NSW GOVERNMENT | Office of Environment & Heritage

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SSD 8533

Mr Anthony Ko
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Dear Anthony

OEH Review of Environmental Impact Statement: Vales Point Solar Project (SSD 8533) – Lake Macquarie and Central Coast LGAs

I refer to your e-mail dated 8 February 2018, seeking comments on the Environmental Impact Statement (EIS) for Vales Point Solar Project (SSD 8533), near Mannering Park, in the Lake Macquarie and Central Coast local government areas. OEH has reviewed the relevant appendices and relevant parts of the document titled '*Vales Point Solar Project: Environmental Impact Statement IA155900_01 | Final*' (prepared by Jacobs Group [Australia] Pty Limited for Sunset Power International [trading as Delta Electricity] and dated 11 January 2018) in relation to Aboriginal cultural heritage, flood risk, and impacts on biodiversity.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely

Sharon Molloy 19/3/2018

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

Contact officer: STEVEN COX
02 4927 3140

Enclosure: Attachments A and B

Attachment A

OEH's recommendations

Vales Point Solar Project (SSD 8533)

1. OEH is satisfied with the biodiversity assessment of non-native vegetation and no further assessment of non-native vegetation is required.

2. A detailed comparison of the habitat components listed in the Threatened Species Profile Database and that occur in each vegetation zone should be provided for each of the predicted ecosystem credit species removed from each of the vegetation zones.

3. If the proponent proposes to remove predicted ecosystem credit species from more than one vegetation zone, separate credit calculator assessments will be required.

4. The 'land within 40 metres of swamps, wet or dry heaths or sedge grasslands' box should be selected under the 'Geographic / habitat features' tab in the credit calculator, to ensure the wallum froglet is assessed appropriately.

5. OEH recommends that a biodiversity offset strategy is provided that details the proposed offset mechanisms to be used in accordance with the requirements of the FBA.

6. OEH is satisfied with the Aboriginal cultural heritage assessment and no further assessment is required.

Attachment B

OEH's detailed comments

Vales Point Solar Project (SSD 8533)

Biodiversity

1. OEH is satisfied with the biodiversity assessment of non-native vegetation

The proposal will impact on approximately 21.27 hectares of vegetation for the purposes of establishing a solar panel project, of which 6.65 hectares (Vegetation Zone 3 – PCT 1636 Scribbly Gum – Red Bloodwood – Angophora inopina heathy woodland on lowlands of the Central Coast) is described as non-native vegetation in low condition dominated by exotic grasses and scattered regenerating shrubs and eucalypts. This vegetation has been assessed as having a site value score of less than 17 and as such requires no further assessment or offsetting under the Framework for Biodiversity Assessment (FBA). The remaining 14.62 hectares is described as native vegetation and is subject to the FBA.

Recommendation 1

OEH is satisfied with the biodiversity assessment of non-native vegetation and no further assessment of non-native vegetation is required.

2. The proponent has not provided adequate justification for the removal of many ecosystem credit species from the credit calculations

The proponent has proposed to remove many of the predicted ecosystem credit species from the calculation of credits for all vegetation zones. Ecosystem credit species that are predicted to occur (by the credit calculator) in vegetation zones influence the number of credits required for impacts on vegetation zones.

Section 6.3 of the Framework for Biodiversity Assessment (FBA) allows an assessor to remove predicted ecosystem credit species if the assessor has compared the habitat components of the species listed in the Threatened Species Profile Database (TSPD) and determines that none of those habitat components occur in the vegetation zone.

Table 5.5 of the BAR does not provide an adequate level of justification for the removal of any species. An assessment is required that individually lists the habitat components listed for each species in the TSPD and assesses the presence of those habitat components in each relevant vegetation zone. The assessment must be based on the presence of habitat components only, the results of surveys for the project cannot be used to determine the potential presence of ecosystem credit species (as per step 2 of section 6.3 of the FBA).

Based on the TSPD, habitat is likely present on site for at least the following predicted ecosystem credit species:

- barking owl – inhabits woodland and open forest, including fragmented remnants and partly cleared farmland / more open areas
- brown treecreeper (eastern subspecies) – inhabits forest bordering wetlands with an open understorey of shrubs and grasses
- glossy black-cockatoo – inhabits open forest and woodlands of the coast, where stands of sheoak occur; black sheoak (*Allocasuarina littoralis*) is an important food tree
- little eagle – occupies (forages) open eucalypt forest, woodland or open woodland

