



Our ref:DOC22/905844-1
Your ref: PAE-48814990

Claire Driessen
Project Director
Edify Energy
Level 1, 34-35 South Steyne,
Manly, NSW 2095

Dear Claire,

Thank you for your e-mail dated 27 September 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment (DPE) inviting comments on the Biodiversity Development Assessment Report for the Peninsula Solar Farm.

BCS has reviewed the Biodiversity Assessment Report and have the following comments and recommendations:

- BSC requests a review of vegetation zone mapping and further justification for choice of vegetation zones
- Edify Energy should adjust BAM-Calculator calculations in response to vegetation mapping as required
- Prepare an aquatic fauna management procedure, for consultation with BCS, prior to the commencement of dam dewatering and obtain appropriate permits.

BSC acknowledges that this proposal will impact up to 56.55 ha of *Biodiversity Conservation Act*-listed Critically Endangered Ecological Community (CEEC) White Box- Yellow Box- Blakely's Red Gum community. BSC has noted that the Edify Energy has taken all reasonable steps to avoid and minimise impacts throughout their design of the project, including avoiding all Commonwealth *Environmental Protection and Biodiversity Conservation Act* CEECs and assuming presence for threatened plant species due to weather conditions.

BCS's biodiversity recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please do not hesitate to contact Candice Larkin, A/Senior Conservation Planning Officer, via candice.larkin@environment.nsw.gov.au or (02) 8217 2065.

Yours sincerely

Michelle Howarth
A/Senior Team Leader Planning North West
Biodiversity, Conservation and Science Directorate

13 October 2022

Attachment A – BCS's Recommendations
Attachment B – BCS's Detailed Comments

BCS's recommendations

Peninsula Solar Farm – Biodiversity Development Assessment Report

BAM	Biodiversity Assessment Method
BAM-C	Biodiversity Assessment Method Calculator
BDAR	Biodiversity Development Assessment Report
EEC	Endangered Ecological Community
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
MNES	Matters of National Environmental Significance
PCT	Plant Community Type

Recommendations

- 1.1 Revise mapping to include PCT 267_Moderate in a vegetation zone or provide further justification for exclusion
- 1.2 Revise BAM-C calculations for vegetation zones if required
- 2.1 Prepare an aquatic fauna management procedure, for consultation with BCS, prior to the commencement of works.
- 2.2 Seek all necessary approvals/permits from NSW DPI for the dewatering of the any agricultural dams.

BCS's detailed comments

Peninsula Solar Farm – Biodiversity Development Assessment Report

1. Provide further justification or revise vegetation zone mapping

BSC notes that two vegetation zones have been mapped in the BDAR, and that the proponent has chosen to exclude vegetation in the northern vegetation zone to avoid impacting Box Gum woodland with a high biodiversity value (Fig. 1).

BSC is seeking further clarification on the mapping of PCT 267_moderate vegetation within the development footprint (Fig 2.). BSC recommends that the proponent revise their mapping to indicate which vegetation zone the PCT_267 moderate vegetation occurs in and adjust BAM-C calculations if necessary or provide further justification as to why it was excluded from vegetation zone mapping.

