



Our ref: DOC20/377698

Your ref: MP11_0047_Mod7

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Dear Philip

Tarrawonga Coal Mine Life of Mine Modification 7 (MP11_0047-Mod-7) - Exhibition

Thank you for your e-mail dated 14 May 2020 to the Biodiversity and Conservation Division (BCD) of the Department inviting comments on the exhibited Modification Report for the Tarrawonga Coal Mine Life of Mine Modification 7 project.

BCD has reviewed the Modification Report including the Biodiversity Development Assessment Report (BDAR). BCD understands that the BDAR relates only to the proposed changes that fall outside of the already approved footprint, including the 3.85km pipeline and the new access road off Goonbri Road. It is also understood that the proposed modifications within the approved footprint will not result in any additional disturbance to native vegetation.

BCD's biodiversity recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Michelle Howarth, Conservation Planning Officer, via michelle.howarth@environment.nsw.gov.au or (02) 6883 5339.

Yours sincerely

A handwritten signature in black ink that reads 'Samantha Wynn'.

Samantha Wynn
Senior Team Leader Planning - North West
Biodiversity and Conservation Division

5 June 2020

Attachment A – BCD's Recommendations

Attachment B – BCD's Detailed Comments

BCD's recommendations

Tarrawonga Coal Mine Life of Mine Modification 7 – Environmental Impact Statement

- 1.1 Ensure that the correct data is entered into the BAM calculator and that it reflects the data in the BDAR.
- 2.1 Given that the removal of these species will not impact on the final offset obligation for this development no action is required; however, the assessor should ensure that the correct methodology is applied in the future.
- 3.1 Any vegetation that has been mapped as non-native vegetation in the PCT mapping should not be included as native vegetation in the native vegetation extent layer.

BCD's detailed comments

Tarrawonga Coal Mine Life of Mine Modification – Environmental Impact Statement

Biodiversity

1. There are minor inconsistencies between the plot data in the Biodiversity Development Assessment Report (BDAR) and the data entered into the Biodiversity Assessment Method (BAM) calculator.

There are some minor inconsistencies between the plot data provided on page 17 of the BDAR and the data that has been entered into the calculator. The data provided in the report must be consistent with the data entered into the calculator, any errors in the calculator can have an impact on the final credit liability for the project. Below are the identified inconsistencies;

Plot 3		
Data	BDAR	Calculator
Function – Stem Class – 30-49	Present	Not Present
Function – Stem Class – 50-79	Present	Not Present

Recommendation

- 1.1. Ensure that the correct data is entered into the BAM calculator and that it reflects the data in the BDAR.
2. Species cannot be removed from the predicted list where the Threatened Biodiversity Data Collection (TBDC) database does not list habitat constraints

BCD notes that the assessor has removed a number of species from the predicted list (ecosystem credits) generated from the BAM calculator (BAM-C). The removal of these species is not consistent with the assessment requirements set out in steps 2 and 3 of chapter 6 of the BAM. A species can only be removed from the list if the species:

- a) has habitat constraints listed in the TBDC and none of these constraints are present on the site. Documentation in the BDAR should reflect the TBDC information and evidence that the features are not present (field data); **or**
- b) has geographic limitations listed in the species' NSW profile and the site is outside of the defined geographic area (note listed geographic limitations may be specific to IBRA sub regions); **or**
- c) is vagrant to the area. Vagrancy is taken as the record being well outside the species range or natural distribution. The suspect record will need to be reviewed against the species known distribution and the assessor will need to confirm with species experts that it is likely to be a vagrant. If agreed by experts the assessor should contact DPIE to have the record quarantined from BioNet Atlas and re-labelled as vagrant. The BDAR will need to contain supporting information such as who was contacted, when, their credentials and the resultant response from DPIE.

The following species do not have habitat constraints or geographic limitations listed in the TBDC and are not considered vagrant and therefore should not be removed from the predicted list for any associated plant community type (PCT) regardless of the vegetation zone condition;

- Regent Honeyeater
- Brown Treecreeper
- Varied Sittella
- Little Lorikeet
- Koala
- Square-tailed Kite

The biodiversity risk weighting for determining the credit requirement for ecosystem credits is based on the sensitivity to loss of either the listed Threatened Ecological Community (TEC) or the PCT identified at the site, and the highest sensitivity to gain ranking for the ecosystem credit species associated with that TEC or PCT.

For this development the biodiversity risk weighting that has been applied to PCT101 and PCT847 is 2.0 and 2.5 respectively. The 6 species that have been removed from the predicted list all have biodiversity risk weightings of 2 or less. As such, including them in the predicted list will cause no change to the offset obligation for the 2 PCT's that they are associated with.

Recommendation

- 2.1. Given that the removal of these species will not impact on the final offset obligation for this development no action is required; however, the assessor should ensure that the correct methodology is applied in the future.

3. Inconsistencies between PCT mapping and native vegetation buffer mapping

The native vegetation extent layer is inconsistent with the PCT vegetation mapping for the project. There are areas within the pipeline that have been mapped as non-native in the PCT mapping by the assessor; however, these areas have been included in the native vegetation extent layer and calculation. Example below.



Figure 1: Example – Inconsistencies between the assessors PCT mapping and native vegetation extent mapping. The purple shading is an area identified as ‘Degraded land primarily exotic species’ by the assessor, the black hatching is the native vegetation extent identified by the assessor.

Recommendation

- 3.1. Any vegetation that has been mapped as non-native vegetation in the PCT mapping should not be included as native vegetation in the native vegetation extent layer.

Aboriginal Cultural Heritage

The Tarrawonga Coal Mine Modification (application under section 4.55(2) of the NSW *Environmental Planning and Assessment Act*, 1979 (EP&A Act) has adequately undertaken an Aboriginal cultural heritage assessment of the area for the proposed mine modification, as described in Appendix G (Whincop 2010) of the Environment Impact Statement (EIS).

BCD note that the assessment has adequately complied with the consultation requirements and that representatives of the Registered Aboriginal Parties (RAP) participated in the field survey of the proposed modification area. A key outcome of the ACH assessment is that no Aboriginal sites or features of cultural value were identified during the assessment.

The procedures set down to manage any unexpected find during works including suspected human remains are adequate. BCD acknowledge that protocols for managing and mitigating Aboriginal objects will be based on the approved and existing Heritage Management Plan (HMP Section 4.2).