and
- Leard Forest Regional Biodiversity Strategy Stage 2 – Strategy Report (August 2017).

BCS considers that the proposed modification to the Biodiversity Offset Strategy does not fulfil some requirements under the *Environment Protection and Biodiversity Conservation Act 1999* approval or the NSW consolidated consent. In addition, the modification is not entirely consistent with the Leard Forest Regional Biodiversity Strategy.

BCS's biodiversity recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

If you have any questions about this advice, please do not hesitate to contact Liz Mazzer, A/Senior Team Leader Planning, via liz.mazzer@environment.nsw.gov.au or (02) 6883 5325.

Yours sincerely



Sarah Carr
Director North West
Biodiversity, Conservation and Science Directorate

3 January 2023

Attachment A – BCS’s Recommendations

Attachment B – BCS’s Detailed Comments

BCS's recommendations

Maules Creek Coal Mine – Modification 9

BCS	Biodiversity, Conservation and Science Directorate
BDAR	Biodiversity Development Assessment Report
CEEC	Critically Endangered Ecological Community
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
IBRA	Interim Biogeographic Regionalisation for Australia
PCT	Plant Community Type
TBDC	Threatened Biodiversity Data Collection

Recommendations

- 1.1 The methodology for selection and acquisition of additional offset site properties be provided.
- 1.2 Demonstration of reasonable steps for finding appropriate offset site properties be provided.
- 1.3 Explain why some current offset areas are being replaced and justify the removal of some offset areas.
- 1.4 The modification report should include an analysis of management and conservation gains on offset sites that are proposed for removal. This should be compared with the management history and current condition of proposed additional offset sites and how lag times for achieving conservation gains will be addressed.
- 2.1 The proponent demonstrates how the EPBC Act offset requirements for Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat are being satisfied.
- 2.2 The proponent should investigate whether additional habitat for Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat occurs on the new offset properties and incorporate these additional areas into the offset strategy.
- 3.1 Proposed new offset sites, such as Long Gully, that are not consistent with Leard Forest Mining Precinct Regional Biodiversity Strategy should be removed from the modification proposal.
- 3.2 Alternative offset sites that are consistent with the Leard Strategy and provide the required vegetation communities and threatened fauna habitat should be located and secured in perpetuity in accordance with the *Biodiversity Conservation Act 2016*.
- 4.1 The most appropriate in-perpetuity offset mechanism to use should be discussed with the Biodiversity Conservation Trust.
- 4.2 If conservation agreements are to be pursued, new offset sites should be assessed to determine whether they meet the minimum requirements for conservation agreement sites according to the *Guidelines for proponents and consent authorities – using offset conservation agreements: When development consent conditions require the use of*

conservation agreements to establish biodiversity offsets (NSW Biodiversity Conservation Trust, July 2020).

- 5.1 All vegetation on proposed offset areas should be stratified and mapped by PCT and vegetation condition so that suitability of habitat for threatened species can be assessed.
- 5.2 Plant community type allocation be reviewed to incorporate the revised eastern PCTs for offset areas in the New England Tablelands IBRA.
- 6.1 The consent authority should ensure that the additional offset areas contain the plant community types and viable threatened species habitat presented in the modification report after consideration of the independent review.
- 7.1 BCS supports the maintenance of conservation agreements on properties to be removed from the offset strategy, and the continued management of these properties for conservation.
- 7.2 The future involvement of Maules Creek mine in the management of removed offsets that do not have conservation agreements should be detailed.
- 8.1 Removal and addition of areas for additional targeted restoration should be detailed in the modification report. Confirmation should be provided in the report that Schedule 3 condition 44 of the NSW approval MP 10_0138 will be met under the proposed amended offset strategy.
- 9.1 The report should confirm how the proposed offset strategy will provide suitable habitat for the Black-necked Stork.

BCS's detailed comments

Maules Creek Coal Mine - Modification 9

1 The method and justification for selecting the new offset areas has not been provided

A strategic land analysis has not been completed to justify the locations of the proposed offsets. Section 2.1 of the AMBS biodiversity assessment (Appendix A of the modification report) states,

“Contemporary vegetation mapping of the existing and modified offset areas was undertaken by AMBS in 2020/2021 as part of broader assessments covering a range of relevant properties”.