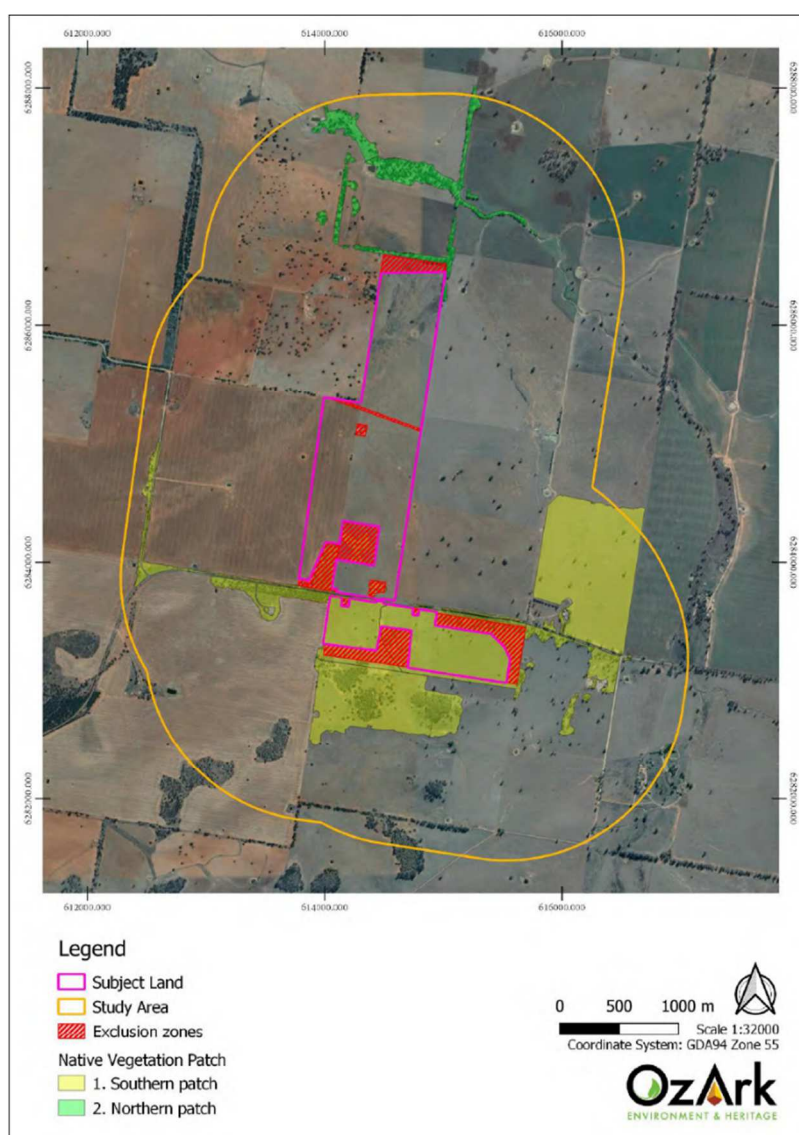


Figure 1. Native vegetation patches associated with the vegetation zones. *Figure 4.3 of the BDAR*

