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Dear Andrew,

**Subject: Eileen O'Connor Catholic School (SSD-67173718) – Environmental Impact Statement**

Thank you for your Major Projects Portal request dated 24 July 2025 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (the department) on the Environmental Impact Statement (EIS) for Eileen O'Connor Catholic School (SSD-67173718).

We have reviewed the EIS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure to the proponent on 19 February 2024.

We consider that the EIS does not meet the Secretary's requirements for flooding or biodiversity. The current proposal is to increase the size of the school and to include provisions for disabled students on-site. CPHR has significant concerns with the adequacy of the Flood Impact and Risk Assessment (FIRA) and Flood Emergency Response Plan (FERP) prepared for the site.

CPHR has concerns with the adequacy of the Biodiversity Development Assessment Report (BDAR) and concludes that the current application does not meet the minimum requirements of the Biodiversity Assessment Method (BAM) 2020 and Biodiversity Conservation Act 2016 (BC Act). Additional information and amendments would be required prior to CPHR recommending the proposal proceed to the next stage of assessment.

Our detailed assessment and advice are provided in **Attachment 1**.

If you have any further questions about this issue, please contact our Hunter Central Coast Planning Team at [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au).

Yours sincerely,

Joe Thompson  
**Director Hunter Central Coast  
Conservation Programs, Heritage & Regulation Group (CPHR)**

9 September 2025

## Attachment 1 - CPHR Assessment Summary for Eileen O’Connor Catholic School Environmental Impact Statement (SSD-67173718)

In preparing this advice CPHR has reviewed the following documents:

- EIS Eileen O’Connor Catholic School - Section 6.14 Flooding (June 2025)
- Appendix EE – Flood Impact and Risk Management Assessment (Tooker & Associates, June 2025)
- Appendix FF – Flood Emergency Response Plan (Tooker & Associates, June 2025)
- Appendix O – Biodiversity Development Assessment Report (Narla Environmental, 19 June 2025)

### Key Assessment Issues – Flooding

1.	<b><i>The FIRA does not contain the level of detail that is commensurate with the flood risk at the site</i></b>	<p>The Flood Impact and Risk Assessment (FIRA) prepared by Tooker and Associates (June 2025) lacks sufficient detail to adequately assess flood risk at the site. The FIRA does not address the full range of flood events, from frequent to Probable Maximum Flood (PMF), nor consider climate change impacts on flood behaviour.</p> <p>Existing information provided is limited to progression of hazard ratings at point locations along the proposed evacuation route for 2-hour and 24-hour PMF only. It is likely that the school may also be isolated in frequent flood events.</p>
	<i>Recommended action</i>	<ul style="list-style-type: none"> <li>• Update the FIRA to comply with <i>Flood Impact and Risk Assessment LU01</i> and <i>Understanding and Managing Flood Risk FB01</i>. The FIRA should provide hydrographs, frequency and duration of isolation for the full range of flood events covering short and long duration storms.</li> </ul>
	<i>Extent and Timing</i>	Pre-determination

2.	<b><i>The FERP has not demonstrated that risk to life can be managed and mitigated</i></b>	<p>The Flood Emergency Response Plan (FERP) prepared by Tooker and Associates (June 2025) does not adequately demonstrate that risk to life can be effectively managed and mitigated. Key deficiencies include:</p> <ul style="list-style-type: none"> <li>• <u>Non-flood hazards:</u> The evacuation route may be compromised during extreme storm events due to fallen trees, downed power lines or slippery conditions.</li> <li>• <u>Recognition of NSW SES Authority:</u> The FERP has not shown evidence of consultation with the NSW State Emergency Service (SES) or demonstrated consistency with the local flood plan. The FERP should acknowledge SES as the lead combat agency for flood events. This includes any order to evacuate the site or not evacuate the site, irrespective of what decisions have been made by school staff in accordance with the adopted emergency response plan. The FERP must also include contact information for the SES.</li> </ul>
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- Adequacy of the proposed off-site refuge:

The FERP proposes Westfield Tuggerah Shopping Centre as a flood refuge. However:

- The centre is not an approved evacuation facility.
- There is no evidence of consultation with the centre management.
- The facility may be unavailable during extreme events due to staffing, infrastructure damage, or utility outages.
- It is unclear whether the centre can accommodate students with special needs.

