



Office of
Environment
& Heritage

Our Ref. DOC16/524271

Your Ref. SSD 7592

Mr Anthony Ko
Planning Officer – Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Anthony

Springvale Water Treatment Project (SSD 7592)

Thank you for your invitation for the Office of Environment Heritage (OEH) to comment on the exhibited Environment Assessment for the Springvale Water Treatment Project.

OEH understands that Centennial Coal Pty Limited seeks to establish a pipeline and ancillary facilities to transfer water from existing dewatering facilities on the Newnes Plateau for treatment and reuse at the Mount Piper Power Station (MPPS). This involves a new pipeline along a 10 metre wide corridor from the existing Gravity Tank on the Newnes Plateau to a new water treatment plant at MPPS.

Attachment A details OEH's recommendations and **Attachment B** provides detailed comments.

Should you require further information regarding issues that are the responsibility of the OEH please contact David Geering on 02 68835335 or david.geering@environment.nsw.gov.au.

Yours sincerely

STEVEN COX
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8 November 2016

ATTACHMENT A

Springvale Water Treatment Project Recommendations

1. Geographic features that were not selected in the BioBanking Calculator should be included in Table 10 of the BAR and noted as not selected.
2. Further information on survey methodology and effort for the threatened species detailed in Section 3.2 of the BAR is required.
3. A more complete assessment of the potential to impact the Bathurst Copper Butterfly and Broad-headed Snake, based on adequate survey effort, is required.
4. All efforts should be made to avoid impacts to *Persoonia hindii* and *Eucalyptus cannonii*.
5. Preliminary offsetting requirements for the project should include all potential impacts.
6. Final offsetting requirements to be confirmed once pre-construction surveys have been completed.
7. All efforts should be made to avoid impact to *Caesia parviflora* var. *minor*.
8. Pre-construction surveys for *C. parviflora* var. *minor* be conducted in all areas of suitable habitat to determine the size and extent of the local population and determine the number of individuals that may potentially be impacted.
9. The definition of local population should be redefined to reflect the potential contact of *C. parviflora* var. *minor* within the Study Area with other populations.
10. Restrict vehicle access along the pipeline during construction and operation to prevent public access.
11. The proponent demonstrate that they have exhausted all reasonable steps for securing like for like offsets prior to applying the FBA variation rules.
12. Validate offsetting opportunities at Western Region Biodiversity Offset Package (WRBOP) to determine if it contains suitable offsets for the Springvale Water Treatment Project. OEH won't be in a position to assess the adequacy of offset package until the information is assessed.
13. Targeted test excavation should be undertaken of places likely to contain undisturbed deposits or, if such areas are not present, then close monitoring should be undertaken of locations where the proposed easement approaches and intersects with creek lines.

ATTACHMENT B

Springvale Water Treatment Project Detailed Comments

Biodiversity

Geographic and Habitat Features

Recommendation

1. The geographic features that were not selected in the BioBanking Calculator should be included in Table 10 of the BAR and noted as not selected.

Section 2.4 of the BAR states that the Geographic and Habitat Features not occurring in the Study Area were not selected and were filtered out of the assessment. These features should be included in Table 10 and noted as not selected.

Threatened Species Assessment

Recommendations

2. Further information on survey methodology and effort for the threatened species detailed in Section 3.2 of the BAR is required.
3. A more complete assessment of the potential to impact the Bathurst Copper Butterfly and Broad-headed Snake, based on adequate survey effort, is required.

Tables 13 and 14 of the BAR detail whether Species Credit Species are known or assumed to occur on the Northern and Southern Study Areas respectively. OEH has concerns with the assessment of the following species as not being present.

Bathurst Copper Butterfly

The Likelihood of Occurrence Table, of the Biodiversity Inventory and EPBC Act Assessment indicates that this species may occur as *Bursaria spinosa* subsp. *lasiophylla* was recorded in the Study Area and that there is potential for the species to be impacted. Table 15 and the EPBC Act Assessment of Significance, however, states that no areas of *Bursaria* were observed.

While the BAR indicates that targeted surveys were conducted for the Bathurst Copper Butterfly no details are provided indicating when, where or how the surveys were undertaken. Targeted searches for flora species of conservation significance were performed using the Random Meander Technique however it is not stated whether searches for *B. spinosa* subsp. *lasiophylla*, the Bathurst Copper Butterfly host plant, were included. Surveys should be undertaken along the entire route options to detect the presence of potential *Bursaria* clumps.

