

Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Ms Natasha Homsey

Dear Ms Homsey

RE: Revised EIS/BDAR Oxley Solar Farm, Armidale Regional Council (SSD-10346)

Thank you for your e-mail dated 14 October 2022 about the revised Environmental Impact Statement for the proposed Oxley Solar Farm at Armidale seeking comments from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment and Heritage Group of the Department of Planning and Environment. I appreciate the opportunity to provide input.

We have reviewed the revised documents and can confirm most of the issues raised in our letter dated 7 May 2021 have been addressed by the additional information provided. However, issues remain apparent with respect to land categorisation in areas of Critically Endangered Ecological Communities (CEEC) within the subject land and National Parks and Wildlife Service (NPWS) estate. These issues are discussed in detail in **Attachment 1** to this letter.

In summary, the BCD recommends that:

1. The Land Category Assessment in the BDAR be revised to include consideration of the information provided by the BCD to NGH in an email dated 15 September 2022 and if necessary, changes be made to the Stage 1 Biodiversity Assessment Method assessment, the impact assessment and BAM calculator updated.
2. Further information be provided in the EIS to address potential direct and indirect impacts to World Heritage values of the NPWS estate.
3. The vegetative screen between the solar farm and Oxley Wild Rivers National Park:
 - a. Consist of endemic native species selected from the *Oxley Wild Rivers National Park, Oxley Wild Rivers State Conservation Area, Cunnawarra National Park and Georges Creek Nature Reserve Plan of Management*.
 - b. Be maintained along the common boundary of the Oxley Wild Rivers National Park for the entirety of the project.
 - c. Include a setback for bushfire management purposes and access between the vegetative screening and the existing National Park fence line.
4. The Soil and Water Management Plan be revised to include:

- a. Information that demonstrates direct and indirect management of sediment and erosion control would be sufficient to avoid impacts to NPWS estate.
 - b. Information on how monitoring data would be collected including baseline data and how it would inform changes to the project to ensure impacts are avoided or mitigated.
5. The proponent engages with NPWS about opportunities to improve joint bushfire management opportunities in the locality as the Emergency Response Plan is developed.
 6. The addendum to Landscape and Visual Impact Assessment report includes additional viewpoint analysis to provide a better understanding of impacts to the park.

If you have any questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, at bill.larkin@environment.nsw.gov.au or 6659 8216.

Yours sincerely



2 November 2022

DON OWNER
A/- Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Enclosure: Attachment 1: Detailed BCD Comments – Revised EIS/BDAR – Oxley Solar Farm (SSD-10346)

Attachment 1: Detailed BCD Comments – Revised EIS/BDAR, Oxley Solar Farm (SSD – 10346)

Biodiversity Development Assessment Report

The BCD has reviewed the updated information provided, including the revised Biodiversity Development Assessment Report prepared by NGH (October 2022) and provide the following comments for your consideration.

The BCD received new information in September regarding the requirements and considerations to be applied by an assessor when preparing a land categorisation assessment in the absence of a comprehensive Native Vegetation Regulatory (NVR) map. This information was provided to NGH in an email dated 15 September 2022 and included the information that, *‘if a field survey detected the presence of a Critically Endangered Ecological Community within land which would otherwise meet the criteria of Category 1 Exempt Land, then that land must be mapped as Category 2 Regulated Land’*.

We note that the subject land contains the Critically Endangered Ecological Community (CEEC) *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box Gum Woodland). There may also be areas within the currently nominated Category 1 exempt land that are consistent with a degraded form of the CEEC.

The email concluded with the following recommendations:

- i. Whilst undertaking detailed studies during preparation of the BDAR assess and confirm the absence of Category 2 - Regulated Land from within areas of mapped Category 1 land.
- ii. Where there is uncertainty or data are conflicting, land should be mapped as Category 2 - Regulated Land as a precautionary approach.
- iii. In areas which have the potential to contain CEECs, native grasslands, or habitat for a Critically Endangered species of plant, land categorisation assessments must be supported by evidence from a site-based floristic assessment to demonstrate presence or absence of these features. If present these areas must be mapped as Category 2 Regulated Land.

There is no information provided in the revised BDAR that indicates the above information was considered when preparing the revised BDAR. Furthermore, no changes were made to the land categorisation and mapping of Category 1 Exempt Land in Figure 3-1 of the BDAR or subsequent consideration of impacts to land that may be Category 2 regulated land, due to the presence of CEECs.

The assessor must review the information provided in the email from BCD dated 15 September 2022 and revise the BDAR and associated Category 1 Exempt Land mapping and any subsequent changes made to the impact assessment and BAM calculator (if necessary).

