

Jonathan Berry
Principal Advisor
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22/04/2021

Dear Mr Berry

**Cabbage Tree Road Sand Quarry (SSD-6125)
Refusal of extension of time request to retire biodiversity credits**

I refer to your request (SSD-6125-PA-17) for an extension of time to retire biodiversity credits for the Cabbage Tree Road Sand Quarry, as required under condition 34 of Schedule 3 of the conditions of consent for the project (SSD-6125).

The Department understands that the Newcastle Sand Syndicate (NSS) is seeking an extension of time due to economic strain and delays associated with the introduction of the *Biodiversity Conservation Act 2016* (BC Act) and difficulties in locating a suitable offset site.

The development consent for the Cabbage Tree Road Sand Quarry (SSD-6125) was granted on the basis that the required credits would be retired within 12 months of commencement of quarrying operations. The Secretary is unable to agree to any proposal for the staged retirement of biodiversity credits, unless the conditions of consent make specific provision for the staging of biodiversity offsets, as is the case for the Rix's Creek South Continuation of Mining Project (SSD-6300) which is the example referred to in your request.

Should you wish to pursue a staged approach to the retirement of biodiversity credits, the Department recommends lodging an application to modify SSD-6125. Any such application would be considered on its merits, provided NSS can demonstrate that vegetation disturbance would be staged to align with the proposed retirement of credits. Alternatively, the Department may consider a 12-month time extension of time to retire all biodiversity credits.

If you wish to discuss the matter further, please contact James McDonough on (02) 9585 6313.

Yours sincerely



Lauren Evans
A/Director
Resource Assessments (Coal & Quarries)

As nominee of the Secretary