Broad-headed Snake

Section 4.1.3 of the Biodiversity Inventory and EPBC Act Assessment states that the study area passes through some areas considered suitable for the Broad-headed Snake and that there is potential for the habitat of this species to be impacted. However Table 14 of the BAR indicates that the species is assumed not to be present thus no offsets are proposed. The reports are unclear on whether potential habitat is considered to be present or not.

It is not clear whether targeted searches for the Broad-headed Snake were included in the general herpetofauna surveys. As the species is difficult to detect within its summer foraging habitat targeted surveys are recommended from March to November in the species winter refuge habitat. It is not clear whether targeted surveys of Broad-headed Snake winter refuge habitat adjacent to the impact area were conducted.

Impact Avoidance

Recommendations

4. All efforts should be made to avoid impacts to *Persoonia hindii* and *Eucalyptus cannonii*.
5. Preliminary offsetting requirements for the project should include all potential impacts.

6. Final offsetting requirements to be confirmed once pre-construction surveys have been completed.

Section 4.1 of the BAR, Impact Avoidance, provides a summary of the pros and cons of potential impacts along the Northern and Southern Study Areas. While this is an important matter for consideration it does not demonstrate avoidance.

Section 4.2, Impact Minimisation, provides further detail of potential opportunities to avoid some impacts on individual threatened plants and hollow trees. This includes the potential to completely avoid impacts to *Persoonia hindii* as well as avoiding three individuals of *Caesia parviflora* var. *minor* and three individuals of *Eucalyptus cannonii*. The BAR does, however state that these assumptions would be confirmed prior to construction through the completion of pre-construction surveys to validate offsetting requirements. Recommendations regarding *C. parviflora* var. *minor* are made below.

Offsetting requirements for the project should include all potential impacts under a worst case scenario. These requirements can be reduced once pre-construction surveys have confirmed whether avoidance measures are possible.

Matters for Further Consideration

Recommendation

7. All efforts should be made to avoid impacts to *Caesia parviflora* var. *minor*.
8. Pre-construction surveys for *C. parviflora* var. *minor* be conducted in all areas of suitable habitat to determine the size and extent of the local population and determine the number of individuals that may potentially be impacted.
9. The definition of local population should be redefined to reflect the potential contact of *C. parviflora* var. *minor* within the Study Area with other populations.

The endangered *Caesia parviflora* var. *minor* is included in the SEARs as a matter requiring further consideration as only two records are included in the Bionet Atlas in the Sydney Basin Wollemi IBRA subregion. There are no records in the adjacent South Eastern Highlands Capertee Uplands IBRA sub-region.

Three individuals of this cryptic species were identified (despite flora surveys being conducted outside its flowering season) as being potentially impacted. All known records within the Study Area are within the Sydney Basin Wollemi IBRA subregion. The BAR recommends that pre-construction surveys be conducted within the Southern Study Area during the flowering period. As the BAR recommends the Northern Study area as the preferred route for the pipeline the rationale for the surveys in the Southern Study Area is unclear. OEH recommends pre-construction surveys be conducted in all areas of suitable habitat to determine the size and extent of the local population and determine the number of individuals that may potentially be impacted.

The offset requirement for *C. parviflora* var. *minor* would need to be revised if additional plants are located during pre-construction surveys.

Vehicle Access

Recommendation

10. Restrict vehicle access along the pipeline during construction and operation to prevent public access.

During and post construction public vehicle access along the pipeline should be prevented. Public access along the pipeline has the potential to facilitate impacts to sensitive areas, such as swamps and sites of cultural value that occur in the surrounding area.

Suitability of the Biodiversity Offset Package

Recommendation

11. The proponent demonstrate that they have exhausted all reasonable steps for securing like for like offsets prior to applying the FBA variation rules.
12. Validate offsetting opportunities at WRBOP to determine if it contains suitable offsets for the Springvale Water Treatment Project. OEH won't be in a position to assess the adequacy of offset package until the information is assessed.

The Biodiversity Offset Package relies entirely upon the WRBOP to fulfil the credit requirements of the Springvale Water Treatment Project. However, the WRBOP is unable to provide **like for like** offsets for 1,050 of the required 1,097 ecosystem credits and 54 of the required 90 species credits. The offset strategy relies on applying the FBA variation rules to shift the required credits to other entities within the WRBOP.

