



Your ref: SSD-66876472
Our ref: DOC25/947421

Mr Fadi Shakir
Senior Planning Officer
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

Dear Mr Shakir

Request for advice on the Environmental Impact Statement (EIS) for Berrima Gaol site, 2-4 Argyle Street and 30 Wingecarribee Road, Berrima, NSW, 2577. SSD – 66876472

Thank you for your Major Projects Portal request dated 13 October 2025 referring the above Environmental Impact Statement (EIS) to the Conservation Programs, Heritage and Regulation (CPHR) Group of the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for the proposed State Significant Development (SSD 66876472) at the Berrima Gaol site, 2-4 Argyle Street and 30 Wingecarribee Road, Berrima. The proposal is for the adaptive re-use of the former Berrima Gaol as a tourist facility comprising a boutique hotel, function centre, restaurants, bar and wellness facilities.

We have reviewed the exhibited EIS (Sutherland and Associates Planning, September 2025) and supporting technical studies against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure to the proponent on 1 March 2024.

Our assessment and advice is provided in **Attachment A**. Recommendations for further information are provided at **Attachment B**.

In summary, we consider that the EIS does meet the Secretary's requirements for flooding, biodiversity and landscaping, subject to the recommendations at **Attachment B** and conditions provided in **Attachment C**.

Conditions are recommended notably as the Landscape Plan (James Mather Delaney Design Pty Ltd, September 2025) does not address all of the requirements specified in the SEARs.

Consultation with the NSW State Emergency Service is also recommended, given the potential risk to public safety associated with flood inundation identified in the Flood Impacts and Risk Assessment report (Martens & Associates Pty Ltd, September 2025).

Please be aware that our advice does not incorporate input on any relevant heritage matters. If heritage advice is sought it is provided by a separate division, and you will need to obtain this via heritagemailbox@environment.nsw.gov.au.

If you have any further questions about this issue, please contact Bianca Klein, Senior Conservation Planning Officer, South East, Regional Delivery, on 02 4224 4136 or at bianca.a.klein@dcceew.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ashleigh Bellotti', with a stylized flourish extending to the right.

7 November 2025

Ashleigh Bellotti

**Acting Director South East, Regional Delivery
Conservation Programs, Heritage & Regulation
Department of Climate Change, Energy, the Environment and Water**

Attachment A: CPHR Detailed Comments on the Berrima Gaol site Environmental Impact Statement

Attachment B: Key issues listed in the SEARs that require further information

Attachment C: CPHR Recommended conditions of consent

Attachment A – CPHR Detailed Comments on the Berrima Gaol site Environmental Impact Statement (SSD – 66876472)

In preparing this advice CPHR has reviewed the following documents:

- Arboricultural Impact Assessment (AIA) (Aboriculture Consultancy Australia, 11/9/2025).
- Landscape Plan (James Mather Delaney Design Pty Ltd, September 2025).
- Aquatic Ecology Assessment (EcoLogical, 11 August 2025)
- Stormwater Management Plan (Martens & Associates, 14 August 2025)
- Flood Impact and Risk Assessment (FIRA) (Martens & Associates, 14 August 2025).
- Geomorphological Study & Riparian Corridor Assessment – Wingecarribee River at Berrima (Martens & Associates, September 2025)
- Concept Civil Works (Martens & Associates, 11 September 2025)

Biodiversity

The EIS does address the Secretary's requirements for biodiversity.

A Biodiversity Development Assessment Report (BDAR) waiver in accordance with clause 7.9(2) of the *Biodiversity Conservation Act 2016* was granted by the Planning Agency Head and Environment Agency Head in May 2025, following a determination that the proposed development is not likely to have any significant impacts on biodiversity values.

The EIS states that an objective of the proposed redevelopment of the site is intended to "promote positive environmental outcomes by ensuring that any impact on and native flora and fauna will be minimal". CPHR agree that the proposal has taken measures to achieve this.

Broadly, the proposal is consistent with the relevant Directions within the South East & Tablelands Regional Plan (SE&TRP) 2036 that relate to the protection of high environmental value areas and protection of water catchments, namely Directions 14 and 18 respectively.

