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Your ref: MP11_0060-Mod-6

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Dear Rose-Anne

Northparkes Mine Modification 6

Thank you for your e-mail dated 3 December 2021 to the Biodiversity, Conservation and Science Directorate (BCS) of the department inviting comments on the Environmental Impact Statement (EIS) for the Northparkes Extension Project Modification 6.

BCS notes that the project is made up of a number of components including:

- construction and use of a new underground portal access (including associated drive, conveyor and other ancillary infrastructure) for E22 underground mining operations
- Tailings Storage Facility 2 (TSF2) embankment buttressing (including associated amendments to the approved disturbance area)
- changes to TSF construction within the approved disturbance footprint associated with increased safety requirements for TSFs since first approved
- minor changes to the E31 and E31N open cut pits to reflect updated geological data and improved resource recovery, including:
 - minor adjustments to disturbance areas for the approved pits and associated infrastructure (roads, safety bunds, water management etc)
 - minor increases to maximum approved mining depths
- establishment of temporary waste rock stockpile areas for the E31 and E31N pits to avoid unnecessary material re-handling in the future due to the proposed Rocklands TSF
- additional detail regarding the approved methods and locations of rehabilitation material (soils and vegetation)
- establishment of additional clay and filter material borrow pits for TSF construction and lifts
- relocation of the contractor area facilities which would also service the E31 and E31 mining operations
- relocation of the main water supply pipeline and Rosedale (TSF3) tailings pipeline
- clarification regarding approved disturbance boundaries and the location of ancillary infrastructure within the E31 Precinct.

It is noted that much of the project works are in either currently approved operational areas or land assessed as being Category 1 – Exempt Land.

BCS notes that Northparkes have identified a 0.69 hectare area of retained vegetation within the existing approved operational area that will no longer be cleared. It appears that it is an intention that this modification would remove this area from the current approval conditions to be cleared, although the modification does not implicitly state this. BCS addresses this in Issue 5 below.

Recommendations are provided in **Attachment A** and BCS's biodiversity detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please contact David Geering, Senior Conservation Planning Officer, via david.geering@environment.nsw.gov.au or (02) 6883 5335.

Yours sincerely

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

Samantha Wynn
Senior Team Leader Planning North West
Biodiversity, Conservation & Science Directorate

15 December 2021

Enclosure: Attachments A and B

BCS's recommendations

Northparkes Extension Project Mod 6 – BDAR

- 1.1 The disclaimer in Section 1.6 should be removed from the BDAR.
- 2.1 An additional two plots appropriately placed within the vegetation zone should be sampled, benchmark data used, or justification for duplicating the plot as representative be provided.
- 3.1 Discussion relating to the results of surveys should be clearly defined between Mod 6 and the E44 Rocklands project.
- 3.2 Update Appendix B to reference E44 Rocklands as the related source.
- 4.1 The BDAR must include discussion relating to measures to avoid or minimise all impacts of the proposed development for the current disturbance area, in addition to explaining the measures that will be taken during the detailed design phase to further avoid and minimise.
- 4.2 Should the final area of impact be less than approved under this modification the approval conditions should reflect the biodiversity credit liability in the BDAR.
- 5.1 If the consent authority endorses the proposed offset swap, the offset swap area indicated in Figure 6 of the BDAR should be removed from the current approval conditions as an area to be impacted.

BCS's detailed comments

Northparkes Extension Project Mod 6 – BDAR

1. Liability disclaimer is inappropriate

The Biodiversity Development Assessment Report (BDAR) contains a footnote that states that the document is in draft form with a disclaimer that *“the contents, including any opinions, conclusions or recommendations contained in, or which may be implied from, this draft document must not be relied upon”*. Elsewhere in the BDAR it is made clear that the document is finalised. Care should be exercised to ensure that final documents are checked and obsolete sections, such as the footnote in this BDAR, are removed.

Section 1.6 of the BDAR contains the following statement: *“The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.”*

The Accredited Biodiversity Assessment Method (BAM) Assessor Code of Conduct states that accredited assessors:

- Must be personally accountable for the validity of all data collected, analyses performed, or reports developed by them and for the scrutiny of all data collected, analyses performed, or reports developed under their direction.
- Must ensure thorough quality control measures are in place to confirm the correctness and validity of all work prepared by them or by staff or contractors under their direction.

