



Your ref: SSD - 90999356
Our ref: DOC23/78145-19

James McDonough
Team Leader
DPE Planning
Department of Planning and Environment

By email: james.mcdonough@dpie.nsw.gov.au

Dear Mr McDonough

New Request for Advice - Holcim Salt Ash Sand Operations (SSD-9099356)

I refer to your email dated 3 February 2023 in which the Planning and Assessment Group (P&A) of the Department of Planning and Environment (the Department) invited the Biodiversity and Conservation Division (BCD) to provide advice in relation to the proposed Holcim Salt Ash Sand Operations project located at 8 Oakvale Drive, Salt Ash, NSW, within the Port Stephens local government area (LGA).

BCD has reviewed *Salt Ash Sand Operations – Biodiversity Development Assessment Report* prepared by Niche dated 18 November 2022 and *Holcim Salt Ash Sand Operation – State Significant Development – Environmental Impact Statement* prepared by Element Environment dated December 2022 (EIS), including relevant appendices, annexures and attachments in relation to impacts on biodiversity and flooding.

BCD understands that P&A is currently investigating the viability of whether the existing development consents relating to the proposal are still valid. As such, BCD has only assessed impacts associated with land identified as 'Areas requiring to be offset' within the Biodiversity Development Assessment Report (BDAR). BCD has not assessed impacts associated with the 1980 or 1992 development consents.

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you have any further questions about this issue, please contact Steven Crick on 02 4927 3248 or at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

Joe Thompson
Director Hunter Central Coast Branch



Biodiversity and Conservation Division

Date 3/3/23

Enclosure: Attachments A and B

BCD's recommendations

Holcim Salt Ash Sand Operations

1. The biodiversity credit report should be finalised and submitted. In future, this should occur within 14 days of submitting the BDAR.
2. Additional survey and assessment should be undertaken in accordance with the BAM 2020 for land identified within groundwater drawdown zones. This assessment should include comment on the impact of drawdown for shallow rooted species, including sand doubletail (*Diuris arenaria*), and whether species composition is likely to change as the landscape becomes drier.
3. Further information should be provided to define and support the suggested threshold levels for liming. Consideration should be given to whether the proposed thresholds are appropriate given the presence of threatened biodiversity such as the sand doubletail and Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (TEC).
4. It is recommended the BDAR is amended to consider potential impacts to biodiversity if appropriate coarse grain cannot be sourced and the entire site becomes a dredge pond.
5. Common planigale should be surveyed as per relevant guidelines and Threatened Biodiversity Data Collection (TBDC). It is recommended additional information such as figures, and photographs are provided to demonstrate compliance.
6. It is recommended that additional targeted surveys are conducted for sand doubletail in accordance with relevant guidelines and TBDC. The biodiversity credit report and Serious and Irreversible Impacts (SAII) assessment should be amended accordingly.
7. The BDAR should be amended to include information regarding how many hollow-bearing trees are proposed for removal, and a figure is included which displays the location/s of the hollow-bearing trees proposed for removal.
8. The following additional actions should be added to the vegetation clearing protocols outlined in Table 17 of the BDAR:
 - scheduling the clearing works for a time of year to avoid the breeding seasons of identified potential threatened species and other fauna that may breed on site
 - comparative habitat assessments should be conducted on clearing sites and proposed release sites to ensure that habitat features are available in the released sites
 - release sites should be identified and mapped prior to clearing and all appropriate approvals granted by the landholders
 - tree clearing should not be conducted above 35°C in the interests of animal welfare
 - communication should occur with rescue agencies and local veterinarians prior to the commencement of clearing to confirm the availability of resources for any captured/injured fauna that is unable to be released
 - clearing should be conducted sequentially and directionally towards areas of refuge to prevent the creation of vegetation islands

- position felled trees so that hollows are facing upwards and out to allow fauna to escape overnight.
9. The BDAR should provide a detailed appraisal of how injured and uninjured animals will be treated, particularly with respect to relocation to nearby habitat. The BDAR should discuss what the potential impacts of any relocations / translocations of displaced fauna (particularly threatened species) may be on adjoining habitat and what measures (e.g. monitoring) will be employed to minimise any detrimental effects on existing faunal populations that utilise such areas.

