



Your ref: SSD-64923965

Our ref: DOC25/501378

Jeffery Peng
Senior Environmental Assessment Officer
Department of Planning, Housing and Infrastructure- NSW Planning Group

Via Major Projects Portal: PAE-86421958

Dear Jeffery

Subject: Feedback on Tocumwal Magazine Storage Upgrade Response to Submissions

Thank you for your email dated 20 June 2025 seeking advice from the Regional Delivery Division (RD) of the NSW Department of Climate Change, Energy, the Environment and Water on the Response to Submissions (RTS) for the Tocumwal Magazine Storage Upgrade.

We have reviewed the RTS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure to the proponent on 18 December 2023 and RD's advice on the Environmental Impact Statement (EIS) provided to you on 11 February 2024.

RD considers further work is required for the proponent to meet the SEARs for flood risk management and biodiversity. Some aspects of the biodiversity assessment are inconsistent with the Biodiversity Assessment Method (BAM). We recommend the applicant update the BDAR to make the assessment and credit obligation reliable. Further detail is provided in **Attachment A**.

In summary:

- Evidence is required of engagement with the Berrigan Shire Council and NSW SES that demonstrates flood emergency management matters have been discussed and supported.
- Provide evidence of a quantitative assessment of the impact of major overland flooding on the site and proposed project.
- Further justification and revision of vegetation zones is required.
- Survey effort for Brush-tailed Phascogale (*Phascogale tapoatafa*) and Austral Pillwort (*Pilularia novae-hollandiae*) remain inconsistent with the BAM. The applicant should complete further survey, assume presence, or provide an expert report to demonstrate species absence.

All plans required as a Condition of Approval that relate to biodiversity, flooding or coastal management should be developed in consultation with, and to the satisfaction of RD.

If you have any questions about this advice, please contact Marcus Wright, Senior Conservation Planning Officer, via planning.southwest@environment.nsw.gov.au or 02 6983 4917.

Yours sincerely

Adam Vey

7th July 2025

Director, South-West

Regional Delivery

Conservation Programs, Heritage and Regulation Group

NSW Department of Climate Change, Energy, the Environment and Water

ATTACHMENT A – RD comments on Feedback on Tocumwal Magazine Storage Upgrade Response to Submissions

ATTACHMENT A RD comments on Feedback on Tocumwal Magazine Storage Upgrade Response to Submissions

In preparing this advice RD has reviewed the following documents:

- *Tocumwal Magazine Storage Upgrade, Response to Submissions* (Orica Australia, 23 May 2025)
- *Tocumwal Barooga Flood Study* (WMAwater 2025)
- *Biodiversity Development Assessment Report Tocumwal Explosive Magazine Storage Upgrade*, OzArk, May 2025.

Flood Risk Management

The RTS does not fully address the RD flood risk management requirements and recommendations in our advice about the exhibited EIS.

The *Tocumwal Barooga Flood Study* (WMAwater, 2025) indicates that the subject site is first impacted by the 0.5% annual exceedance probability (AEP) riverine flood event. Given the nature of the materials stored on site, the proponent must actively engage with Berrigan Shire Council and the NSW State Emergency Service (SES) to demonstrate that flood emergency management matters have been discussed and supported. This should also inform the development of a site-specific flood emergency response plan.

The EIS provides a basic assessment of the riverine flood risks posed to the site and the proposed development. However, the site is also likely impacted by major overland flow flooding. The EIS has not assessed the impacts of this flooding mechanism as was requested in our SEARs advice dated 5 December 2023 and again in our EIS letter dated 11 February 2024. The proponent should conduct flood modelling to assess the impacts of the proposed development on major overland flow flood behaviour. This should include modelling both the existing and proposed site conditions across the full range of design flood events, including up to the probable maximum flood.

RD considers that the impact of major overland flow flooding on the site and proposed development is likely to be minor in comparison to the riverine flood risk, however this should be verified through an appropriate assessment. The statement by the proponent in the RTS that the site is not impacted by overland flow flooding requires verification and evidence derived through assessment and modelling.

Issues not listed below are considered by RD to be resolved.

EIS Issue 2.2	Extreme riverine flood event needs to be assessed
	Actively engage with Berrigan Shire Council and the NSW SES to demonstrate that emergency management matters have been discussed and supported. This should inform the development of a site-specific flood emergency response plan.
Recommendation	Provide evidence of engagement with the Berrigan Shire Council and NSW SES that demonstrates flood emergency management matters have been discussed and supported.

