Our ref: DOC19/831443
Your ref: SSD-9505

Ms Ellie Clementine
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Dear Ellie

McPhillamys Gold Project (Mine Site and Water Supply Pipeline) - Exhibition

Thank you for your e-mail dated 10 September 2019 to the Biodiversity and Conservation Division (BCD) inviting comments on the Environmental Impact Statement (EIS) for the McPhillamys Gold Project.

BCD notes that the project is made up of two components; the mine site and the water supply pipeline which are being assessment through two different pathways: the Framework for Biodiversity Assessment (FBA) for the mine site and the Biodiversity Assessment Methodology (BAM) for the water supply pipeline.

BCD's biodiversity recommendations for both the mine site and the water supply pipeline are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please contact either David Geering via david.geering@environment.nsw.gov.au or (02) 6883 5335, or Michelle Howarth via michelle.howarth@environment.nsw.gov.au or (02) 6883 5339

Yours sincerely

23 October 2019

Steven Cox
A/Director North West Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

McPhillamys Gold Project – Environmental Impact Statement

Acronyms

BCD	Biodiversity and Conservation Division (Formerly OEH)
OEH	Office of Environment and Heritage
BC Act	Biodiversity Conservation Act 2016
FBA	Framework for Biodiversity Assessment
BAR	Biodiversity Assessment Report
BBAM	BioBanking Assessment Methodology
BAM	Biodiversity Assessment Methodology
BDAR	Biodiversity Development Assessment Report
TBDC	Threatened Biodiversity Data Collection
PCT	Plant Community Type
IBRA	Interim Biogeographic Regionalisation for Australia

Recommendations

Mine Site

1. Justification for the exclusion of Silky Swainsona should be provided, or conduct targeted surveys, assume presence or obtain an expert report.

2. A figure showing the species polygon for the squirrel glider is required.

3. Any planned relocation of koalas should be consistent with the OEH *Translocation Operational Policy (OEH 2019)* and be developed in consultation with BCD

Water Supply Pipeline

4. The field data sheets for each plot should be provided in the BDAR.

5. Provide further justification for all PCT identifications.

6. The assessor should certify the BDAR in accordance with section 6.15 of the BC Act.

7. Separate habitat suitability assessments must be completed for each IBRA subregion. This requires the accredited assessor to submit four separate cases in the BAM credit calculator.

8. The assessor must meet the minimum plots and transects required by the BAM for each vegetation zone in each IBRA subregion assessment that is carried out.

9. Ensure that the correct data set is entered into the BAM calculator and that it reflects the data in the BDAR.

10. Any vegetation that has been mapped as native vegetation by the assessor within the project area and the buffer should be included in the native vegetation extent mapping.

11. All native woody and non-woody vegetation on the subject land and within the buffer should be mapped.

12. Any species that does not have habitat constraints listed in the TBDC must be retained in the calculator for all associated PCT's regardless of the vegetation zone condition.

13. All field vegetation plot and transect, and fauna survey data sheets should be provided.

14. PCT mapping must align with the plot data collected by the assessor. Where the vegetation type varies the assessor must stratify the areas into separate vegetation zones and provide justification of the identified vegetation zones and PCTs.

BCD's detailed comments

McPhillamys Gold Project – Environmental Impact Statement

Biodiversity – Mine Site

1. Further assessment of Silky Swainsona is required

Targeted surveys were conducted in 2013 for Small Purple-pea *Swainsona recta*.

The 2013 surveys were conducted in Spring, with adequate coverage of two plant community types:

- PCT 654 Apple Box – Yellow Box dry grassy woodland of the South Eastern Highlands Bioregion
- PCT 727 Broad-leaved Peppermint – Brittle Gum – Red Stringybark dry open forest on the South Eastern Highlands Bioregion

In a letter to the consultants (DOC19/182640) BCD noted that no transects were conducted in the northernmost part of the proposed disturbance footprint. This area contains PCT 1298 – Wet tussock grasslands of cold air drainage areas of the tablelands. As PCT 1298 is potential habitat for Silky Swainsona the exclusion of species within this PCT will need to be fully justified.