- Emergency Management Triggers and Responses:

The FERP lacks clear, actionable triggers and responses. Key deficiencies include:

- No differentiation between minor, moderate, and major flood warnings for Wyong River.
- Incorrect BoM warning thresholds (actual thresholds are 2.7 m, 3.8 m, and 4 m).
- Ambiguous evacuation triggers that rely on school staff interpreting complex and time-sensitive data. The evacuation triggers outlined in the FERP are unclear and potentially misleading. For example, the statement *“there is at least 2 hours until the water level at the Wyong Bridge begins to rise”* is grammatically incorrect and lacks precision. It is unclear how school staff are expected to interpret or act on this information. Another trigger reads *“if then, the water level at Wyong Bridge has risen to around RL 2.5m in the hour after the BoM warning, then the decision should be to shelter in place.”* This directive is problematic for several reasons:
  - It assumes school staff are aware of the exact time the Bureau of Meteorology (BoM) issued the flood warning.
  - It requires real-time monitoring of water levels at Wyong Bridge, which may not be feasible during a rapidly evolving emergency.
  - It does not account for revisions to BoM warnings, which could further complicate decision-making.
- No triggers are provided for flash flooding from Mardi Creek.
- No consideration of BoM Severe Weather and Thunderstorm Warnings, which can be used to provide additional triggers for pre-emptive school closure.

- Timeline Analysis:

The FERP does not include a timeline analysis estimating the time available for evacuation which would identify when specific emergency management actions should occur. This analysis must address the following key components:

		<ul style="list-style-type: none"> <li>○ Available warning time: The duration between the issuance of a flood warning and the onset of hazardous conditions.</li> <li>○ Evacuation time: The time required to safely evacuate all individuals once evacuation triggers are activated.</li> <li>○ Isolation duration: The expected length of time individuals may need to shelter in place due to inaccessible evacuation routes.</li> </ul> <ul style="list-style-type: none"> <li>● <u>Essential Flood Evacuation Safety Measures:</u> The FERP should include a schedule for annual inspection and maintenance of critical safety measures, including: <ul style="list-style-type: none"> <li>○ Drinking water, long-life food, and firefighting equipment</li> <li>○ First aid kits</li> <li>○ Medical records and emergency contact information</li> <li>○ Automatic flood warning systems</li> <li>○ Emergency lighting and. backup power</li> <li>○ Evacuation signage</li> </ul> </li> <li>● <u>Secondary risks associated with shelter-in-place:</u> The FERP has not considered how secondary risks such as medical emergencies, fire, and loss of utilities will be managed. The <i>Shelter in place guideline for flash flooding</i> (DPHI, 2025) and <i>Support for Emergency Management Planning EM01 (Table 12)</i> both emphasise the need to assess and mitigate these risks to ensure safe sheltering. The Flood Risk Management Manual (FRMM) also highlights the importance of considering vulnerability and resilience in emergency planning.</li> </ul>
	<i>Recommended action</i>	Engage a suitably qualified flood risk and emergency management consultant to revise the FERP to demonstrate that risk to life can be appropriately managed and so that it includes clear, quantifiable triggers for each emergency management action.
	<i>Extent and Timing</i>	Pre-determination

3.	<b><i>No consideration of emergency planning for special needs students</i></b>	<p>The FERP does not consider the additional resources, time, and training required to evacuate or shelter students with special needs. Key evacuation issues include:</p> <ul style="list-style-type: none"> <li>● Evacuation of students with special needs from the school under severe weather conditions may not be possible or may require additional time, resources and training.</li> <li>● Parents may not be available to collect children within the 3-to-4-hour collection window following a BoM warning.</li> <li>● Parents may risk crossing flooded roads while attempting to collect their children. General advice from SES states that driving or walking through floodwaters of any depth poses a risk to life and should be avoided.</li> <li>● Adverse weather, blocked roads, or unavailable transport may limit the time or number of children that can be evacuated.</li> </ul>
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		<ul style="list-style-type: none"> <li>• No contingency plan is provided if school mini-vans or Assisted School Travel Program (ASTP) are inoperable.</li> <li>• Failed evacuation or secondary emergency is likely to result in emergency services having to provide flood rescue.</li> </ul>
	<i>Recommended action</i>	The FERP needs to reconsider the risks associated to failure of the proposed emergency response and provides a viable fall-back position. Reliance on emergency services for flood rescue should not form part of the proposed risk management strategy.
	<i>Extent and Timing</i>	Pre-determination

