



Office of Environment & Heritage

Date: 15th April 2013
Your reference: SSD 5355
Our reference: DOC12/47079
Contact: Liz Mazzer
68835325

Neville Osborne
Energy Projects
NSW Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Attention Mr Toby Philp

Dear Mr Osborne

RE: Environmental Impact Statement for Nyngan Solar Plant (SSD 5355)

I refer to your letter dated 11th March 2013 seeking comment from the Office of Environment and Heritage (OEH) on the Environmental Assessment (EA) for the Nyngan Solar Plant Project.

OEH has reviewed the EA, and has no specific comments regarding Aboriginal Cultural Heritage. However, the following advice regarding biodiversity is provided for consideration your consideration.

Offset Strategy

The Assessment provides an offset strategy outline (Appendix G), which gives the process by which an offset strategy will be developed.

OEH is still concerned regarding the statement in section G.2.1, "*The proponent would prepare of an offset plan before construction but would ensure that the actual areas impacted are 'validated' after construction*".

While OEH understands that the intent of this approach is to ensure that the actual area impacted is offset, the offset strategy should still be developed prior to construction beginning.

As previously recommended (16th November 2012 and 11th February 2013), OEH considers that a detailed Biodiversity Offset Plan, which includes a proposed offset supported by a suitable metric, is required prior to consent. The area of impact and the offset site need to be identified before construction begins in order to meet the Principles for the Use of Biodiversity Offsets in NSW, in particular Principle 8, "Offsets should be agreed prior to the impact occurring".

OEH notes that Section G.2.2 assumes that all native vegetation on the site provides habitat for the Grey-crowned Babbler.

It is also noted, in Section G.2.1, that if subsequent targeted surveys for *Diuris tricolor* and *Swainsona plagiotropis* find these species, and they cannot be avoided, all areas of suitable habitat within the easement would be included as additional permanent impact areas and would be added to the total area required to be offset.

OEH also notes that, while there is still an intent to install nest boxes, hollows from felled trees will also be salvaged and remounted in adjacent retained trees.

Recommendation

That a detailed Biodiversity Offset Plan supported by a suitable metric and addressing the Department's 'Principles for Biodiversity Offsets in the NSW' is developed, in consultation with OEH, prior to construction beginning.

Potential closure of dam and creation of alternative watering point

Section 6.2 of the Biodiversity Assessment states,

If the dam in the south of the solar plant site is removed during the works, an alternative watering point would be established to compensate for its loss to maintain similar habitat resources for native fauna.

The Biodiversity Assessment does not indicate that the dam has particular value for native biodiversity. On the contrary, section 4.2.4 states, "Dense colonies of Bathurst Burr occur around the dams in the south of Area 2" and section 4.3.3 states,

It provides poor habitat due to stock access (including trampling of vegetation and stirring up sediments and defecation). Being a small water body, the quality of habitat is expected to vary, changing with the grazing regime and seasonal rainfall. Dams provide habitat for species with the capacity to disperse between water bodies.

OEH considers that while farm dams provide a water resource for some species, they can also lead to declines of fauna and flora species sensitive to grazing due to an increase in total grazing pressure of domestic stock, feral herbivores and macropods. They can also increase habitat and preferred foraging sites for feral carnivores such as cats and foxes.

Recommendation

That, if the dam in the south of the solar plant site is removed, an alternative watering point is not established.

If you have any questions regarding this matter further please contact Liz Mazzer on 02 6883 5325 or email liz.mazzer@environment.nsw.gov.au

Yours sincerely



ROBERT TAYLOR
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Regional Operations Group