

Dominic Crinnion
Director Infrastructure Management
Infrastructure Assessment
Department of Planning and Environment

Our ref: DOC22/330290
Sender's ref: SSD-9874-Mod-2

Via Major Projects Portal: PAE-41738720
20 May 2022

Dear Mr Crinnion

Subject: Walla Walla Solar Farm MOD 2 – Project Layout Changes (SSD 9874 MOD 2)

Thank you for your referral dated 28 April 2022 seeking comment from the Biodiversity and Conservation Division (BCD) on the above project.

BCD has reviewed the documentation provided, including the Biodiversity Development Assessment Report (BDAR) in Appendix B.1 to the 'Modification 2 Application Report' (NGH 2022).

BCD considers that the BDAR meets the Secretary's requirements for biodiversity and flooding, contingent on the applicant addressing issues 1 to 6 identified in **Attachment A**.

In summary, the BDAR requires:

- Minor amendments to meet requirements of the Biodiversity Assessment Method.
- Reporting of vegetation plots in BDAR s3.4.1 and Table 3-5, and submission of corrected spatial data.
- Removal of non-binding or ambiguous terminology relating to mitigation measures.

If you have any questions about this advice, please contact Miranda Kerr, Senior Biodiversity Conservation Officer via rog.southwest@environment.nsw.gov.au or 02 6022 0607.

Yours sincerely



Andrew Fisher
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Department of Planning and Environment

ATTACHMENT A – BCD comments on Walla Walla Solar Farm MOD 2 – Project Layout Changes (SSD 9874 MOD 2)

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BCD has reviewed the Biodiversity Development Assessment Report (BDAR) in Appendix B.1 to the 'Modification 2 Application Report' (NGH 2022) and notes the following issues to be resolved before project determination.

Issue 1. BDAR certification

Section 6.15 of the *Biodiversity Conservation Act 2016* requires the BDAR to be certified by the accredited assessor as complying with the BAM no earlier than 14 days before the date of submission of the development application.

The BDAR was certified by the Accredited Assessor on 18 March 2022. The Modification Report is dated 30 March 2022. It is unclear to BCD when the Modification Application was submitted to NSW Planning.

Issue 2. BAM 2020

Section 3.4.1 references the Biodiversity Assessment Method (BAM) 2017. BAM 2020 must be used.

Issue 3. NSW Landscape

The relevant NSW (Mitchell) Landscape is correctly entered into the BAM calculator but is not reported in the BDAR.

Issue 4. Vegetation information needs to be more clearly summarised

It is good to see vegetation zones clearly identified and comparable in the BAM calculator, spatial data and BDAR.

- a. Text in Section 3.1 would be clearer presented as a summary table listing area (ha) of each PCT
- b. Table 3-5 needs a column with the minimum number of plots required by BAM s 4.3.4. Plot IDs should be included under Survey Effort.

Issue 5. Submitted vegetation plot information is incomplete

- a. Not all vegetation integrity plots shown on Figure 3-7 are included in the submitted spatial data. Please provide one point only for each plot (coordinates of point 0 on midline transect, as per s3.4.1 of the BAM 2020 Operational Manual – Stage 1 (DPIE 2020).
- b. The scanned field data sheets are not easily matched with the spatial data or the dataset in Appendix B. On review, the datasheets submitted with the original project Environmental Impact Statement (EIS) are clear, easy to understand and appear to be more correct than those submitted for Mod 2.
- c. The submitted plot location shapefile appears to be arbitrarily numbered with Plot ID. Coordinates of points do not match the scanned datasheets submitted with the EIS, e.g. Plot 27 scanned datasheet E:496435 N:6043866; Plot 27 in shapefile E:497623 N:6043822.

Issue 6. Non-binding terms for mitigation commitments

Non-binding or ambiguous terminology relating to mitigation measures should be removed.

For example, the Executive Summary (page x, paragraph 1) states that "mitigation and management measures would be put in place...". BCD recommend replacing "would be" with "will be" throughout the BDAR.