



Mr James McDonough  
Team Leader  
DPE Planning  
Department of Planning and Environment

By email: [james.mcdonough@dpie.nsw.gov.au](mailto:james.mcdonough@dpie.nsw.gov.au)

Dear Mr McDonough

### **Deep Creek Quarry (SSD-11591659) – Review of Response to Submissions Report**

I refer to your e-mail dated 9 January 2023 in which the Planning and Assessment Group (PAG) of the Department of Planning and Environment (the Department) invited Biodiversity and Conservation Division (BCD) to provide advice in relation to the Deep Creek Quarry project (SSD 11591659). Your request was in relation to the 'Deep Creek Quarry: Response to Submissions (RTS) Report by Wedgetail Project Consulting Pty Ltd (dated 23 December 2022).

BCD has reviewed the RTS Report, including the Biodiversity Development Assessment Report (BDAR) presented as Appendix E – including the 'Supplemental surveys for koalas and new holland mice – proposed Deep Creek quarry, Allworth NSW' by Biolink (2022) and 'Revised Koala Plan of Management' by Wedgetail Consulting (2022) which were provided on 3 February 2022. Our review focuses on biodiversity issues as there were no residual issues for the water and flood risk assessment for the project. BCD makes 3 recommendations in relation to the biodiversity assessment of which the key issues are:

- that the Biodiversity Assessment Method (BAM) calculator file needs to be submitted to BCD for review
- that Geographic Information System (GIS) shapefiles for the project be provided, and
- and that BAM plot data for the two new sites (Q19 and Q20) be provided for review.

The project is a controlled action under Part 7 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC referral 2020/8823) for its likely significant impact on listed species and communities. This has triggered the requirement for a bilateral assessment which BCD has developed and notes that further details are required.

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. BCD's bilateral assessment report for the project is provided in **Attachment C**. If you have any questions about this advice, please contact Steven Crick, Senior Team Leader Planning, via [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au) or 02 4927 3154.

Yours sincerely

A handwritten signature in black ink that reads "Joe Thompson". The signature is written in a cursive, flowing style.

**JOE THOMPSON**  
**Director**  
**Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**

**6 February 2023**

Enclosure: Attachments A, B and C

## BCD's recommendations

### Deep Creek Quarry (SSD-11591659) – Review of RTS Report

---

#### Biodiversity

1. The proponent should add the 'Hunter Central Coast Regional Planning Team (C-011729)' as a case party to the BAM calculator file and submit the file to the consent authority in BOAMS.
2. The proponent should provide BCD with updated shapefiles for the project if the development footprint has changed.
3. The proponent should provide copies of the BAM site data for Q19 and Q20 that were done within the 'exotic grassland' zone.

#### Matters of National Environmental Significance (Bilateral Assessment)

4. The following information should be provided to enable BCD to complete the bilateral assessment for the project:
  - The planned timing of clearing in relation to impacts to Matters of National Environmental Significance (MNES) species for the project. Currently Table 29 'Timing of impacts to MNES' in the BDAR describes impacts either in relation to 'construction' or 'for the life of the project'. The project is described as being done in stages, e.g., Table 24 'Summary of mitigation and management measures for the project' (page 74 of the BDAR), and in the 'Clarification of the Biodiversity Offset Strategy on page iv of the 'Executive Summary' of the 'Deep Creek Quarry Response to Submissions Report' but no details of the stages of the project are provided.
  - GIS shapefiles of the maps in Figures B1 to B8, inclusive, from Appendix 8 of the BDAR.
  - Justification of the survey approach used for the New Holland mouse, particularly by way of peer-reviewed publications in relation to the spacing of Elliot trap sites that differ from the recommended 20 to 50 metre spacing in the 'Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities: Working Draft' (DEC, 2004).
  - More information to demonstrate the consideration of avoidance, minimisation, mitigation, and management of impacts to MNES, particularly in relation to proposed progressive rehabilitation of the site, which are briefly discussed on page 3 of the BDAR.
  - In relation to avoidance, minimisation, mitigation, and management of impacts to MNES, identify management measures for which there is a risk of failure and discuss how adaptive management will be used to monitor and respond to impacts
  - Revise Table 29 'Timing of impacts to MNES' to include details of the consequence of impacts to MNES species at local, state and national scales provided and quantified (give areas or populations at these scales).
  - A copy of the BAM Calculator file for BCD to review.
  - Update Table 30 'Summary of species credit requirements' with the correct areas and credit requirements for each relevant vegetation zone. The table in the BDAR has duplicated vegetation zones with different credits or areas or the koala and New Holland mouse.

