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RE: SSDA 9099396 - Holcim Salt Ash Sand Maximisation Project - Responses to Department Request for Information dated 4 July 2023

I refer to the letter issued by the Department of Planning, Housing and Infrastructure (Department) dated 4 July 2023 (Department Request for Information referred to as "RFI" in this letter response) which states:

"I refer to the Environmental Impact Statement (EIS) for the Salt Ash Sand Operations (SSD-9099356). The Department has reviewed historical aerial photography as part of the EIS review and assessment. The aerial photographs (refer to Attachment 1) show areas of the site as cleared land. However, areas of historical vegetation clearing have since re-grown or been rehabilitated.

The application for the project assumes that clearing vegetation within the areas of land subject to DA73/80 and DA5499/91 can be carried out under those development consents, and no further approval to clear vegetation is required.

The Department considers that DA73/80 and DA5499/91 do not permit vegetation clearing in the development footprint for a second time and that consent under the Environmental Planning and Assessment Act 1979 is required. You are requested to provide the following information:

- A description of historical clearing and subsequent re-growth or rehabilitation of the areas identified in yellow on the current aerial photograph in Attachment 1.*
- An assessment of the potential impacts on biodiversity in areas of regrowth or rehabilitation.*

The Department requests that you submit a revised Biodiversity Development Assessment Report that includes areas of vegetation re-growth or rehabilitation as part of the Response to Submissions Report."

To respond to the matters raised in the RFI, on 11 April 2025 the team from Niche Environment and Heritage completed an updated Biodiversity Development Assessment Report Rev 4 (enclosed and will be uploaded with this letter on the Major Projects portal), which states in the Executive Summary:

"Revision to the Biodiversity Development Assessment Report (BDAR) to address Response to Submissions

This version (Rev4) of the BDAR has been revised to include the following key aspects:

- Inclusion of a portion of vegetation within the previously excluded previous consent area, due to this vegetation being revegetated since its previous clearing as part of said previous consent.*

- *Re-allocating an area of vegetation within the subject land previously assigned to Plant Community Type (PCT) 1646 Moderate condition class as Plant Community Type PCT 1646 Rehabilitation condition, due to this area being revegetated since 2001.*
- *Increase in the 'impact area' (subject land) from 1.75 hectares (ha) to 3.04 ha and revision of credit obligation required for the subject Development Application.*
- *Updates to the BDAR to consider the final landform once extraction is complete. The Project has been revised from:*
 - o *'backfill of the excavation and progressive rehabilitation of vegetation', to*
 - o *'final treatment of batters and slope of the excavation and retention of the dredge pond as an open body of water. Rehabilitation of disturbed edges with appropriate endemic vegetation'.*
- *A greater consideration regarding the potential indirect impacts on the threatened *Diuris arenaria* from potential groundwater drawdown and potential requirement for lime application to treat Acid Sulfate Soils, in consultation with orchid expert, Dr Stephen Bell.*
- *A review of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) assessments of significance on Matters of National Environmental Significance.*
- *This BDAR has been prepared to meet the transitional arrangements under the BAM for use of current PCTs (called Legacy PCTs) in the BAM-C, transitional arrangement will expire on 14 April 2025."*

The updated BDAR (Rev 4 dated 11 April 2025 by Niche Environment and Heritage) includes all of the areas requested and identified by the Department in the RFI dated 4 July 2023. In addition, the updated BDAR advises in response to the Department RFI at page 6:

"The subject area wholly contains the 'development footprint' which overlaps with two previously approved consent areas (as described in Section 1.5.1) and includes an area referred to as the 'subject land'. The subject land is defined as part of the development footprint that extends beyond the previous consent areas and a small area within the 1980 consent area which has been subsequently rehabilitated. The rehabilitation area was added in response to a request for information by the Department of Planning and Environment (DPE, 2023)."

Please also see "Figure 8: Development footprint and subject land" at page 114 of the updated BDAR.

Holcim also wishes to put forward a case for the Department to consider in respect to the email received on 7 March 2025, which states:

The general rule of thumb for the age of survey data is not more than five years old. If the survey data is up to this age, it still needs to be consistent with the current requirements of the BAM, any information generated by the BAM-C for candidate species and the TBDC. If you're accredited assessors think there's survey data that may not meet that expectation it'd be a good idea for them to reach out to BCS.

