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Brittany Golding
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12 Darcy Street
PARRAMATTA NSW 2150

Via email: brittany.golding@planning.nsw.gov.au

16 December 2020

Dear Ms Golding

Subject: Ginkgo Mineral Sands Mine – Modification 14 (DA251-09-01-Mod-14)

Thank you for your email dated 27 November 2020 seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department) on Modification 14 to the Ginkgo Mineral Sands Mine development.

We have reviewed the Biodiversity Development Assessment Report (BDAR) and consider that it adequately documents the vegetation assessments in the extension development and the relinquishment areas.

A summary of our assessment and advice is provided in **Attachment A**. Detailed comments are in **Attachment B**.

All plans required as a Condition of Approval that relate to biodiversity should be developed in consultation and to the satisfaction of BCD, to ensure that issues identified in this submission are adequately addressed.

If you have any questions about this advice, please contact Simon Stirrat, Senior Conservation Planning Officer, via rog.southwest@environment.nsw.gov.au or 03 5021 8930.

Yours sincerely

Andrew Fisher
Senior Team Leader Planning
South West Branch
Biodiversity and Conservation Division
Department of Planning, Industry and Environment

ATTACHMENT A – BCD Assessment Summary for Ginkgo Mineral Sands Mine - Modification 14

ATTACHMENT B – Detailed comments for Ginkgo Mineral Sands Mine - Modification 14

ATTACHMENT A BCD Assessment Summary for Ginkgo Mineral Sands Mine - Modification 14

Key Issues

1.	<i>Proposed offset strategy</i>	<p>The proposed offset strategy in the BDAR relies on using surplus credits for PCT 221 to account for clearing of PCT 58. These two PCTs are in different offset trading groups and the rules established for trading between tiers prevents PCT 221 being listed as a like credit with PCT 58 credits.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Redraft the credit obligations to reflect the offset trading group requirement that PCT221 cannot be used as like-for-like for PCT58. • Make it clear if the Austrostipa grassland in Table 21 is considered a Derived Native Grassland of PCT 58 and state the reasons why.
	<i>Extent and Timing</i>	Pre-determination

2.	<i>Existing biobanking credits</i>	<p>BCD acknowledges the surplus biodiversity credits that are listed in the Development Consent.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Clarify if existing biobanking credits have been converted through the assessment of reasonable equivalence of biodiversity credits process.
	<i>Extent and Timing</i>	Pre-determination

3.	<i>Serious and irreversible impacts (SAIL)</i>	<p>The BDAR states that there will be no SAIL.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Identify any SAIL candidate species/communities that exist in the project area and state why there will be no impact on them.
	<i>Extent and Timing</i>	Pre-determination

4.	<i>Threatened flora surveys</i>	<p>The BDAR states that no threatened flora surveys were done in the Relinquishment Area but that no predicted species were recorded during surveys.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Reconcile the contradiction in these statements.
	<i>Extent and Timing</i>	Pre-determination

5.	<i>Habitat suitability assessment</i>	<p>For some species in Tables 7 and 8 there is no clear reason stated as to why they were excluded from the BAM calculations.</p>
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		Recommended action: <ul style="list-style-type: none"> Make sure all species have clear reasons for exclusion from the BAM calculations.
	<i>Extent and Timing</i>	Pre-determination

6.	<i>Mitigation measures</i>	<p>Table 17 lists mitigation measures and refers to various management documents in the Source column. It is assumed that management documents have more detail about mitigation.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> Make a clear reference to the section of the management document that is relevant to the mitigation measure.
	<i>Extent and Timing</i>	Pre-determination

7.	<i>Indirect impacts</i>	<p>The BDAR states that the mine extension will not increase indirect impacts. However, certain indirect impacts will occur if the mine footprint increases e.g. edge effects and impacts on breeding habitat.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> Acknowledge indirect impacts or provide clearer justification as to why it is expected that they will not occur.
	<i>Extent and Timing</i>	Pre-determination

8.	<i>BAM-C inputs</i>	<p>In the 'habitat suitability: predicted' tab the Dusky Woodswallow, White-bellied Sea-eagle and Corben's Long-eared Bat are all classed as NO in the Development Area but YES in the Relinquishment Area.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> Provide an explanation for the difference in habitat assessments for these species in the BAM-C.
	<i>Extent and Timing</i>	Pre-determination

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ATTACHMENT B Detailed comments for Ginkgo Mineral Sands Mine – Modification 14

Biodiversity

The Biodiversity Development Assessment Report (BDAR) does meet the Secretary's requirements for biodiversity, subject to the proponent addressing minor issues described below.

