



Office of  
Environment  
& Heritage

Your reference: SSD 7680  
Our reference: DOC17/91146  
Contact: Miranda Kerr  
Ph: (02) 6022 0607

Ms Rose-Anne Hawkeswood  
Resource Assessments  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Hawkeswood

**RE: Sunraysia Solar Farm, Balranald LGA - Environmental Impact Statement (SSD 7680)**

I refer to your email dated 3 February 2017 seeking comment from the Office of Environment and Heritage (OEH) on the Environmental Impact Statement (EIS) for the Sunraysia Solar Farm (SSD 7680). We have reviewed the information provided against our requirements sent to the Department of Planning and Environment on 6 June 2017.

OEH considers that the EIS **does not** meet the environmental assessment requirements with respect to biodiversity. We recommend that additional information is provided by the proponent before the development is approved. Detailed comments regarding biodiversity assessment are provided in **Attachment A**.

The assessment of the proposed development, apart from some components relating to paddock trees, is appropriate and conforms with requirements of the Framework for Biodiversity Assessment (FBA). However, the minimum requirements for the Biodiversity Offset Strategy (BOS) have not been met. A BOS should be submitted with the Biodiversity Assessment Report (BAR), and include assessment of the number and type of credits that may be created at the offset site (FBA Section 12, page 47). While an area of potential offset has been identified, there is insufficient information to determine whether this will meet the offset needs of the proposal.

Recommended conditions of development consent for Aboriginal cultural heritage (ACH) are provided in **Attachment A**. All plans required as a Condition of Approval that relate to ACH should be developed in consultation with OEH, to ensure that issues identified in this submission are adequately addressed.

If you have any questions regarding this matter please contact Miranda Kerr on 6022 0607 or email [miranda.kerr@environment.nsw.gov.au](mailto:miranda.kerr@environment.nsw.gov.au).

Yours sincerely

*P. Ewin* 3/3/17

**PETER EWIN**  
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Enclosure      Attachment A – Detailed comments for the Sunraysia Solar Farm, Balranald LGA - Environmental Impact Statement (SSD 7680)

## ATTACHMENT A – Detailed comments for Sunraysia Solar Farm, Balranald, Environmental Impact Statement (SSD\_7680)

### Aboriginal cultural heritage

The ACH component of the EIS (Sections 7.2 and Appendix G) has been undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH2010a). The Aboriginal component of the community engagement strategy (Sections 5.2 and Appendix H and I) substantively complies with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (OEH 2010b).

Overall, the assessment of ACH is sound. In summary,

- Consultation with Registered Aboriginal Parties has been undertaken in accordance with OEH (2010b);
- The archaeological assessment was undertaken in accordance with OEH (2010a);
- The report documenting outcomes of consultation and assessment has been produced in accordance OEH;
- Sunraysia Open Site 1 (AHIMS 47-6-0813) was located during field assessment and the powerline was realigned to avoid the object;
- The assessment considers salvage and relocation of movable heritage components of site Sunraysia Solar Oven 1; and
- The project appropriately considers the principles of Ecologically Sustainable Development and has applied them appropriately in relation to ACH.

Survey coverage as documented in Barber *et al.* 2016 was appropriate for intercepting ACH within the study area, which included:

Sunraysia Solar Open Site 1	Hearth/Artefact scatter	Moderate scientific/High social
Sunraysia Solar Open Site 2	Hearth	Low scientific
Sunraysia Solar Open Site 2	Hearth	Low scientific

The study acknowledges that there is a probability that further ACH will be present within the area, however, due to land use history, these are unlikely to be uncompromised *in situ* deposits.

It is acknowledged that the Sunraysia Solar Farm project qualifies as a SSD under the *Environmental Planning and Assessment Act* 1979 (EP&A Act). As such the project does not require an Aboriginal Heritage Impact Permit (AHIP) under s90 of the *National Parks and Wildlife Act* 1974 (NP&W Act). This is the only section of the NP&W Act that is switched off, all other aspects of Part 6 of the Act are still required to be adhered too.

### **Based on consideration of the above, we recommend the following conditions of development consent:**

- Any Aboriginal Objects located within the activity area discovered during any phase of the project must be reported to OEH in the prescribed format: Aboriginal Heritage Information Management System (AHIMS) site card (s89A).
- AHIMS Aboriginal Site Impact Recording Form (SSD – Part 4) required for any new objects discovered and also existing sites:
  - Sunraysia Solar Oven 1 (AHIMS 47-6-0814)
  - Sunraysia Solar Oven 2 (AHIMS 47-6-0815)
- Sunraysia Solar Oven 1 includes lithic artefact component. Collection and relocation of this element is required to be undertaken prior to the construction phase. This should be undertaken in accordance with recommendation 3 (Barber *et al.* 2016: 44) and Requirement 26 of the CoP (OEH 2010a)
- As per recommendation 4 (Barber *et al.* 2016: 44) the proposed powerline alignment identified and mapped to avoid Sunraysia Solar Open Site 1 is required to be used. If the former easement is adopted, and the total avoidance of AHIMS 47-6-0813 is not achievable,

then further archaeological investigation must occur. This would include, but may not be exclusive too:

- Detailed program of subsurface investigation;
- Dating of any in situ deposits;
- Assessment of significance based on detailed investigation; and
- Dependent on significance, avoidance or salvage (surface and subsurface).
- The proponent is to prepare a Cultural Heritage Management Plan (CHMP) in consultation with OEH to address contingencies for:
  - Unanticipated finds protocols;
  - Reporting of suspected human remains; and
  - ACH component of site induction for employees and contractors.
- Any subsequent alterations to the development footprint that are outside the study areas of the ACH assessment and pre-clearance surveys should be assessed in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

### **Biodiversity**

The Biodiversity Assessment Report (BAR) does not meet the requirements for biodiversity assessment specified in the Framework for Biodiversity Assessment (FBA). We require additional information to assess if unavoidable impacts to biodiversity, including threatened entities, can be adequately offset.

Spatial data requirements for the FBA have not been fully met. Appendix 7 of the FBA lists the information, maps and data that are expected to be submitted with the BAR. Our EIS review would have been greatly assisted by having a spatial representation of the construction and operational footprint.

### **Operational footprint**

We understand that the site access and internal tracks will be determined during the detailed design phase. However, any additional vegetation clearing to upgrade existing roads from one to two lanes needs to be specified and assessed for impacts to threatened species and communities. It is unclear if the vegetation clearing and soil disturbance for construction of the perimeter security fence has been included in the impact assessment. The width of the cleared corridor required for the proposed 2.3 km transmission line should also be specified in the EIS or the BAR.

#### **3.1.1 Vegetation Communities**

The vegetation mapping and classification appear to be well documented. We recommend checking the extent of the patches of PCT 170 'Chenopod sandplain mallee woodland' to the west of the central (north-south) vehicle track, at the approximate coordinates Easting 728201 Northing 6145470 (GDA94, Zone 54). The area of vegetation mapped in the EIS appears to be around two hectares smaller than vegetation evident on the most recent aerial imagery available to OEH.

#### **4.3.2 Targeted Surveys**

##### **Paddock Trees**

The recording and assessment of paddock trees and hollows is unclear. We require additional information about how many trees are within area mapped as non-native vegetation (cropping), and details about the calculations. The BAR should include a better explanation for why 41 of the paddock trees were inaccessible during the field survey.

We acknowledge that the FBA does not adequately explain how paddock trees should be assessed. Advice from the OEH BioBanking Team on other SSD projects that use the FBA is that the assessment should be undertaken with the paddock tree calculator, which is available from the OEH website ([www.environment.nsw.gov.au/biobanking/vegbenchmarkdatabase.htm](http://www.environment.nsw.gov.au/biobanking/vegbenchmarkdatabase.htm)). Further details can be found in Appendix 3 of the BBAM & Credit Calculator Ops Manual (OEH 2009), accessed through a link on that website.



### 5.1.2 Construction Phase

OEH generally support the proposed measures to minimise clearance of habitat for construction in Table 5-2 (page 46). We recommend modifying the fifth measure, which proposes mulching native trees that have been removed and applying the mulch for site stabilisation. Hollow-bearing limbs should be retained on-site as habitat logs.

Vegetation screening appears to be proposed in areas that support existing native vegetation. Any supplementary planting within native vegetation must not disturb the existing ecosystem and be with local species. A landscaping strategy should be included with the flora and fauna management plan proposed in Table 5.2.

### Biodiversity Offset Strategy (BAR, page 77)

The minimum requirements for the Biodiversity Offset Strategy (BOS) have not been met. A BOS should be submitted with the BAR, and include assessment of the number and type of credits that may be created at the offset site (FBA Section 12, page 47).

The BAR identifies a potential offset area on the proposal site, and states that the BOS will be developed post-approval. We do not consider that the approach proposed on page 77 will provide certainty that impacts associated with the approval will be adequately offset. We recommend that the areas of vegetation proposed as offset be assessed using the FBA to generate a credit profile to determine if the areas identified are adequate to offset the impacts of the proposal. Depending on the outcomes of this assessment we can then determine if additional offset is required or if other measures allowed under the Offsets Policy for Major Projects are appropriate.

### References

- Barber M, Ruhl J & Bradley K (2016) *Aboriginal cultural heritage assessment: Sunraysia Solar Farm, Balranald*. Unpublished report produced by NGH Environmental for Sunraysia Solar Farm Two Pty Ltd, Balranald, NSW.
- NGH (2017) *Environmental Impact Statement: Sunraysia Solar Farm, Balranald*. EIS produced by NGH Environmental for Sunraysia Solar Farm Two Pty Ltd, Balranald, NSW.
- OEH (2009) *BioBanking Assessment Methodology and Credit Calculator Operational Manual*. Department of Environment and Climate Change (NSW)
- OEH (2010a) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Office of Environment and Heritage, Sydney.
- OEH (2010b) *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. Office of Environment and Heritage, Sydney.
- OEH (2010c) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. Office of Environment and Heritage, Sydney.
- OEH (2010d) *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in New South Wales*, Sydney.