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Senders ref: SSI 10040

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Via email: iwan.davies@planning.nsw.gov.au

6 May 2021

Dear Mr Davies,

Subject: Energy Connect (NSW – Western Section) - SSI 10040 - Response to Submissions

Thank you for your notification of 14 April 2021 regarding the Response to Submissions (RTS) for the Energy Connect (NSW – Western Section) (SSD-10040), seeking our further comment.

We have reviewed the RTS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department to the proponent on 31 July 2020 and our comments on the Environmental Impact Statement (EIS) provided to Planning and Assessment on 4 December 2020.

The issues relating to flooding have been resolved. We are satisfied with the response provided in the RTS, together with the Amendment Report.

BCD considers that further work is required on the RTS and supporting documents for the proponent to meet the Secretary's requirements for biodiversity. A further 15 actions are recommended in **Attachment A** to address these remaining issues. BCD expects a final BDAR to be revised to the satisfaction of BCD prior to Draft Conditions being issued.

This initial review has been limited by BCD not having access to a complete revised dataset (both BAM-C and spatial data). Amendments to the project footprint have resulted in a fifth bioregional sub-region being added to the assessment. We anticipate being providing with the consolidated spatial and BAM-C datasets before providing our complete response to the Submissions Report.

All plans required as a Condition of Approval that relate to biodiversity should be developed in consultation with and to the satisfaction of BCD, to ensure that issues identified in our EIS response and this submission are adequately addressed.

If you have any questions regarding this matter, please contact Andrew Fisher, Senior Team Leader Planning, rog.southwest@environment.nsw.gov.au or 02 6022 0623.

Yours sincerely

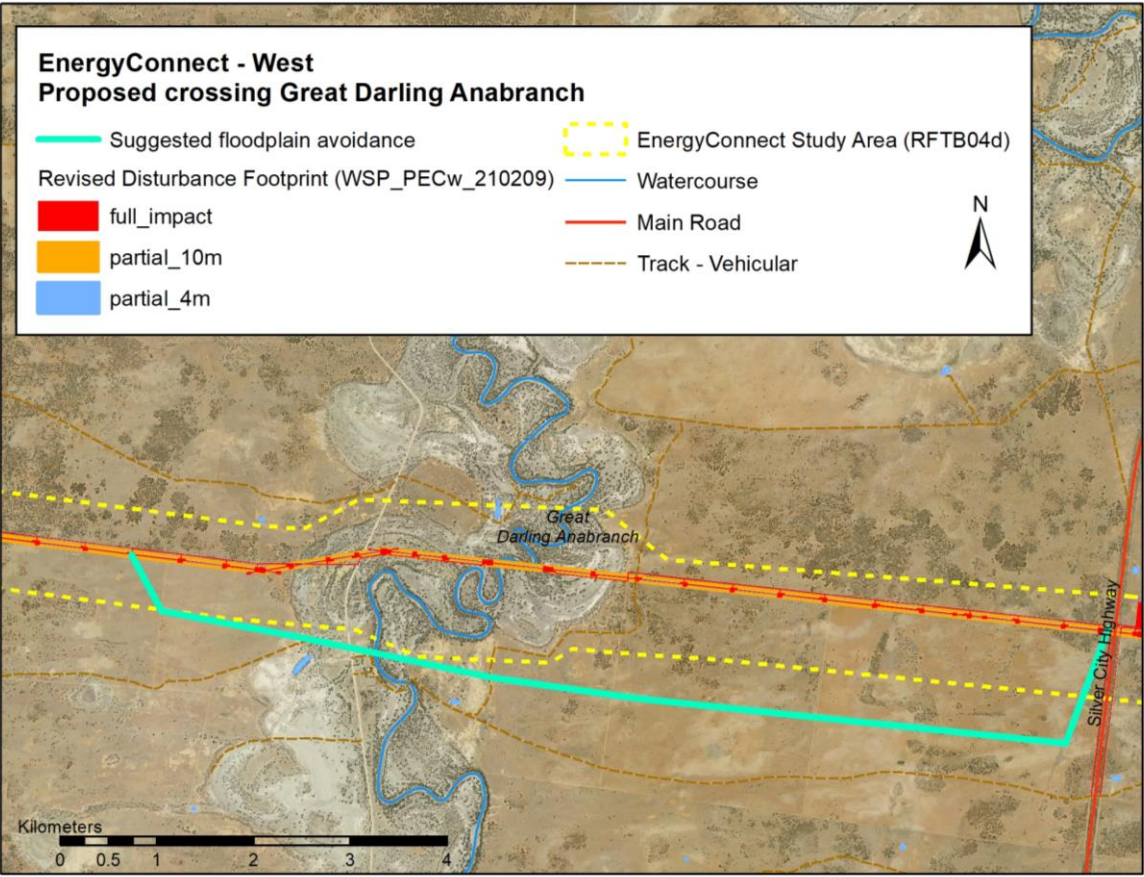
Graeme Enders
Director
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ATTACHMENT A – BCD comments on Energy Connect (NSW – Western Section) - SSD 10040 - Response to Submissions

