



Our ref: DOC19/763782

Senders ref:

Phillipa Duncan  
Team Leader, Resource Assessments  
Department of Planning, Industry and  
Environment  
320 Pitt Street  
SYDNEY NSW 2000

[phillipa.duncan@planning.nsw.gov.au](mailto:phillipa.duncan@planning.nsw.gov.au)

Dear Phillipa

**Subject:** Vickery Extension Project Response to Submissions

Thank you for your request on 3 September 2019 via the Planning Portal inviting the Biodiversity and Conservation Division (BCD) to provide advice on the Response to Submissions (RTS) report for the Vickery Extension Project.

BCD has reviewed the RTS in the context of the comments and recommendations we made in a response to the Environmental Impact Statement (EIS), provided to the Planning and Assessment Group (P&A Group) on 24 October 2019. A summary of our recommendations is included in **Attachment A**, detailed comments regarding biodiversity are included in **Attachment B**, and detailed comments on flooding and hydrology are included in **Attachment C**.

BCD note the proponent's responses to matters raised regarding Aboriginal cultural heritage (as described in section 6.11.3 of the RTS) and look forward to reviewing the details of the proposed Aboriginal cultural heritage management plan in the post-approval phase. No further comments or recommendations have been made in this response regarding Aboriginal cultural heritage.

If you have any questions about this advice, please do not hesitate to contact Ms Renee Shepherd, Senior Conservation Planning Officer, via [renee.shepherd@environment.nsw.gov.au](mailto:renee.shepherd@environment.nsw.gov.au) or 6883 5355.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Christie'.

**Peter Christie**  
**Director**  
**North West, Biodiversity and Conservation**

16 September 2019

## BCD summary of recommendations – Vickery Extension Project Response to Submissions

---

### List of acronyms used in this response:

AEP	Annual Exceedance Probability
BCD	Biodiversity and Conservation Division
BOS	Biodiversity Offset Strategy
EIS	Environmental Impact Statement
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
FBA	Framework for Biodiversity Assessment
KPoM	Koala Plan of Management
MOP	Mining Operations Plan
P&A Group	Planning and Assessment Group
PCT	Plant Community Type
RTS	Response to Submissions

### Biodiversity recommendations:

1. BCD will liaise with P&A Group regarding the completion date for the KPoM. If necessary, an appropriate completion date for the KPoM should be included in the project approval.
2. The four areas of NA185 that intersect with the rail spur footprint (identified in Figure 1 of this response) be added to the species polygon for the squirrel glider, and the species credits be updated accordingly.
3. The consolidated project approval should be updated to capture the increased area of Offset Area 5 (65 hectares compared to 52 hectares in the existing approval).
4. BCD will liaise with P&A Group regarding the timeframe that the proponent must:
  - a. address the requirements for ecological rehabilitation of previously mined land
  - b. retire their biodiversity credit obligation.

### Flooding recommendations:

5. BCD requests the opportunity to review the final design to ensure design objectives have been met.

## Detailed Comments on Biodiversity

---

### The Koala Plan of Management has not been completed

#### Recommendation:

1. BCD will liaise with P&A Group regarding the completion date for the KPoM. If necessary, an appropriate completion date for the KPoM should be included in the project approval.

BCD is satisfied that Recommendations 1 and 2 from BCD's response to the EIS (dated 24 October 2019) have been adequately addressed within the RTS. The species credit polygons for the koala presented in the EIS do not need to be updated, and no further action is required for these recommendations.

Recommendation 3 from BCD's response requested that the proponent's commitment to develop a Koala Plan of Management (KPoM) be captured in the project approval. Section 6.4 of the Preliminary Issues Report (November 2018) prepared by the Planning and Assessment Group (P&A Group) states that the Department will require the KPoM "...to be prepared as part of *Whitehaven's Response to Submissions...*". This statement is noted in the Independent Planning Commission's Issues Report (30 April 2019). Section 6.9.3.4 in the RTS states that a KPoM is in preparation, and therefore BCD is unable to provide comment on the content of the KPoM as part of the RTS process. BCD proposes to liaise with P&A Group regarding the completion date for this KPoM. If necessary, an appropriate completion date for the KPoM should be included in the project approval.