This indicates that properties were assessed in addition to those selected. The broader assessments have not been included with the modification report, which could provide a comparative analysis of the relative merits of the full suite of properties that were considered.

The modification report and supporting documents do not provide detail about the factors considered when selecting properties to add to the biodiversity offset strategy. In addition, no information is provided about the methodology for selection and acquisition.

The proponent should demonstrate that they have taken reasonable steps to find new offset sites to ensure the biodiversity offset strategy:

- meets the requirements of the Commonwealth and NSW approvals
- is consistent with the Leard Forest Regional Biodiversity Strategy.

Reasonable steps to locate appropriate offsets include, in addition to consideration of any feasible sites known to the proponent:

- liaising with the Biodiversity Conservation Trust to discuss potential sites that meet the requirements for offset areas
- considering properties for sale in the area of interest
- providing evidence of why potential offset sites (like those listed above) are not feasible – suitable evidence may include:
 - the unwillingness of a landowner to sell or establish a conservation agreement
 - the cost of an offset site itself should not be a factor unless it can be demonstrated the landowner is charging significantly above market rates.

The modification report also does not explain why some current offset areas are being replaced. There is no justification for the removal of existing offset sites.

In addition, the modification report does not address the issue that offset sites proposed for removal from the current offset strategy have about ten years of progress towards conservation outcomes compared with the proposed new offset sites which presumably do not. There will be a lag time on the new offset sites before equivalent conservation gains are evident.

Recommendations

- 1.1 The methodology for selection and acquisition of additional offset site properties be provided.
- 1.2 Demonstration of reasonable steps for finding appropriate offset site properties be provided.

- 1.3 Explain why some current offset areas are being replaced and justify the removal of some offset areas.
- 1.4 The modification report should include an analysis of management and conservation gains on offset sites that are proposed for removal. This should be compared with the management history and current condition of proposed additional offset sites and how lag times for achieving conservation gains will be addressed.

2 The requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval must be met

The approval for EPBC 2010/5566 includes:

9. *The person taking the action must register legally binding conservation covenants over offset areas containing, to the satisfaction of the **Minister**, no less than:*
 - (a) *9,334 ha that must be managed to achieve **equivalent or better quality habitat** for the regent honeyeater, swift parrot and greater long-eared bat.*

BCS has reviewed the suitability of Plant Community Types (PCT) on the proposed offset properties as habitat for Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat. The relevant PCTs are those associated with each species as listed in the Threatened Biodiversity Database Collection (TBDC).

This review indicates that thirteen of the twenty-eight PCTs on the new offset properties (Section 3 of Appendix 1: Maules Creek Coal Mine Offset Area Vegetation Mapping) are potential habitat for one or more of the three species in question. These PCTs provide:

- 5891.4 hectares of habitat for Regent Honeyeater
- 6,479.5 hectares of habitat for Swift Parrot
- 5,506.3 hectares of habitat for Corben's Long-eared Bat.

There are seven PCTs on the current offset properties that are being retained (Section 3 of Appendix 2: Maules Creek Coal Mine Additional Offsets Vegetation Mapping Report) that are potential habitat. These PCTs provide 2,166.3 hectares of habitat for each of the three species.

Across all the proposed offset properties there is a total of:

- 8,057.7 hectares of habitat for Regent Honeyeater
- 8,645.8 hectares of habitat for Swift Parrot
- 7,672.6 hectares of habitat for Corben's Long-eared Bat.

BCS's calculations of habitat for each of the three species across all offset sites is presented in Table 1.

According to the figures presented in Table 1, the EPBC Act offset requirement for Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat has not been satisfied. BCS notes that not all PCTs that occur on the properties Triangle, Long Gully, Neranghi North, Coonoor and Thornfield have been included in the offset strategy, as shown in Figures 3-2 to 3-6. There is a total of 2,825 hectares on these properties that has not been included in the offset strategy. Some of this area may be suitable habitat for Regent Honeyeater, Swift Parrot and Corben's Long-eared Bat.

Table 1: Area of available habitat for threatened species.