- little lorikeet – forages primarily in the canopy of open *Eucalyptus* forest and woodland, including isolated flowering trees in open country (e.g. paddocks, roadside remnants and urban trees) and has been recorded in adjacent forested areas
- masked owl – a forest owl, but often hunts along the edges of forests, including roadsides
- powerful owl – inhabits a range of vegetation types, from woodland and open sclerophyll forest
- scarlet robin – lives in dry eucalypt forests and woodlands, occasionally occurs in wetlands and has been recorded in adjacent forested areas
- spotted harrier – most commonly in native grassland, but also occurs in agricultural land, foraging over open habitats including edges of inland wetlands
- spotted-tail quoll – recorded across a range of habitat types, including open forest and woodland
- squirrel glider – inhabits blackbutt-bloodwood forest with heath understorey in coastal areas, including foraging
- turquoise parrot – lives on the edges of eucalypt woodland adjoining clearings
- varied sittella – inhabits eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums
- white-fronted chat – usually found foraging on bare or grassy ground in wetland areas

If the proponent cannot provide adequate justification for the removal of predicted threatened species from vegetation zones, the species should be added back into the credit calculator and the calculator should be re-run to determine the number of credits required for each vegetation zone (and each plant community type).

Recommendation 2

A detailed comparison of the habitat components listed in the Threatened Species Profile Database and that occur in each vegetation zone should be provided for each of the predicted ecosystem credit species removed from each of the vegetation zones.

3. The removal of predicted ecosystem credit species from more than one vegetation zone will require additional assessments in the credit calculator

The credit calculator has a tab where ecosystem credit species can be removed from the assessment. Removing an ecosystem credit species on the tab removes them from all vegetation zones and plant community types in the assessment. If the proponent proposes to remove predicted ecosystem credit species from vegetation zones, it is highly likely (due to the range of habitats and predicted species that characterise each vegetation zone) that the list of predicted ecosystem credit species to be removed will be different for each vegetation zone. Under this scenario, separate credit calculator assessments will be required for each of the vegetation zones where predicted ecosystem species have been removed.

Recommendation 3

If the proponent proposes to remove predicted ecosystem credit species from more than one vegetation zone, separate credit calculator assessments will be required.

4. The potential for wallum froglet habitat to be present should be assessed

The 'Geographic / habitat features' tab in the credit calculator, the 'land within 40 m of swamps, wet or dry heaths or sedge grasslands' box was not selected. This would have added the wallum froglet to the assessment. OEH has reviewed adjacent vegetation mapping and notes that vegetation which is considered to be 'swamps' (e.g. Riparian Melaleuca

Swamp Woodland) is present. OEH further notes that the wallum froglet has been recorded within 100 metres of the site. As such this habitat feature should have been selected.

Recommendation 4

The 'land within 40 metres of swamps, wet or dry heaths or sedge grasslands' box should be selected under the 'Geographic / habitat features' tab in the credit calculator, to ensure the wallum froglet is assessed appropriately.

5. A biodiversity offset strategy should be provided for the impacts of the project

A biodiversity offset strategy (BOS) has not been provided as the proponent considers the subject site is:

(i) in poor condition
(ii) does not include ECC vegetation
(iii) does not provide habitat for threatened species, and
(iv) the vegetation is regenerating on a man-made structure.

This approach is not consistent with the requirements of the FBA which requires the number and type of credits of credits calculated by the credit calculator to be offset using one or more conservation measures (listed in section 11.2 of the FBA) and those measures to be outlined in a BOS. Despite this approach, in Section 11.3 of the BAR, the proponent proposes on site compensation and protection of habitat in situ to offset the impact of the project. No further details regarding this compensation are provided or an indication of whether it is commensurate with the impacts and scale of the project.

The Biodiversity Assessment Report (BAR) provided requires the retirement of 216 'ecosystem' credits. As such a BOS should have been provided in accordance with the FBA. OEH notes that at this stage the number of credits is 216, however that may change with the reinstatement of some of the predicted threatened species (see recommendation 2 above) or the assessment of the wallum froglet (see recommendation 4 above).

Recommendation 5

OEH recommends that a biodiversity offset strategy is provided that details the proposed offset mechanisms to be used in accordance with the requirements of the FBA.

Aboriginal cultural heritage

6. OEH is satisfied with the Aboriginal cultural heritage assessment provided

OEH considers that the Aboriginal heritage impact assessment provided to support the Vales Point Solar Project (SSD 8533) adequately addresses the Aboriginal cultural heritage (ACH) potential of the site. OEH has reviewed the Vales Point Solar Project, Sunset Power International (Trading as Delta Electricity), Aboriginal Impact Assessment, prepared by JACOBS, 13 December 2017, and supports the results provided. The assessment concluded that the 33Kv Transmission Line contains no evidence of past Aboriginal occupation and that it has been significantly disturbed by prior roadworks, and the construction of a conveyor belt and pipeline easement. OEH concurs with this assessment.

Recommendation 6

OEH is satisfied with the Aboriginal cultural heritage assessment and no further assessment is required.