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Your ref: SSD-9820

Mr Rob Beckett

Environmental Assessment Officer
Resource Assessments
Planning and Assessment Division
Department of Planning, Industry and Environment
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Dear Rob

Maxwell Solar Farm (SSD-9820) – Review of Environmental Impact Statement

I refer to your e-mail dated 11 December 2019 in which the Planning and Assessment Division (P&A) of the Department of Planning, Industry and Environment (the Department) invited Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the Maxwell Solar Farm Project.

BCD have reviewed the Environmental Impact Statement for this project in relation to impacts to Aboriginal cultural heritage and flood risk. A biodiversity development assessment report (BDAR) waiver was granted for the project on 5 June 2019.

BCD'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 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Lucas Grenadier'.

LUCAS GRENADIER
A/Director Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

Biodiversity and Conservation Division recommendations

Maxwell Solar Farm Project (SSD-9820) – Review of Environmental Impact Statement

1. BCD recommends that a Condition of Consent be included that requires the proponent to develop an unexpected finds protocol for the project in consultation with the registered Aboriginal parties, prior to any ground disturbance works being undertaken.
2. The proponent should confirm potential flood impacts associated with the project. At a minimum, review the project against any existing flood studies or flood information that relate to the site. If the project has the potential to affect or be affected by flooding, the proponent should prepare a detailed flood impact assessment.
3. The full extent of earth works required for the development, geotechnical stability and proposed erosion and sediment controls should be provided. At a minimum this should include contour mapping and the proposed land form design required to install the solar farm and associated infrastructure. The degree of soil disturbance required should then be used to determine if the proposed soil and water management strategies are appropriate

Biodiversity and Conservation Division detailed comments

Maxwell Solar Farm Project (SSD-9820) – review of Environmental Impact Statement

Aboriginal cultural heritage

1. An unexpected finds protocol should be developed and implemented

No registered Aboriginal heritage sites have been identified in the project area. Notwithstanding this, Biodiversity and Conservation Division (BCD) expects that out-of-context, unknown Aboriginal objects may be identified during ground disturbing works. An unexpected finds protocol for managing and mitigating any such newly identified objects should be prepared and implemented.

Recommendation 1

BCD recommends that a Condition of Consent be included that requires the proponent to develop an unexpected finds protocol for the project in consultation with the registered Aboriginal parties, prior to any ground disturbance works being undertaken.

Flooding and flood risk

2. Flood impacts and risks have not been adequately considered

The EIS states that the development will be located on rehabilitated mine land which has been substantially modified. It is stated that no streams or watercourses run through the site. Section 8.1 of the EIS however indicates that temporary flooding may occur in the north and north east section of site during high rainfall or runoff events. No flood mapping has been provided and no additional flood information is included in the document. It is therefore not possible to assess flood risk to the development.

Recommendation 2

The proponent should confirm potential flood impacts associated with the project. At a minimum, review the project against any existing flood studies or flood information that relate to the site. If the project has the potential to affect or be affected by flooding, the proponent should prepare a detailed flood impact assessment.

3. Further information is needed on the proposed extent of earthworks

The EIS indicates that 26,000 square metres of site disturbance may be required. The extent of earthworks, existing topography, proposed finished ground profile and erosion and sediment (Soil and Water) management strategies are not detailed. There are contradictory statements regarding the existing topography being too steep for agricultural use (e.g. descriptions of 10 – 33% slopes within the site compared to statements suggesting that minimal earth works are required to construct the development).

The development is also proposed to be constructed on a rehabilitated filled mine site. The geotechnical constraints related to support of the required structures on the filled land have not been considered.

Recommendation 3

The full extent of earth works required for the development, geotechnical stability and proposed erosion and sediment controls should be provided. At a minimum this should include contour mapping and the proposed land form design required to install the solar farm and associated infrastructure. The degree of soil disturbance required should then be used to determine if the proposed soil and water management strategies are appropriate.