PCT	Existing offset properties ¹			Proposed offset properties ²		
	Regent Honeyeater	Swift Parrot	Corben's Long-eared Bat	Regent Honeyeater	Swift Parrot	Corben's Long-eared Bat
413	143.4 ha	143.4 ha	143.4 ha	37.1 ha	37.1 ha	37.1 ha
427		49.6 ha				
429		7.1 ha	7.1 ha			
439			9.2			
492	652.4 ha	652.4 ha	652.4 ha			
508		15.5 ha	15.5 ha			
510	991.0 ha	991.0 ha	991.0 ha	330.7 ha	330.7 ha	330.7 ha
538				22.2 ha	22.2 ha	22.2 ha
563	381.1 ha	381.1 ha				
571	35.8 ha	35.8 ha				
572		515.9 ha				
581	134.6 ha	134.6 ha	134.6 ha			
588	379.7 ha	379.7 ha	379.7 ha	549.7 ha	549.7 ha	549.7 ha
589				47.8 ha	47.8 ha	47.8 ha
590				964.6 ha	964.6 ha	964.6 ha
592	2,584.4 ha	2,584.4 ha	2,584.4 ha			
599	24.8 ha	24.8 ha	24.8 ha	120.9 ha	120.9 ha	120.9 ha
1306	564.2 ha	564.2 ha	564.2 ha	93.3 ha	93.3 ha	93.3 ha
Total	5,891.4 ha¹	6,479.5 ha¹	5,506.3 ha¹	2,166.3 ha²	2,166.3 ha²	2,166.3 ha²
Total¹⁺²	8,057.7 ha	8,645.8 ha	7,672.6 ha			

¹ Roseglass/Bimbooria, Teston South, Kelso/Velyama/Louenville, Onavale, Wollandilly, Mt Lindesay, Wirradale/Wongala South

² Triangle, Long Gully, Neranghi North, Coonoor, Thornfield

Recommendations

- 2.1 The proponent demonstrates how the EPBC Act offset requirements for Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat are being satisfied.
- 2.2 The proponent should investigate whether additional habitat for Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat occurs on the new offset properties and incorporate these additional areas into the offset strategy.

3 Some proposed new offset sites are inconsistent with the Leard Forest Regional Biodiversity Strategy

Schedule 3 Condition 41 of the consolidated consent for the Maules Creek Coal Project (MP 10_0138) requires the preparation of the Leard Forest Mining Precinct Regional Biodiversity Strategy (Leard Strategy). Condition 45(b) of the consolidated consent requires that the biodiversity offset strategy be consistent (as far as possible) with the recommendations and objectives of the Leard Strategy.

Condition 24 of the EPBC Act approval (EPBC 2010/5566) requires that the Leard Strategy be implemented.

BCS has reviewed the proposed new offset sites against the Leard Strategy Stage 2 – Strategy Report (August 2017). This review has focussed on:

1. **Location** – are the offset sites within the Leard Strategy regional reference area? The Leard strategy regional reference area includes particular sub-regions within two IBRA regions (Brigalow Belt South and Nandewar). IBRA sub-regions were used as the method for delineating the regional reference area as they have similar ecological, geological and landform characteristics.
2. **Connectivity** – do the offset sites contribute to linkage between Nandewar Range and Namoi River?
3. **Conservation areas** – do the offset sites provide strategic additions to regional conservation areas?

Table 2 provides a matrix indicating how well each additional offset site meets the requirements of the Leard strategy.

As can be seen in Table 2, the proposed Long Gully offset site is located well outside of the Leard Strategy regional reference area, in the New England Tablelands IBRA. BCS considers this offset site to be inconsistent with the Leard Strategy due to its distance from the area of impact (approximately 118 kilometres) and distance from the Leard Strategy regional reference area boundary (approximately 34 kilometres). The New England Tablelands IBRA has different ecological, geological and landform characteristics compared with Brigalow Belt South and Nandewar IBRAs. The biogeographic features of Long Gully are not comparable with those within the Leard Strategy regional reference area.

Neranghi North and Coonoor are located on the eastern boundary of the Leard Strategy regional reference area. While their western halves are within the boundary, the eastern halves are not. They do, however, adjoin the western side of Ironbark Nature Reserve. This reserve, and the western halves of both properties, are located in the New England Tablelands IBRA. Neranghi North and Coonoor are partially consistent with the Leard Strategy.