The BAR states that the Silky Swainsona is not identified as a threatened species requiring consideration by the BBAM calculator and therefore requires no further assessment. Section 6.5.1.2 of the FBA states that a threatened species is identified as a candidate species for the development site if the geographic distribution of the species is known or predicted to include the IBRA subregion in which the development site is located. As Silky Swainsona is predicted to occur in the Orange IBRA subregion it should be assessed and, as no targeted surveys were conducted in PCT 1298, it should either be assumed to be present or an expert report should be obtained.

Recommendation 1

Justification for the exclusion of Silky Swainsona should be provided, or conduct targeted surveys, assume presence or obtain an expert report.

2. A species polygon is required for the squirrel glider

Section 7.3 of the BAR concludes that there will be a residual impact of 129.3 ha of habitat for the squirrel glider and 75.77 ha of habitat for the koala. However, Figure 7.3 of the BAR depicts a species credit polygon that is labelled for both koala and squirrel glider totalling 75.76 ha.

It is a requirement of the FBA that species polygons for species credit species be provided in the BAR. The species polygon provided reflects the area of habitat likely to be used by the koala (75.77 ha). An additional species polygon is required for the squirrel glider (129.3 ha).

Recommendation 2

A figure showing the species polygon for the squirrel glider is required.

3. Relocation of koala will require consultation with BCD

Section 7.2 of the BAR includes a mitigation measure to "*develop specific procedures for koala pre-clearance inspections and safe relocations outside the clearing area*". Any planned

relocation of koalas should be consistent with the Office of Environment and Heritage (OEH) Translocation Operational Policy (OEH 2019).

The proponent should demonstrate how they will maximise and report on animal welfare outcomes at each stage of the translocation process. Procedures for the potential relocation of koalas, including the selection of nearby habitat suitable for release and monitoring of translocation success, should be developed in consultation with BCD.

Recommendation 3

Any planned relocation of koalas should be consistent with the OEH *Translocation Operational Policy (OEH 2019)* and be developed in consultation with BCD

Biodiversity – Water Supply Pipeline

4. PCT identification cannot be verified

The field data sheets for each plot should be provided with the BDAR. Appendix 2 of the BDAR contains a full species list for the entire project area but the plots in which the species were present is not specified. Table 4-1 of the BDAR includes the BioNet Vegetation Classification's description of the chosen PCT's but no description of the PCT's characteristics that are present on site.

The BDAR does not provide adequate justification for the PCT identification and without field data sheets BCD is unable to assess whether the PCT conclusions are appropriate. As per section 5.2 of the BAM, the identification of PCT's must be in accordance with NSW PCT classification as described in the BioNet Vegetation Classification. As such the BDAR must justify each PCT identification by describing how the sites attributes recorded on the field data sheets meet the chosen PCT's NSW PCT classification.

Recommendation 4

The field data sheets for each plot should be provided in the BDAR.

Recommendation 5

Provide further justification for all PCT identifications.

5. The BDAR should be certified as BAM compliant within 14 days of the submission date

It is unclear whether or not the exhibited BDAR is final or draft, the document control page of the BDAR indicates that the document status is draft, and it has not been certified as BAM compliant.

Section 6.15 of the BC Act states *'a biodiversity assessment report cannot be submitted in connection with a relevant application unless the accredited person certifies in the report that the report has been prepared on the basis of the requirements of (and information provided under) the biodiversity assessment method as at a specified date and that date is within 14 days of the date the report is so submitted'*

The BDAR that has been submitted has not been certified in accordance with section 6.15 of the BC Act.

Recommendation 6

The assessor should certify the BDAR in accordance with section 6.15 of the BC Act.