### The potential habitat for the squirrel glider should be increased

#### Recommendation:

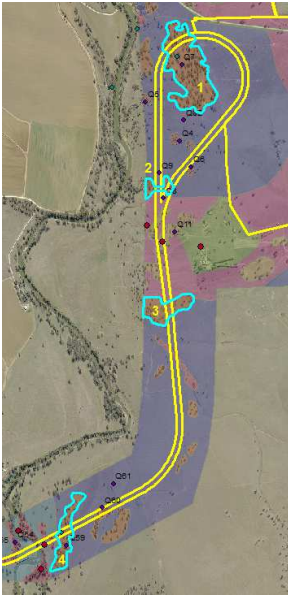
2. The four areas of NA185 that intersect with the rail spur footprint (identified in Figure 1 of this response) be added to the species polygon for the squirrel glider, and the species credits be updated accordingly.

Recommendation 4 from BCD's response requested further justification as to why NA185 (poplar box woodland on alluvial clay soils, also known as PCT101) would not be used as suitable habitat by the squirrel glider. The response in the RTS states that the squirrel glider was not recorded in the PCT in the surveys, this PCT is not recognised as habitat in OEH's databases, and relevant literature does not reference NA185 as squirrel glider habitat.

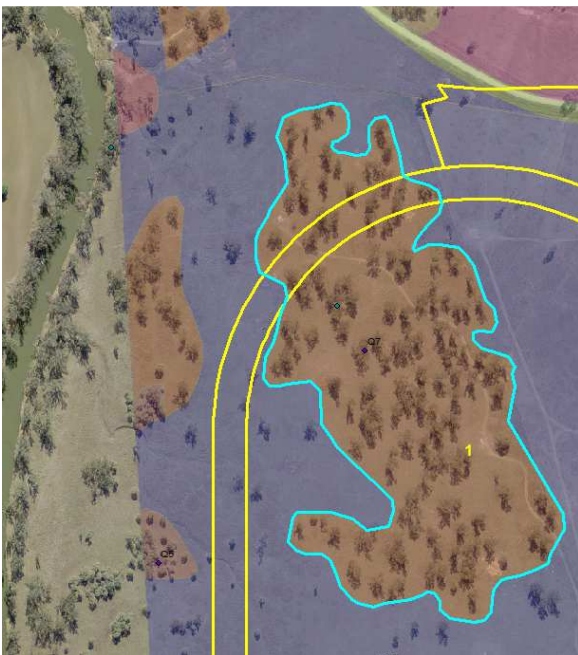
BCD is not satisfied that this response adequately justifies the omission of the habitat within this PCT from the squirrel glider species polygons. Information in the EIS and field data sheets indicate that the following habitat elements are present that the squirrel glider would potentially use:

- flowering Eucalypts used as a nectar source (poplar box, Pilliga box, yellow box)
- tree hollows used for nesting and breeding
- a level of connectivity between trees that would allow squirrel gliders to move between the trees.

