

Ms Julia Green  
Energy Resource Industry Assessments  
PARRAMATTA NSW 2150

By email: [julia.a.green@dpie.nsw.gov.au](mailto:julia.a.green@dpie.nsw.gov.au)

Dear Ms Julia Green,

### **Rye Park Wind Farm – proposed modification to development consent**

The Biodiversity and Conservation Division (BCD) received the request to review the Rye Park Wind Farm (RPWF) Modification Application 2 Report through the Major Projects Portal on 26 July. The modified development corridor and revised pre-construction final development footprint (herein, the development footprint) relate only to internal access tracks and do not involve any modification to the wind turbine number, location or footprint.

We advise the following:

1. The Accredited Assessor has undertaken an accurate ecological assessment, which demonstrates that the proposed modification reduces the area of ecological impact to nearly all entities, subject to comprehensive impact thresholds being included in the Development Consent.
2. We note that there has been an increase in species credit output for Superb Parrot (*Polytelis swainsonii*) and Squirrel Glider (*Petaurus norfolcensis*). The reason for the change in credit output is a result of an update to the data referenced by the BAMC, which occurs periodically.
3. The assessor added Purple Copper Butterfly (*Paralucia spinifera*) as a candidate species. We suggest that the species is unlikely to be present and surveys for it are not necessary, unless the assessor has additional data indicating that *Bursaria spinosa* (Blackthorn, which this butterfly feeds exclusively on) is present within the development footprint.
4. Appendix C and D of the Modification Application Report needs to be revised to reflect the updated version of the Rye Park BAMC case.

### **Conditions of development consent**

Condition 19 and 20, Schedule 3 in the Development Consent for Rye Park Wind Farm MOD 1 allow for –

- increased impacts to all threatened entities beyond what was described in the Environmental Impact Statement (EIS) except for the serious and irreversible impact entities, and
- post-consent re-calculation of credit liability for all entities.

If these conditions are used for the proposed Modification, it enables the Applicant to exceed impacts described in EIS despite any commitments made in post-consent management plans.

We note that the Commonwealth conditions (EPBC 20202/8837) require that micro-siting must not exceed impacts to Matters of National Environmental Significance. At a minimum, the same should apply to threatened entities listed in Schedules 1 and 2 of the BC Act.

We note that the Applicant's proposal for continuous confirmation of impacts to be undertaken '*sequentially across the construction of the Development, spanning approximately two years*' would conflict with Condition 20 for Modification 1, which requires the credit liability is calculated prior to commencement of construction. This condition is consistent with section 6.14(3) of the BC Act – namely that ecological impacts are assessed *prior to* approval.

We recommend that following conditions in the Development Consent are modified as follows:

- **Condition 19 in Schedule 3** include all the ecological impacts described in Appendix C and D, both in area of impact and credit output
- **Condition 8 in Schedule 2** specifies that micro-siting during construction phase cannot exceed impact thresholds identified in Condition 19
- **Condition 20 in Schedule 3** remove the Applicant's ability to undertake post approval credit recalculations.

Further detail is provided in **Attachment 1**. If you have any further questions about this issue, please contact Allison Treweek, Senior Team Leader Planning on [rog.southeast@environment.nsw.gov.au](mailto:rog.southeast@environment.nsw.gov.au).

Yours Sincerely



2/9/2022

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

Enclosure: Attachment 1 - Further detail on the ecological impact assessment for RPWF the proposed modification

## Attachment 1 – Further detail on the ecological impact assessment for RPWF the proposed modification

### Reduced area of direct ecological impact

Additional ecological survey was undertaken in the modified development corridor by two experienced ecologists in October 2021. This included –

- nine additional BAM plots,
- threatened flora surveys,
- rapid vegetation assessment and
- habitat assessments for threatened species.

Appendix C and D of the Modification Application Report demonstrate that there will likely be smaller ecological impact to all entities aside from Plant Community Type (PCT) 335 *Tussock grass - sedgeland fen - rushland - reedland wetland impeded creeks in valleys in the upper slopes sub-region of the NSW South Western Slopes Bioregion*. This includes reduced impacts to Threatened Ecological Communities (TECs) and Serious and Irreversible Impact (SAIL) entities. No new habitat types or habitat quality were identified during field investigations.

While there is a 300 m<sup>2</sup> increase to PCT 335, we believe this increase is negligible because –

- it is a non-threatened PCT
- it does not support threatened species, and
- the small area of the increase is probably within the margin of error associated with the GIS instruments used to collect spatial data at the scale of Rye Park Wind Farm.

While the Modification Application 2 Report describes reduced impacts to all PCTs except for PCT 335, there are some increases in impact area to specific vegetation zones. This includes vegetation zones seven, nine and ten. We believe these increases in impact to specific vegetation zones to be insignificant because –

- they do not represent TECs
- they represent the lower condition states of PCTs, including non-native vegetation
- impacts to higher condition vegetation zones, TECs and threatened species have all been reduced.

### Purple Copper Butterfly

Purple Copper Butterfly (*Paralucia spinifera*, herein PCB) has been drawn into the BAMC case for RPWF as a candidate species. This is due to a significant range extension to PCB following the detection of a disjunct population in Namadgi National Park in October 2021. It has resulted in some sub-regions of South Eastern Highlands Interim Biogeographic Regionalisation for Australia (IBRA) being included in the species' known distribution.

However the species feeds exclusively on *Bursaria spinosa* (Blackthorn) which was not detected in any of the (BAM) plots. We therefore suggest that the species is unlikely to be present and surveys for it are not necessary unless the assessor has additional data indicating that Blackthorn is present within the development footprint.