

## Nima Salek

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**From:** Bill Larkin  
**Sent:** Monday, 24 October 2022 10:23 AM  
**To:** Nima Salek  
**Cc:** Rose-Anne Hawkeswood; Dimitri Young; Don Owner  
**Subject:** RE: meeting request: referral follow up, DOC22/653005, Crescent Head Ilmenite Stockpile Rehabilitation, (SSD-30956841), PAE-49306961

Hi Nima

We are still waiting for some comments to come back from NPWS in relation to issues that they have raised and we do not yet have comments on the Response to submissions (RTS) in relation to the rehabilitation strategy (Recommendation 3 (a) to (g)). However following initial comments relate to the Biodiversity Development Assessment Report component of our letter (Recommendation 1.(a),(b) and (c)) and 2.(a) and (b) dated 29 August 2022.

The RTS responded to recommendation 1.(a),(b) and (c) – with the following;

## GER Response:

Whilst it is acknowledged that the Important Habitat Map for the Swift Parrot now encompasses the subject site, the following salient points need to be considered in relation to potential impacts on the species:

- a) The original BDAR was submitted in May 2020,
- b) The Important Habitat Map became available on the landing page of the Biodiversity Offsets and Agreements Management System (BOAMS) in October 2020, no copy of the version of this map seems to be available to check whether the subject site was included at this stage,
- c) Comments on the original BDAR were provided in 2021 and were dated 8/03/2021. The comments did not include any reference to the Swift Parrot, or the site being part of the mapped Important Habitat,
- d) BioNet Atlas map shows that the only records of the species in the immediate Crescent Head area and to the north of the subject site comprise the following:
  - i. One record from 2002 of species flying overhead; and
  - ii. One record from 2007 (no sighting notes).

There are two other more distant records:

- i. One record from 2018, approximately 9.5 km to southwest of the site (no sighting notes).; and
  - ii. One record from 1997, approximately 8.5 km to the south (no sighting notes).
- e) It is stated in association with the Important Habitat Map that:

*"The NSW State Vegetation Type Map (SVTM), including draft Eastern NSW classification SVTM v1.1.0 (Eastern NSW), was used to select Plant Community Types associated with the swift parrot within the buffers. Any areas of vegetation less than one hectare were excluded."*

However, this mapping does not consider the actual vegetation occurring on the subject site, and the fact that the vegetation mapping shown for both the 2020 and 2022 BDARs also does not reflect what is on the ground. Rather, owing to the constraints of the BAM process, and the need to follow the advice sought from BAM Support at the time, it was required that the

We note that the BCD was requested by Kempsey Shire Council (KSC) to review the EIS/BDAR in February 2021 for the (then) Part 4 designated development and a response was provided in a letter dated 8 March 2021 which outlined a number of issues. We are not aware of the exact date that the subject land was included on the swift Parrot important habitat map and furthermore, this particular development proposal was not approved as KSC recognised that the development was in fact a State Significant Development and not part 4 designated development.

Regardless of the date when the swift parrot mapping was updated to include the subject land, at the time of the SSD application a BDAR prepared in accordance with the Biodiversity Assessment Method (BAM) was required to be submitted with the SSD which includes the assessment of any species that are mapped on the important habitat map in relation to the subject land.

The BCD was requested to review the amended EIS/BDAR documents for the current SSD proposal which we provided response in a letter dated 29 August 2022. The entire subject land is mapped on the Swift parrot important habitat map and hence in accordance with section 5 of the BAM No further survey is required if the subject land is on an important habitat map for a species unless the species profile in the TBDC states otherwise. The species is considered present and the part of the subject land that is within the important habitat map forms the species

polygon used to generate species credits (BAM section 5.2.5 Box 2). Any remaining habitat on the subject land, e.g. foraging, unmapped locations used by these species is assessed for ecosystem credits.

Hence as per our recommendation 1.(a),(b) and (c) the BDAR must be revised to address this matter and the development consent cannot be issued until this matter is resolved.