ATTACHMENT A BCD comments on Energy Connect (NSW – Western Section) - SSD 10040 - Response to Submissions

Detailed feedback about the Applicant’s response to the BCD EIS submission is provided in the table below. Item numbers correspond to Table 6.3 of the Submissions Report.

Issues that are not listed below are considered by BCD to be resolved. For clarity, actions arising from this response are listed as RTS actions. BCD recommends that all RTS actions be addressed prior to preparing Draft Conditions.

BCD Issue 1	Avoidance and minimisation of impacts
	<p>Table 8.1 (e) of the Addendum BDAR states that 20m wide connectivity corridors will be established at ‘strategic’ locations along the alignment as part of a connectivity strategy.</p> <p>Avoidance of vegetation types with a taller overstorey and riverine habitat could be achieved by considering alternative routes across the Great Darling Anabranh. An example is shown on the map below:</p> 
Recommend	<p>RTS 1. Provide detail about the connectivity strategy referred to in Table 8.1. For instance, how many ‘strategic locations’ for the 20m connectivity corridors will be placed along the alignment.</p> <p>RTS 2. Provide evidence that alternative routes across the Great Darling Anabranh have been considered.</p>

BCD Issue 2	Maintenance areas labelled 'no impact' have not been assessed
	<p>The status of polygons in the spatial data labelled "no impact" cannot be resolved until revised datasets are submitted to BCD.</p> <p>The term "temporary disturbance" is used with reference to access tracks (e.g. Revised Proposal Description, p B5), installation of fencing (B10), watercourse crossings (B11, B 14), construction area for each tower of "around 60 metres by 80 metres", site office (B15), soil stockpiles (B15), "minor staging, storage and laydown ancillary areas" (B18), mobile concrete batching plant (B19). Depending on the specific site characteristics, these activities have the potential to alter native vegetation present through damage to microcrusts, changed waterflow pathways, introduction of weeds, etc</p>
Recommend	<p>RTS 3. Submit revised final spatial data so BCD can determine if BAM assessed area is complete.</p> <p>RTS 4. Demonstrate that all disturbance has been thoroughly assessed in the BDAR, and where required is reflected in credit calculations</p>

BCD Issue 5	Impacts on avifauna
	<p>Following discussion with WSP, BCD supports revised mitigation measures for uncertain avifauna impacts, which can be summarised as:</p> <ul style="list-style-type: none"> - additional credit requirement for EMF and birdstrike - monitoring program for 2 years post-construction - funded study into impacts of EMF
Recommend	RTS 5. BDAR to include revised assessment and mitigation measures for uncertain avifauna impacts

BCD Issue 6	Vegetation maintenance and 'partial' impact assessment
	<p><u>Assessment</u></p> <p>The ecosystem credit obligation is to compensate for the loss of threatened species habitat to ecosystem credit species. To be consistent with previous advice about proposals claiming partial impacts, BCD would review the habitat requirements of each ecosystem credit species within the PCTs subject to 'partial impact'. If that habitat will be completely removed by the partial impact, we would assert that the full credit obligation would be appropriate because the impact to that ecosystem species' habitat is total sterilisation, not partial.</p> <p>At this stage, the ideal approach is impractical, given the scale of this project covering multiple subregions with a large number of ecosystem credit species. Also, if ground disturbance and pest plant incursion is successfully minimised through rigorous construction and operational mitigation measures, some species may not be disadvantaged by overstorey removal and their specific foraging requirements may increase (e.g. birds that forage on shrub or grass seeds).</p> <p>Following discussion with WSP, BCD supports an approach to calculating partial impact in Disturbance Area B which reduces key components of the future vegetation integrity scores (leaf litter and logs by 25% and community composition by 30%).</p>