Recommendation

1.1 The disclaimer in Section 1.6 should be removed from the BDAR.

2. The minimum number of plots required for Vegetation Zone 3 was not achieved.

In accordance with the BAM, the assessor must determine the impacts on native vegetation and habitat. Each vegetation zone must be surveyed using the appropriate methodology, including a prescribed minimum number of plots.

Only one plot was completed in vegetation zone three as the proposed impact area at the time of survey was less than two hectares. However, the impact area for zone three was subsequently increased and the minimum number of plots required increased from one to three. In the absence of additional plots, data from the existing zone three plot was replicated to meet minimum plot requirements.

It is a requirement of the BAM that a minimum number of plots be sampled to ensure that a representative sample is taken for the vegetation zone. Given that the vegetation zone is 9.58 hectares in size within a patch of 94 hectares an additional two survey plots may have provided more representative data.

Recommendation

2.1 An additional two plots appropriately placed within the vegetation zone should be sampled, benchmark data used, or justification for duplicating the plot as representative be provided.

3. Reference to the E44 Rocklands Project

Reference is made to the E44 Rocklands Project throughout the BDAR. In some instances, this relates to similarities in habitat and conclusions drawn in regard to the likelihood of flora and fauna species occurring on the Mod 6 development site. However, several statements are made in regards the E44 Rocklands site as though it is the development site being addressed by this BDAR. For example, *“A total of 49 species of fauna were recorded during the current field surveys and relevant surveys for the E44 Rocklands Project in the study area. These included 41 native bird species, five mammal species (including three introduced species), and three frog species (see Appendix B)”* in Section 5.4.1.

While it is understood that surveys for the E44 Rocklands Project have been used to inform the potential for the occurrence of species on the Mod 6 development area this is blurred by statements such as the example above. Appendix B provides a list of flora and fauna recorded but does not indicate if this was on the E44 Rocklands site (as suggested) or the Mod 6 site.

Recommendations

- 3.1 Discussion relating to the results of surveys should be clearly defined between Mod 6 and the E44 Rocklands project.
- 3.2 Update Appendix B to reference E44 Rocklands as the related source.

4. There is no discussion of avoidance or minimisation of impacts relating to the E22 portal

The *Biodiversity Conservation Act 2016* (s1.3) requires proponents to consider whether appropriate steps have been taken to *‘avoid, minimise and offset the impacts of proposed development and land use change on biodiversity’*.

The E22 portal disturbance area is currently 9.58 hectares. It is noted that this was less than two hectares at the time that vegetation plot surveys were conducted. Other than a statement that *“This area is likely to be refined further by Northparkes during detailed design and the area of disturbance could potentially only be about one hectare”* there is no detailed discussion of what measures may be possible to reduce or minimise disturbance at this location.

The detailed design impact area should be finalised prior to approval of the modification. Should the final area of impact be less than approved under this modification the approval conditions should reflect the biodiversity credit liability required for the area assessed for disturbance in the BDAR.

Recommendations

- 4.1 The BDAR must include discussion relating to measures to avoid or minimise all impacts of the proposed development for the current disturbance area, in addition to explaining the measures that will be taken during the detailed design phase to further avoid and minimise.
- 4.2 Should the final area of impact be less than approved under this modification the approval conditions should reflect the biodiversity credit liability in the BDAR.

5. BCS has considered the proposed offset swap

Northparkes have identified a 0.69 hectare area of retained vegetation that has approval to be cleared within the existing approved operational area.

BCS understands that this modification would remove this area from the current approval conditions so that it can no longer be impacted; and, as the offset obligation for this area has been discharged, the credits used to offset the area would be transferred to reduce the credit requirement for this modification.

BCS notes that a vegetation integrity plot was sampled during the survey period for this proposal to determine the condition of the vegetation (PCT 80) of the offset swap area. The credit calculator was then used to determine the vegetation integrity score and the number of credits the area would generate. The credit requirement for the offset swap area (27 ecosystem credits) is proposed to be subtracted from the like-for like options for this PCT (PCTs 56, 76, 80 and 82) impacted by Mod 6.

BCS can confirm that the BAM has been applied correctly in the offset swap area and that the area generates 27 ecosystem credits.

Recommendation

- 5.1 If the consent authority endorses the proposed offset swap, the offset swap area indicated in Figure 6 of the BDAR should be removed from the current approval conditions as an area to be impacted.