

Our ref: DOC19/870253-4

Your ref: SSD 5899

Genevieve Seed

Senior Environmental Assessment Officer
Resources Assessment Division
Department of Planning Industry and Environment
genevieve.seed@planning.nsw.gov.au

Dear Ms Seed

**Biodiversity and Conservation Division Review of Amended Response to Submissions –
Brandy Hill Expansion Project (SSD 5899)**

I refer to your correspondence to the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (the Department), dated 2 October 2019, inviting comments on the Amended Response to Submissions for Brandy Hill Expansion Project (SSD 5899).

BCD has reviewed the Amended Response to Submissions, including relevant appendices, annexures, attachments and parts of the document titled '*Amended Response to Submissions for the Brandy Hill Quarry Expansion Project- Major Project Application No. 5899*' (prepared by R.W. Corkery & Co. Pty Limited and dated September 2019) in relation to impacts on biodiversity. Matters relating to Aboriginal cultural heritage and flooding were adequately dealt with in the Environmental Impact Statement.

On 19 October 2018, BCD previously advised the Department's Resources Assessment Division that it was satisfied with the biodiversity assessment provided and no further assessment was required (DOC18/759902-4). However, since this time additional land has been included in the proposal, an Addendum Report on Commonwealth Biodiversity Matters (prepared by Biosis Pty Ltd, dated 5 February 2019) and an Updated Final Biodiversity Assessment Report (authored by Biosis Pty Ltd, dated 24 May 2019) have been provided to BCD. These updated reports assess impacts to the additional 6.08 hectares of land as well as Matters of National Environmental Significance required under the bilateral assessment agreement with the Commonwealth Department of the Environment and Energy. BCD's biodiversity recommendations in relation to these updated reports are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please contact Brendan Mee, A/ Senior Team Leader Planning, on 4904 2730 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely



17/10/2019

KATRINE O'FLAHERTY
A/Director Hunter Central Coast
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Brandy Hill Expansion Project– Amended Response to Submissions

1. BCD recommends pre-clearance surveys are undertaken for *Rhodamnia rubescens* and *Rhodomyrtus psidioides* within HU798 (PCT 1584), HU812 (PCT 1598), HU932 (PCT 1718) and ecotonal boundaries of these communities, prior any native vegetation clearing and in accordance with 'NSW Guide to Surveying Threatened Plants' (Office of Environment and Heritage (OEH), 2016). If the species are detected then an appropriate biodiversity offset will be required, that may include the retirement of appropriate species credits.
2. BCD recommends pre-clearance surveys are undertaken for *Pterostylis chaetophora* during the species' flowering period within the 6.08 ha extended project area, prior any native vegetation clearing, with confirmation from a reference population that the species is in flower, and in accordance with 'NSW Guide to Surveying Threatened Plants' (OEH, 2016). If the species is detected then an appropriate biodiversity offset will be required, that may include the retirement of appropriate species credits.
3. BCD recommends that any consent conditions for the project reflect the correct area of koala species polygon (51.63 hectares), which equates to 1342 koala species credits required to offset impact to the koala, as reported in the Amended Response to Submissions for the Brandy Hill Quarry Expansion Project.
4. BCD recommends that any consent conditions for the project refer to the correct number of required ecosystem credits reported in Table 8 of the Amended Response to Submissions for the Brandy Hill Quarry Expansion Project.

BCD's detailed comments

Brandy Hill Expansion Project – Amended Response to Submissions

Biodiversity

1. Post approval pre-clearance surveys are required for recently listed threatened flora with potential to occur over the site

Two flora species recently listed on Schedule 1 of the *Biodiversity Conservation Act 2016* as critically endangered have the potential to occur in the project area.

Scrub turpentine (*Rhodamnia rubescens*) (listed 1/02/2019) is a small tree/shrub that occurs in littoral, warm temperate and subtropical rainforest, and wet sclerophyll forest within the north coast bioregion. The species could occur within 'HU798 white mahogany - spotted gum - grey myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley' (PCT 1584), and could also potentially occur as a pioneer in adjacent areas of dry sclerophyll and grassy woodland associations.

Native guava (*Rhodomyrtus psidioides*) (listed 1/02/2019) is a small tree/shrub that occurs in littoral, warm temperate and subtropical rainforest and wet sclerophyll forest in the north coast bioregion. The species could occur within

- 'HU798 white mahogany - spotted gum - grey myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley' (PCT 1584)
- 'HU812 Forest Red Gum grassy open forest on floodplains of the Lower Hunter' (PCT 1598) and
- 'HU932 Swamp Mahogany - Flax-leaved Paperbark swamp forest on coastal lowlands of the Central Coast' (PCT 1718)

within the project area, and potentially as a pioneer in adjacent areas of dry sclerophyll and grassy woodland associations.