Alternatively, if the proponent does not agree with the swift parrot important habitat map they may seek a review of the Swift parrot important habitat map. Criteria for review varies by species, however in general, changes to correct mapping of hard surfaces or native vegetation misidentification in some cases is accepted. Information on the map review process can be found at <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/native-vegetation-regulatory-map/request-a-free-map-review>

Recommendation 2 (a) and (b) GER has responded with the following;

**2. The Project Execution Plan must be revised to include:**

- a) The identical impact area as indicated in the BDAR, and**
- b) Details of the methods for the stockpile removal that will enable the preservation and stabilisation of the retained vegetation within the stockpile.**

**GER Response:**

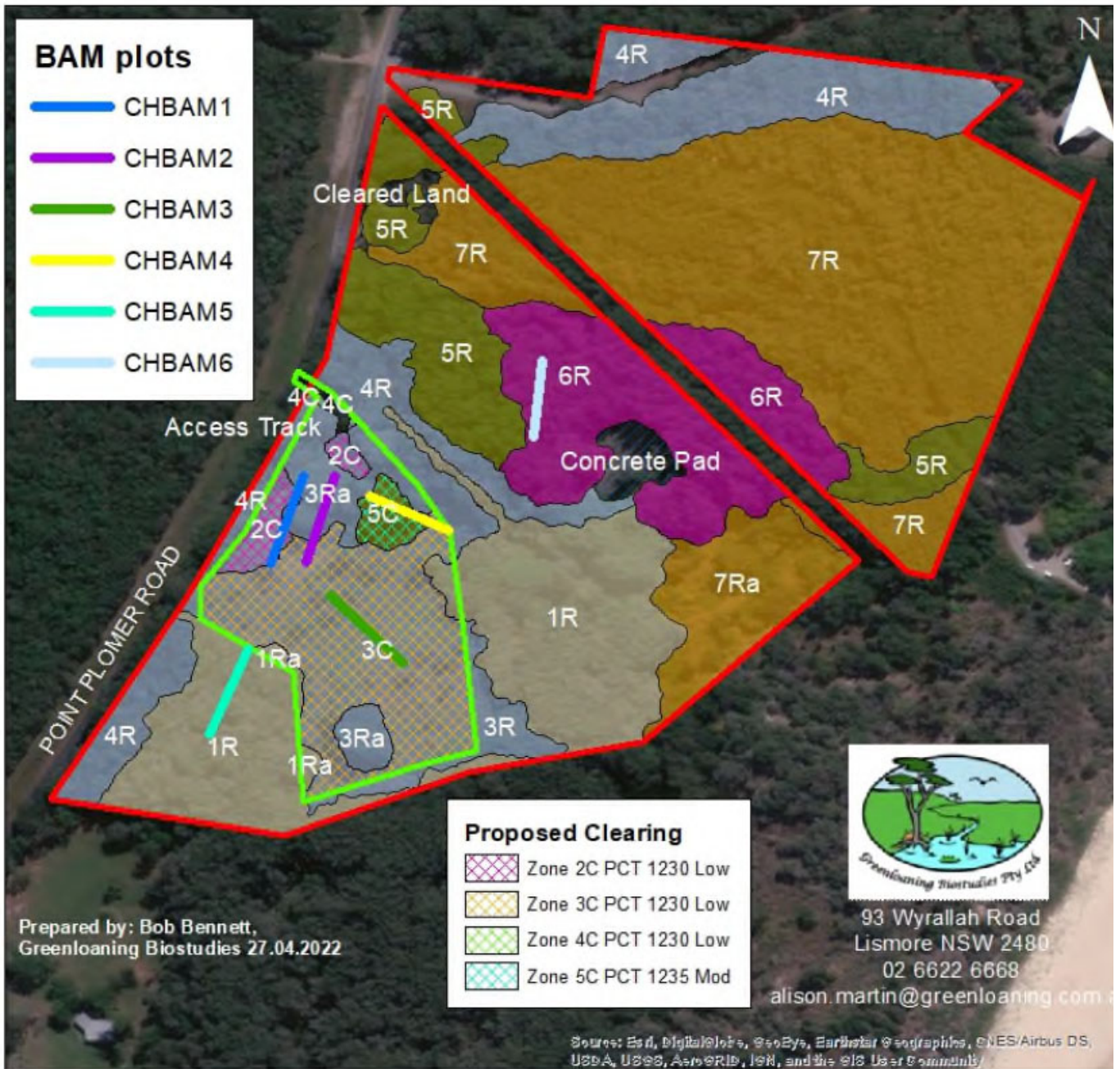
- a) GER notes the departments concerns with the mapping shown in **Appendix Two – Project Execution Plan**. The mapping shown on **page 15, Figure 4 of the Project Execution Plan** is titled “Approximate ilmenite stockpile boundary...” for that very reason it is for illustrative purposes only and the BDAR impact area, similar to the **project application area, EIS section 2.1.1, page 3** and all other remaining figures will be the boundary used for all works and disturbance.
- b) The process for site assessment post stockpile removal and site preparation techniques in outlined in **Appendix Five, pages 16-19**. As indicated in the BDAR and Site Description, the entire site is covered in weeds and contains no topsoil whatsoever. GER understands there may be some confusion given to complete the BDAR assessment using the calculator, a PCT of “best fit” needed to be selected as there is no PCT for such a disturbed (read new) site.

