



Our ref: DOC19/808273

Jacob Manners
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Dear Mr Manners

Subject: Proposed Biodiversity Stewardship Agreement (BSA) site Myall Road Cardiff

Thank you for your letter dated 27th May which provided responses to the information requested by Catherine Gallery, Manager Agreements and Technical Services of the Biodiversity Conservation Trust (BCT) in email correspondence dated September 11th 2018.

Thank-you also for undertaking a site inspection of the proposed BSA site with Jennie Powell on July 18th 2019. The inspection was very helpful in forming a view on the biodiversity features and management issues on site.

The BCT understands that the proposed BSA site comprises residual lands of an adjacent proposed residential subdivision. Biodiversity credits generated from the site would be voluntarily retired because the subdivision proposal is a pending or interim planning application under *the Savings and Transitional Regulation 2017* of the *Biodiversity Conservation Act 2016*.

The BCT does not object in principle to the establishment of a BSA site at Myall Road Cardiff. The inspection confirmed that the site supports native vegetation in good condition with high biodiversity values including breeding and roosting habitat for the threatened Powerful Owl, habitat for the threatened plant species Black-eyed Susan, and habitat for the Squirrel Glider and other threatened fauna species. Management actions undertaken on the proposed BSA site have good potential to protect the site's biodiversity values and improve its ecological integrity.

The BCT has some reservations about the long-term viability of the isolated small patches located to the south-east of the Newcastle Inner City Bypass and to the north of Myall Road which were not inspected. Currently uncontrolled mountain-bike activity is causing damage to native vegetation and edge effects from the proposed residential subdivision may potentially impact the site. However, these matters are considered manageable and would be addressed in the application review phase for a BSA site.

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The BCT has reviewed your written responses and assessments by Douglas Partners in attachments 2 and 3 of your letter to the three matters raised by Catherine Gallery.

1. *Confirm the establishment of a BSA site in a mine subsidence area would not prevent management actions from taking place.*

The BCT is satisfied with the advice of Douglas Partners that the undertaking of biodiversity management activities would present a tolerable risk to personnel implementing the actions providing recommended safe work practices are adhered to. For example, weed control in the immediate vicinity of the high risk potholes, in particular the control of lantana which appears to be a common weed onsite, may be undertaken by bush-regeneration contractors with the use of long reaching equipment such as a herbicide splatter gun while standing away from the subsidence area.

2. *Confirm the establishment of a BSA site in a mine subsidence area would not be inconsistent with existing legal obligations*

The BCT notes the advice of the Subsidence Advisory NSW that they do not consider the *Coal Mine Subsidence Act 2017* would preclude the establishment of a Biodiversity Stewardship Agreement over the land.

3. *Confirm that the in-perpetuity nature of the BSA is not in conflict with any future actions required to manage subsidence*

Given the relatively small area of the 16 existing high risk potholes, and the probability of one high-risk pothole forming every nine years as determined by Douglas Partners, the BCT does not consider that the ongoing ecological viability of the site is likely to be significantly impacted by existing or future potholes. The BCT notes the proposed environmentally sensitive pothole remediation works. The necessity of these works for safety of bush-regenerators and to protect the environment (e.g. management of erosion) should be reviewed on a site by site basis.

Regarding the presence of the high transmission electricity easement on the site, the BCT advises that if the easement is on land owned by Landcom, then the BCT may consider its inclusion in the BSA site as a separate management zone to facilitate the management of invasive weeds and potential habitat for threatened plants.

Yours sincerely



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