

Your ref: SSD-48225958
Our ref: DOC22/861501

Javier Canon
Senior Environmental Assessment Officer
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

By email: javier.canon@planning.nsw.gov.au

28 September 2022

Dear Mr Canon

**Subject: State Significant Development (SSD-48225958) – proposed Gundry Solar Farm,
Goulburn Mulwaree Council**

I refer to your request for Biodiversity and Conservation Division (BCD) input into Secretary's Environmental Assessment Requirements (SEARs) for the proposed Gundry Solar Farm, located on Windellama Road, Gundry NSW, within the Goulburn Mulwaree Local Government Area. Please find attached the following:

1. Attachment 1 the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of the Environment Impact Statement (EIS) and
2. Attachment 2: Guidance material

We note from the Scoping Report that the Striped Legless Lizard is likely to occur in the subject area. Surveys for this species will need to be undertaken.

If you would like to discuss the contents of this letter in more detail, please contact Louis Cameron, Assistant Regional Operations Support Officer, South East BCD via email at louis.cameron@environment.nsw.gov.au.

Yours sincerely



MICHAEL SAXON
**Director South East
Biodiversity and Conservation Division**

Attachment 1 – Secretary’s Environmental Assessment Requirements (SEARs)

<p>Biodiversity</p> <ol style="list-style-type: none">1. Biodiversity impacts related to the proposed Gundry Solar Farm are to be assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and Biodiversity Assessment Method.2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.3. The BDAR must include details of the measures proposed to address the offset obligation as follows;<ul style="list-style-type: none">• The total number and classes of biodiversity credits required to be retired for the development/project;• The number and classes of like-for-like biodiversity credits proposed to be retired;• The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;• Any proposal to fund a biodiversity conservation action;• Any proposal to conduct ecological rehabilitation (if a mining project);• Any proposal to make a payment to the Biodiversity Conservation Fund.If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.4. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.
<p>Water and soils</p> <ol style="list-style-type: none">5. The EIS must map the following features relevant to water and soils including:<ol style="list-style-type: none">a. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).b. Wetlands as described in s4.2 of the Biodiversity Assessment Method.c. Groundwater.d. Groundwater dependent ecosystems.e. Proposed intake and discharge locations.6. The EIS must describe background conditions for any water resource likely to be affected by the proposed Gundry Solar Farm, including:<ol style="list-style-type: none">a. Existing surface and groundwater.b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.

<ul style="list-style-type: none"> c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters. d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.
<p>7. The EIS must assess the impacts of the proposed Gundry Solar Farm on water quality, including:</p> <ul style="list-style-type: none"> a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the proposed Gundry Solar Farm protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction. b. Identification of proposed monitoring of water quality or required changes to existing monitoring programs.
<p>8. The EIS must assess the impact of the proposed Gundry Solar Farm on hydrology, including:</p> <ul style="list-style-type: none"> a. Water balance including quantity, quality and source. b. Effects to downstream rivers, wetlands, and floodplain areas. c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. d. Impacts to natural processes and functions within rivers, wetlands, and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches). e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water. f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options. g. Identification of proposed monitoring of hydrological attributes.
<p>Flooding</p>
<p>9. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:</p> <ul style="list-style-type: none"> a. Flood prone land. b. Flood planning area, the area below the flood planning level. c. Hydraulic categorisation (floodways and flood storage areas).
<p>10. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.</p>
<p>11. The EIS must model the effect of the proposed Gundry Solar Farm (including fill) on the flood behaviour under the following scenarios:</p>

- a. Current flood behaviour for a range of design events as identified in 11 above. This includes the 1 in 200 and 1 in 500-year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

12. Modelling in the EIS must consider and document:

- a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.
- b. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
- c. Relevant provisions of the NSW Floodplain Development Manual 2005.

13. The EIS must assess the impacts on the proposed Gundry Solar Farm on flood behaviour, including:

- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
- b. Consistency with Council floodplain risk management plans.
- c. Compatibility with the flood hazard of the land.
- d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.
- h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
- i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
- j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment 2 – Guidance material

Title	Web address
<u>Relevant Legislation</u>	
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Coastal Management Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
<i>Fisheries Management Act 1994</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038
<i>National Parks and Wildlife Act 1974</i>	https://legislation.nsw.gov.au/view/html/2022-06-30/act-1974-080
<i>Protection of the Environment Operations Act 1997</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156
<i>Water Management Act 2000</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092
<i>Wilderness Act 1987</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196
<u>Biodiversity</u>	
Biodiversity Assessment Method 2020	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020
Biodiversity Development Assessment Report	https://www.legislation.nsw.gov.au/#/view/act/2016/63/part6/div3/sec6.12
Guidance to assist a decision maker to determine a serious and irreversible impact	https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-to-assist-a-decision-maker-to-determine-a-serious-and-irreversible-impact-2019
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	https://www.legislation.nsw.gov.au/regulations/2017-471.pdf
Biodiversity conservation actions	https://www.environment.nsw.gov.au/research-and-publications/publications-search/ancillary-rules-biodiversity-conservation-actions
Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	https://www.environment.nsw.gov.au/research-and-publications/publications-search/ancillary-rules-reasonable-steps-to-seek-like-for-like-biodiversity-credits
OEH Threatened Species Website	https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au
Surveying threatened plants and their habitats – NSW survey guide for the Biodiversity Assessment Method	https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
OEH Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/

Title	Web address
Fisheries NSW policies and guidelines	https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy	https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment
Guidelines for developments adjoining land managed by the Office of Environment and Heritage (DPE 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands
<u>Water and Soils</u>	
Flooding and Coastal Erosion	
Floodplain development manual	https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
Australian and New Zealand Guidelines for Fresh and Marine Water Quality	https://www.waterquality.gov.au/anz-guidelines
Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (2022)	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/licensing-under-poeo-act-1997/licensing-to-regulate-water-pollution/approved-methods-for-sampling-and-analysing-water-pollutants