



Our ref: DOC20/683333

Senders ref: SSD 10422

Shaun Williams
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Dear Mr Williams

Subject: EES Comments - New Berrima Brickworks SSD 10422 – Review of EIS – 416 & 524
Berrima Road, Moss Vale

Thank you for your referral of the abovementioned major project dated 27 July 2020. We note that the proposal comprises construction of a new brickworks manufacturing plant, hardstand parking associated earthworks and landscaping at the abovementioned address. Please note that, as of 1 July 2020, Department of Premier & Cabinet (Aboriginal Cultural Heritage Regulation) are now responsible for dealing with Aboriginal cultural heritage matters and will respond separately regarding the heritage matters identified in our suggested SEARs.

Our comments on biodiversity and floodplain risk management are as follows:

Biodiversity

- The proposal will result in clearing of 2.24 hectares of native vegetation, including 2.18 hectares of vegetation aligning with Southern Highlands Shale Woodland (SHSW) Threatened Ecological Community, listed under both the NSW Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). It is also listed as a Serious and Irreversible Impact (SII) entity in accordance with the BAM.
- Sixteen *Eucalyptus macarthurii*, listed as endangered under both the BC Act and EPBC Act, are proposed to be cleared. The proposal will offset the loss of all *E. macarthurii*.
- The proposal includes the preparation of a Vegetation Management Plan (VMP) which will guide the revegetation and restoration of vegetation in the riparian corridor on the southern boundary of the subject land. We support the restoration of this area using species known to occur in the SHSW TEC, as stated in the VMP.
- The proposal has assessed biodiversity impacts by way of a Biodiversity Development Assessment Report (BDAR), in accordance with the Biodiversity Assessment Method (BAM). The proponent must also submit the BAM-Calculator case for EES to review prior to approval. Plot data must be submitted to EES for review. The original datasheets are preferred. Credit reports should also be generated within 14 days of the BDAR submission date, and this will need to be updated.
- Figures 3 and 8 indicate that “complete clearing” will occur in the VMP area. We request clarification whether this is the case as it appears this area is to be wholly revegetated and it is not clear if the existing paddock trees will be retained.
- The proposal will require changes to the site’s hydrology, and this is assessed in section 8.2.1 of the BDAR as a prescribed impact. Drainage features to be impacted flow into Stony Creek offsite where intact native vegetation occurs. The BDAR should further address potential indirect impacts on biodiversity values which may occur on Stony Creek and other downstream areas.

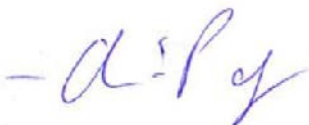
- Tables 8 and 9 in the BDAR indicate that several species were not retained in the BAM assessment. The BDAR should clearly state why species are excluded (ie geographic limitation, Bionet listed habitat constraint not present, degraded microhabitat, vagrancy) with specific details for each species. Further detailed justification for the exclusion of the koala and the eastern pygmy possum is required. An absence of records within a 10km radius is not sufficient reason to exclude a species. If this cannot be provided, the BAM provides three options for determining species presence: targeted survey, an expert report or assuming presence.
- The BDAR does not include an assessment of Matters of National Environmental Significance (MNES). Given MNES entities are present on site, you may wish to consider further liaison with the Commonwealth Dept of Agriculture, Water & Environment to ensure the proposal is not a controlled action under the EPBC Act.

Floodplain Risk Management

- The proposed development site is traversed by several watercourses and straddles Stony Creek which is a tributary of the Wingecarribee River. As the proposed development occupies flood prone land, the proposal should be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM05).
- The primary objective of the flood policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from flooding, utilising ecologically positive methods wherever possible. We are also aware that in addition to the flood impact assessment supplied with the EIS documents, Wingecarribee Shire Council has adopted the [Wingecarribee River Flood Study](#) including the locality of the subject site.
- The SEARs recommended by EES for this project relating to floodplain risk management do not appear to have been issued to the proponent. The information supplied indicates that the flood related Environmental Assessment Requirements issued were:
 - Consideration of potential local and mainstream flooding impacts;
- You should consider information which is appropriate to be satisfied regarding the flood impact on and of the development. The implications of the full range of floods, up to the probable maximum flood (PMF), should be considered in the determination including:
 - the impact of flooding on the development
 - the impact of the development on flood behaviour, and;
 - the impact of flooding on the safety of people including workers at the development.

If you have any questions about this advice, please do not hesitate to contact Mr Calvin Houlison, Senior Conservation Planning Officer, via calvin.houlison@environment.nsw.gov.au or 4224 4179.

Yours sincerely



24/8/20

Chris Page

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