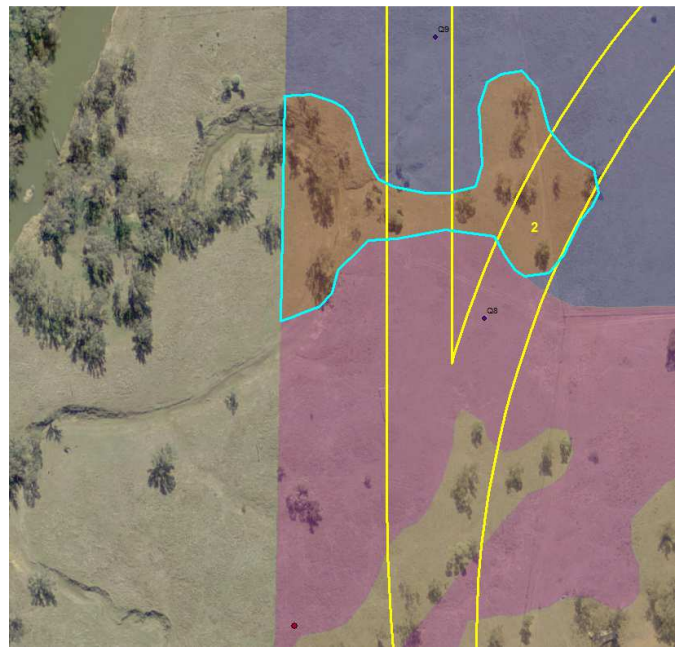
As a result, BCD requests that the areas of NA185 highlighted in **Figure 1** that intersect with the rail spur be included in the species polygon for the squirrel glider, and the species credit requirement be updated accordingly. Specific reasons as to why these polygons have been recommended for inclusion in the species polygon are included in **Figures 2-5**.



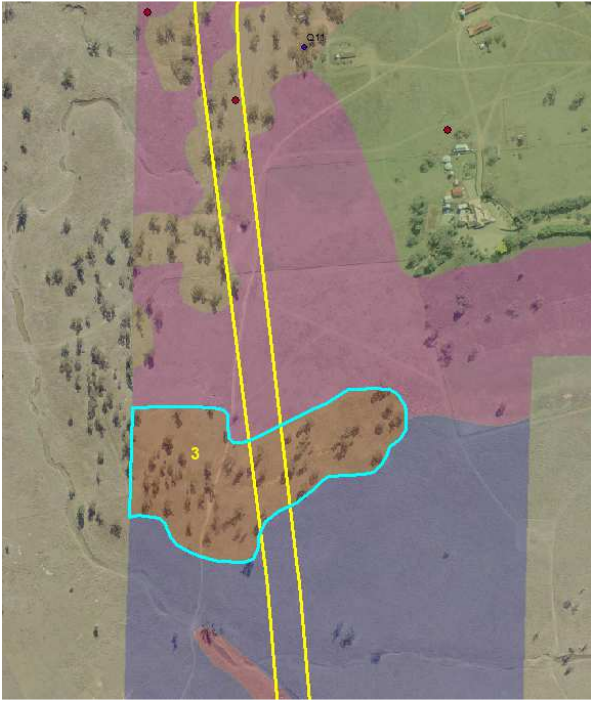
**Figure 1.** Areas of NA185 proposed to be added to the species polygons for the squirrel glider.



**Figure 2.** Polygon 1 in NA185.  
*Polygon 1 is approximately 150 metres from NA193 (considered to be squirrel glider habitat in the EIS); the polygon is connected to the river by trees less than 50 metres apart; quadrat 7 indicates that Pilliga box and poplar box are present with hollows also present*



**Figure 3.** Polygon 2 in NA185.  
*Polygon 2 is approximately 90 metres from NA324 (considered to be squirrel glider habitat in the EIS); the polygon is connected by vegetation to the river; it is less than 200 metres from a squirrel glider record.*



**Figure 4.** Polygon 3 in NA185. Polygon 3 is directly linked to NA324 (to the west beyond the extent of this vegetation map); the immediately adjacent NA324 polygon contains a squirrel glider record; and it is approximately 300 metres from another squirrel glider record (which was recorded in disturbed land).



**Figure 5.** Polygon 4 in NA185. Polygon 4 is less than 30 metres from NA193; it is less than 70 metres from a squirrel glider record; and quadrat 59 notes indicates poplar box, Pilliga box and yellow box are present.

## The area of EPBC Act-listed species to be impacted has been addressed

BCD acknowledges that Table 36 in Appendix F of the EIS details how the area of potential habitat for each EPBC Act-listed species likely to be impacted was determined. This adequately addresses Recommendation 5. No further action is required.

## The proposed amendment to Offset Area 5 should be captured in the project approval

### Recommendation:

3. The consolidated project approval should be updated to capture the increased area of Offset Area 5 (65 hectares compared to 52 hectares in the existing approval).