## BCD's detailed comments

### Deep Creek Quarry (SSD-11591659) – Review of RTS Report

---

#### Biodiversity

1. BCD requires access to the BAM calculator so that changes to credit yields and areas of vegetation zones can be checked

The area of Vegetation Zones 1, 2, 6, 7 and 8 and the credit yields for Vegetation Zones 1, 2, 5, 6, and 8, and for *Tetratheca juncea*, the koala and southern Myotis vary between the Biodiversity Development Assessment Report (BDAR) in the Environmental Impact Statement (dated 9 September 2021) and in the Response to Submissions Report (dated 16 December 2022). This is seen in the values in Table 12 'Summary of ecosystem credit requirements', Table 13 'Summary of species credit requirements' and Appendix 6 'Biodiversity Credit Report' in the BDAR dated 9 September 2021 when compared with the values in Table 25 'Summary of ecosystem credit requirements', Table 26 'Summary of species credit requirements' and Appendix 7 'Biodiversity Credit Report' in the BDAR dated 16 December 2022. The Biodiversity Assessment Method (BAM) Calculator file should be provided for the project [Assessment ID 00022618/BAAS21021/20/00022619] by adding the 'Hunter Central Coast Regional Planning Team (C-011729)' as a case party to the BAM file in the Biodiversity Offset and Agreement Management System (BOAMS) and then submitting the file to the consent authority.

#### Recommendation 1

The proponent should add the 'Hunter Central Coast Regional Planning Team (C-011729)' as a case party to the BAM calculator file and submit the file to the consent authority in BOAMS.

2. Provide updated shapefiles if areas of vegetation zones have changed

The areas of vegetation zones 1, 2, 6, 7 and 8 have changed by up to 0.26 hectares (in Vegetation Zone 8) between the BDAR dated 9 September 2021 and the one dated 16 December 2022. It is not clear why the areas have changed. If there has been a change in the development footprint or the project layout since the Environmental Impact Statement was provided, the proponent should provide a copy of the updated GIS shapefiles. This would enable the proponent to meet the requirements of Appendix K in the BAM 2020 guideline.

#### Recommendation 2

The proponent should provide BCD with updated shapefiles for the project if the development footprint has changed.

3. Provide a copy of the BAM plot sheets for the two new BAM plots: Q19 and Q20

Section 3.2.2 'Vegetation Zones' includes a description of the 'Exotic Grassland' (on pages 35 and 36 of the BDAR) and states that two new BAM plots have been undertaken to quantify their composition and structure. BCD notes that the vegetation zone is considered to be exotic/non-native vegetation and cannot be reasonably be assigned to a Plant Community Type, and that the list of species found in both plots, with their cover and abundance is provided on page 143 in Appendix 2 of the BDAR. The provision of copies of BAM plot data sheets for the new sites is required under Appendix K in the BAM 2020 guideline along with details of the landscape, connectivity and vegetation structure of the site.

### Recommendation 3

The proponent should provide copies of the BAM site data for Q19 and Q20 that were done within the 'exotic grassland' zone.

## **Matters of National Environmental Significance (Bilateral Assessment)**

### 4. Information is required to enable BCD to complete the bilateral assessment

The BDAR does not provide all of the information required for BCD to complete the bilateral assessment report for the project. BCD has prepared a bilateral assessment for the project based on information provided in the BDAR (see **Attachment C**) and during this process has identified a number of data requirements which are outlined under Recommendation 4.

### Recommendation 4

The following information should be provided to enable BCD to complete the bilateral assessment for the project:

- The planned timing of clearing in relation to impacts to Matters of National Environmental Significance (MNES) species for the project. Currently Table 29 'Timing of impacts to MNES' in the BDAR describes impacts either in relation to 'construction' or 'for the life of the project'. The project is described as being done in stages, e.g., Table 24 'Summary of mitigation and management measures for the project' (page 74 of the BDAR), and in the 'Clarification of the Biodiversity Offset Strategy on page iv of the 'Executive Summary' of the 'Deep Creek Quarry Response to Submissions Report' but no details of the stages of the project are provided.
- GIS shapefiles of the maps in Figures B1 to B8, inclusive, from Appendix 8 of the BDAR.
- Justification of the survey approach used for the New Holland mouse, particularly by way of peer-reviewed publications, particularly in relation to the spacing of Elliot trap sites that differ from the recommended 20 to 50 metre spacing in the 'Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities: Working Draft' (DEC, 2004).
- More information to demonstrate the consideration of avoidance, minimisation, mitigation, and management of impacts to MNES, particularly in relation to proposed progressive rehabilitation of the site, which are briefly discussed on page 3 of the BDAR.
- In relation to avoidance, minimisation, mitigation, and management of impacts to MNES, identify management measures for which there is a risk of failure and discuss how adaptive management will be used to monitor and respond to impacts
- Revise Table 29 'Timing of impacts to MNES' to include details of the consequence of impacts to MNES species at local, state and national scales provided and quantified (give areas or populations at these scales).
- A copy of the BAM Calculator file for BCD to review.
- Update Table 30 'Summary of species credit requirements' with the correct areas and credit requirements for each relevant vegetation zone. The table in the BDAR has duplicated vegetation zones with different credits or areas or the koala and New Holland mouse.