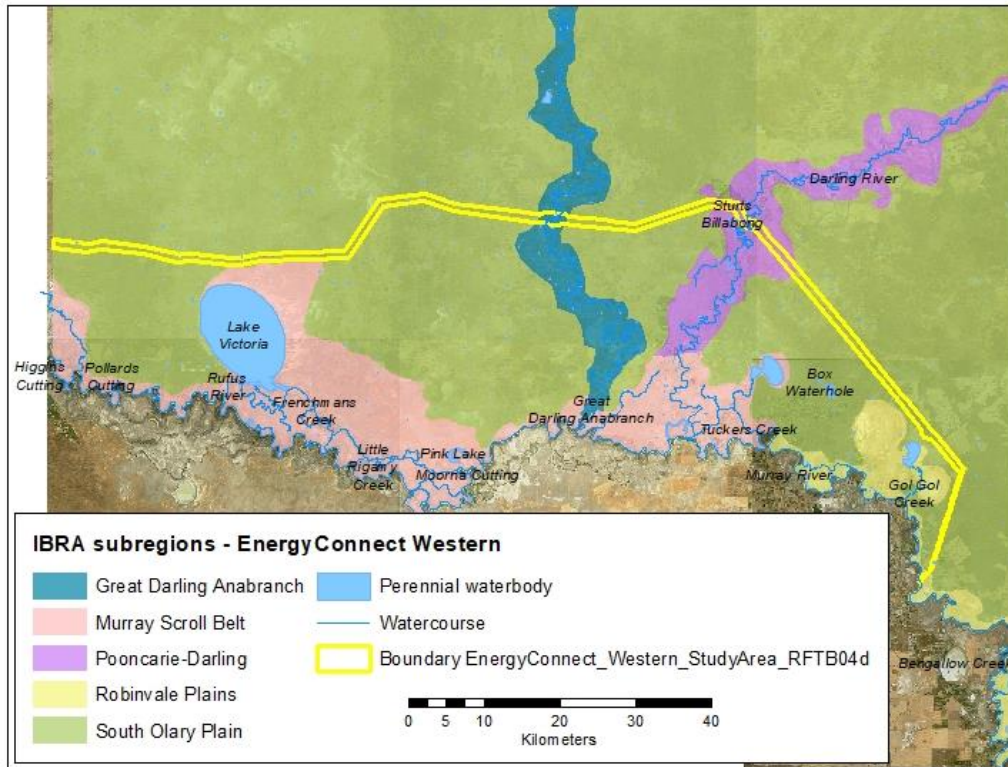
	<p><u>Maintenance guides</u></p> <p>The BDAR does not provide enough detail about the techniques and equipment to be used for construction and maintenance activities for BCD to be confident that the maintenance procedures will minimise or mitigate impacts during overstorey removal. Soil disturbance is of particular concern.</p> <p>Section 10.3 of the Addendum BDAR states that TransGrid is preparing proposal specific maintenance procedures to reflect the clearing approach outlined in the BDAR.</p> <p>Section 5.4.1 of Appendix A of the Addendum Report (Revised Proposal Description) restates the approach of a 4m max height within the inner 60m corridor and up to 10m height further out. It states that within the 80m easement, clearing will generally only be required in the inner 60m area.</p> <p>Section 5.4.1 also states that “The required clearance of vegetation within the corridor would be undertaken in accordance with TransGrid maintenance guides”.</p>
Recommend	<p>RTS 6. The BDAR is to specify the techniques and equipment for operational maintenance activities that are to be included in the TransGrid Maintenance Guide (see ‘additional comments’ below).</p> <p>RTS 7. Confirm that “clearance of vegetation within the corridor would be undertaken in accordance with TransGrid maintenance guides”, refers to the new maintenance ‘guide’ that will be prepared for EnergyConnect (West).</p>

BCD Issue 7	Category 1 land assessment
	We note the amended maps of category 1 land. The land categorisation maps should only show confirmed category 1 land because only biodiversity values on category 1 land are not assessed, other than the impacts prescribed by clause 6.1 of the <i>Biodiversity Conservation Regulation 2017</i> .

