



Melissa Dunlop
Team Leader Assessments
Dept Planning Housing & Infrastructure

By email: melissa.dunlop@dpie.nsw.gov.au

Dear Melissa,

Subject: Mod 4 - Cooranbong Coal Stockpile Extension (SSD-5145-Mod-4)

Thank you for your email request dated 21 February 2025 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on a Modification Application and Report for the Northern Coal Services Project - Mod 4 - Cooranbong Coal Stockpile Extension (SSD-5145-Mod-4).

We have reviewed the Biodiversity Development Assessment Report (BDAR) within the exhibited Modification Application and Report, noting that a Streamlined Biodiversity Development Assessment Report (SBDAR) has been submitted, i.e. application of a streamlined assessment module – small area.

The SBDAR submission includes an unfinalised BAM-C Credit Summary Report, indicating that the BAM-C case is open and not finalised within Biodiversity Offset Assessment Management System (BOAMS). The BAM-C has not been submitted to CPHR for review, nor has the accompanying data required to complete a technical review been provided.

As per the Section 4.2 of the Biodiversity Assessment Method (BAM) 2020 Operations Manual - Stage 1 (2022), which states that the BDAR must reflect any changes in data made up to the date it is finalised. An assessor has 14 days from the finalisation date in BOAMS to submit the BDAR to the decision-maker. Therefore, CPHR is not able to complete a comprehensive review of SSD-5145-Mod-4 at this time as this does not constitute a valid BDAR submission.

For a BDAR submission to be valid for assessment by CPHR, the following must occur:

- The BDAR be certified by the accredited assessor (dated and signed),
- The BDAR contain a finalised Credit Summary Report, and
- The BAM-C case finalised within BOAMS and submitted to the relevant government agency (CPHR). This is inclusive of all relevant supporting documentation and data, as per BAM 2020 Appendix K.

Further to the above, the parameters for a SBDAR have not been met. The modification disturbance area as depicted in the SBDAR appears to fall within two (2) lots, that being lot 7306/DP1164232 and lot 179/DP755218. Appendix C of the BAM 2020 stipulates the streamlined

assessment module for small area developments must only be used in accordance with the area clearing thresholds specified.

The minimum lot size (MLS) for a property is shown in the lot size maps made under the relevant local environmental plan (LEP). However, where there is no MLS provided for the relevant land under the LEP, the actual size of the lot becomes the applicable MLS for the relevant land.

Although lot 7306/DP1164232 has a MLS of 40ha, there is no MLS assigned to lot 179/DP755218. Therefore, the total area of lot 179/DP755218 (approx. 8.3ha) becomes the applicable MLS.

Part 7.2(3)(c) of the *Biodiversity Conservations Regulations* 2017 states:

- “if the land on which the proposed development is to be carried out comprises different areas of land with different minimum lot sizes—the minimum lot size is the smaller or smallest of those minimum lot sizes”.

Table 12 of the BAM 2020 outlines that when a minimum lot size associated with the proposal is less than 40ha but not less than 1ha, the applicable maximum clearing limit for application of the small area development module is 2ha, in which the current modification disturbance area currently exceeds.

We therefore consider that the Modification Application and Report does not meet the Secretary's requirements for biodiversity as the SBDAR submitted is not considered compliant with the Biodiversity Assessment Method (BAM) 2020. As such, CPHR recommends a full BDAR should be submitted for the Modification Application and Report.

If you have any further questions about this issue, please contact our Hunter Central Coast Planning Team at huntercentralcoast@environment.nsw.gov.au.

Yours Sincerely



Joe Thompson
**Director Hunter Central Coast
Conservation Programs, Heritage & Regulation Group (CPHR)**

2 April 2025