BCD recommendation:

1. The Land Category Assessment in the BDAR must be revised to include consideration of the information provided by the BCD to NGH in an email dated 15 September 2022 and if necessary, changes made to the Stage 1 Biodiversity Assessment Method assessment, the impact assessment and BAM calculator updated.

National Parks Estate

The National Parks and Wildlife Service (NPWS) have reviewed the updated information provided and provide the following comments in relation to addressing the previous issues raised in the response letter from the BCD dated 7 May 2021.

Planting adjacent park

The provision of vegetative screening is supported by NPWS, however given mitigation of heritage impacts (as well as mitigation of glare, visual impacts etc.) relies heavily on vegetative screening, the following recommendations are made:

- a. It is recommended that, to reduce potential edge effects into park, the vegetative screening should comprise of endemic native species. The *Oxley Wild Rivers National Park, Oxley Wild Rivers State Conservation Area, Cunnawarra National Park and Georges Creek Nature Reserve Plan of Management* provides details of endemic native species occurring in the park.
- b. Section 1.3.9 of the Updated Project Description Report (NGH, October 2022) provides that all landscape works would be maintained regularly for a period of 24 months, however given landscape planting is proposed as a visual mitigation measure it is recommended landscaping be maintained until effective visual screening has been provided along the common boundary with park.
- c. Access to the fence line and bushfire risk of the locality does not appear to have been considered. Therefore, a setback should be provided between the vegetative screening and the existing fence line.

Soil and water management

NPWS retains concerns over onsite management of sediment and erosion control and stormwater runoff resulting from this proposal. Although page 123 of the Submission Report (NGH, October 2022) states that “A *Soil and Water Management Plan (SWMP) with erosion and sediment control plans has been prepared and included in the Amendment Report* (NGH, October 2022)”, the SWMP doesn’t include sediment and erosion control plans. Instead, Section 6.3 of the SWMP states that Erosion and Sediment Control Plans will be prepared in future. Additionally, Mitigation Measure SWMP1 is given as “*Prepare an Erosion and Sediment Control Plan (ESCP) for the Work Under the Contract.*” Therefore, insufficient detail has been provided to demonstrate that direct and indirect management of sediment and erosion control would be sufficient to avoid impacts to NPWS estate as originally requested.

Proposed monitoring and inspections are outlined in Section 7.3 of the SWMP (pp. 34-35), however this section does not provide detail on how data would be collected (including baseline data) and how it would inform changes to the project to ensure impacts are avoided or mitigated.

Bushfire management

The response fails to identify how planning and site design will avoid and mitigate potential risk of bushfire to the adjacent national park. This remains a significant omission from the EIS.

The Emergency Response Plan has not yet been drafted. It is also noted that such a plan would focus on response to emergencies such as bushfire events rather than their avoidance and mitigation (as discussed in the point above).

NPWS again recommends the applicant engage with the Service about opportunities to improve joint bushfire management opportunities in the locality as the Emergency Response Plan is developed.

Visual impact analysis

Section 5 (p. 12) of the *Addendum to Landscape and Visual Impact Assessment* (Moir, August 2022) provides that two viewpoints were assessed in the national park, being Blue Hole Picnic Area and Threlfall Walking Track. The viewpoints analysed are concentrated at the north western corner of the

park and no viewpoints are analysed east of these points within the park. Additional viewpoint analysis is recommended to provide a better understanding of impacts to the park.

BCD Recommendations:

2. Further information is required in the EIS which addresses potential direct and indirect impacts to World Heritage values of the NPWS estate.
3. The vegetative screen between the solar farm and Oxley Wild Rivers National Park should:
 - a. Use endemic native species selected from the *Oxley Wild Rivers National Park, Oxley Wild Rivers State Conservation Area, Cunnawarra National Park and Georges Creek Nature Reserve Plan of Management*.
 - b. Landscaping along the common boundary of the Oxley Wild Rivers National Park should be maintained for the entirety of the project.
 - c. A setback for bushfire management purposes and access between the vegetative screening and the existing National Park fence line is recommended.
4. The Soil and Water Management Plan should be revised to include:
 - a. Information that demonstrates direct and indirect management of sediment and erosion control that would be sufficient to avoid impacts to NPWS estate.
 - b. Information on how monitoring data would be collected including baseline data and how it would inform changes to the project to ensure impacts are avoided or mitigated.
5. The proponent should engage with NPWS about opportunities to improve joint bushfire management opportunities in the locality as the Emergency Response Plan is developed.
6. The addendum to Landscape and Visual Impact Assessment report should include additional viewpoint analysis to provide a better understanding of impacts to the park.