



Our ref: DOC22/18691  
Your ref: SSD-9451258

Lander Robinson  
Senior Environmental Assessment Officer  
Planning & Assessment Group  
[lander.robinson@planning.gov.nsw.au](mailto:lander.robinson@planning.gov.nsw.au)

Dear Lander

### **Forest Glen Solar Farm**

Thank you for your e-mail dated 30 November 2021 to the Biodiversity, Conservation and Science Directorate (BCS) inviting comments on the Environmental Impact Statement (EIS) for the Forest Glen Solar Farm.

BCS note that much of the project works are on land assessed as being Category 1 – Exempt Land. The land categorisation should be clearly justified and supported by evidence.

It is a requirement of the Biodiversity Conservation Act 2016 (Section 6.15) that the Biodiversity Development Assessment Report (BDAR) is certified as BAM compliant within 14 days of the submission date. It appears that this certification is not provided in the BDAR. This certification should be provided where it can be clearly seen, for example, immediately following the document verification.

Recommendations regarding the EIS and accompanying BDAR are provided in **Attachment A** and our detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please contact David Geering, Senior Conservation Planning Officer, via [david.geering@environment.nsw.gov.au](mailto:david.geering@environment.nsw.gov.au) or (02) 6883 5335.

Yours sincerely

**Samantha Wynn**  
**Senior Team Leader Planning North West**  
**Biodiversity, Conservation & Science Directorate**

17 January 2022

Enclosure:        Attachments A and B

## BCS's recommendations

### Forest Glen Solar Farm – BDAR

---

- 1.1 Evidence to support and justify any designation of land categories be provided for the subject site.
- 2.1 Data sheets for all plots should be provided.
- 3.1 All data entry into the BAM calculator should be checked, errors corrected, and the final credit requirement recalculated.
- 4.1 As the credit requirement is to be recalculated, the revised and finalised credit report should be appended to the BDAR.
- 5.1 More in-depth analysis of the vegetation type currently assigned as PCT 201 is required.
- 6.1 Eastern Pygmy-possum be included on the basis that they are known to occur in grassy woodlands and the presence of Eucalypts alone is sufficient to support populations in low densities.
- 7.1 If a species cannot be surveyed within the stipulated survey period presence should be assumed or an expert report prepared by an approved expert of that species provided.

## BCS's detailed comments

### Forest Glen Solar Farm – BDAR

---

#### 1. Land categorisation should be clearly justified.

The circumstances under which land is to be designated as Category 1 – Exempt and Category 2 – Regulated are set out in s.60H-60J of the LLS Act and cl.109-114 of the *Local Land Services Regulation 2014*. Additional information regarding criteria and methodology for assessment is available on the [Local Land Services](#) website and the [BCS accredited assessor information and resources](#) webpage.

Evidence to support and justify any designation of land categories should be provided for the subject site. Assessors should first identify whether land meets criteria for Category 2 – Regulated Land prior to Category 1- Exempt Land. Multiple pieces of evidence should be used to demonstrate a Category 1 designation, including:

- publicly available data sets on Sharing and Enabling Environmental Data (SEED) web map, such as:
  - 2017 landuse map, available at SEED 2017 landuse map
  - 2008 and 2011 woody extent layer available on SEED [2008 Woody extent](#) [2011 woody extent](#)
  - Category 2 – Sensitive and Category 2 – Vulnerable land from the [Native Vegetation Regulatory Map](#) (NVR Map)
- aerial photography;
- landholder records of landuse (e.g. diaries, photos that show clearing or cropping activities); and
- vegetation plot data from survey undertaken within the subject site.

The published [NVR Map Method Statement](#) should be reviewed to determine how the above datasets can be best interrogated to support any identification of Category 1 – Exempt land. Where datasets/information provide contradictory information, caution should always be applied, and the land should be categorised as Category 2 – Regulated Land. The final land categorisation should be clearly justified by combining data from the list above and linking the results to the specific components of the land category definitions in the LLS Act.

#### Recommendation

- 1.1 Evidence to support and justify any designation of land categories should be provided for the subject site.

#### 2. Not all plot data sheets were provided.

It is a requirement of the BAM (Table 24) that plot field data sheets be provided. While data sheets are provided in Appendix B of the BDAR, data sheets for plots 17, 18, 19, 20, 21 and 22 are missing.

#### Recommendation

- 2.1 Data sheets for all plots should be provided.

### 3. There are errors in the data entered into the BAM calculator.

A crosscheck of data entered into the BAM calculator (BAM-C) reveals consistent errors. It is imperative that data collected in the field is accurately entered into the BAM-C as this influences the site integrity scores and thus the credit requirement of the development.

Of 15 data sheets checked 13 had values that differed to those in the BAM-C. While many of the errors are small and unlikely to affect the final integrity scores (e.g. plots 3, 5, 6, 10 and 12) other errors are larger and have the potential to influence integrity scores (e.g. plots 1 and 2). It should be noted that an additional six data sheets were not available and could not be checked.