While Triangle is located in the Leard Strategy regional reference area, it does not contribute to either connectivity or conservation reserves. This proposed offset site is partially consistent with the Leard Strategy.

Velyama and Thornfield contribute to the Nandewar Range – Namoi River linkage. BCS considers their location to be consistent with the Leard Strategy.

BCS considers that all offset sites should be consistent with the Leard Strategy. Any proposed offset sites that are not consistent should be removed and alternative sites should be secured.

Table 2: Consistency of proposed new offset sites with the Leard Strategy.

	Location within the Leard strategy regional reference area?	Linkage between Nandewar Range and Namoi River?	Strategic addition to regional conservation areas?	Is the offset site consistent with the Leard strategy?
Velyama	Yes	Yes	Adjoins Leard State Forest	Yes. Contributes to the corridor between Nandewar Range and Namoi River. Adjoins Leard SF.
Thornfield	Yes	Yes	Does not directly adjoin a conservation area but fills a gap between Onavale and Wollandilly offset sites which adjoin Leard State Forest.	Yes. The location adds to the linkage between Nandewar Range and Namoi River and fills in a gap between retained offsets.
Triangle	Yes	No	No	Partially. If required vegetation and habitat is on the property, it may be acceptable.
Neanghi North Coonoor	These two properties straddle the eastern boundary of the regional reference area.	No	Adjoin Ironbark Nature Reserve which is in New England Tablelands IBRA / Eastern Nandewars sub-IBRA. While it adjoins a nature reserve, this is not considered strategic in the context of the Leard strategy.	Partially. While the properties are partially within the Leard strategy regional area, they adjoin NPWS estate in a different IBRA.
Long Gully	Long Gully is in the New England Tablelands IBRA / Tingha Plateau IBRA sub-region. It is approximately: <ul style="list-style-type: none"> 34 km east of the Leard strategy regional reference area 118 km north-east of the Maules Creek mine footprint 	No	Surrounds Stonewoman Aboriginal Area in New England Tablelands IBRA	No. Location is well outside the Leard strategy regional reference area. Does not contribute to the Nandewar Range – Namoi River corridor. While it does add to a reserve, this is located in a different IBRA to where the impact is occurring.

Recommendations

- 3.1 Proposed new offset sites, such as Long Gully, that are not consistent with Leard Forest Mining Precinct Regional Biodiversity Strategy should be removed from the modification proposal.
- 3.2 Alternative offset sites that are consistent with the Leard Strategy and provide the required vegetation communities and threatened fauna habitat should be located and secured in perpetuity in accordance with the *Biodiversity Conservation Act 2016*.

4 Proposed new offset sites do not meet minimum requirements for conservation agreement sites

Figures 3-3 to 3-6 of the modification report show the proposed boundaries for Triangle, Neranghi North, Coonoor and Long Gully offset areas.

BCS notes that only PCTs associated with the Box-Gum woodland critically endangered ecological community (CEEC) are included as the offset areas. These areas are patches scattered across the properties with high edge to area ratios.

Delineation of the mapped areas on the ground will be difficult. In addition, they will not be able to be managed for conservation in isolation to the vegetation across the remainder of the properties.

BCS notes that section 3.1 of Appendix A states,

“The remainder of the land (outside the offset areas) on the additional offset properties of Triangle, Neranghi North, Coonoor and Long Gully would be managed to maintain the values of the offset areas, through control of access onto the property...”

Section 3.1.2 of the modification report states that the proponent is working to secure the additional offset areas under conservation agreements. The report does not state whether the conservation agreements will include the entire properties, or only those areas mapped as containing Box-Gum CEEC.

The *Guidelines for proponents and consent authorities – using offset conservation agreements: When development consent conditions require the use of conservation agreements to establish biodiversity offsets* (NSW Biodiversity Conservation Trust, July 2020) set minimum requirements for conservation agreements. Requirements for configuration include:

- is relatively contiguous and is likely to remain as the one property entity for the foreseeable future
- has configuration that is appropriate to manage edge effects (e.g. it does not consist of small ribbons of land on the perimeter of multiple lots).

Selection of new offset sites should include an assessment of whether they meet the minimum requirements for conservation agreement sites. Where the current proposed offset sites do not meet these requirements, either the areas included in the conservation agreement should be changed to ensure the configuration is appropriate (e.g. include the entire properties), or other offset sites that meet the minimum requirements should be sought.