6. Separate habitat suitability assessments must be completed for each IBRA subregion

BCD have reviewed both the BDAR and the BAM credit calculator and note that although the project footprint spans across four IBRA subregions the assessor has only carried out an assessment for the IBRA subregion where most of the project occurs. This is not the correct method for linear shaped developments. As per section 6.4.1.7 of the BAM for linear shaped developments, the assessor must carry out a separate habitat suitability assessment for each IBRA subregion. This requires the accredited assessor to submit four separate cases in the BAM credit calculator.

As separate assessments are required for each IBRA subregion the minimum number of plots and transects required per vegetation zone area may differ from the number that were required for the single assessment that was completed. The assessor must meet the minimum plots and transects required by the BAM for each vegetation zone in each assessment that is carried out. This may also impact the species lists generated for each subregion by adding new species that would require habitat suitability assessments in accordance with section 6 of the BAM.

Recommendation 7

Separate habitat suitability assessments must be completed for each IBRA subregion. This requires the accredited assessor to submit four separate cases in the BAM credit calculator.

Recommendation 8

The assessor must meet the minimum plots and transects required by the BAM for each vegetation zone in each IBRA subregion assessment that is carried out.

7. There are inconsistencies between the plot data in the BDAR and the data entered into the BAM calculator

There are inconsistencies between the plot data provided on page 194 of the BDAR and the data that has been entered into the calculator. BCD has reviewed a number of plots at random against the data in the calculator and found inconsistencies, one example is provided below. 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. BCD is unable to clarify which data is correct as the field data sheets have not been provided. The assessor should ensure that the correct data is entered while addressing recommendations 7 and 8 above.

Plot MAC05		
Data	BDAR	Calculator
Structure Condition – Tree	75.0	70.0
Function – Stem Class – 5-9	Not Present	Present
Function – Stem Class – 50-79	Present	Not Present

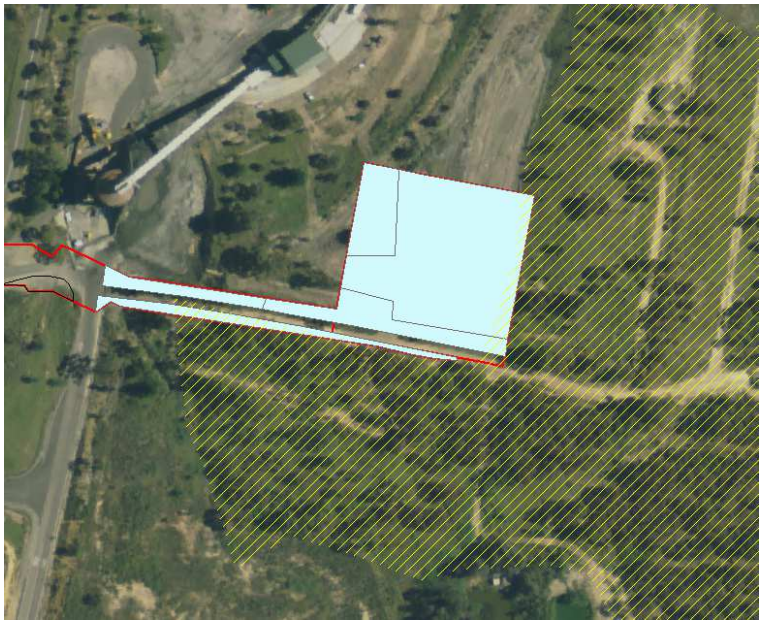
Recommendation 9

Ensure that the correct data set is entered into the BAM calculator and that it reflects the data in the BDAR.

8. The native vegetation extent mapping is inconsistent with PCT mapping and aerial imagery

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 a native PCT by the assessor however these areas have not been included in the native vegetation extent layer and calculation. Additionally, there are areas within the buffer area that appear to be native vegetation on the aerial imagery however they not been mapped on the native vegetation extent layer. Examples below.

Example 1 – Inconsistencies between the assessors PCT mapping and native vegetation extent mapping - The blue shading is an area identified as PCT 731 by the assessor, the yellow hatching is the native vegetation extent identified by the assessor.



