



## Department of Planning and Environment

Mr Nahid Mahmud  
Senior Planning Officer  
Department of Planning and Environment  
4 Parramatta Square  
PARRAMATTA NSW 2150

Our ref: DOC22-989370  
Sender's ref: SSD-24262975

Via Major Projects Portal: PAE-50357965

5 December 2022

Dear Mr Mahmud

**Subject: Blessed Carlo College, Moama (SSD-24262975) – Environmental Impact Assessment**

Thank you for your email dated 8 November 2022 about the proposed Blessed Carlo College seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment about the Environmental Impact Statement (EIS).

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs) issued on 13 August 2021.

BCD considers that the EIS **does not** meet the Secretary's requirements for biodiversity. The proponent needs to address the nine key issues summarised in **Attachment A**.

BCD is satisfied that flooding is a minor concern for the proposal. We are concerned that the Secretary's requirements for assessing flood risk were not addressed and no justification was provided.

A summary of our assessment, advice and recommended conditions of approval is provided in **Attachment A**. Detailed comments are in **Attachment B**.

All plans required as a Condition of Approval that relate to biodiversity or flooding should be developed in consultation with, and to the satisfaction of BCD, to ensure that issues identified in this submission are adequately addressed.

If you have any questions about this advice, please contact Marcus Wright, Senior Conservation Planning Officer, via [rog.southwest@environment.nsw.gov.au](mailto:rog.southwest@environment.nsw.gov.au) or 02 6983 2917.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Fisher'.

Andrew Fisher  
**Senior Team Leader Planning**  
**South West Branch**  
**Biodiversity and Conservation Division**  
**Department of Planning and Environment**

ATTACHMENT A – BCD Assessment Summary for Blessed Carlo College, Moama (Murray River) Environmental Impact Statement (SSD-24262975)

ATTACHMENT B – Detailed comments for Blessed Carlo College, Moama (Murray River) Environmental Impact Statement (SSD-24262975)

## ATTACHMENT A     BCD Assessment Summary for Blessed Carlo College, Moama - Environmental Impact Statement (SSD-24262975)

BCD has reviewed:

Sylvestro Planning (2022). *Environmental Impact Statement. Proposed New K-12 Educational Establishment. Blessed Carlo Catholic College. Lignum Road and Kiely Road, Moama NSW 2731. Lot 76, DP751159. Part A – Report.* Prepared for Diocese of Wilcannia-Forbes. Rev 2.0 – October 2022.

Section 6.15 Flooding in the EIS

Section 6.10 Biodiversity in the EIS

OzArk (2022). Biodiversity Development Assessment Report. Blessed Carlo College, Moama. Murray River Council LGA. May 2022 (Appendix K to the EIS).

McCrone (2022). Proposed Blessed Carlo College, Moama, Arborist Report (Clarke Hopkins Clarke. October 2022.

### Summary of Key Issues to be addressed

1.	The BOAMS case has not been finalised correctly	<p>The BOAMS case has not been finalised correctly.</p> <p>The case is entered as exceeding BOS thresholds, but it is SSD.</p> <p><b>Recommended action:</b></p> <p>The accredited assessor must amend and rectify these aspects in BOAMS</p>
	<i>Extent and Timing</i>	Pre-determination

2.	The area of direct impact is underestimated	<p>The area of direct impact is underestimated.</p> <p>Clearing associated with various ancillary works has not been assessed.</p> <p><b>Recommended action:</b></p> <p>The BDAR must be revised to assess all direct and indirect impacts associated with ancillary works.</p>
	Extent and Timing	Pre-determination

3.	When designing and constructing storm water disposal infrastructure, the proponent must apply best practice for Sloane's Froglet	<p>We recommend applying the <i>Sloane's Froglet Stormwater Wetland Design Guidelines</i> be applied when developing and implementing the storm water management plan and associated works.</p> <p><b>Recommended action:</b></p> <p>The proponent must rely on the <i>Sloane's Froglet Stormwater Wetland Design Guidelines</i> to design and construct storm water disposal works in consultation with BCD.</p>
	Extent and Timing	Pre-construction
	Recommended Condition of Approval	The EMP must include a Storm Water Disposal Management Plan that is informed by the <i>Sloane's Froglet Stormwater Wetland Design Guidelines</i>