BCD's detailed comments

Holcim Salt Ash Sand Operations

Biodiversity

1. The biodiversity credit report has not been finalised

Section 6.15 (1) of the *Biodiversity Conservation Act 2016* (BC Act) states the following:

A biodiversity assessment report cannot be submitted in connection with a relevant application unless the accredited person certifies in the report that the report has been prepared on the basis of the requirements of (and information provided under) the biodiversity assessment method as at a specified date and that date is within 14 days of the date the report is so submitted.

Section 10.1.1 (8) of the *BAM 2020* requires the biodiversity credit report to have a status of finalised when submitted to a decision-maker. Annexure 9 of the BDAR displays the biodiversity credit report as 'To be finalised'. As such, *BAM 2020* minimum information requirements have not been met for the proposal. The biodiversity credit report should be finalised and submitted within 14 days of submitting the BDARj.

Recommendation 1

The biodiversity credit report should be finalised and submitted. In future, this should occur within 14 days of submitting the BDAR.

2. Further consideration should be given to dredging impacts on Groundwater Dependant Ecosystems and species

Table 16 of the BDAR outlines that changes to groundwater levels due to dredging is considered low impact. However, it is not clear how this has been determined. Figure 8.2 of the EIS depicts groundwater drawdown of up to 0.9 metres extending into the adjacent Worimi National Park. This has the potential to affect native vegetation by lowering available groundwater to below the root zone for plants.

It is therefore possible that biodiversity impacts extend beyond the subject area identified within the BDAR. Furthermore, groundwater obligate threatened species and communities are recorded or assumed likely to occur within the Predicted Stage 7 Groundwater Drawdown Areas identified in the EIS. As such, BCD recommends additional survey and assessment as per *BAM 2020* for land within Predicted Stage 7 Groundwater Drawdown Areas. Assessment should include comment on the impact of drawdown for shallow rooted species, including sand doubletail, and whether species composition is likely to change as the landscape becomes drier.

Recommendation 2

Additional survey and assessment should be undertaken in accordance with the *BAM 2020* for land identified within groundwater drawdown zones. This assessment should include comment on the impact of drawdown for shallow rooted species, including sand doubletail (*Diuris arenaria*), and whether species composition is likely to change as the landscape becomes drier.

3. Further consideration should be given to impacts to biodiversity caused by oxidising exposed pyritic sulfides

The BDAR does not address the likelihood of the dredging process oxidising exposed pyritic sulfides, and how this may impact on biodiversity. The EIS mentions a groundwater management plan (GWMP) will be prepared and will describe trigger actions. Further information is required to define and support the suggested threshold levels for when liming is to occur.

Recommendation 3

Further information should be provided to define and support the suggested threshold levels for liming. Consideration should be given to whether the proposed thresholds are appropriate given the presence of threatened biodiversity such as the sand doubletail and Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (TEC).

4. Consideration of impacts to biodiversity if entire site becomes a dredge pond

Section 8.4.11 of the EIS states backfilling is the preferred method of rehabilitation for this site, however, backfilling is contingent on appropriate coarse grained being available. The BDAR should address impacts to biodiversity if appropriate coarse grain cannot be sourced and the entire site becomes a dredge pond.

Recommendation 4

It is recommended the BDAR is amended to consider potential impacts to biodiversity if appropriate coarse grain cannot be sourced and the entire site becomes a dredge pond.

5. Common Planigale survey methodology requires further information

Common planigale should be surveyed as per relevant guidelines and the TBDC. Sufficient evidence must be provided within the assessment to demonstrate compliance with relevant guideline and the TBDC. It is recommended the following information is provided for common planigale survey:

- figure displaying location of pitfall traplines
- photographs of pitfall traplines

Recommendation 5

Common planigale should be surveyed as per relevant guidelines and TBDC. It is recommended additional information such as figures, and photographs are provided to demonstrate compliance.