The approach suggested does not comply with the FBA. The FBA clearly states that the consent authority may approve a variation of the offset rules for matching ecosystem credits (Section 10.5.4.2) or allow species credits for a different species (Section 10.5.7.2) where in the consent authority's opinion the BOS demonstrates that all reasonable steps to secure matching credits have been taken by the proponent. These include:

- Checking the BioBanking public register and placing an expression of interest for credits wanted on it for at least six months;
- Liaising with an OEH office and relevant local councils to obtain a list of potential sites that may meet the requirements for offsetting;
- Considering properties for sale in the local area; and
- Providing evidence of why offset sites are not feasible; suitable evidence may include:
 - The willingness of a landowner to sell or establish a biobank site
 - The cost of an offset itself should not be a factor unless it can be demonstrated the landowner is charging significantly above market rate.

The proponent must demonstrate how the proponent has exhausted the above reasonable steps.

Further information is required to demonstrate how PCTs to which the variation rules will be applied are to be offset. Additional columns in Table 24 detailing the PCTs involved and their level of clearing is needed to determine if the variation rules can be applied to each PCT to be impacted

It should be noted that FBA variation rule 10.5.4.2(b) appears to have been misinterpreted by Centennial Coal. OEH believes the intention of Centennial Coal is to offset the non-threatened HN588 (Narrow-leaved Peppermint - Mountain Gum - Brown Barrel moist open forest on high altitude ranges, northern South Eastern Highlands) with a threatened ecological community however the variation rules do not allow for this.

Section 10.5.4.2 (b) does not address the potential to offset non-threatened PCTs with PCTs of higher conservation value. Section 10.5.4.2 (b) identifies that the variation rules cannot be applied when the ecosystem credit being impacted is associated with a CEEC on the *Threatened Species Conservation Act 1995* or an ecological community on the *Environment Protection and Biodiversity Conservation Act 1999*.

As a result the proposed offset package does not identify any offsetting measures to offset the required 58 credits of HN558.

OEH understands that the potential offset areas that form the WRBOP are yet to be verified via the collection of field data and the assessment of each offset site using the BioBanking Credit Calculator. There is the subsequent risk that the WRBOP may not contain suitable offset areas for the Springvale Water Treatment Project.

In order for OEH to complete the assessment of the proposed offset package for the Springvale Water Treatment Project, OEH requires (as a minimum):

- Identification of the precise offset areas to be used for the project;
- Details documenting the PCTs and species credit habitat areas occurring within the offset areas;
- Method and results details from field surveys conducted across the offset sites to verify the presence of ecological attributes currently identified from desktop analysis in the WRBOP;
 - Field surveys must be undertaken in accordance with the NSW Biodiversity Offset Policy for Major Project and the FBA.
- Summary tables of the credits generated by the offset sites; and
- BioBanking Credit Calculator assessments for each offset site to be submitted to OEH.

The above requirements could be part of a BOS for the Springvale Water Treatment Project or part of a revised WRBOP. OEH won't be in a position to assess the adequacy of offset package until the above information is assessed.

Aboriginal Cultural Heritage

OEH have examined the following ACH documents with regards to the Springvale Water Treatment Project.

- Volume 1 of the EIS which provides the main body of the ACH assessment specifically, method and results of the investigation concluding with management recommendations.
- Volume 2 of the EIS Appendix D2 which shows the results of AHIMS searches for the proposed easement and the consultation communication log with Aboriginal people registered in the project and, method of advertising the project to interested parties.
- The Centennial Coal Aboriginal Cultural Heritage Management Plan. Western Region second version (July 2016).

OEH accept the assessment undertaken for the proposed pipeline route which consisted of a desktop assessment, interrogation of AHIMS data and field inspection at select locations. The results of the investigation show that no evidence of Aboriginal objects or cultural values within the proposed easement but identified Aboriginal sites outside of the proposed footprint.

The EIS concludes with 3 recommendations pertaining to Aboriginal heritage that OEH support. In summary, they include 1) Works to be confined to the designated easement, 2) Visible marking of AHIMS sites that are located near the proposed easement to ensure protection of the sites, and 3) Protocols for the discovery of skeletal remains. The EIS refers to the management of ACH, post approval, through the Centennial Coal Aboriginal Cultural Heritage Management Plan.

Test excavations or Monitoring for Potential Archaeological Deposits.

Recommendation

13. Targeted test excavation should be undertaken of places likely to contain undisturbed deposits or, if such areas are not present, then close monitoring should be undertaken of locations where the proposed easement approaches and intersects with creek lines.

OEH is unable to assess with confidence if the project will impact on potential archaeological deposits (excluding those areas identified with intense land use disturbance). OEH considers that there is the potential for PADs to occur along the proposed easement. OEH recommends that subsurface test excavations or at least close monitoring of sensitive areas is conditioned into the project approval.