

Kurtis Wathen

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Our ref: DOC22/444834-9
Your ref: SSD 13166280

Dear Mr Wathen

Blind Creek Solar Farm (SSD -13166280) Biodiversity Development Assessment Report (BDAR)

I refer to the request from Energy Resource Industry Assessments to comment on the Blind Creek Solar Farm Environmental Impact Statement (EIS).

We have reviewed the Biodiversity Development Assessment Report (BDAR) in Appendix G of the EIS. We have also inspected the site on 30 November 2021. The BDAR demonstrates that:

- the direct impacts are entirely isolated to non-native vegetation in a highly disturbed, agricultural landscape
- no ecosystem credits are generated because the vegetation is in such poor condition that the Vegetation Integrity (VI) score is below the offsetting threshold.

We are satisfied that the BDAR has adequately addressed the requirements of the 2020 Biodiversity Assessment Method (BAM), except for the prescribed impact assessment for impacts to White-fronted Chat (*Epthianura albifrons*, Vulnerable, *Biodiversity Conservation Act 2016*) which is utilising non-native vegetation in the Subject Land.

Recommendations are provided in **Attachment 1** as to how the impacts to this species can be addressed through the preparation of a Biodiversity Management Plan (BMP). We suggest that this is prepared prior to issuing conditions of consent during the Response to Submission stage. This would assist the Applicant in meeting construction timeframes without needing to undertake targeted survey, while also ensuring the maximum benefit to the local population of White-fronted Chat. The BMP could form an appendix to the BDAR.

Additionally, some minor amendments to the BDAR are recommended in **Attachment 2**. Of particular note, is that there may have been a misidentification resulting in an unnecessary species credit liability for Southern Myotis (*Myotis Macropus*).

With regard to avoidance, the applicant has avoided the most significant ecological entities, including:

- >38 ha of remnant *Monaro Tablelands Cool Temperate Grassy Woodlands* at the eastern end of the Subject Land
- > 41 hollow bearing trees

- the wetland area at the north western end of the Development Site
- a setback area from Butmaroo Creek running along the southwestern boundary of the Subject Land.

It would be beneficial for the long-term maintenance of these values if some form of permanent formal protection is put in place.

If you require any more information please contact Mallory Barnes, Senior Regional Biodiversity Conservation Officer, South East BCD by email at mallory.barnes@environment.nsw.gov.au.

Yours sincerely



1/7/2022

MICHAEL SAXON
Director South East
Biodiversity and Conservation Division

Enclosure: Attachment 1 – Recommendations for Biodiversity Management Plan (BMP) for White Fronted Chat.
Attachment 2 – Minor recommended amendments to Biodiversity Development Assessment Report (BDAR)

Attachment 1 – Recommendations for Biodiversity Management Plan (BMP) for White Fronted Chat (*Epthianura albifrons*)

White-Fronted Chat (WFC) was detected at four locations in the Subject Land along the northern side of Butmaroo Creek in dense, non-native vegetation dominated by Scotch Thistle (*Onopordum acanthium*). The BDAR has correctly identified that this represents a prescribed impact.

It is unclear if the non-native vegetation forms foraging and/or breeding habitat for WFC, however the latter is of greater conservation significance. The species is known to utilise several prickly non-native species as breeding habitat.

Prescribed impacts would normally require the Proponent to alter the design of the solar array to avoid the habitat completely or to implement minimisation measures that reduce the severity of the impact (s 7.2 BAM 2020). This is because –

‘[Prescribed impacts] cannot be readily replaced or offset, [so] it is important that measures to avoid or minimise impacts are undertaken and are clearly documented in the BDAR or BCAR.’ (s 7.2.1 BAM 2020)

To facilitate avoidance, the BAM requires that the assessor provides a description of the type of non-native vegetation which forms habitat for the threatened species (s 6.1.2.1.c BAM 2020) and identifies this vegetation a site map (s 6.1.2.2 BAM 2020).

To achieve this, we have previously recommended undertaking targeted survey of WFC during the breeding season to determine if it is being used as breeding habitat and if so, how far it extends within the Subject Land.

However, according to BCD experts, breeding commences from September and continues through to March. Any survey prior to this would be of limited value in determining the true extent of breeding habitat, if present (pers comm. Dr Damon Oliver 3 June 2022).

Given that this timing for targeted survey would conflict with critical construction time frames, an alternative approach would be to –

1. Undertake immediate survey for the extent of Scotch Thistle within the Subject Land. This could be undertaken on foot, in vehicle or using a Remotely Piloted Aircraft System (RPAS) to maximise speed of survey.
2. Assume that all areas of Scotch Thistle are WFC breeding habitat
3. Develop a costed Biodiversity Management Plan (BMP) which aims to restore at least an equivalent amount of White Fronted Chat breeding habitat within the Development Site but outside the Subject Land in the avoided areas such as –
 - Butmaroo and Wright Creek riparian set back area,
 - the remnant woodland (PCT 1100) at the eastern end of the Subject Land,
 - the perimeter of the northern wetland and further north until the shore of Lake George.
4. The BMP should be developed in collaboration with BCD and preferably submitted prior to consent as a part of the Response to Submissions. The BMP would then be able to form an appendix to the BDAR and be referred to in the conditions of consent.