4.	The BDAR lacks justification for excluding ecosystem credit species	<p>The BDAR lacks justification and supporting evidence for excluding ecosystem credit species based on geographic limitations, habitat constraints or vagrancy.</p> <p><b>Recommended action:</b></p> <p>The accredited assessor must check habitat constraints boxes for all species in the calculator (if that is the justification for exclusion) and better explain that rationale in the BDAR.</p>
	Extent and Timing	Pre-determination

5.	Justification is required for the minimal threatened fauna survey presented	<p>The threatened fauna survey effort is minimal.</p> <p>The BOS credit obligation for species credit species has been generated because presence has been assumed, not observed.</p> <p>Although not justified in the BDAR, BCD considers the minimal survey effort likely to be satisfactory given the habitat constraints and low vegetation condition at the site.</p> <p><b>Recommended action:</b></p> <p>BDAR must be amended to better justify the minimal survey effort species credits species.</p>
	Extent and Timing	Pre-determination

6.	The assessment of prescribed impacts is not adequate	<p><i>Connectivity</i></p> <p>The potential for connectivity to larger patches has not been demonstrated.</p> <p><i>Vehicle strike</i></p> <p>There is no assessment of species at risk of vehicle strike, the potential of the proposal to increase that risk, or high risk locations despite recognising that vehicle strike is likely to increase.</p> <p><b>Recommended action:</b></p> <p>The BDAR be revised to better consider the impact of the proposal on connectivity and vehicle strike.</p>
	Extent and Timing	Pre-determination
	Recommended Condition of Approval	Strategies to mitigate prescribed impacts must be identified and implemented in the EMP.

7.	The impact of the proposal on threatened species is not complete	<p>The impact of the proposal on threatened species (Chapter 8.3 of the BAM) does not include prescribed impacts, indirect impacts, or uncertain impacts.</p> <p><b>Recommended action:</b></p>
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		BDAR be amended to take into account the impact of the proposal on prescribed impacts, indirect impacts, and uncertain impacts.
	Extent and Timing	Pre-determination

8.	The BDAR does not identify measures to mitigate and manage impacts	<p>The BDAR fails to identify measures to mitigate and manage impacts, including the risk of those measures failing, and is not consistent with Chapter 8.4 and 8.5 of the BAM.</p> <p><b>Recommended action:</b></p> <p>The BDAR be amended to identify measures to mitigate and manage impacts consistent with Chapter 8.4 and 8.5 of the BDAR.</p>
	Extent and Timing	Pre-determination
	Recommended Condition of Approval	The EMP must be informed by the measures to mitigate and manage impacts and risks of failure identified in the BDAR.

9.	The BDAR must include the like for like credit trading groups	<p>The BDAR must include the like for like credit trading groups.</p> <p><b>Recommended action:</b></p> <p>The BDAR be updated to include the like for like options for retiring ecosystem credits.</p>
	Extent and Timing	Pre-determination

## **ATTACHMENT B – Detailed comments for Blessed Carlo College, Moama (Murray River) Environmental Impact Statement (SSD-24262975)**

### Flooding

BCD has reviewed the flooding assessment in Section 6.15 of the EIS. The EIS does not appropriately address the Secretary's requirements for flooding.

The SEARs issued by BCD required the proponent to liaise with Murray River Council (MRC) to use the most recent flood modelling. We understand that is being developed in partnership with Campaspe Shire Council in Victoria. It is not apparent that the proponent has used this most recent flood modelling.

Our SEARs letter dated 5 August 2021 required the assessment to be informed by the model that is prepared by Water Technology on behalf of the two Councils. It indicates that a major drainage path exists close to the project site. That flow path activates in major floods of a magnitude of the 1% Annual Exceedance Probability (AEP) flood and greater. Initial indications are this flow path is close enough to the project to be a concern.

The site is also likely to involve flooding from major overland flow. We understand that MRC has not started the process of defining that potential flooding mechanism at this point in time.