Within a 10 kilometre radius of the project area, *R. rubescens* has been recorded at 11 locations, and *R. psidioides* at 4 locations. Given the number of known records in the immediate locale, BCD would have recommended targeted surveys for this species as part of the Environmental Impact Assessment and FBA, if the species had been listed earlier. Suitable areas of habitat occur on site (as detailed above), which may contain these species. These species are readily identifiable at all times of the year. Targeted surveys could be undertaken at any time but would be limited to HU798 (PCT 1584), HU812 (PCT 1598) and HU932 (PCT 1718), which equates to 4.5 hectares for *R. psidioides* and 2.16 hectares for *R. rubescens*, as well as surveying of ecotonal boundaries of these communities with any dry sclerophyll forest or grassy woodland vegetation types. Pre-clearance surveys would need to be undertaken prior to any vegetation clearing onsite and be consistent with BCD guidelines 'NSW Guide to Surveying Threatened Plants' (Office of Environment and Heritage (OEH), 2016).

Recommendation 1

BCD recommends pre-clearance surveys are undertaken for *Rhodamnia rubescens* and *Rhodomyrtus psidioides* within HU798 (PCT 1584), HU812 (PCT 1598), HU932 (PCT 1718) and ecotonal boundaries of these communities, prior to any native vegetation clearing and in accordance with 'NSW Guide to Surveying Threatened Plants' (OEH, 2016). If the species are detected then an appropriate biodiversity offset will be required, that may include the retirement of appropriate species credits.

2. Post approval pre-clearance surveys are required for rusty greenhood (*Pterostylis chaetophora*) within the extended project area

The Amended Response to Submissions for the Brandy Hill Quarry Expansion Project (prepared by R.W. Corkery & Co. Pty Limited, dated September 2019) acknowledges that the 6.08 hectares of extended project area has not been subject to targeted survey. Assumptions made regarding ecosystem and species credit species within the remainder of the project area have been applied to the extended project area.

One additional species credit species, rusty greenhood (*Pterostylis chaetophora*), could occur within the extended project area and has not yet been surveyed. Post-approval targeted surveys for this species are required during the species' flowering period (September to November) within the extended project area. A reference population should be checked (such as Grahamstown Dam or Columby National Park) prior to survey to confirm the species is in flower. Targeted surveys for this species are required prior to any native vegetation clearing and in accordance with 'NSW Guide to Surveying Threatened Plants' (OEH, 2016).

Recommendation 2

BCD recommends pre-clearance surveys are undertaken for *Pterostylis chaetophora* during the species' flowering period within the 6.08 ha extended project area, prior to any native vegetation clearing, with confirmation from a reference population that the species is in flower, and in accordance with 'NSW Guide to Surveying Threatened Plants' (OEH, 2016). If the species is detected then an appropriate biodiversity offset will be required, that may include the retirement of appropriate species credits.

3. There are inconsistencies within the submitted documents regarding required koala species credit offsets

The Updated Final Biodiversity Assessment Report (prepared by Biosis Pty Ltd, dated 24 May 2019) reports the loss of 50.96 hectares of koala habitat, which equates to 1324 species credits required to offset impact to koala. As part of the review of Matters of National Environmental Significance undertaken by BCD during the bilateral assessment agreement with the Commonwealth Department of the Environment and Energy, BCD requested that the koala species polygon be increased to 51.63 hectares, and the credit calculator re-run to determine the new species credits generated.

The Amended Response to Submissions for the Brandy Hill Quarry Expansion Project (prepared by R.W. Corkery & Co. Pty Limited and dated September 2019) reports that the project would result in the loss of 51.63 hectares of koala habitat, which equates to 1342 species credits required to offset impact to koala. The revised koala species polygon and species credit calculations, as reported in the Amended Response to Submissions document are correct and should be reflected in consent conditions.

Recommendation 3

BCD recommends that any consent conditions for the project reflect the correct area of koala species polygon (51.63 hectares), which equates to 1342 koala species credits required to offset impact to the koala, as reported in the Amended Response to Submissions for the Brandy Hill Quarry Expansion Project.

4. There are inconsistencies between the total ecosystem credits required, and the ecosystem credits required over the differing stages of development

Table 8 in the Amended Response to Submissions for the Brandy Hill Quarry Expansion Project (prepared by R.W. Corkery & Co. Pty Limited, dated September 2019) reports the total number of required ecosystem credits to offset impact of the development. Tables 11, 12 and

13 of the Amended Response to Submissions for the Brandy Hill Quarry Expansion show the required ecosystem credits over the three stages of development. However, there are inconsistencies between these two tables for the total ecosystem credits required for 'HU932 Swamp Mahogany - Flax-leaved Paperbark swamp forest on coastal lowlands of the Central Coast' (46 total credits shown in Table 8, 48 shown in Table 13), and 'HU806 Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest of the Lower Hunter' (63 total credits shown in Table 8, 61 shown in Table 12 and 13 combined).

Recommendation 4

BCD recommends that any consent conditions for the project refer to the correct number of required ecosystem credits reported in Table 8 of the Amended Response to Submissions for the Brandy Hill Quarry Expansion Project.