4.	<b>No consideration of emotional wellbeing of students</b>	<p>The FERP has not considered how the proposed emergency management strategy may impact the emotional wellbeing of special needs students. The FRMM requires consideration of intangible damages including any increased levels of physical, emotional and psychological health problems suffered by flood affected people that are attributed to a flood. However, the FERP fails to assess the emotional impact of emergency procedures on students with disabilities. Key considerations include:</p> <ul style="list-style-type: none"> <li>• Identification of disability types</li> <li>• Potential non-compliance with instructions</li> <li>• Increased trauma risk during emergencies</li> <li>• Assessment of tolerable risk to emotional wellbeing</li> <li>• Frequency of evacuations may be required and the impact on school operations.</li> </ul>
	<i>Recommended action</i>	Consider how emergency management activities could be modified to reduce the psychological impact on special needs students.
	<i>Extent and Timing</i>	Pre-determination

#### Key Assessment Issues - Biodiversity

5.	<b>Compliance with the Avoid, Minimise and Offset Hierarchy</b>	<p>BDARs must document:</p> <ul style="list-style-type: none"> <li>• the evolution of the proposal to avoid biodiversity values on developable land (Avoid, Minimise and Offset Hierarchy, BAM) through exploration of the feasibility of alternative options (including cost–profit analyses)</li> <li>• spatial identification of relevant avoided areas (including maps and digital files)</li> <li>• analyses (including data), and explanations or justifications to support avoid and minimised decisions.</li> </ul> <p>Measures or options considered but not implemented because they are not feasible and/or practical (e.g. due to site constraints) must be documented, as this will provide the decision-maker with confidence that the proponent has fully complied with the BAM.</p>
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	<i>Recommended action</i>	<p>To meet the requirements of the BAM 2020 the proponent needs to:</p> <ul style="list-style-type: none"> <li>• Amend the BDAR to demonstrate how the findings of the Stage 1 BAM assessment have informed the subject site selection and met the requirements of the avoid and minimise hierarchy.</li> <li>• Specifically further discussion regarding the <i>Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney</i> Threatened Ecological Community (TEC) recorded within the subject site, which is also meets the definition of a wetland in accordance with the <i>Water Management Act 2000</i> (WM Act).</li> <li>• The BDAR could discuss the avoidance of vegetation in the eastern portion of the subject site which from aerial imagery also appears to be a waterbody and associated vegetation. To demonstrate minimisation of impacts to biodiversity the BDAR could propose to develop a Vegetation Management Plan (VMP) for this avoided vegetation and/ or waterbodies within the subject site.</li> </ul>
	<i>Extent and Timing</i>	Pre-determination

6.	<b>Vegetation assessment does not meet the requirements of the BAM 2020</b>	<p>Both BAM Plots Q1 and Q2 are located across two vegetation zones which likely distort the VI score of each zone. The BAM Plot photos, labelled Plate 1 and Plate 2, as well as Figure 9 show this. In accordance with the BAM Operational Manual – Stage 1 if the vegetation zone is smaller than the standard plot size dimensions allow, the assessor may adjust the plot dimensions to fit as best as possible, to ensure it is representative of the vegetation zone.</p> <p>Areas mapped as “<i>Landscaped and Exotic Vegetation</i>” should be justified. A BAM plot or adequate justification is required to provide reasoning to why a PCT cannot be aligned and show evidence that this area does not support native vegetation (as per section 4.1.2.2 of the BAM).</p>
	<i>Recommended action</i>	<p>To meet the requirements of the BAM the proponent needs to:</p> <ul style="list-style-type: none"> <li>• Either provide justification that BAM Plots were adjusted to be representative of the vegetation zone or complete additional BAM plots that are wholly within the mapped vegetation zone and therefore representative on that zone.</li> <li>• Provide a BAM plot or further justification for areas mapped as “<i>Landscaped and Exotic Vegetation</i>” as per the BAM 2020.</li> </ul>
	<i>Extent and Timing</i>	Pre-determination