#### Recommendation

- 3.1 All data entry into the BAM-C should be checked, errors corrected, and the final credit requirement recalculated.

### 4. The BAM Credit Report appended to the BDAR is not the finalised version.

It is a requirement of the BAM that the proposal be submitted in the BAM-C and that the BAM credit report be provided in the BDAR.

While the proposal in the BAM-C has been finalised, the credit reports in Appendix D of the BDAR indicate that the BAM Case Status is “open” and that it is “to be finalised”.

Although the information in the credit report reflects that in the BAM-C, care should be taken that files provided in the BDAR are up to date and correct.

#### Recommendation

- 4.1 As the credit requirement is to be recalculated, the revised and finalised credit report should be appended to the BDAR.

### 5. Further justification for PCT 201 is required.

The BAM requires the assessor to provide evidence of quantitative analysis of the site survey data to define the likely PCTs that occur within the development footprint.

Section 3.2.1 of the BDAR outlines the methodology used to assign vegetation types to a PCT. Two PCTs were identified and the justification for their determination is provided in Tables 3-1 (PCT 255) and 3-2 (PCT 201). BCS accepts the justification for PCT 255 as reasonable however justification for PCT 201 (Fuzzy Box Woodland) is problematic.

The presence of at least three canopy species which were identified within the vegetation zones allocated as PCT 201 (including outside of plots) resulted in the following three potential PCTs:

- PCT 88 - Pilliga Box - White Cypress Pine - Buloke shrubby woodland in the Brigalow Belt South Bioregion
- PCT 101 - Poplar Box - Yellow Box - Western Grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion
- PCT 201 - Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion

The rationale for the final selection was that “*all three PCTs contained several matching upper, mid and ground strata species, however PCT 201 was selected over 88 and 101 given the higher number of matches (12 for PCT 201 compared with 10 for both PCT 88 and 101). Additionally, as this zone occurred as riparian vegetation, the landscape features of PCT 201 were considered a better match*”.

Fuzzy Box *Eucalyptus conica*, a dominant canopy species in PCT 201, is not mentioned at all in the justification and does not seem to be recorded in any of the plot data. Conversely, PCT 88 contains three tree species that do occur with the mapped PCT area although it is suggested that the presence of Pilliga Box *E. pilligaensis* in BAM plots was considered likely to be encroachment from nearby PCT 255 although this logic is not explored further. In light of the presence of the dominant canopy species for PCT 88 and absence of the primary dominant species in PCT 201 further justification of the choice of PCT for this vegetation is required.

#### Recommendation

5.1 More in-depth analysis of the vegetation type currently assigned as PCT 201 is required.

### 6. Predicted species credit species have been excluded without reasonable justification.

Section 5.2 of the BAM requires the assessor to assess habitat suitability for threatened species on the subject land.

Table 4-2 of the BDAR lists all the candidate species credit species along with justifications for including or excluding them from further assessment. The justifications provided are reasonable for most of the species.

Masked Owl has been excluded despite the reason given being “*Hollow-bearing trees present within Development Site and within known distribution*”. This suggests that the species was meant to be included. The species has been excluded in the BAM calculator. Surveys for Masked Owl were however carried out and the species not detected. Furthermore, only one hollow of a suitable size for this species was identified and it was deemed unsuitable and not proposed to be impacted. BCS regards this as adequate assessment of this species.

Eastern Pygmy-possum has been excluded based on “*the absence of dense understorey across the Development Footprint. This species has been detected in a broad range of habitat types. However, habitat suitability is closely aligned with the presence of a dense midstory of shrubs, most commonly from the genera Banksia and Hakea which was absent across the Development Site*”. DPIE’s Threatened Biodiversity Data Collection (TBDC) states that “*although the species prefers habitat with a rich shrub understory, they are known to occur in grassy woodlands and the presence of Eucalypts alone is sufficient to support populations in low densities*”. Based on this the Eastern Pygmy-possum should be included, and further assessment carried out.

#### Recommendation

6.1 Eastern Pygmy-possum be included on the basis that they are known to occur in grassy woodlands and the presence of Eucalypts alone is sufficient to support populations in low densities.

### 7. Surveys for several threatened plant species were outside the stipulated survey period.

Surveys for species credit species need to be conducted at the optimum time for detection. Survey months for species are automatically populated in the BAM-C via the TBDC. These months were selected assuming 'average' conditions, and that the survey is undertaken using an appropriate method, time of day and conditions (based on relevant survey guidelines). Accredited Assessors can adjust survey timing if, for example, natural disturbances or climatic events are likely to alter the months when the species is most likely to be found however this needs to be justified.

Species that required survey were all surveyed within the designated survey period except for *Pterostylis cobarensis* and Leafless Indigo. The survey period for *Pterostylis cobarensis*, a species that is only detectable above ground for a relatively short period, is restricted to October and for Leafless Indigo, September to October.

## Recommendation

- 7.1 If a species cannot be surveyed within the stipulated survey period presence should be assumed or an expert report prepared by an approved expert of that species.