We are satisfied that the site appears to be unaffected by the identified riverine drainage path in the 1% AEP design event as indicated in the most recent version of the flood modelling. We consider this may be fortuitous rather the result of intentional design.

BCD's assessment of the local catchment suggests major overland flow flooding is unlikely to be a major problem because the local catchment is a small area and has a flat topography.

On that basis, BCD is satisfied that flooding is a minor concern for the project site. However, we remain concerned that the Secretary's requirements for assessing flood risk was so readily dismissed without appropriate justification.

### Biodiversity

The Biodiversity Development Assessment Report (BDAR) at Appendix K does not meet the Secretary's requirements for biodiversity.

Section 7.9 of the BC Act establishes that all State Significant Development (SSD) must prepare a BDAR. The area threshold referred to in various sections of the BDAR does not apply.

BCD expects to be consulted on the development and implementation of the Environmental Management Plan (EMP) including all subplans such as the Landscape Plan and Construction Plan (clearing) Biodiversity Management Plan should be prepared in consultation with BCD.

### Specific comments on the Biodiversity Development Assessment Report

#### **1. The BOAMS case has not been finalised correctly**

Certification of the BDAR is not current. The related case (00030782) was finalised in BOAMS on 7 April 2022, the BDAR (page ii) was certified on 30 May 2022 and submitted to the consent authority in November 2022. These steps should occur within 14 days of the related case being finalised and the credit reports provided from BOAMS.

In addition, the parent case (0002790) has the BOS entry trigger as exceeding the BOS area clearing thresholds. However, the trigger is that the project is a Major Project – State Significant Development.

#### **Recommended actions:**

- 1.1 Ensure the BDAR is certified by a current accredited assessor within 14 days of the related cases being finalised and credit reports provided from BOAMS.

- 1.2 Update the Assessment details tab in BOAMS to correctly identify the BOS entry trigger as Major Projects SSD and update the BDAR accordingly.

## **2. The area of direct impact is underestimated**

Clearing associated with various ancillary works has not been assessed.

We highlight various ancillary works described in the EIS including anticipated clearing associated with widening Kiely and Lignum Roads (section 2.2.4), the provision of various services and storm water disposal (section 3.4.5).

The arborist report (McCrone, October 2022) provides further evidence that woody vegetation immediately adjacent to the development site has habitat features for threatened fauna including hollows and may itself represent a critically endangered ecological community (Inland Grey Box Woodland).

Ancillary clearing of these habitat features, and native vegetation is also likely to have prescribed impacts including increased traffic strike, and increased impacts to habitat connectivity.

Direct, indirect, and prescribed impacts of ancillary work must be included in the BDAR and the subsequent EMP.

### **Recommended action:**

- 2.1 The BDAR must be revised to assess all direct and indirect impacts associated with ancillary works.

## **3. When designing and constructing storm water disposal infrastructure, the proponent must apply the Guidelines for Sloane's Froglet**

We recommend applying the *Sloane's Froglet Stormwater Wetland Design Guidelines* when developing and implementing the storm water management plan and associated works. The department anticipates being consulted on the suitability of the storm water disposal system as habitat for Sloane's Froglet.

### **Recommended action:**

- 3.1 The proponent must rely on the *Sloane's Froglet Stormwater Wetland Design Guidelines* to design and construct storm water disposal works in consultation with BCD.

### **Recommended condition of approval:**

- COA 3.1 The EMP must include a Storm Water Disposal Management Plan that is informed by the *Sloane's Froglet Stormwater Wetland Design Guidelines*

## **4. The BDAR lacks justification for excluding ecosystem credit species**

White-bellied Sea Eagle and Painted Honeyeater are excluded candidate species in the BDAR. The BDAR does not provide sufficient justification for excluding those species as candidates. We assume the exclusion is based on habitat constraints in the BAM-C, but habitat constraints have not been marked (checked box) in the BAM-C. The BDAR must explain this logic and justification more clearly.

Swift Parrot may also be a candidate but there is no reference in the BDAR to the Important Mapped Area or why it is excluded. Again, we are left to assume habitat constraints justify exclusion, but boxes are unchecked in the BAM-C.

