



Our ref: DOC19/1054850

Senders ref: SSD 9237 Mod 1

Mr Javier Canon
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Resources Assessments 1B
Department of Planning, Infrastructure &
Environment
GPO Box 39
SYDNEY NSW 2001

Via email: Javier.Canon@planning.nsw.gov.au

16 December 2019

Dear Mr Canon

Subject: MOD 1 – Yarrabee Battery Storage and Transport Route (SSD 9237 Mod 1)

Thank you for your email dated 3 December 2019 about the Yarrabee Solar Farm Modification 1 seeking comments from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (the Department).

The Biodiversity and Conservation Division has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal cultural heritage and flooding. For matters relating to national parks estate matters please refer these to the National Parks and Wildlife Service.

We have reviewed the documents supplied and provide the following comments.

Biodiversity

The proponent is required to prepare a Biodiversity Development Assessment Report in accordance with Division 4, Part 7 of the *Biodiversity Conservation Act 2016*, to be submitted with the modification application.

- It appears that there will be an impact to biodiversity values, additional to that assessed for the approved project. The disturbance footprint for widening the pavement of the Kidman Way and Eulo Road intersection includes areas mapped as native vegetation potentially conforming to *Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes bioregions*, listed as an endangered ecological community (Appendix F, page 3).
- The *Biodiversity Conservation Act 2016* states that a Biodiversity Development Assessment Report (BDAR) is required with a modification application for SSD projects unless the authority, or person determining the application (or issuing environmental assessment requirements for the application), is satisfied that the modification will not increase the impact to biodiversity values.
- The proponent has not provided any information about pre-submission discussions with Planning and Assessment regarding the biodiversity assessment.
- The proposed change to a larger, dispersed Battery Energy Storage System is within the current development footprint and is not likely to further impact biodiversity.

Aboriginal Cultural Heritage

We recommend the following:

- To ensure the new works comply with Condition of Consent Schedule 3 Condition 16, the applicant be required to complete an impact assessment of the works associated with the modification against the known Aboriginal heritage items, particularly those in Table 1 in Appendix 4.
- A copy of Appendix D including the impact assessment against Aboriginal heritage items in Table 1 of Appendix 4 be provided to the Registered Aboriginal Parties (RAPs) identified for the Yarrabee Solar Farm for their information and comment.
- Any mature, dead or dying native remnant trees (i.e. not planted vegetation) that will be removed as part of the proposed works, must first be inspected for possible Aboriginal cultural scarring. If there Aboriginal culturally modified trees, these must be registered on AHIMS and an impact assessment completed with a copy provided to Biodiversity and Conservation Division for comment.
- A copy of Appendix G be provided to the RAPs identified for the Yarrabee Solar Farm for their information and comment.

In addition, the Biodiversity and Conservation Division requests copies of the following documents for comment:

- The impact assessment of the works associated with the modification against the known Aboriginal heritage items.
- The Heritage Management Plan.

Detailed comments on Aboriginal cultural heritage are provided in **Attachment A**.

If you have any questions about this advice, please contact Miranda Kerr, Senior Biodiversity Conservation Officer, via rog.southwest@environment.nsw.gov.au or 02 6022 0607.

Yours sincerely



Andrew Fisher
Senior Team Leader Planning
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Biodiversity and Conservation Division
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ATTACHMENT A

Detailed comments on Yarrabee Battery Storage and Transport Route (SSD 9237 Mod 1)

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Aboriginal cultural heritage

Comments on Appendix D Heritage Review prepared by OzArk (November 2019)

Appendix D states that all proposed changes to the internal layout of the facilities within the Yarrabee Solar Farm including the BESS modules are within the previous assessed and approved project boundary.

It is not clear if the Modification Assessment complies with Condition of Consent Schedule 3 Condition 16. This condition provides protection to Aboriginal heritage items as follows: “The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items identified in Table 1 in Appendix 4 or located outside the approved development footprint”.

APPENDIX 4

ABORIGINAL HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impacts

| Item |
|-----------------------------------|
| Yarrabee IF-2 #49-5-0190 |
| Yarrabee IF-3 #49-5-0191 |
| Yarrabee IF-4 #49-5-0191 |
| Yarrabee IF-7 #49-5-0195 |
| Yarrabee IF-8 #49-5-0193 |
| Yarrabee IF-9 #49-5-0197 |
| Yarrabee OS-3 #49-5-0198 |
| Yarrabee OS-6 #49-5-0201 |
| Yarrabee OS-7 #49-5-0202 |
| Yarrabee OS-9 #49-5-0204 |
| Yarrabee OS-10 #49-5-0205 |
| Yarrabee OS-12 #49-5-0207 |
| Yarrabee OS-13 #49-5-0208 |
| Yarrabee OS-14 #49-5-0209 |
| Yarrabee EM-1 with PAD #49-5-0188 |
| Yarrabee ST-1 #49-5-0187 |
| Yarrabee ST-2 #49-5-0186 |
| Yarrabee IF-1 #49-5-0189 |
| Yarrabee OS-4 #49-5-0199 |

Recommendations:

- To ensure the new works comply with condition 16, the applicant undertake an impact assessment of the works associated with the modification against the known Aboriginal heritage items, particularly those in Table 1 in Appendix 4.
- We request a copy of the impact assessment be provided to the Biodiversity and Conservation Division for comment.
- A copy of Appendix D including the impact assessment against Aboriginal heritage items in Table 1 above be provided to the Registered Aboriginal Parties (RAPs) identified for the Yarrabee Solar Farm for their information and comment.

Comments on Appendix G: Heritage Assessment – Eulo Road and Kidman Way Proposed Intersection Upgrade prepared by OzArk (November 2019)

Appendix G states the area of proposed impact is 3680m² or 0.368 ha and is beside the existing roads that have been subject to historic clearing. A search of the AHIMS database on 26 November 2019 identified no known Aboriginal objects or places in the proposed impact area.

Section 3.3 refers to the 'Department of Prime Minister and Cabinet'. This should be the 'Department of Premier and Cabinet'.

Recommendations:

- If there are any mature, dead or dying native remnant trees (i.e. not planted vegetation) that will be removed as part of the proposed works, these must first be inspected for possible Aboriginal cultural scarring. If there Aboriginal culturally modified trees, these must be registered on AHIMS and an impact assessment completed with a copy provided to Biodiversity and Conservation Division for comment.
- A copy of Appendix G be provided to the RAPs identified for the Yarrabee Solar Farm for their information and comment.

Yarrabee Solar Farm Heritage Management Plan (HMP)

Recommendations:

- We request a copy of the HMP for the Yarrabee Solar Farm SSD 9237 be provided to the Biodiversity and Conservation Division for comment in accordance with the Development Consent for SSD 9237 Schedule 3 Condition 17.