I have reviewed the "Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method" (DPIE 2020c) ("survey guide"), which states in part:

"If a species survey has been undertaken on the subject land within five years of the current proposal lodgement date, and the survey meets the requirements of the BAM and this survey guide, these results can be used in place of further on-site survey (see Box 1). The use of a past survey must be documented in the BAR (including the original report), with the assessor demonstrating that no significant environmental disturbance has occurred on the subject land over the intervening period. The previous species survey must be an appropriate assessment for the entire area. Supplementary survey, in addition to the results of the past survey, may be necessary in some instances to obtain more contemporary data.

Surveys undertaken more than five years prior to the proposal lodgement date may be used to inform the assessment process but cannot be used in place of a targeted species survey. This is to ensure results are current with respect to site condition, structural attributes and species' presence. If there are existing records of a species on the subject land, and the current survey does not detect the species (or the population has changed permanently), then evidence to explain the change must be provided in the BAR (e.g. justification via appropriate published or peer-reviewed references and/or data)."

The updated BDAR has involved a number of site surveys in August 2020, September 2020, September 2021, October 2021 and November 2021. Please see Table 8 "Threatened flora survey timing and effort" on page 20:

Table 8: Threatened flora survey timing and effort

Dates of survey	Target species	Personnel	Total person hours completed (total)
18 – 20 August 2020	<i>Diuris praecox</i> <i>Commersonia prostrata</i>	Evelyn Craigie, Jessie Bear	25
24 – 25 November 2020	<i>Cryptostylis hunteriana</i> <i>Thesium australe</i> <i>Callistemon linearifolius</i> <i>Rhizanthella slateri</i>	Evelyn Craigie, Dr Amanda Griffith	26
6 – 7 September 2021	<i>Diuris arenaria</i> <i>Rhizanthella slateri</i> <i>Tetradlea juncea</i>	Jessie Bear, Jodie Danvers	23
Total			74

And survey dates summary Table 11 Overview of fauna field survey dates and tasks at page 28, see extract below:

Table 11: Overview of fauna field survey dates and tasks

Dates of survey	Personnel	Key fauna survey tasks completed during field campaign
18 – 20 August 2020	Evelyn Craigie, Jessie Bear	Hollow-bearing tree mapping, opportunistic bird survey, spotlighting, call playback
1 – 3 September 2020	Evelyn Craigie, Jodie Danvers	Stag watching, bird survey, spotlighting, call playback
24 – 25 November 2020	Evelyn Craigie, Dr Amanda Griffith	Opportunistic surveys during threatened flora searches
1 – 5 February 2021	Jodie Danvers, Kayla Asplet	Camera trapping, spotlighting, call playback, stag watching, bird survey, amphibian survey, microbat survey
29 October – 4 November 2021	Kurtis Lindsay, Semonn Oleksyn, Jayden Walsh (Land Eco Consulting)	Fauna trapping via pitfalls and Elliot 'Type A' traps, koala habitat survey

It is noted that the "survey guide" is not a statutory document. The stated purpose on the NSW Environment and Heritage webpage is "... to aid accredited persons (assessors) when they apply the Biodiversity Assessment Method to survey for threatened plant species or their habitat" [Surveying threatened plants and their habitats | Environment and Heritage](#).

The engaged accredited assessors at Niche Environment and Heritage, have undertaken surveys until 25 November 2021. The November 2022 submitted Environmental Impact Statement (EIS) included Appendix H Biodiversity Development Assessment Report Rev 3 dated 18 November 2022 by Niche Environment and Heritage has been updated with Rev 4 on 11 April 2025 (enclosed) as per the request to respond to the Department RFI dated 4 July 2023.

Given the above, it is reasonable for the Department to form the view that the surveys remain valid until 25 November 2026, and trust the Department will proceed on this basis during its assessment of the Holcim SSDA 9099396 next stages. We are available to discuss any clarifications that the Department may have in a short meeting and this would also include the team at Element Environment.

If you wish to discuss the matter further, do not hesitate to contact me at marian.higgins@holcim.com or 0491 974 806.

Regards,

A handwritten signature in black ink, appearing to read 'M. Higgins'.

Marian Higgins
Planning Approvals Manager NSW & ACT