6. Additional survey and further consideration of impacts recommended for sand doubletail

Table 1, Section 4.2 of *Survey threatened plants and their habitats – NSW survey guide for the Biodiversity Assessment Method* prepared by the Department of Planning, Industry & Environment dated 2020 provides survey guidance for maximum distance between parallel field traverses per life form and vegetation density. It is specified orchids require 5-10 metre transects depending on vegetation density.

Recommendation 6

It is recommended that additional targeted surveys are conducted for sand doubletail in accordance with relevant guidelines and TBDC. The biodiversity credit report and SAI assessment should be amended accordingly.

7. Uncertainty around impacts to hollow-bearing trees

Figure 4 of the BDAR displays hollow-bearing trees within the 'Subject Area', however, it is unclear how many hollow-bearing trees will require removal. The BDAR should be amended to inform how many hollows are proposed to be removed and a figure should be included that clearly displays the hollow-bearing tree within 'areas required to be offset'.

Recommendation 7

The BDAR should be amended to include information regarding how many hollow-bearing trees are proposed for removal, and a figure is included which displays the location/s of the hollow-bearing trees proposed for removal.

8. Additional fauna management measures should be considered for the vegetation clearing protocols

Table 17 of the BDAR provides information on the management measures to be implemented to minimise the impacts of the vegetation clearing on fauna.

BCD considers that a number of additional measures should be included in Table 17 to minimise risk of impacts to threatened fauna. These protocols are described as below.

Recommendation 8

The following additional actions should be added to the vegetation clearing protocols outlined in Table 17 of the BDAR:

- scheduling the clearing works for a time of year to avoid the breeding seasons of identified potential threatened species and other fauna that may breed on site
- comparative habitat assessments should be conducted on clearing sites and proposed release sites to ensure that habitat features are available in the released sites
- release sites should be identified and mapped prior to clearing and all appropriate approvals granted by the landholders
- tree clearing should not be conducted above 35°C in the interests of animal welfare
- communication should occur with rescue agencies and local veterinarians prior to the commencement of clearing to confirm the availability of resources for any captured/injured fauna that is unable to be released
- clearing should be conducted sequentially and directionally towards areas of refuge to prevent the creation of vegetation islands
- position felled trees so that hollows are facing upwards and out to allow fauna to escape overnight.

9. How will captured fauna be relocated?

The BDAR does not address the displacement of wildlife that will occur during the tree-felling process. As such BCD considers that further details are required regarding the handling of fauna caught during this process. The BDAR should consider what happens to (i) uninjured animals on the day of capture (e.g. uninjured animals should be released on the day of capture into nearby suitable secure habitat and should not be held for extended periods of time), and

(ii) injured animals, (e.g. they will be taken to the nearest veterinary clinic for assessment and treatment).

BCD is generally cautious in relation to the relocation / translocation of captured threatened and non-threatened fauna due to impacts on resources, potential disease implications, and social disruption of other animals already using release areas, however, this approach is typically supported. The proponent should specify in detail what will happen to displaced threatened fauna, and if it proposes relocation / translocation, then the BDAR should provide an appraisal of what the potential impacts of such relocations / translocations may be and what measures (e.g. monitoring) will be employed to minimise any detrimental effects on existing faunal populations and adjacent habitat.

Any relocation / translocation of wildlife should be done in accordance with *Translocation operational policy* (DPIE 2019), and translocation of threatened species will likely require a licence under section 132 of the *National Parks and Wildlife Act 1974* or a threatened species licence, under Part 2 of the *BC Act* if species are being relocated to areas outside the approved development consent area. The BDAR needs to include these details.

Recommendation 9

The BDAR should provide a detailed appraisal of how injured and uninjured animals will be treated, particularly with respect to relocation to nearby habitat. The BDAR should discuss what the potential impacts of any relocations / translocations of displaced fauna (particularly threatened species) may be on adjoining habitat and what measures (e.g. monitoring) will be employed to minimise any detrimental effects on existing faunal populations that utilise such areas.

Flooding and flood risk

1. BCD has no comments relating to the management of surface water and flooding.