BCD Issue 8	The BAM should document all the vegetation zones in the four (now five) assessed IBRA subregions.
	<p>1. The BDAR needs to identify Vegetation Zones assessed on the development site, enter them into the BAM calculator, demonstrate adequate sampling, and clearly show the results through tables and maps in the BDAR.</p> <ul style="list-style-type: none"> • Section 3.6.5 states that Tables 3.9 to 3.13 provide the number of VI plots required for each native vegetation zone in the five IBRA subregions, and the plots that were sampled in each zone. • However, the tables list the PCTs in each IBRA subregion, not vegetation zones. They do not refer to the Vegetation Zone identifiers in BAM-C. Without those identifiers, there is no clear and unambiguous link between the information in Section 3.6.5 and the calculator. The spatial datasets must also include the BAM-C Vegetation Zone identifiers. • To demonstrate adequate survey effort, the BDAR is required to provide the number of plots in each vegetation zone. It may be appropriate to use VI plots from one zone to generate a VI score in another zone, however the BDAR should clearly identify where this has occurred.

2. A fifth IBRA sub-region has been added to the assessment.

For clarity, BDAR Table 4.1 (page 52) should include the area of each subregion (and % total area) within the development footprint. Consistent with BAM minimum requirements (requirements (Table 25 Appendix 10, BAM 2017) a map of the subregions would also be informative, for example:



Recommend

RTS 8. Revisions to the BDAR and provision of supporting data:

8.1.

a. In Tables 3.9 to 3.13:

- List each Vegetation Zone according to identifiers in the five BAM-C cases.
- List plots that have been sampled (spatially) within each zone.
- Clearly identify the plots from outside that zone that were used to generate a VI score.

For example:

Table 3.10 Pooncarie-Darling subregion

Veg Zone # (in BAM-C)	Veg Zone Name (BAM-C)	PCT	Area (ha)	# plots required	Plots sampled
4	15_mod-area_B	15-Black Box open woodland wetland with chenopod understorey	40.55	4	Q28 Q32 Q46 Q72*
5	63_mod-area_A	63-Spiny Lignum - Slender Glasswort open forbland sailine wetland	0.3	1	Q55*

* indicates plots sampled in the same PCT and condition class from another vegetation zone

b. In Tables 5.1 to 5.5:

- List each Vegetation Zone according to identifiers in the five BAM-C cases.

8.2. Summarise area of each subregion in Table 4.1 and include a simple subregion map.

8.3. Provide spatial data and submit finalised BAM-C cases for review.

BCD Issue 9	Modified BAM threatened flora survey methods have been used without endorsement.
	Pending provision of all datasets required to verify explanation in the BDAR
Recommend	RTS 9. All data sets to be provided to verify BDAR explanation of survey methods

BCD Issue 14	Rehabilitation/revegetation mitigation measures.
	The Addendum BDAR includes confirmed locations of construction/accommodation camps. There are various references to the rehabilitation of disturbed areas.
Recommend	RTS 10. Provide details about proposed rehabilitation of construction and accommodation camp areas (noting the requirement under BCD Issue 2, RTS 4 regarding the assessment of any disturbance)

BCD Issue 16	Biodiversity Offset Strategy (BOS)
	<p>The BOS credit obligation is reported differently in the Amendment Report and the Addendum BDAR (Appendix D):</p> <ul style="list-style-type: none"> - 10,019 ecosystem credits and 1,545 species credits in section 6.2.4 of the Amendment Report - 10,393 ecosystem credits and 1,548 species credits in section 13.4 of the BDAR - 1,562 species credits in Table 12.11 of the BDAR. <p>We note that the calculation is based on an “indicative disturbance area” only.</p> <p>Information provided to BCD by WSP (19 October 2020) indicates that TransGrid is proposing to use 14 stewardship sites as part of its Biodiversity Offset Strategy for EnergyConnect (West). In the Addendum BDAR presented in the RTS, approximately 40% of the BOS credit obligation remains despite the revised mitigation measures being applied. This includes the two stewardship sites at Big Bend and Tareena. We note approximately 86% of the BOS credits at Big Bend and Tareena are excess to the requirements for EnergyConnect (West).</p> <p>TransGrid has requested a delayed approach to the delivery of the BOS for EnergyConnect (West). This would see a BOS prepared for the combined EnergyConnect (East and West) projects. The proposal is for the:</p> <ul style="list-style-type: none"> - BOS package to be developed within 12 months post-approval of EnergyConnect (East) - technical delivery (i.e. retirement of credits, acquittal of credit obligation) of the BOS within 2 years post-approval of EnergyConnect (East). <p>At a meeting with TransGrid on 17 December 2020, DPIE committed to investigating options to enable the delivery of delayed offsets.</p> <p>BCD reiterates the risks inherent in delaying the BOS including:</p> <ul style="list-style-type: none"> - potential for future supply to not provide the required BOS credits - need to purchase of credits at a higher price than current - reduced certainty of the effect to mitigate harm caused in the short term. <p>Given this, we recommend that the key elements of the BOS for EnergyConnect (West) be finalised prior to determination.</p>