Proposed offset strategy

The BDAR has proposed an offset strategy that relies on the use of surplus credits for PCT 221, in both the Relinquishment Area and existing Offset Areas 7 and 8, to account for the clearing of PCT 58 in the mine extension area.

BCD notes the 'perverse outcome' outlined in section 4.4.2.1, however PCT 58 and PCT 221 are in different offset trading groups and the rules established for trading between these tiers prevents PCT 221 being listed as a like-for-like credit with PCT 58 credits.

The BDAR should clearly explain how surplus credits in Offset Areas 7 and 8 in Table 21 are apportioned to the PCTs in Table 20. The BDAR should also present a table showing the amended surplus credits in the Offset Areas 7 and 8.

Table 21 in the BDAR refers to a PCT 58 Austrostipa grassland. Given the credit calculations we assume this area is considered as a PCT 58 Derived Native Grassland. If this is the case, it needs to be stated in the BDAR to avoid confusion and reasons provided to demonstrate why it is considered to be a derived community.

Existing biobanking credits

The BDAR (section 3.4.2.2) states that DPIE acknowledged surplus credits in the existing offset areas (4,597 ecosystem credits and 4,462 species credits).

It is not clear if the biobanking credits have been converted through the assessment of reasonable equivalence of biodiversity credits process. Refer to:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/transitional-arrangements/reasonable-equivalence-biodiversity-credits-biobanking-credit-obligation>

Serious and irreversible impacts

The BDAR (section 3.3.1) states that there will be no serious and irreversible impacts resulting from the development. While BCD accepts this assessment, the BDAR should list the candidate species/communities that occur in the project region, such as Desert Hopbush, and explain why they are not impacted.

Threatened flora surveys

The BDAR (section 3.1.2.4) states in relation to Species Credit Species for the Relinquishment Area states that predicted species were not detected during surveys. However, in the Executive Summary (Relinquishment of Previously Approved Area) it is stated that no threatened flora surveys were done in the Relinquishment Area. These contradictory statements need to be reconciled.

Habitat suitability assessment

Tables 7 and 8 are habitat suitability assessments and provide information about various features of species range and habitats. But for some species, the specific reason(s) for exclusion from the credit calculation could be more explicitly stated.

For instance, for the Painted Burrowing Frog and the Mallee Worm-lizard the rationale for exclusion seems to be that they are not recorded nearby. By comparison, the rationale for excluding the Marble-faced Delma (i.e. the absence of dense spinifex habitat) is clearly stated.

Mitigation measures

Table 17 provides a list mitigation measures. If the intention is to link these statements to more specific information (for instance, about implementation) in the documents in the Source column then a statement to that effect in the text would be appropriate, for instance a reference to the section of the management documents in the Source column.

Under *Pest animal management* the outcome section appears to be incomplete. Also, there is no mention of goat control, which is a priority in the offset management areas.

Indirect impacts

Section 3.2.1.2 states that no notable edge effects (noise, dust, light spill) are likely to result on habitat and vegetation because the extension will not change the mining methods. Mining methods may not change but the perimeter of the whole mine impact area will increase and therefore edge effects must also change.

Further clearing will also result in impacts on, for instance, breeding habitat because even though hollow bearing trees are present in adjacent areas, they will still be lost in the local environment as a result of the development.

While the mitigation of these indirect impacts may be difficult to specify, the impacts need to be acknowledged in the BDAR, or clearer reasons provided why they are not expected to occur or increase.

BAM Calculator inputs

Habitat suitability: predicted

The Dusky Woodswallow, White-bellied Sea-eagle and Corben's Long-eared Bat are all classed as NO in the Development Area but YES in the Relinquishment Area. All are mobile species and both areas have the same kind of habitats.

Provide an explanation for the difference in habitat assessments.