



8 November 2024

Ms Jessie Evans
Director, Resource Assessments
NSW Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear Ms Evans

**Sancrox Quarry Expansion
Request for Information**

I refer to the State significant development application for the Sancrox Quarry Expansion (SSD 7293) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

Thank you for your response dated 22 October 2024 regarding the Commission's request for the Department to prepare draft conditions of consent to ensure Koala access to habitat areas north and south of the Site is maintained in the event that the Commission determines to approve the Application.

I note discussions between our respective legal representatives regarding the lawfulness of conditions proposed by the Commission.

With those discussions in mind, to assist the Commission with its deliberations, the Department is requested to comment on the following revised proposed conditions of consent identified in Attachment A to this letter. The Commission has also provided commentary in yellow highlighting to assist the Department's provision of advice. This letter and its Attachment supersede the Commission's previous request for the Department's advice on proposed conditions B42, B43 and B44 dated 31 October 2024.

The Commission asks that the Department please consult with the Applicant and BCS, and others as you consider necessary, regarding the feasibility and practicality of implementing any such conditions.

The Commission requests that the Department provide a response by **5pm on Thursday, 14 November 2024**. Should you require clarification or additional time to respond to the queries above, please contact Brad James at [REDACTED] or [REDACTED].

Yours sincerely,

James Innes
Legal Director (for Steve Barry, Planning Director)

- B42. The Applicant must revegetate the cleared areas of the site as identified in Appendix 8 in accordance with the Plant Community Types and planting densities described in the documents listed in condition A2(c), and the performance and completion criteria identified in Table 5.

Table 5: Koala habitat revegetation performance and completion criteria

Area	Performance and completion criteria
Northern-most cleared area within Lot 2 DP574308	<ul style="list-style-type: none"> • revegetation must conform to adjacent Plant Community Types and incorporate Broad-leaved paperbark and Swamp mahogany species; • Swamp mahogany must occur at a density of between 96 to 188 plants per hectare, of which at least 25 plants per hectare (averaged over the revegetation area) have ≥100mm diameter at breast height; • no barriers to koala movement across the land marked on the plan at Appendix # [Panel proposes to rely on the new plan sought under proposed condition B44 to mark the land over which there must be no barriers to koala movement (which should exclude, for example, the quarry extraction area)]; and • either: <ul style="list-style-type: none"> ○ evidence of Koala use of the revegetation area identified using the NSW Koala Biodiversity Assessment Method Survey Guide; or ○ a report prepared by a suitably qualified and experienced person endorsed by the Planning Secretary in consultation with BCS [The Panel's view is that an accredited person under the BC Act might only be a generalist ecologist – the Panel seeks appointment of someone with specialist koala knowledge. The Panel proposes to have endorsement of the expert by the Planning Secretary, after consultation with BCS (noting that there are four other references to BCS consultation (B45/footnote to B45 and B52(b)) and (B49)], with a comparative analysis of equivalent functional Koala habitat undertaken in accordance with the Biodiversity Assessment Method 2020 (or its latest version) and the NSW Koala Biodiversity Assessment Method Survey Guide, that the revegetation area has functional capacity as Koala habitat.
Western-most cleared area within Lot 2 DP574308	<ul style="list-style-type: none"> • revegetation must conform to adjacent Plant Community Types and include Broad-leaved paperbark and Swamp mahogany in low-lying wetter areas and in more elevated areas the tallest stratum should include a mix of Tallowwood, Small-fruited grey gum and Forest red gum; • Swamp mahogany, Tallowwood, Small-fruited grey gum and Forest red gum must collectively occur at a density of

	<p>between 96 to 188 plants per hectare, of which at least 25 plants per hectare (averaged over the revegetation area) have $\geq 300\text{mm}$ diameter at breast height;</p> <ul style="list-style-type: none"> • no barriers to Koala movement across the land marked on the plan at Appendix #; and • either: <ul style="list-style-type: none"> ○ evidence of Koala use of the revegetation area identified using the NSW Koala Biodiversity Assessment Method Survey Guide; or ○ a report prepared by a suitably qualified and experienced person endorsed by the Planning Secretary in consultation with BCS, demonstrating, with a comparative analysis of equivalent functional Koala habitat undertaken in accordance with the Biodiversity Assessment Method 2020 (or its latest version) and the NSW Koala Biodiversity Assessment Method Survey Guide, that the revegetation area has functional capacity as Koala habitat.
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B43. The Applicant must commence revegetation of the existing cleared areas of the site as identified in Appendix 8 prior to the commencement of native vegetation clearing.

B44. Vegetation clearing under this consent is limited to Areas A and B as shown at Appendix # **[The Panel requests a new map to identify these areas, and the areas over which there ought to be no barriers to Koala movement, per the third dot point in Table 5 of condition B42]**. The Applicant must not undertake vegetation clearing outside Area A until Condition B42 has been satisfied to the satisfaction of the Planning Secretary.

END