### **Recommended action:**

- 4.1 The accredited assessor must check habitat constraints boxes for all species in the calculator (if that is the justification for exclusion) and better explain that rationale in the BDAR.

## **5. Justification is required for the minimal threatened fauna survey presented**

We note that a BOS credit obligation for species credit species Masked Owl and Sloane's Froglet has been generated because these species were not surveyed in the required months and they have been assumed to be present.

While we are generally satisfied with the survey effort, the following requires further justification:

- the survey effort for Brush-tailed Phascogale is not in accordance with the recommended survey effort in the Threatened Biodiversity Data Collection (TBDC). A camera trap was placed out for two nights, but the TBDC recommends four weeks of camera trapping.
- where the opportunity exists prior to project approval, target surveys should be completed for the assumed presence species of Sloane's Froglet and Masked Owl.

Although not justified in the BDAR, BCD considers the assumed minimal survey effort likely to be satisfactory given the habitat constraints and low vegetation condition at the site.

### **Recommended action:**

- 5.1 BDAR must be amended to better justify the minimal survey effort for species credits species.

## **6. The assessment of prescribed impacts is not adequate**

### *Connectivity*

The potential for connectivity to larger patches has not been assessed. The large patch of woodland to the east on Kiely Road is connected to woodland within the project site and Kiely Road but this connectivity has not been assessed in the BDAR. The assessment does not identify connectivity potential and the species that may be impacted. Connectivity is listed as poor but is not justified or demonstrated in the BDAR. The assessor has not identified the potential for connectivity in accordance with section 6.1.3-2 (a and b) of the BAM.T

### *Vehicle strike*

The assessor has not identified the potential for vehicle strike according to section 6.1.6-1(a and b) of the BAM. There is no assessment of species at risk of vehicle strike, the potential of the proposal to increase that risk, or high-risk locations despite recognising that vehicle strike is likely to increase.

### **Recommended action:**

- 6.1 The BDAR be revised to better consider the impact of the proposal on connectivity and vehicle strike.

### **Recommended condition of approval:**

- COA 6.1 Strategies to mitigate prescribed impacts must be identified and implemented in the EMP.

## **7. The impact of the proposal on threatened species is not complete**

The impact of the proposal on threatened species (Chapter 8.3 of the BAM) does not include prescribed impacts, indirect impacts, or uncertain impacts.

### **Recommended action:**

- 7.1 BDAR be amended to take into account the impact of the proposal on prescribed impacts, indirect impacts, and uncertain impacts consistent with Chapter 8.3 of the BAM.

## **8. The BDAR does not identify measures to mitigate and manage impacts**



The BDAR does not identify measures to mitigate and manage impacts, including the risk of those measures failing, consistent with Chapter 8.4 and 8.5 of the BAM. Specifically, the BDAR must include the following:

- techniques, timing, frequency and responsibility
- identify measures for which there is risk of failure
- evaluate the risk and consequence of any residual impacts
- document any adaptive management strategy proposed.

The BDAR must also include measures for mitigating impacts related to:

- displacement of resident fauna
- indirect impacts on native vegetation and habitat
- mitigating prescribed biodiversity impacts.

**Recommended action:**

- 8.1 The BDAR be amended to identify measures to mitigate and manage impacts consistent with section 8.4 and 8.5 of the BAM.

**Recommended condition of approval:**

- COA 8.1 The EMP must be informed by the measures to mitigate and manage impacts and risks of failure identified in the BDAR.

**9. The BDAR must include the like for like credit trading groups**

As the BDAR establishes the BOS credit obligation, it is the key reference for retiring that obligation. The BOAMS calculator generates a list of optional PCTs that can be traded like for like to retire an obligation of ecosystem credits. That list must be included in the BDAR.

**Recommended action:**

- 9.1 The BDAR be updated to include the like for like options for retiring ecosystem credits.

**Resources**

Albury City Council and NSW Department of Planning and Environment (2022) *Sloane's Froglet stormwater wetland design guidelines*, Albury, NSW.