We have reviewed the Arboricultural Impact Assessment (AIA) (Aboriculture Consultancy Australia, 11/9/2025) and are satisfied that the extent of impact on biodiversity reported in the EIS is consistent with that detailed in the initial BDAR waiver application. That is, no native vegetation will be removed for the development. The development will result in the removal of 30 exotic trees. Several native trees will be retained and protected, with mitigation measures to be implemented during construction activities. These mitigation measures are provided as recommended conditions in **Attachment C**.

Tree 58, identified as a Snow Gum *E. pauciflora*, is recognised as a Koala Use Tree as per Schedule 3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. This tree will be retained and protected, however has been assessed in the AIA as likely to incur a 'moderate' impact. It is noted that this tree is located downslope from the existing tennis court on site and has already adapted to the presence of the tennis court. The tree is located outside of the proposed direct impact footprint therefore is not likely to be further impacted by the proposal. It is recommended that the health of this tree is monitored during and following construction activities.

We have also reviewed the Landscape Plan (James Mather Delaney Design Pty Ltd, September 2025). The inclusion of locally native species is supported and is consistent with Section 7 of Council's Berrima Village Development Control Plan. The Landscape Plan, however, lacks detail, particularly regarding the species densities proposed. This matter can be addressed by way of condition as discussed at **Attachment C**.

Riparian management

The EIS does address the Secretary's requirements for riparian management. Consent conditions are provided in **Attachment C** to ensure compliance with riparian and water quality outcomes required by the SEARs.

Flooding

The EIS does address the Secretary's requirements for flooding, however the Flood Impact Assessment Report (FIRA) noted that the two basement levels i.e. lower basement (services and storage/linen rooms) and upper basement (several hotel suites) would potentially become inundated by floodwaters in the Probable Maximum Flood (PMF) event, which creates a public safety risk to the occupants in those suites.

As the site is impacted by long duration flood events from the adjacent Wingecarribee River, the FIRA proposes for a combination of closure, evacuation and shelter-in-place through a preliminary Flood Emergency Response Plan (FERP) to manage risk to life in the event of a PMF. Given the potential risk to public safety associated with flood inundation, consultation should occur with the NSW SES, the lead agency for emergency management planning on the adequacy of any proposed flood emergency response measures and alignment with local emergency response planning.

The FIRA should address any issues raised by the NSW SES to establish that public safety risks due to flooding can be effectively managed, including ensuring that the building impacted by floodwaters will be constructed with suitable structural requirements to be able to withstand the flood forces.

Further information on detail required to meet the SEARs is outlined at Attachment B overleaf.

Attachment B - Key issues listed in the SEARs that require further information

SEARs item	Assessment issue	Details of issue and recommended action
8. Trees and Landscaping	Landscaping Plan does not include all details specified in the SEARs	As per the project SEARs the Landscape Plan was to include the following: • details of the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area). • provides evidence that opportunities to retain significant trees have been explored and/or informs the plan. • demonstrates how the proposed development would contribute to long term landscape setting in respect of the site and streetscape. The Arboricultural Impact Assessment includes details of tree retention and mitigation measures to avoid impacts to retained trees. The trees to be retained are also included in the Landscape Plan submitted for the project. The Landscape Plan, however, does not include: • details on the number of each species to be planted at each location within the site. • the future proposed canopy cover %. Recommended action: <u>Prior to issue of Construction Certificate</u>, the applicant is to submit an updated Landscape Plan that includes: • Information on the quantity of each species proposed to be planted (i.e. density per/m2) • Details of the species type and densities proposed for the vegetated swale along Wingecarribee St. • An estimate of the future canopy cover as a percentage across the site.
15. Flooding Risk	Consultation with the NSW SES is required to assess the adequacy of the Flood Emergency Response Plan.	The project SEARs required that the proponent: • Identify and flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and any relevant provisions of the <i>NSW Floodplain Development Manual</i>. • Assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required. The FIRA noted that the two basement levels i.e. lower basement (services and storage/linen rooms) and upper basement (several hotel suites) would potentially become inundated by floodwaters in the Probable Maximum Flood (PMF) event, which creates a public safety risk to the occupants in those suites. Recommended action: <u>Prior to approval</u>, the applicant is to consult with the NSW SES to ensure adequacy of the Flood Emergency Response Plan. It is recommended that of the satisfaction of the NSW SES is provided to the Certified consent authority in writing.

Attachment C – CPHR Recommended conditions of consent

Biodiversity

The applicant must not clear any native vegetation or fauna habitat located outside the approved impact areas described in the EIS.

