

29 October 2021

Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2150  
Via Email: [Stephen.ODonoghue@planning.nsw.gov.au](mailto:Stephen.ODonoghue@planning.nsw.gov.au)

Dear Steve,

**RE: NARRABRI UNDERGROUND MINE STAGE 3 EXTENSION PROJECT – BIODIVERSITY, CONSERVATION AND SCIENCE DIRECTORATE ADVICE**

We refer to the advice from the Biodiversity, Conservation and Science Directorate (BCS) regarding the Narrabri Underground Mine Stage 3 Extension Project provided to Narrabri Coal Operations Pty Ltd (NCOPL) on 14 October 2021 (DOC21/863820).

A response to each of the recommendations of the BCS's advice is provided below.

**1.1 *The request for a credit reduction be reflected via a commensurate decrease to the area NCOPL is required to conduct mine site rehabilitation and secure under a long-term security mechanism for Stage 2 in the project consent, rather than a reduction in credits calculated for Stage 3.***

NCOPL notes that BCS supports the concept of an impact reduction area, however, has suggested that this impact reduction results in a proportionate (hectare-for-hectare) decrease in the area in which NCOPL is required to conduct mine site rehabilitation and secure under a long-term security mechanism for Stage 2 of the Narrabri Mine.

NCOPL's proposed approach is consistent with Section 7.14(3) of the *Biodiversity Conservation Act 2018*:

*If the Minister for Planning decides to grant consent or approval and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent or approval may require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values (whether of the number and class specified in the report or other number and class). The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent or approval to avoid or minimise the impact on biodiversity values of the proposed development.*

As noted in the Stage 2 assessment report<sup>1</sup>, the Stage 2 offsets were established with a ratio of 2.6:1 woodland offset to woodland conserved. NCOPL notes that BCS's alternative recommended approach of "a commensurate decrease in the area in which NCOPL is required to conduct mine site rehabilitation and secure under a long-term security mechanism for Stage 2" advocates for a 1:1 ratio, which is inconsistent with the approved Stage 2 offset, whereas the NCOPL proposal of using biodiversity credits is a method which incorporates the impact reduction area into the Project biodiversity offset using the latest accredited process.

Notwithstanding, given the overall implications of BCS's recommendation on the Project (or Stage 2) offset in this circumstance is relatively small, NCOPL has no further comments on BCS's recommendation.

**2.1. *The upper quantum of credits for each stage be included in the consent conditions.***

Noted.

<sup>1</sup> <https://majorprojects.accelo.com/public/2e94f58dc6d42570b0a833a92a4f549a/Narrabri%20Stage%202%20-%20Assessment%20Report.pdf>

**2.2. Any change to credit obligations post approval be done through a formal modification application.**

NCOPL expects that the possible change in credit obligation for the Glossy Black-Cockatoo can be conditioned given DPIE changed the survey methodology after the survey work for the Project was completed. For example, Condition B49 of Maxwell Project approval (SSD 9526) allows reduction of the credit requirement with submission of additional survey findings or expert report:

*The biodiversity credit requirements outlined in conditions B47 and B48 for *Diuris tricolor*; *Prasophyllum petilum*; *Pterostylis chaetophora*; *Ozothamnus tessellatus* and *Thesium australe*, may be reduced if the Applicant demonstrates to the satisfaction of the Planning Secretary, that the credit requirements in Table 6 and/or Table 7 do not accurately reflect the extent of impacts on these species as a result of the development. Any request from the Applicant to reduce these credit requirements must:*

- (a) *be in writing and addressed to the Planning Secretary; and*
- (b) *be supported by an expert report or survey report outlining the findings of additional surveys, which has been prepared:*
  - (i) *by a suitably qualified and experienced person/s;<sup>a,b</sup>*
  - (ii) *in accordance with the BAM;*
  - (iii) *in consultation with Council; and*
  - (iv) *in consultation with BCD,*

*to the satisfaction of the Planning Secretary.*

<sup>a</sup> *In the case of an expert report, a 'suitably qualified and experienced person' means a person who meets the relevant requirements outlined in section 6.5.2 of the BAM*

<sup>b</sup> *In this case of a survey report, a 'suitably qualified and experienced person' means an accredited person as defined in section 1.6 of the BC Act.*

NCOPL requests that consideration of a similar condition is provided by DPIE.

**3.1. NCOPL note the dual-credit bird species advice provided by BCS.**

Noted.

We trust this meets your immediate requirements; please don't hesitate to contact me should you have any queries.

Yours sincerely,



David Ellwood  
Director NCO Stage 3 Project