



Office of
Environment
& Heritage

Our Ref: DOC18/40724
Your Ref: SSD 8643

Ms Elle Donnelley
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Mr Tim Stuckey

Dear Ms Donnelley

Re: Sapphire Solar Farm Environmental Impact Statement

Thank you for your email dated 24 January 2018 about the Sapphire Solar Farm major project seeking comments from the Office of Environment and Heritage (OEH) on the Environmental Impact Statement (EIS). I appreciate the opportunity to provide input.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

We have reviewed the documents supplied and advise that the impact assessment is generally of a high standard, with only a few outstanding issues to be addressed with respect to OEH's statutory responsibilities for biodiversity and Aboriginal cultural heritage as set out below:

- Lack of clarity about biodiversity values within the proposed cable routes and the extent to which these values will be avoided, minimised or offset;
- Uncertainty about the occurrence of *Dicanthium setosum* and the feasibility of avoiding, mitigating and offsetting potential impacts on this threatened flora species; and
- Incorrect reference to an Aboriginal Heritage Impact Permit in the project Statement of Commitments.

These issues are discussed in detail in **Attachment 1** to this letter.

The OEH recommends that, prior to finalising the EIS, the applicant should:

1. Amend Figure 6 of the Biodiversity Assessment Report (BAR) to clearly illustrate the location and extent of the vegetation zones in all areas within the development site, including the proposed cable routes.

2. Amend Stage 2 of the BAR to clarify whether the estimated removal of 104.1 ha of the Endangered Ecological Community (EEC) white box – yellow box – Blakely's red gum woodland has included clearing of EEC remnants within the proposed cable routes and, if necessary, revise the EEC removal estimate and associated credit requirements to address clearing impacts for all components of the proposal.
3. If specimen identification by the National Herbarium of NSW confirms presence of *Dichanthium setosum* on the development site, amend the BAR in accordance with the Framework for Biodiversity Assessment to include:
 - a) species polygons for the species;
 - b) a description of the species, its abundance on site and the habitat components associated with the species on the development site;
 - c) a detailed description of the measures proposed to avoid and minimise direct and indirect impacts on the species during the construction and operational phases of the project; and
 - d) an additional species-credit requirement if the proposal cannot be designed to avoid impact on the species.
4. Amend the Statement of Commitments (SoC) to remove reference to 'AHIP', and re-write the relevant SoC to reflect the links between the management of Aboriginal cultural heritage and the proposed Aboriginal Heritage Management Plan detailed at Recommendation 4 of the Aboriginal Cultural Heritage Assessment Report.

If you have any further questions about the issues raised or recommendations provided, Mr Don Owner, Senior Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6659 8233 or at don.owner@environment.nsw.gov.au.

Yours sincerely

 28 February 2018

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Regional Operations

Contact officer: DON OWNER
6659 8233

Enclosure: Attachment 1: Detailed OEH Comments – Sapphire Solar Farm EIS

Attachment 1: Detailed OEH Comments – Sapphire Solar Farm EIS

Biodiversity

Impacts of Proposed Cable Routes

Figure 7 of the Biodiversity Assessment Report (BAR) appears to illustrate several patches of white box – yellow box – Blakely's red gum woodland Endangered Ecological Community (EEC) within the proposed cable route options. However, these EEC patches do not appear to have been included in the vegetation zones identified in Figure 6 of the BAR.

The impact assessment provided in Stage 2 of the BAR states that the proposal will remove approximately 104.1 ha of EEC. However, given the above-mentioned discrepancy in the vegetation mapping, it is unclear whether this clearing estimate includes EEC removal from within the proposed cable routes.

OEH Recommendations:

1. Amend Figure 6 of the BAR to clearly illustrate the location and extent of the vegetation zones in all areas within the development site, including the proposed cable routes.
2. Amend Stage 2 of the BAR to clarify whether the estimated removal of 104.1 ha of the Endangered Ecological Community (EEC) white box – yellow box – Blakely's red gum woodland has included clearing of EEC remnants within the proposed cable routes and, if necessary, revise the EEC removal estimate and associated credit requirements to address clearing impacts for all components of the proposal.

*Consideration of *Dichanthium setosum**

It is stated in Table 17 of the BAR that “*areas where *Dichanthium setosum* is positively identified shall be mapped and avoided through the design and construction phases of the project*”. However, the BAR does not demonstrate how the species would be avoided and managed during construction and operation phases. Furthermore, the BAR does not provide any contingency measures or additional credit requirement that may be required if future detailed design indicates that impacts on the species are unavoidable.

OEH Recommendation:

3. If specimen identification by the National Herbarium of NSW confirms presence of *Dichanthium setosum* on the development site, then the BAR should be amended in accordance with the Framework for Biodiversity Assessment to include:
 - a) species polygons for the species;
 - b) a description of the species, its abundance on site and the habitat components associated with the species on the development site;
 - c) a detailed description of the measures proposed to avoid and minimise direct and indirect impacts on the species during the construction and operational phases of the project; and
 - d) an additional species-credit requirement if the proposal cannot be designed to avoid impact on the species.

Aboriginal Cultural Heritage

The OEH supports the recommendations detailed in the Aboriginal Cultural Heritage Assessment Report (ACHAR) and welcomes the opportunity to be consulted regarding the preparation of the proposed Aboriginal Heritage Management Plan (AHMP).

However, there is an error in the project Statement of Commitments (SoCs) on page 230 of the EIS, which states that *“the few artefacts requiring AHIPs will be managed and re-patriated”*. An Aboriginal Heritage Impact Permit (AHIP) is not required to manage potential harm to Aboriginal objects within an approved State Significant Development.

OEH Recommendation:

4. Remove the reference to ‘AHIP’ in the project SoCs and re-write the relevant SoC to reflect the links between the management of Aboriginal cultural heritage and the proposed Aboriginal Heritage Management Plan (AHMP) detailed at Recommendation 4 of the ACHAR.