7.	<b>The BAM Calculator (BAM-C) is not</b>	<p>Vegetation Zone areas in the BAM-C differ with those referred to throughout the BDAR. The BDAR references differing area calculations for Vegetation Zone 2 (0.15 ha and 0.13 ha). The 0.13 ha area has been entered into BAM-C for Zone 2.</p>
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	<b>consistent with the BDAR</b>	<p>CPHR reviewed the areas and calculated 0.36 ha and 0.15 ha for vegetation zone 1 and 2 respectively.</p> <p>Species polygon assessment for southern myotis is incorrectly entered into BAM-C. The BDAR, Figure 14 and Table 19 assess both Vegetation Zone 1 and Zone 2 as potential habitat however the only Zone 1 is entered into the BAM-C for this species</p>
	<b>Recommended action</b>	<p>To meet the requirements of the BAM 2020 the proponent needs to amend the areas entered into BAM-C to be consistent with BDAR and in order to calculate the correct credit obligations.</p>
	<b>Extent and Timing</b>	<p>Pre-determination</p>

<p>8.</p>	<p><b>The BDAR does not provide adequate justification for the removal of species credit species from the assessment</b></p>	<p>The BDAR has failed to meet the minimum requirements of the BAM 2020 and adequately assess the following species credit species:</p> <p><u>Squirrel glider</u></p> <p>The justification in the BDAR for the removal of this species from further assessment and survey is not deemed adequate by CPHR. There is known population of squirrel glider within the Central Coal LGA. This species therefore cannot be excluded from assessment. The proponent may either undertake further survey work in accordance with the BAM, provide an expert report or assume presence for these species.</p> <p><u>Eastern cave Bat</u></p> <p>The justification in the BDAR for the removal of this species from further assessment is inadequate. Potential breeding habitat could include derelict concrete buildings. Given the subject site contains existing buildings that are proposed to be demolished as part of this development, potential habitat cannot be discounted. CPHR notes that roost searches were conducted, this is considered optional supplementary survey but cannot however be used to determine absence. The proponent must provide further justification, supported by peer reviewed literature, as to why the site does not constitute potential breeding habitat for this species, alternatively they can undertake survey for this species in accordance with the BAM, provide an expert report or assume presence for these species.</p> <p><u>Mahony's toadlet</u></p> <p>The justification in the BDAR for the removal of this species from further assessment and survey is not deemed adequate by CPHR.</p> <p>The proponent must provide further justification, supported by peer reviewed literature, as to why the site does not constitute potential habitat for this species, alternatively they can undertake survey for this species in accordance with the BAM, provide an expert report or assume presence for these species.</p> <p><u><i>Eucalyptus parramattensis</i> subsp. <i>parramattensis</i> - endangered population</u></p> <p>The justification in the BDAR for the removal of this species from further assessment and survey is not deemed adequate by CPHR as the site does occur within the Wyong LGA area (now amalgamated into Central Coast Council Area). The proponent must provide</p>
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	<p>further justification, supported by peer reviewed literature, as to why the site does not constitute potential habitat for this species, alternatively they can undertake survey for this species in accordance with the BAM, provide an expert report or assume presence for these species.</p> <p><u><i>Genoplesium insigne</i> (Variable Midge Orchid)</u></p> <p>The justification in the BDAR for the removal of this species from further assessment and survey is not deemed adequate as the site occurs within the known and predicted and distribution for this species. The proponent must provide further justification, supported by peer reviewed literature, as to why the site does not constitute potential habitat for this species, alternatively they can undertake survey for this species in accordance with the BAM, provide an expert report or assume presence for these species.</p>
<i>Recommended action</i>	<p>To meet the requirements of the BAM the proponent needs to:</p> <ul style="list-style-type: none"> <li>• either provide additional information to justify exclusion, undertake further survey work in accordance with the BAM, provide an expert report or assume presence for each of these species (further details for each species is given above).</li> </ul>
<i>Extent and Timing</i>	Pre-determination

