

Stephen O'Donoghue - FW: OEH response to PAC recommendations and PPR - Cobbora Coal Project

From: Phil Towler <ptowler@emgamm.com>
To: Stephen O'Donoghue <Stephen.O'Donoghue@planning.nsw.gov.au>
Date: Friday, 6 September 2013 17:16
Subject: FW: OEH response to PAC recommendations and PPR - Cobbora Coal Project
CC: Trish McDonald <Trish.McDonald@cobbora.com.au>, Cassandra Thompson <ctho...

Steve

Please find our response to the OEH recommendations below.

Recommendation 1:

The required OEH offset mechanisms that are recommended to be conditioned are described in the Biodiversity Offset Plan (BOP). Do they also need to be conditioned?

Recommendation 2:

It was not possible to meet the Offset Strategy aims to achieve a Tier 2 outcome for all threatened species and red flags (September 2012). However, the current offset package meets a Tier 3 mitigated net loss outcome for *Tylophora linearis*.

No additional commitments are believed to be required for TECs.

Bats are discussed further under recommendation 6.

Recommendation 3:

This recommendation is in line with the BOP and our recent meetings.

Recommendation 4:

It is agreed that further surveys will be required in the offset areas to inform the BOMP and ILMP. However, this is part of the standard work required to inform these plans, and we question whether these need to be part of conditions.

Recommendation

5:

A translocation management plan will be part of the Biodiversity Offset Management Plan (BOMP). The ILMP will also include actions for the management of the remaining populations of these threatened plants. Again we question whether these need to be part of condition.

Recommendation 6:

No bat roost sites were identified in the disturbance area, despite targeted surveys. However several bat roost sites (with evidence of occupation in the form of scats) were identified in the offset areas and the land surrounding the disturbance area. Therefore the importance of the cliff lines in the disturbance area is likely to be low.

The Biobanking calculator requires a very large offset to impact ratio for cave roosting bat habitat when compared to other threatened species attributes. For example, the ratio for the Large-eared Pied Bat for the Project is 14:1 for breeding habitat and 2:1 for foraging habitat. A very conservative approach was adopted when considering cave roosting bat species in the Biobanking assessment for the Project, with an additional 155 km of cliff line required to satisfy the credit calculations and result in a Tier 2 outcome. As such, the impacts were overestimated and the offset areas underestimated by using length of cliff features and not known roost sites. Therefore a shortfall in the species credits for this species is not considered to be significant or warrant further (direct or supplementary) offsets.

Recommendation 7:

Section 2.6.3 of the BOP states that the offset monitoring program will assess any indirect impacts from the project and use an adaptive monitoring approach whereby indirect impacts can be measured and corrective actions can be developed. We believe that this issue has been suitably dealt with in the BOP and do not think that this needs to be

conditioned.

Recommendation 8:

Justification has been provided for the location and design of the fauna mitigation structures in documentation to date and noted in the OEH response. As the proposed rail corridor only intersects one area of continuous habitat, only one overpass has been recommended in this location. It is not considered necessary or warranted to install an overpass in any other location along the rail spur, particularly given that several underpasses will be provided and these have been shown to be effective for the species likely to require passage in these other areas. Conditioning the requirement for further information on this is not considered to be required.

The use of the overpass and underpasses can be monitored as part of the ILMP.

Recommendation 9:

The first agreement between CHC and State Water has been agreed. The relationship between government agencies (eg OEH and State Water) are best managed through government channels.

CHC has been consulting with NPWS regarding bushfire management planning.

Best regards

Phil

From: Stephen O'Donoghue [mailto:Stephen.O'Donoghue@planning.nsw.gov.au]
Sent: Tuesday, 3 September 2013 9:10 AM
To: Phil Towler
Cc: Howard Reed; Matthew Riley
Subject: Fwd: FW: OEH response to PAC recommendations and PPR - Cobbora Coal Project

Phil - submission from OEH FYI. I have had a quick look and generally recommending conditions for project. Key issue will be any conditions for indirect offsets including potential for funding for cave roosting bats. If you have any comments on any of the submission please advise asap. I will also get back to you if there is any specific information I need.

Regards

Steve

Stephen O'Donoghue
Senior Planner
Mining and Industry Projects
NSW Department of Planning & Infrastructure
Phone 0477 345 626
stephen.o'donoghue@planning.nsw.gov.au



>>> Stephen O'Donoghue <Stephen.ODonoghue@epa.nsw.gov.au> 3/09/2013 09:02 >>>

From: Ardill Sonya

Sent: Monday, 2 September 2013 4:54 PM
To: O'Donoghue Stephen
Cc: Baigent Erica; Coote David
Subject: OEH response to PAC recommendations and PPR - Cobbora Coal Project

Hi Steve

Please find attached OEH response.

Regards

Sonya Ardill
Senior Team Leader Planning - North West
Regional Operations Group
Office of Environment and Heritage
NSW Department of Premier and Cabinet
PO Box 2111 Dubbo NSW 2830
T: 02 68835313
M: 0428250796
W: www.environment.nsw.gov.au

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

This message is intended for the addressee named and may contain confidential/privileged information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.

You should scan any attached files for viruses.