Recommendation 6 from BCD's response was directed towards the P&A Group, requesting an update to Offset Area 5 be included in the project approval. It is included again in this response to ensure that it is captured in the approval.

## Information on fulfilling biodiversity offset requirements has not been provided

### Recommendation:

4. BCD will liaise with P&A Group regarding the timeframe that the proponent must:
  - a. address the requirements for ecological rehabilitation of previously mined land
  - b. retire their biodiversity credit obligation.

Recommendation 7 from BCD's response to the EIS requested that the Biodiversity Offset Strategy (BOS) should be updated to include all the information required in section 12.2 of the Framework for Biodiversity Assessment (FBA). This information includes the development of BOS completion/relinquishment criteria, rehabilitation objectives, identifying target plant community types (PCTs) for rehabilitation and the area of land dedicated to each PCT, and increases in site attribute condition scores.

Section 6.9.3.3b of the RTS (page 130) states that the Mining Operations Plan (MOP) would identify the PCTs to be rehabilitated, the plant species to be used in revegetation, and the completion/relinquishment criteria. It goes on to state that Whitehaven would develop the criteria "*within a certain timeframe of Project commencement*". Considering this response, the proponent has not satisfactorily addressed Recommendation 7. BCD is willing to liaise with the P&A Group regarding an appropriate timeframe in which the proponent should submit this information.

Recommendations 8 and 9 requested that the species credits and ecosystem credits to be generated on Offset Areas 6, 7, 8 and Mt Somner be reviewed to ensure that they conform to the FBA. The RTS states the biodiversity credit generation on the offset areas will be reviewed when Whitehaven apply to secure the offset areas (section 6.9.3.3, page 129). The RTS states:

*"Whitehaven commits to satisfying the Project offset requirement through retiring the number and type of offset credits applicable to the Project (as determined by the OEH Credit Calculator for Major Projects and BioBanking).*

BCD acknowledges that any land-based offsets proposed by the proponent to meet their biodiversity credit offset requirement must be assessed using the Biodiversity Assessment Method (BAM), with a Biodiversity Stewardship Site Assessment Report (BSSAR) prepared for the site/s. This information, including the biodiversity credit report, will detail the credits generated by the site/s. Therefore, BCD acknowledges that prior to retiring credits as detailed in the credit report and stated in the project approval, the proponent must conform to the requirements of the BAM. BCD proposes to liaise with the P&A Group regarding an appropriate timeframe in which the proponent should retire their credit obligation.

## Detailed Comments on Flooding and Hydrology

---

### BCD remains interested in reviewing the modelling upon design finalisation

#### Recommendation:

5. BCD requests the opportunity to review the final design to ensure design objectives have been met.

To date, modelling work has been based on conceptual design dimensions. BCD acknowledges that the proponent has agreed to provide the final detailed rail spur design for our review, however we would like to reiterate Recommendation 1 from our response to the EIS.

### Flow distribution, cumulative impacts, and erosion impacts concerns have been addressed

Recommendation 2 from BCD's response to the EIS requested that the impact of the rail line on flow distribution be assessed for the 1% annual exceedance probability (AEP). The RTS details the expected peak flow changes for the 1% and 5% AEP flood events, and it was found the distribution of flow across the floodplain was not substantially modified.

Recommendation 3 requested further information regarding cumulative impact assessment. The RTS included the planned project infrastructure in the 2D flood model as part of the cumulative impact assessment analysis.

Recommendation 4 requested an assessment of the impact of erosion in areas where there is a measurable increase in flow velocity. The proponent proposes to raise the previous rail spur configuration to reduce flow velocities on the eastern side of the Namoi River. The new pier configuration will meet the velocity impact requirement established in the finalised *Floodplain Management Plan for the Upper Namoi Valley Floodplain 2019*.

BCD is satisfied that Recommendations 2-4 have been adequately addressed. However, a review of the final design, as outlined in Recommendation 5 in this response, will provide BCD with the opportunity to ensure no flooding and hydrology issues remain outstanding.