<p>9. <b><i>Targeted fauna searches do not meet the minimum fauna survey requirements in accordance with the BAM 2020 for species credit species</i></b></p>	<p>The BDAR has not meet the minimum fauna survey requirements in accordance with the BAM 2020. Survey for a number of threatened fauna species was not undertaken across all areas of mapped potential habitat, specifically areas mapped as Vegetation Zone 1. This is clearly demonstrated in Figure 17 of the BDAR. While exclusion of survey in certain locations may be justifiable, discussion of this must be included within the BDAR.</p> <p>Further information is required to determine if surveys have been undertaken in accordance with the BAM 2020, TBDC and relevant guidelines for the following species:</p> <p><u>Koalas</u></p> <p>The BDAR has not identified the location and number of SATs completed for this species within the subject site. The BDAR should be updated to include the GPS points of all SAT locations. In addition to SATs spotlighting is also required to meet survey guidelines as outlined in <i>Koala (Phascolarctos cinereus): Biodiversity Assessment Method Survey Guide</i>.</p> <p><u>Green and Golden Bell Frog</u></p> <p>The survey Effort described for <i>Litoria aurea</i> was undertaken over one day. The NSW Survey Guidelines for Threatened Frogs: state that the number of repeat surveys required for <i>Litoria aurea</i> is four.</p> <p>The proponent should demonstrate survey in accordance with these guidelines or alternatively provide an expert report or assume presence for these species.</p>
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	<i>Recommended action</i>	To meet the requirements of the BAM the proponent needs to: <ul style="list-style-type: none"> <li>• provide evidence including spatial data and mapping that demonstrates koala survey was completed in accordance with the BAM and survey guidelines or provide adequate justification for deviations in survey effort.</li> <li>• either undertake further survey work in accordance with the BAM for GGBF, provide an expert report or assume presence for this species.</li> </ul>
	<i>Extent and Timing</i>	Pre-determination

10	<b>Targeted flora searches have not been adequately completed for species credit species</b>	<p>The BDAR has not met the minimum flora survey requirements in accordance with the BAM 2020. Survey for a number of threatened flora species was not undertaken across all areas identified as potential habitat, specifically areas mapped as Vegetation Zone 1. This is clearly demonstrated by the Figure 17 of the BDAR. While exclusion of survey in certain locations may be justifiable, discussion of this must be included within the BDAR.</p> <p>The systematic parallel transect survey effort depicted in Figure 17 of the BDAR is deemed inadequate survey effort, as the area identified as potential habitat for these species have not been surveyed i.e. PCT 4021- Moderate condition. Adequate justification needs to be provided for areas that have been mapped as potential habitat (i.e. PCT 4021- Moderate condition) as to why the whole extant has not been surveyed.</p>
	<i>Recommended action</i>	To meet the requirements of the BAM the proponent needs to: <ul style="list-style-type: none"> <li>• provide evidence including spatial data and mapping that demonstrates flora surveys were completed in all identified potential habitat in accordance with the BAM or provide adequate justification for deviations in survey effort.</li> </ul>
	<i>Extent and Timing</i>	Pre-determination

11.	<b>BDAR not valid in accordance with the BAM and BC Act</b>	<p>The BAM-C biodiversity credit report must be finalised within 14 days of the submission to comply with the certification requirements under the BC Act 2016 to ensure that the assessment is based on data that is current.</p> <p>The BAM-C and BDAR was finalised 19 June 2025 and the project was submitted 18 July 2025 which is outside the required 14 days.</p>
	<i>Recommended action</i>	To meet the requirements of the BAM the proponent needs to: <ul style="list-style-type: none"> <li>• submit a certified BDAR within 14 days of the date that the credit report was finalised to be considered valid.</li> <li>• submit all digital data associated with a BDAR to the decision-maker (see Appendix K BAM 2020).</li> </ul>
	<i>Extent and Timing</i>	Pre-determination

12.	<b>Mitigation measures within the BDAR are not specific</b>	The BDAR has not met the requirements of the BAM 2020. Section 8.4 (1) of the BAM states <i>“the proponent must identify measures to mitigate and manage impacts.”</i> The proponent’s proposed mitigation measures are not specific and need to be amended.
	<i>Recommended action</i>	<p>To meet the requirements of the BAM the proponent needs to:</p> <ul style="list-style-type: none"> <li>• be clearer on how the works would be timed to avoid critical life cycle events for resident fauna. Section 8.4.1(2)(a) of the BAM specifies measures for mitigating impacts related to displacing resident fauna include <i>“timing works to avoid critical life cycle events, such as breeding or nursing.”</i></li> <li>• identify proposed release sites for relocated fauna. The proponent should conduct comparative habitat assessments on clearing sites and proposed release sites, to ensure that habitat features are available in any sites proposed to be used for release of relocated fauna, both for the fauna utilising the waterbody and vegetation. A dewatering management plan for fauna that may be utilising the waterbody should be prepared.</li> </ul>
	<i>Extent and Timing</i>	Pre-determination