BCS considers that the proponent should discuss the most appropriate conservation mechanism with the Biodiversity Conservation Trust, as in-perpetuity land conservation mechanisms have changed with the introduction of the *Biodiversity Conservation Act 2016*.

Recommendations

- 4.1 The most appropriate in-perpetuity offset mechanism to use should be discussed with the Biodiversity Conservation Trust.
- 4.2 If conservation agreements are to be pursued, new offset sites should be assessed to determine whether they meet the minimum requirements for conservation agreement sites according to the *Guidelines for proponents and consent authorities – using offset conservation agreements: When development consent conditions require the use of conservation agreements to establish biodiversity offsets* (NSW Biodiversity Conservation Trust, July 2020).

5 Mapping of vegetation on some additional offset areas requires additions and revision

Section 6.1.3 of the modification report states that the offset areas on the additional properties exclude areas of cleared land, derived native grassland or other vegetation types. This is because the areas of cleared land, derived native grassland or other vegetation types are not required to meet the offset requirements.

Mapping of PCTs for Triangle, Neranghi North, Coonoor and Long Gully only includes those PCTs that correspond to Box-Gum CEEC. Other PCTs on these properties have not been mapped. There is potential for the unmapped PCTs to provide habitat for threatened species, including Regent Honeyeater, Swift Parrot and Corben's (Greater) Long-eared Bat.

BCS has reviewed the selection of PCTs on Long Gully, Coonoor, Neranghi North and Triangle with the flora plot data provided (Table 3). Please note that the PCT selection and condition will need to be verified by the independent review.

Selection of PCTs is dependent on the flora species, their abundance, and the location. As outlined in section 3 of this response, each IBRA has distinct ecological, geological and landform characteristics. Due to this, PCT selection also includes the IBRA and IBRA sub-region of the area under investigation.

In addition, classification of PCTs in eastern NSW (coast and tablelands bioregions) has recently been revised. Allocation of PCTs on the proposed new offset areas will need to be consistent with the revised eastern PCTs.

Table 3: BCS comparison of PCT selection and flora plot data for selected additional offset areas

Offset area	BCS comment
Long Gully	<p>This proposed offset area is in the New England Tablelands IBRA and Tingha Plateau IBRA subregion. The PCTs mapped on Long Gully (PCT 510 Blakely's Red Gum – Yellow Box Grassy Woodland and PCT 538 Rough-barked Apple – Blakely's Red Gum open forest)</p> <p>PCTs on Long Gully need to be updated to correlate with the revised eastern PCTs</p>
Coonoor	The flora plot data correlates with the selected PCTs for the western side of the offset site.

Offset area	BCS comment
	<p>However, some flora plots were located in the New England Tablelands IBRA and Eastern Nandewars IBRA subregion.</p> <p>PCTs on the eastern side of Coonoor will need to be updated to correlate with the revised eastern PCTs.</p>
Neranghi North	<p>The eastern part of this offset area is located in the New England Tablelands IBRA and Eastern Nandewars IBRA subregion. PCTs on the eastern side will need to be reviewed to correlate with the revised eastern PCTs.</p> <p>Allocation of PCT 588 White Box - White Cypress Pine shrubby hills open forest mainly in the Nandewar IBRA does not appear to correlate with the flora plot data. This PCT allocation may be incorrect.</p> <p>PCT 599 Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South IBRA and Nandewar IBRA is consistent with the flora plot data.</p> <p>PCTs on the eastern side of Coonoor will need to be updated to correlate with the revised eastern PCTs</p>
Triangle	PCT selection appears to be consistent with the flora plot data.

Recommendations

- 5.1 All vegetation on proposed offset areas should be stratified and mapped by PCT and vegetation condition so that suitability of habitat for threatened species can be assessed.
- 5.2 Plant community type allocation be reviewed to incorporate the revised eastern PCTs for offset areas in the New England Tablelands IBRA.

6 Independent review of additional offset sites is required to guide the consent authority

Condition 11A of the EPBC Act approval requires independent review of additional offset sites to verify:

- quantity and condition classes of White-Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community
- quantity and quality of habitat for the Regent Honeyeater, Swift Parrot and Greater Long-eared Bat within the additional offset areas.