Example 2 – Areas of vegetation within the linear buffer that have not been included in the native vegetation extent

Recommendation 10

Any vegetation that has been mapped as native vegetation by the assessor within the project area and the buffer should be included in the native vegetation extent mapping.

Recommendation 11

All native woody and non-woody vegetation on the subject land and within the buffer should be mapped.

9. Species cannot be removed from the predicted list where the TBDC does not list habitat constraints

BCD note that the assessor has removed a number of species from the predicted list generated from the BAM calculator. 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) 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 listed in the TBDC and are not considered vagrant and therefore cannot be removed from the predicted list for any associated PCT regardless of the vegetation zone condition;

- regent honeyeater *(Anthochaera Phrygia)*
- brown treecreeper eastern subspecies *(Climacteris picumnus victoriae)*
- varied sittella *(Daphoenositta chrysoptera)*
- little lorikeet *(Glossopsitta pusilla)*
- swift parrot *(Lathamus discolour)*
- black-chinned honeyeater eastern subspecies *(Melithreptus gularis gularis)*

The following species do have habitat constraints listed in the TBDC and therefore could be removed from the predicted list if the assessment requirements set out in steps 2 and 3 of chapter 6 of the BAM have been met:

- glossy black-cockatoo *foraging (Calyptorhynchus lathami)*
- painted honeyeater *(Grantiella picta)*

For the above two species BCD is unable to verify whether or not the habitat constraints are absent from the vegetation zones as no field data sheets have been provided.

Recommendation 12

Any species that does not have habitat constraints listed in the TBDC must be retained in the calculator for all associated PCT's regardless of the vegetation zone condition.

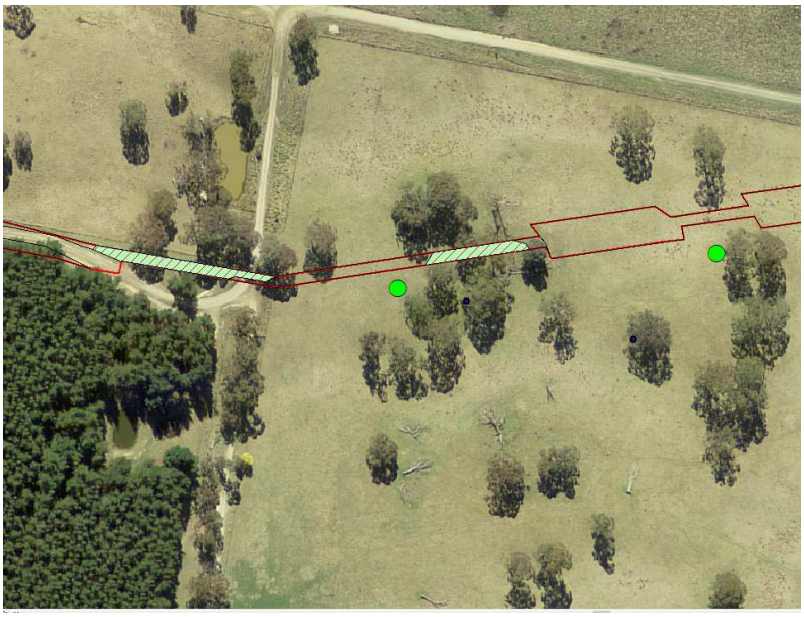
Recommendation 13

All field vegetation plot and transect, and fauna survey data sheets should be provided.

10. PCT mapping is not consistent with plot data

There appears to be a number of locations within the pipeline footprint where areas of vegetation have been identified as a PCT by the plot data however only partly mapped as the identified PCT.

Example – The two green points below are plot locations that were identified as PCT 1330, however the mapping within the pipeline footprint only maps two small areas as PCT 1330.



For the example shown above if the area between the two mapped areas of PCT 1330 is not PCT 1330, in this case it has been mapped as non-native, the assessor must provide evidence of this.

Recommendation 14

PCT mapping must align with the plot data collected by the assessor. Where the vegetation type varies the assessor must stratify the areas into separate vegetation zones and provide justification of the identified vegetation zones and PCTs.