Tree protection

- Retained trees are to be protected in accordance with the *Australian Standard 4970-2025 Protection of Trees on Development Sites*.
- A Project Arborist holding a minimum AQF Level 5 qualification must be appointed prior to the commencement of any civil works.
- Prior to any tree removal, the Project Arborist should confirm that all marked trees correspond with trees detailed in Section 10.1 of the AIA (Aboriculture Consultancy Australia, 11/9/2025).
- Trees 93 and 94, both identified as Southern Blue Gum *Eucalyptus globulus bicostata* will be retained and protected, however has been assessed in the AIA as likely to incur a 'major' impact. These trees will be impacted by the proposed Wingecarribee Street upgrade. The trees are currently located adjacent to the existing curb and gutter of the road. However, to ensure that no further encroachment into the NRZ of these trees occurs, the applicant must:
 - Ensure that the existing curb and gutter remain in situ, and
 - No excavation deeper than that of the current road profile occurs, and
 - All works undertaken within the Notional Root Zones (NRZ), if required, will be directly supervised by a project arborist.
- Monitor the health of retained native trees during and following construction activities.

Landscaping

- Prior to issue of Construction Certificate, the applicant is to submit to the certifier a revised Landscape Plan that includes:
 - Information on the quantity of each species proposed to be planted (i.e. density per/m²);
 - Details of the species type and densities proposed for the vegetated swale along Wingecarribee St;
 - An estimate of the future canopy cover as a percentage across the site;
 - Details of plant maintenance and watering for the first 12 months;
 - A commitment to replace plants with the same species if any plant loss occurs within the maintenance period.
- Landscaping is to be installed in accordance with the approved Plan following the completion of construction works.

Vegetation management plan

Prior to commencement of construction a Vegetation Management Plan (VMP) would be prepared by a qualified ecologist for the conservation and enhancement of biodiversity values within retained vegetation along Wingecarribee River west of the project site*.

- The VMP is to include the following items:
 - Description of current ecological features within the area, including habitat features and a flora/fauna species inventory.
 - Actions for the restoration of remnant native vegetation to a moderate-good condition over a minimum period of **5** years.

- a revegetation schedule incorporating locally native species characteristic of PCT 3746 – Southern Snow Gum-Candlebark Shrub Forest ecological community.
- an appropriate maintenance schedule of plantings for the duration of the VMP.
- Performance targets for vegetation management actions over the duration of the Plan.
- Fixed photo monitoring points to demonstrate progress.
- A map showing the location of any high infestations of weeds (greater than 70% coverage)
- An inventory of species listed as a priority weed in the *South East Strategic Weed Management Plan 2023-2027*; or weed species subject to an approved biosecurity undertaking or direction under the *NSW Biosecurity Act 2015*.
- A weed treatment schedule in tabulated form, specifying for each species:
 - The method of treatment.
 - The rates of application methods of all herbicide treatments.
 - A clear, feasible and quantifiable weed reduction target and a method to measure success of management actions.

** It is noted that the land between the project site and the river is Crown Land owned. Any vegetation management works within Crown Land owned land will need appropriate consent.*

Weed management

Exotic vegetation must be disposed of appropriately offsite.

Unexpected finds – significant biodiversity

If at any time during the demolition and construction phases of the project, unexpected findings of threatened species (roosting microbats, for example) occur, works are to cease immediately, and a suitably qualified ecologist contacted to assess the situation.

Flooding

- The proponent must consult with the NSW State Emergency Service regarding public safety associated with flood inundation to assess whether the potential risk identified in the Flood Impact Risk Assessment is acceptable.
- Prior to the issue of Construction Certificate, written evidence of the endorsement of NSW SES of the proposed Flood Emergency Response Plan is to be provided to the Certified consent authority.

Stormwater management

- Water sensitive urban design is to be implemented as per the approved Plan (Stormwater Management Plan (Martens & Associates, 14 August 2025).

Erosion and sediment control

- Erosion and sediment control devices are to be installed prior to any construction activity on the site in accordance with the approved plan. These devices are to be maintained for the full period of construction and beyond this period where necessary. Particularly to avoid impacts to Wingecarribee River west of the project site.
- Any material which needs to be temporarily stockpiled during works must be located well outside the riparian zone.
- The works should be scheduled outside of predicted heavy rain periods and works should stop during heavy rainfall to reduce risk of mobilising sediment