

Our ref: DOC20/635611-1

Your ref: SSD 9526

Ms Lauren Evans

Team Leader
Energy, Resources & Compliance
Planning and Assessment Group
Department of Planning, Industry and Environment
lauren.evans@planning.nsw.gov.au

Dear Ms Evans

Maxwell Underground Coal Mine Project (SSD 9526) – Supplementary Flora Surveys

I refer to your e-mail dated 6 August 2020 in which Planning and Assessment Group (P&A) of the Department of Planning, Industry and Environment asked Biodiversity and Conservation Division (BCD) to review a letter from Hunter Eco dated 30 July 2020. The letter was in relation to the biodiversity assessment for the Maxwell Underground Coal Mine Project (SSD 9526) and was in response to BCD's advice dated 14 July 2020 on surveys for threatened plants. In your e-mail you asked for specific advice in relation to:

- whether the supplementary surveys are sufficient to eliminate *Eucalyptus glaucina* and *Cymbidium canaliculatum* from the list of assumed species for which offsets are required; and
- whether BCD's previous advice stands in respect of *Ozothamnus tessellatus* and *Thesium australe* (i.e. that presence should be assumed until BAM compliant surveys are undertaken in spring and summer, respectively).

BCD has reviewed Hunter Eco's response and is satisfied that supplementary flora surveys have been sufficient to discount the presence of *Eucalyptus glaucina* and *Cymbidium canaliculatum* from the development footprint.

Survey transects undertaken for both *Ozothamnus tessellatus* and *Thesium australe* were spaced at 40 metres apart rather than the maximum of 20 metres or less apart, as specified in the *NSW Guide to Surveying Threatened Plants* (OEH 2016, the survey guidelines). As the surveys for both species were not undertaken in accordance with the survey guidelines, our previous advice stands.

BCD understands that the proponent will assume the presence of both species in the development footprint and seek to potentially reduce the credit requirements by further surveys or an expert report, or both, post-determination.

To satisfy the survey guidelines, survey transects for *Ozothamnus tessellatus*, particularly when plants are not in flower, should be 20 metres or less apart. Survey transects for *Thesium australe* should be 20 metres apart or less to identify patches of *Themeda triandra* (in which *Thesium australe* occurs), followed by transects 5 metres apart within patches of *Themeda triandra* to look for *Thesium australe*.

If you have any further questions in relation to this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Joe Thompson". The signature is written in a cursive, flowing style.

JOE THOMPSON
Director Hunter Central Coast Branch
Biodiversity and Conservation Division

Date: 21/08/2020