



Our reference: DOC13/95208
Contact: Terry Mazzer
Ph: 02 6883 5302

Director, Mining and Industry Projects
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attn: Sara Wilson

19 December 2013

Dear Ms Wilson,

Re: Northparkes Mine Step Change Project (MP 11_0060) Draft Consent Conditions

I refer to a telephone call received on 3rd December 2013 and subsequent email communication seeking further comment from the Office of Environment and Heritage (OEH) on Draft Consent Conditions for the Northparkes Mine Step Change Project.

OEH provided comments to the Department of Planning and Infrastructure (DoPI) on 19th December 2013 after reviewing the Northparkes Response to Submissions and Addendum. Subsequently OEH met with representatives from the proponent and their consultants on 26 November 2013 who provided further detail on the proposed Kokoda offset area, the selection criteria used to identify the Kokoda offset area, management actions proposed and the mechanism of securing this offset.

1. Grey Box Grassy Woodland Endangered Ecological Community

OEH retains concerns with the proposal to reconstruct the Grey Box Grassy Woodland Endangered Ecological Community at Kokoda.. Reconstruction of ecological communities involves high risks and uncertainties for biodiversity outcomes and is generally less preferable than other management strategies, such as enhancing existing habitat. The timeframes required to ensure that reconstruction outcomes are delivered underlie the imperative to have the offset secured in perpetuity with the necessary actions fully resourced.

OEH appreciates that the proponent has made considerable effort to find a suitable offset for the Grey Box Grassy Woodland Endangered Ecological Community to be impacted by the proposal. The inability to find a suitable site that satisfies “like for like” criteria is illustrative of the scarcity and vulnerability of viable remnants of this EEC in the region, and hence concern over further cumulative loss.

OEH requests that the approval conditions for this project should include a detailed restoration plan with clear targets and outcomes that will assist in the establishment of an ecologically sustainable Grey Box Grassy Woodland EEC. Targets should be created for ecologically appropriate time periods (eg. 2, 5, 10 years, etc) and the plan should also include contingencies should these outcomes not be achieved, which may include relocating the offset to an alternative offset site.

2. Offset Conservation Mechanism

DoPI has supplied OEH with draft conditions of consent relevant to biodiversity. These draft conditions require the proponent to make suitable arrangements to protect the offset areas in perpetuity to the satisfaction of the Director-General but do not prescribe a mechanism. The proponent has informed OEH that their preferred mechanism is a public positive covenant under s88E of the *Conveyancing Act 1919*. OEH does not support this as an appropriate conservation mechanism to secure and/or manage biodiversity offsets as outlined in recommendation 3.1 of our letter of 19th December 2013.

3. Pine Donkey Orchid

Regarding the Pine Donkey Orchid, OEH has commended the proponent's proposed realignment of the haul road to minimise impacts on this species. Nonetheless, OEH requests that recommendations 2.1 to 2.3 from our letter of 19th December 2013 be incorporated into DoPI's consent conditions for the project.

If you have any questions regarding the items within this response please contact Terry Mazzer, Conservation Planning Officer on (02) 6883 5302 or via email terry.mazzer@environment.nsw.gov.au.

Yours sincerely



SONYA ARDILL
Senior Team Leader Planning, North West Region
Regional Operations