GER has been advised by our specialist rehabilitation consultants, Pandanus Environmental that there is no ecological value from retaining the vegetation on the stockpile and to do so would create serious weed issues with the rehabilitation. As described in Appendix Five – Rehabilitation Strategy, the removed vegetation will be disposed off-site or burned.

The BCD accepts the response from GER to recommendation 2(a), however the condition of consent should specify the correct figures from the BDAR/EIS for the project application area to ensure additional clearing does not occur in accordance with the Figure 4 of the project execution plan.

Regarding the RTS Response to recommendation 2(b), we note from Figure 15 and Figure 18 of the BDAR (see below) and verified from site inspection carried out by BCD officer, the stockpile contains patches of native vegetation. This has been mapped in the BDAR as zone 3Ra which is PCT 1230 in moderate condition. The GER response in the RTS indicates that the entire site is covered in weeds and that there is no ecological value in retaining the vegetation on the stockpile and it will be removed and disposed of off-site or burned. This contradicts what vegetation is mapped in the BDAR and verified by a BCD officer on-site.

Hence the BDAR will need to be revised to include all impacts to native vegetation that will be removed from the stockpile during the activity and the BAM-calculator updated accordingly.



## Crescent Head Ilmenite Stockpile Impact Areas



**Figure 15 from the BDAR (PCTs and vegetation zones) shown as hatched)**

**Figure 18 from the BDAR (area of impact,**

In summary the recommendations 1.(a),(b) and (c) and 2.(b) from our letter dated 9 August 2022 must be addressed prior to consent being issued for the proposal as the BDAR does not accord with the BAM. We are yet to provide comment from NPWS issues raised and comment of the RTS regarding the rehabilitation strategy.

Noting that the above advice is only preliminary advice which will be discussed at the meeting and a formal letter response from the BCD in response to the RTS will be provided.

Regards

**Bill Larkin**

Senior Conservation Planning Officer, North East Branch  
Biodiversity and Conservation Division  
**Department of Planning and Environment**

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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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**From:** Nima Salek <[nima.salek@dpie.nsw.gov.au](mailto:nima.salek@dpie.nsw.gov.au)>  
**Sent:** Friday, 21 October 2022 9:31 AM  
**To:** Bill Larkin <[Bill.Larkin@environment.nsw.gov.au](mailto:Bill.Larkin@environment.nsw.gov.au)>  
**Cc:** Rose-Anne Hawkeswood <[Rose-Anne.Hawkeswood@planning.nsw.gov.au](mailto:Rose-Anne.Hawkeswood@planning.nsw.gov.au)>  
**Subject:** RE: meeting request: referral follow up, DOC22/653005, Crescent Head Ilmenite Stockpile Rehabilitation, (SSD-30956841), PAE-49306961

Hi Bill,

This would be great. Please let us know the time after you discuss it with Don.  
Meanwhile, could you please provide us with preliminary advice that the revised BDAR is required so we can issue another RFI?