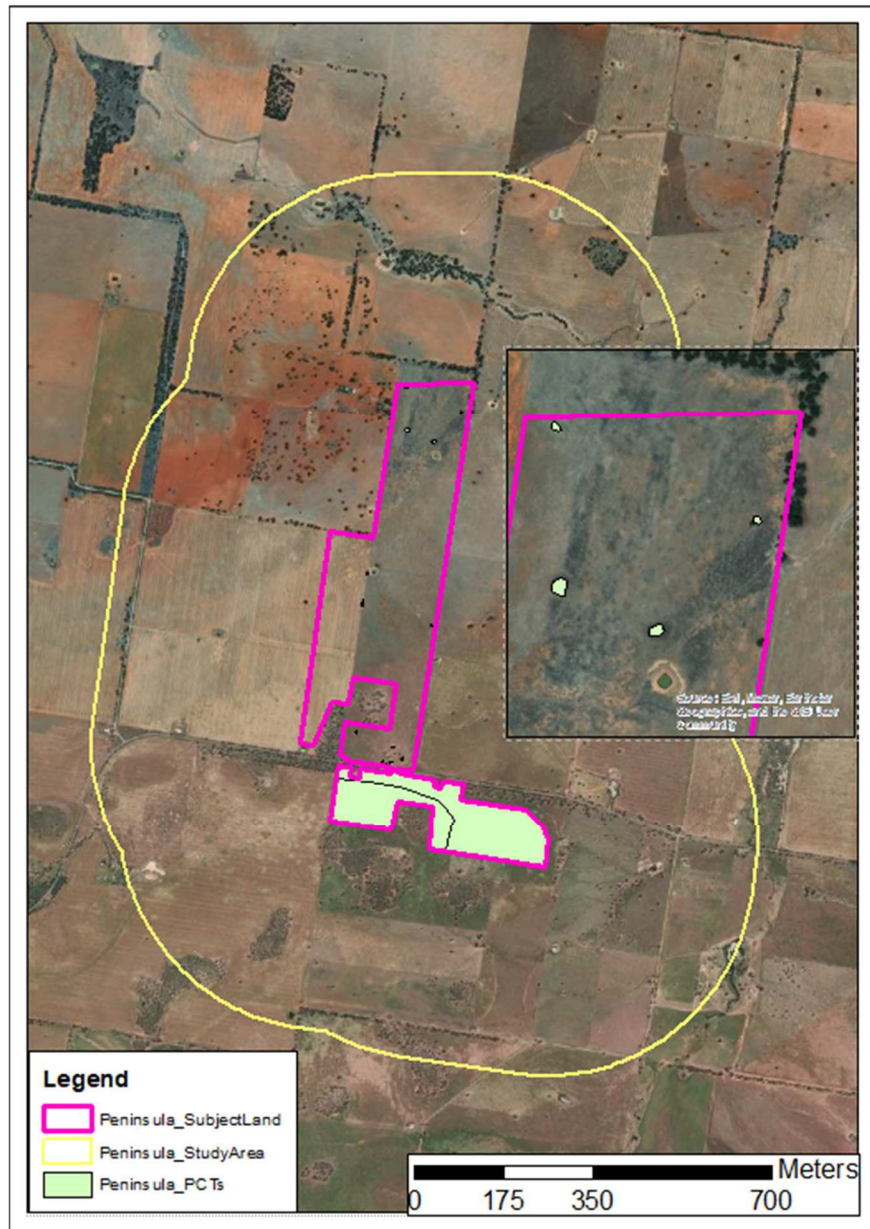


Figure 2. Four areas identified as PCT 267_Moderate which have not been mapped within a vegetation zone

Recommendations

- 1.1. Revise mapping to include PCT 267_Moderate in a vegetation zone or provide further justification for exclusion
- 1.2. Revise BAM-C calculations if required

2. An aquatic fauna management procedure should be prepared to mitigate potential impacts resulting from dam dewatering works

BSC has noted that the proponent proposes the dewatering of two agricultural dams within the project footprint, one of which is within 1km of the nearest stream. Table 3-1 of the BDAR identifies that within the 1500m study area, Mulyandry Creek is mapped as Key Fish Habitat (KFH) and/or within the extent of an aquatic Endangered Ecological Community, listed under the Fisheries Management Act 1994.

Section 3.10 of the BDAR states *“Sediment runoff (caused by ground disturbance/vegetation removal by the proposal) may flow into watercourses within the study area and indirectly cause impacts. However, as the nearest mapped watercourse is approximately 170 m from the subject land, and assuming standard mitigation measures are implemented, the likelihood of this occurring is low”*

Section 5.1 of the BDAR states *“No waterways, natural water bodies or wetlands were present within the subject land; however, several small agricultural dams were noted, and these could provide habitat for certain flora and fauna species (e.g., frogs, turtles, fish and waterbirds). Several of these dams have been excluded from the development footprint.”*

For these reasons. BSC recommends that the proponent develop a dewatering protocol with aquatic fauna management procedures. The aquatic fauna management procedure should be prepared by an appropriately experienced ecologist and include, but not be limited to:

- the supervision of dam dewatering works by an ecologist who is appropriately experienced
- the capture and relocation of aquatic fauna,
- a method for the safe translocation of displaced aquatic fauna into appropriate recipient sites,
- detail of the roles and responsibilities of staff involved; and
- reporting requirements of the outcomes resulting from dam dewatering works.

The dam dewatering procedure should be presented to BCS for consultation, prior to works commencing. As per Section 201 of the *Fisheries Management Act*, the proponent should seek a permit from the NSW Department of Primary Industries (DPI) for the dewatering of the dams.

Recommendations

- 2.1. Prepare an aquatic fauna management procedure, for consultation with BCS, prior to the commencement of works.
- 2.2. Seek all necessary approvals/permits from NSW DPI for the dewatering of the any agricultural dams