Recommend	<p>RTS 11. The applicant be required to finalise and confirm the credit obligation for this project.</p> <p>RTS 12. As a delayed offset obligation is being proposed, the applicant be required to provide further detail to demonstrate that the credit obligation (ecosystem and species credits) can be met for EnergyConnect (West).</p> <p>This should include evidence that:</p> <ul style="list-style-type: none"> a) the biodiversity stewardship sites proposed in an initial memo (WSP 19 Oct 2020) are likely to yield the BOS credits necessary to retire the BOS credit obligation, and/or b) the potential exists to retire the obligation by purchasing BOS credits available in the market now, including how the variation and trading rules might be applied, and/or c) the applicant is able to meet the full obligation BOS credit obligation by paying into the BC Fund, and/or d) any other measures proposed will meet the Biodiversity Offset Scheme requirements, and e) that construction phases will result in the BOS credit obligation being incurred gradually, and how retirement of that obligation may be staged.
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BCD EPBC MNES advice	EPBC MNES
	<p>The MNES assessment (Section 1(d) of internal guidance template) requires that BCD verify that the proponent has expressed a statement about the potential impact of the project on each listed threatened species and community.</p> <p>The Addendum BDAR (Section 7) has a clear statement about the impact of the project on threatened ecological communities.</p> <p>However, appropriate information on threatened species is most clearly stated in the Conclusion sections of the Significance Assessments in Appendix E of the BDAR. This information should be summarised in the MNES section of the BDAR (for instance in Tables 7.1 and 7.2).</p>
Recommend	RTS 13. Conclusions about impacts on each threatened species be summarised in the MNES section of the BDAR.

Additional comments

<p>RTS Issue A1</p>	<p>Some mitigation measures lack detail and include non-binding terms</p>
	<p>Sections 1.2.2 and 2.6 of the BAM Operational Manual Stage 2 set DPIE’s expectation for measures to minimise and mitigate impacts. Actions to limit or reduce biodiversity impacts need to be included in the pre-approval documentation. Mitigation measures need to be sufficiently detailed to guide post-approval plans.</p> <p>Reference to proposed TransGrid procedures (Submissions Report, page 42) is not an appropriate mitigation measure. BCD expect to see details of actions that would be included in the TransGrid procedures.</p> <p>For example, the BAM assessment relies on minimising understorey disturbance in Disturbance Areas B. It is appropriate to include specific measures to limit soil disturbance during overstorey removal (i.e. removal by chainsaw rather than pulling lignotubers), and Operational Maintenance procedures such as removing trees by hand, specific, targeted weed control methods and limiting vehicle movements to tracks.</p> <p>Table 11.1 (page 260) includes non-binding terms, such as “where possible” and “where practicable”. BCD recommend deleting these terms from the BDAR</p>
<p>Recommend</p>	<p>RTS 14. Remove non-binding terms from the BDAR</p> <p>RTS 15. Amend the following actions in Table 11.1 as follows:</p> <ul style="list-style-type: none"> - Action B1: This action lacks detail. For effective avoidance of impacts to threatened species or their habitat, the BDAR could specify that maps and spatial data (species polygons for species credit species) and buffered threatened species locations will be provided to the detailed design team and included in the CEMP. - Action B2 (and Section 11.3.1, page 258): No clearing is to be undertaken outside the approved development footprint. Impacts to biodiversity that are not included in the BDAR must be assessed according to the BAM, by an accredited assessor. - Action B18: The threatened biodiversity unexpected finds protocol should include reporting to BCD, submission of records to BioNet, and inclusion of the location on relevant CEMP and OEMP maps.