EIS Issue 4.1	Major overland flood behaviour needs to be assessed
	Conduct flood modelling of the existing and proposed site conditions and assess the impact of the proposed project on major overland flow flood behaviour.
Recommendation	Provide evidence of a quantitative assessment of the impact of major overland flooding on the site and proposed project.

Biodiversity

Issues not listed below are considered by RD to be resolved.

EIS Issue 5.1	The BDAR is to be certified and submitted within 14 days of finalisation of the BAM-C case
	The BDAR must be finalised, certified and submitted to 'South-West Branch – BCD' (Account Number C-011860) within 14 days of the finalisation of the BAM-C case, in accordance with Section 6.15 of the <i>Biodiversity Conservation Act 2016</i> .
Recommendation	The BDAR is to be certified and submitted within 14 days of finalisation of the BAM-C case

EIS Issue 6.2	Further justification and revision of vegetation zones is required
	RD does not agree with the mapping of individual trees as a separate vegetation zone to the surrounding grassland. The justification provided for distinguishing these areas based on groundcover differences does not adequately explain the separation between grassland and woodland PCTs. BAM plots at various distances between trees must be completed to demonstrate that trees represent distinct patches of native vegetation. No such survey effort appears to have been completed in the disturbance footprint in the vicinity of PCT 74 and PCT 9. All individually mapped trees are well within 100 metres of each other and should be considered part of the same woodland patch. Variation in groundcover between trees is expected in woodland formations and does not justify mapping trees individually as a different PCT.
Recommendation	<ul style="list-style-type: none"> Revise vegetation zone mapping to delineate continuous woodland patches and include trees that do not meet the definition of 'scattered trees' as per Appendix B of the BAM in a continuous patch that includes connecting grassland. Update the BAM-C and revise the BDAR to include any changes to the area of vegetation zones.

EIS Issue 8.1	Targeted survey effort is not consistent with departmental guidelines
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	<p>We acknowledge the updated Sections 2.3.3 and 5.3.2 of the BDAR, however the updated information is still not consistent with guidance in the Threatened Biodiversity Data Collection (TBDC).</p> <p>We note the additional survey effort for the Koala and consider this species adequately surveyed.</p> <p><u>Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)</u></p> <p>We note that it is difficult to detect the Brush-tailed Phascogale reliably but emphasise that is why such a committed survey effort is required. Hollows are not a habitat constraint for this species, so hollow watches are not reliable evidence of no presence.</p> <p>The survey period for male die-off ends in June. July male die-off surveys are outside of the nominated survey period in the TBDC and unlikely to be reliable.</p> <p><u>Austral Pillwort (<i>Pilularia novae-hollandiae</i>)</u></p> <p>Survey for Austral Pillwort requires very specific timing when flooded gilgais and micro-habitats are drying, and it is not evident outside that time. BDAR Sections 2.3.3 and 5.3.2(14) describe the targeted surveys for Austral Pillwort, however there is insufficient information to demonstrate that survey was during the optimal conditions. Additional information is provided in the RTS, however that has not been translated into the BDAR, nor does it provide the expected site condition details, such as rainfall records.</p> <p>While not listed on the public register, a species expert was approved for Cowal Gold Open Pit Continuation Project (SSD-42917792). Please contact the BOS HelpDesk for details about whether the expert is available for further projects.</p> <p>Note that a lack of records within 10 km, as mentioned in section 5.3.2(14) is not an appropriate indicator of likely species absence on any site in central southern NSW. It is more likely to be lack of targeted survey effort.</p>
Recommendation	<ul style="list-style-type: none"> Enhance the survey effort or assume presence for Brush-tailed Phascogale. Additional survey effort must be in accordance with the guidance provided in the TBDC with the method limited to camera trapping for at least four weeks. A minimum of four camera traps is required. Provide further justification for timing of targeted searches for Austral Pillwort with reference to monthly and annual rainfall records and BioNet records for the 2024 season. If adequate survey during optimal conditions cannot be demonstrated, revise the assessment to assume Austral Pillwort is present. <p>If an expert report is being sought, contact the BOS HelpDesk for details of the species expert.</p>