



Department of Planning and Environment

Leigh Jackson
Building and Regulatory Services Officer
Carrathool Shire Council

Our ref: DOC22/301745
Sender's ref: DA2022-029

Via Concurrence & Referral Portal CNR-37819
22 November 2022

Dear Leigh

Subject: DA2022-029 Western Riverina Quarry extension - CNR-37819

Thank you for your email dated 2 November 2022 seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment (the Department) about the Submissions Report and revised Biodiversity Development Assessment Report (BDAR) for the proposed expansion of the Western Riverina Quarry located at 439 Wiltshire Road, Rankin Springs.

We have reviewed the Submissions Report and revised BDAR against the Environmental Assessment Requirements (EARs) provided by the Department to the proponent on 17 Jul 2019 and BCDs comments on the Environmental Impact Statement (EIS) provided to NSW Planning on 3 May 2022.

We are satisfied with the responses provided in section 3.3 of the Submissions Report and the revised BDAR in response to our submission of 3 May 2022 (OzArk 2022, Biodiversity Offset Agreement Management System (BOAMS) case no. 00017760).

We are satisfied that the revised BDAR has been prepared consistent with the EARs relating to biodiversity. The biodiversity credit obligation generated by the revised BDAR provides an appropriate offset for the harm caused by the development.

All plans required as a Condition of Approval that relate to biodiversity should be developed in consultation with and to the satisfaction of BCD. We recommend Conditions of Approval in **Attachment A**.

If you have any questions about this advice, please contact Leigh Maloney, Senior Conservation Planning Officer, via rog.southwest@environment.nsw.gov.au or 02 6983 4911.

Yours sincerely

Andrew Fisher
Senior Team Leader Planning
South West Branch
Biodiversity and Conservation Division
Department of Planning and Environment

ATTACHMENT A – Detailed comments on DA2022-029 – Western Riverina Quarry extension (CNR-37819)

**ATTACHMENT A Detailed comments on DA2022-029 – Western Riverina Quarry extension
(CNR-37819)**

Biodiversity

Plant Community Type (PCT) selection

We note that the PCT selection in the BDAR has been updated based on field survey and the selected PCTs appear to be more appropriate given the species recorded in vegetation integrity plots. This issue has been appropriately addressed.

Targeted surveys

Similarly, the targeted survey effort methods and timing with associated PCTs has provided more detail and clarified survey effort regarding a number of species. Where appropriate clarification could not be provided or additional surveys have not been undertaken, species have been assumed present which is an appropriate outcome in the absence of survey. This issue has been appropriately addressed.

We note that the previous assumed presence for Sloane's Froglet has been removed and we agree with this approach based on the associated PCT no longer occurring in the subject land. This issue has been appropriately addressed.

Prescribed and indirect impacts

Additional detail has been provided to address prescribed impacts. While the assessment still lacks some specific detail addressing prescribed impacts in accordance with section 8.3 and 8.4.2 of the BAM, it provides enough detail and additional maps to determine that no residual prescribed impacts are likely as a result of the proposed development.

Recommended conditions of development consent

We are satisfied that the revised BDAR (OzArk 2022, Biodiversity Offset Agreement Management System (BOAMS) case no. 00017760) has been prepared consistent with the EARs relating to biodiversity.

The biodiversity credit obligation generated by the revised BDAR provides an appropriate offset for the harm caused by the development.

We recommend the following conditions of consent for biodiversity. Amend numbering as required.

- A. Prior to issue of operational commencement, the class and number of ecosystem credits in Table [X1] and species credits in Table [X2] must be retired to offset the residual biodiversity impacts of the development.
- B. The requirement to retire credits in 'Condition A' may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator and established by the BDAR.
- C. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of 'Condition A' must be provided to the consent authority prior to operational commencement.

Table [X1] Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development
PCT 70 - White Cypress Pine woodland on sandy loams in central NSW wheatbelt	49	Lachlan Plains , Darling Depression, Lachlan, Lower Slopes, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	PCTs 56, 70, 74, 76, 80, 81, 82, 237, 244, 248, 251, 628
PCT 72 - White Cypress Pine - Poplar Box woodland on footslopes and peneplains mainly in the Cobar Peneplain Bioregion	9	Lachlan Plains , Darling Depression, Lachlan, Lower Slopes, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	PCTs 72, 98, 103, 105, 108, 109, 134, 135, 145, 245, 246
PCT 186 - Dwyer's Red Gum - Black Cypress Pine - Currawang shrubby low woodland on rocky hills mainly in the NSW South Western Slopes Bioregion	5	Lachlan Plains , Darling Depression, Lachlan, Lower Slopes, Murrumbidgee and Nymagee. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	PCTs 104, 106, 122, 175, 176, 177, 178, 180, 184, 185, 186, 188, 218, 239, 256, 257, 258, 292, 317, 318, 319, 328, 329, 332, 334, 357, 424, 427, 439

Table [X2] Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA subregion
Curly-bark Wattle (<i>Acacia curranii</i>)	11	Anywhere in NSW
A spear-grass (<i>Austrostipa metatoris</i>)	67	Anywhere in NSW
Pine Donkey Orchid (<i>Diuris tricolor</i>)	9	Anywhere in NSW
Silky Swainson-pea (<i>Swainsona sericea</i>)	11	Anywhere in NSW