As stated in section 1.1 of the modification report, the studies appended to the report will be subject to additional independent review and submitted to the Commonwealth Minister for Environment and Water for approval.

BCS considers that the consent authority should ensure that the additional offset areas contain the plant community types in required condition states, and viable threatened species habitat, presented in the modification report. The independent review will provide information to determine whether the

additional offset areas are appropriate. This review should be used by the consent authority when considering the modification.

Recommendation

- 6.1 The consent authority should ensure that the additional offset areas contain the plant community types and viable threatened species habitat presented in the modification report after consideration of the independent review.

7 Maintenance of existing conservation agreements on properties to be removed from the offset strategy is supported by BCS

Section 3.1 of the modification report states that the areas of woodland no longer proposed to be included in the biodiversity offset strategy would be managed in accordance with the existing Conservation Agreements or the NSW legislation pertaining to rural land.

BCS notes that Olivedeen, Teston North, Tralee and Rocklea, which are proposed to be removed from the offset strategy, have conservation agreements. We support the maintenance of conservation agreements on these properties and their continued management for conservation outcomes.

A comparison of Table 3-5 with Table 3-7 of the modification indicates that Rocklea and Warriahdool are proposed to be removed from the offset strategy and do not have conservation agreements.

Section 3.1.2 of the modification report states that the Rocklea property is 50% owned with Idemitsu Boggabri Coal, and 50% of the ecological values are used as an offset for the Boggabri Coal Mine. The Boggabri Coal Mine offset area is required to be secured by December 2022 under the EPBC approval (EPBC 2009/5256).

At the time of writing the modification report, Rocklea had not been secured with a conservation agreement. The intended future involvement of Maules Creek with Rocklea has not been specified.

Warriahdool is also proposed to be removed from the biodiversity offset strategy and does not have a conservation agreement. The removal of this property will reduce conservation of riparian vegetation along Maules Creek.

Recommendations

- 7.1 BCS supports the maintenance of conservation agreements on properties to be removed from the offset strategy, and the continued management of these properties for conservation.
- 7.2 The future involvement of Maules Creek mine in the management of removed offsets that do not have conservation agreements should be detailed.

8 The effect of the modification on areas of additional targeted restoration has not been addressed

Schedule 3 condition 44 of the NSW development consent for the project requires at least 1,669 hectares of additional targeted restoration of adjacent low diversity derived native grassland, pasture improved and cultivated land to provide buffers to offsets and connectivity between remnant vegetation.

While the modification report briefly discusses active revegetation works in offset areas (section 1.3.1), there is no indication whether the proposed changes to the offset strategy will affect the areas of additional targeted restoration.

Recommendation

- 8.1 Removal and addition of areas for additional targeted restoration should be detailed in the modification report. Confirmation should be provided in the report that Schedule 3 condition 44 of the NSW approval MP 10_0138 will be met under the proposed amended offset strategy.

9 There is no habitat for Black-necked Stork in the offset areas

Condition 49 of the Project Approval states:

“For all threatened species on site, the Proponent shall ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focused on protection, rehabilitation and long-term maintenance of viable stands of suitable habitat for these species.

Note: the threatened fauna species on site include: Regent Honeyeater, Fork Tailed Swift, White Throated Needletail, Rainbow Bee-eater, Satin Flycatcher, Speckled Warbler, Swift Parrot, Brown Treecreeper, Diamond Firetail, Grey-crowned Babbler, Hooded Robin, Little Lorikeet, Varied Sittella, White-browed Woodswallow, Black Chinned Honeyeater, Painted Honeyeater, Little Eagle, Spotted Harrier, Black Necked Stork, Square Tailed Kite, Turquoise Parrot, Barking Owl, Masked Owl, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat, Eastern Cave Bat, Eastern Bent-wing Bat, Little Pied Bat and Koala”.

BCS is satisfied that the proposed offsets provide viable stands of suitable habitat for each of the listed species **except** for Black-necked Stork. The offset properties do not contain sufficient areas of wetlands to provide habitat for this species.

Recommendation

- 9.1 The report should confirm how the proposed offset strategy will provide suitable habitat for the Black-necked Stork.