Kind Regards, Nima

**Nima Salek**  
**Planning Officer**  
**Energy, Resources and Industry**

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**From:** Bill Larkin <[Bill.Larkin@environment.nsw.gov.au](mailto:Bill.Larkin@environment.nsw.gov.au)>

**Sent:** Thursday, 20 October 2022 2:54 PM

**To:** Nima Salek <[nima.salek@dpie.nsw.gov.au](mailto:nima.salek@dpie.nsw.gov.au)>

**Subject:** RE: meeting request: referral follow up, DOC22/653005, Crescent Head Ilmenite Stockpile Rehabilitation, (SSD-30956841), PAE-49306961

Hi Nima

Yes we can meet to discuss the issues that are still unresolved. Unfortunately Dimitri is on leave from the 26<sup>th</sup> Oct and back on the 7 November so he wont be able to attend. I will check with Don Owner who will be acting for Dimitri to see what day and time from below suits him for the meeting.

We may briefly catch up with you prior to the meeting to have a quick chat about the issues identified so ensure that we are all on the same page when meeting with the applicant.

I will get back to you with a date and time

Regards

**Bill Larkin**

Senior Conservation Planning Officer, North East Branch  
Biodiversity and Conservation Division

**Department of Planning and Environment**

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Department of Planning and Environment



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**From:** Nima Salek <[nima.salek@dpie.nsw.gov.au](mailto:nima.salek@dpie.nsw.gov.au)>

**Sent:** Thursday, 20 October 2022 1:14 PM

**To:** Dimitri Young <[Dimitri.Young@environment.nsw.gov.au](mailto:Dimitri.Young@environment.nsw.gov.au)>; Bill Larkin <[Bill.Larkin@environment.nsw.gov.au](mailto:Bill.Larkin@environment.nsw.gov.au)>

**Cc:** Steve O'Donoghue <[Stephen.ODonoghue@planning.nsw.gov.au](mailto:Stephen.ODonoghue@planning.nsw.gov.au)>; Rose-Anne Hawkeswood <[Rose-Anne.Hawkeswood@planning.nsw.gov.au](mailto:Rose-Anne.Hawkeswood@planning.nsw.gov.au)>

**Subject:** meeting request: referral follow up, DOC22/653005, Crescent Head Ilmenite Stockpile Rehabilitation, (SSD-30956841), PAE-49306961

Hi Dimitri,

Thank you for your time over the phone yesterday regarding the Crescent Head Ilmenite Stockpile Rehabilitation project's negative impact on biodiversity.

Based on your preliminary verbal advice, I am organising a meeting with the Applicant to avoid unnecessary back and forth.

I would appreciate it if you could choose one of the below times and dates that suit you best for the meeting:

- *Wednesday, 26 October, 2 pm- 2:30 pm*
- *Thursday, 27 October, 10 am- 10:30 pm*
- *Friday, 28 October, 10 am- 10:30 am or 10 am -10:30 am*

Please feel free to contact me if you have any questions or require any further information.

Kind Regards, Nima

**Nima Salek**  
**Planning Officer**  
**Energy, Resources and Industry**

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**From:** Nima Salek

**Sent:** Tuesday, 18 October 2022 1:41 PM

**To:** Bill Larkin <[Bill.Larkin@environment.nsw.gov.au](mailto:Bill.Larkin@environment.nsw.gov.au)>

**Cc:** Rose-Anne Hawkeswood <[Rose-Anne.Hawkeswood@planning.nsw.gov.au](mailto:Rose-Anne.Hawkeswood@planning.nsw.gov.au)>

**Subject:** HPE CM: referral follow up, DOC22/653005, Crescent Head Ilmenite Stockpile Rehabilitation, (SSD-30956841), PAE-49306961

Hi Bill,

Thank you for your time over the phone.

Further to our conversation, Please see attached the Applicant's Response to Submissions (RtS).

We intend to determine the application ASAP.

I would appreciate it if you could provide me with your comments on RTS at your earliest convenience.

Kind Regards, Nima

**Nima Salek**  
**Planning Officer**  
**Energy, Resources and Industry**

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