It is suggested that the BMP:

- be easy for operational staff to use and provide a clear, concise, and auditable environmental management framework.
- identify the threats known to affect the viability of WFC. At a minimum, include known threats listed in the threatened species profile in the Threatened Biodiversity Data Collection (TBDC).
- detail management actions that would be applied to management zones to address threats. Identify the management zones on a site map. Identify and map any management zones which require different management actions. Suggested management actions include –
 - Establishing dense plantings of indigenous species that support WFC breeding such as *Poa labillardieri*, prickly *Acacia* species such as *Acacia paradoxa*, *Bursaria spinosa*, *Leptospermum* and *Chenopodiaceae* spp.
 - Fencing revegetated areas and installation of tree guards around each plant to prevent trampling and grazing by domestic livestock and overabundant native macropods.
 - Aggressive exclusion or suppression of foxes, cats, and, where relevant, overabundant populations of non-threatened native species such as Noisy Miners (*Manorina melanocaphala*) macropods.
 - Aggressive control of weed species not associated with WFC breeding habitat.
- identify a specific and measurable performance criteria for each threat. This might be within a range eg, *>80% cover is comprised of indigenous species that support WFC breeding and <5% total cover comprised of weed species.*
- detail an achievable monitoring program which is designed to assess the delivery of each performance criteria, e.g. *Management zones will be surveyed three times each breeding season for WFC utilisation, commencing two years after planting and continuing for the first 10 years of operation or until WFCs are consistently utilising management zones.*
- identify a trigger (value outside of the target range) that would initiate adaptive management, e.g. *No WFC utilisation of a management zone for three consecutive surveys or weed species comprise greater than 10% total groundcover.*
- identify a realistic management action that is likely to place the variable back within the target range, e.g. *in-fill planting or spot application of herbicide.*
- identify the person responsible for undertaking monitoring, identification of triggers, and commence the management action, e.g. *Blind Creek Solar Farm's Environmental Manager will be responsible for implementing a weed monitoring program.*
- provide a time frame for the monitoring program and achieving the target range. Interim performance criteria might be necessary.

- provide a reporting frequency to assess the delivery of each performance criteria.
- consider payment of a bond until performance criteria are met.
- be prepared to the satisfaction of BCD and submitted prior to the issue of conditions of consent.

Attachment 2 – Minor recommended amendments to BDAR

Southern Myotis

The BDAR identified a credit liability for the Southern Myotis (*Myotis macropus*). However this is likely to be a misidentification as:

- the parent PCT from which the non-native vegetation is derived is not included in list of PCTs associated with the species in the TBDC (refer to *Species' Credit Threatened Bats and their Habitats NSW Survey Guide*).
- The waterway likely does not meet the criteria of the habitat constraint for Southern Myotis - '*medium to large permanent creeks, rivers, lakes or other waterways (i.e. with pools/ stretches 3 m or wider)*'
- The low number of survey nights means the record may not be reliable as Southern Myotis calls are easily confused with common Long-eared Bats.

Rename vegetation zones

The following vegetation zones should be renamed to reflect their highly degraded non-native status –

- Zone 1 - 1110_grassland_poor
- Zone 2 – 1100_grassland_poor

For instance -

- Zone 1 - 1110_non-nativegrassland_poor
- Zone 2 – 1100_ non-nativegrassland_poor

Serious and Irreversible Impact (SAIL) assessment

The SAIL assessment for *Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands* is not necessary because it is not being impacted.

Although the derived communities can meet the criteria for the Scientific Determination (para 3.1.3 of the *Notice of and reasons for the Final Determination*), and vegetation zone 2 is derived from a Plant Community Types (PCTs) which is consistent with the SAIL entity, it is likely in such a high state of degradation that it no longer meets the criteria. Therefore, the SAIL assessment should be removed from the revised BDAR at the Response to Submissions stage.

The 38 ha area of avoided woodland in the east of the Development Site that does meet the criteria in the Scientific Determination for *Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands* should be included as a management zone in BMP and subject to management actions to improve its condition and minimise the likelihood of indirect impacts from increased weed transport..

Human made structure

The historic Trigonometrical Station, which is a human made structure that potentially forms habitat for threatened bat species. If this structure is going to be removed an acoustic detector needs to be deployed at the entrance to determine if it is suitable breeding or roosting habitat.