



Our ref: DOC20/30520

Senders ref: SSD 9874

Mr Rob Beckett
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Planning and Assessment
Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Via email: rob.beckett@environment.nsw.gov.au

23 April 2020

Dear Mr Beckett

Subject: Walla Walla Solar Farm (SSD 9874) – Response to Submissions

Thank you for your request dated 3 April 2020 regarding the Response to Submissions (RTS) for the Walla Walla Solar Farm (SSD 9874), seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department).

We have reviewed the RTS against the BCD submission dated 2 December 2019 regarding the exhibited EIS.

BCD considers that issues regarding flooding and Aboriginal cultural heritage (ACH) assessments are resolved and the revised EIS **does** meet the Secretary's requirements, contingent on the recommended conditions of development consent identified in **Attachment A**.

BCD considers that the EIS **does not** meet the Secretary's requirements for biodiversity. Further information is required for the revised Biodiversity Development Assessment report (BDAR) to be compliant with the Biodiversity Assessment Method (BAM):

- An ecologically sound basis for justifying the reduction in ecosystem credits for PCT 76 Western Grey Box Woodland (derived grassland) in Zone 4, or revision of future vegetation integrity scores to 0.
- Assessment of impacts to biodiversity and threatened species habitat from security fencing and associated 10 m APZ.
- Clarification about the discrepancy between the digital dataset showing impacted Zone 10 PCT 278 and the lack of Zone 120 in BAM-C.

A summary of our assessment, advice and recommended conditions of approval is provided in **Attachment A**.

All plans required as a Condition of Approval that relate to flooding, biodiversity or ACH should be developed in consultation with and to the satisfaction of BCD, to ensure that issues identified in our EIS response and this submission are adequately addressed.

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
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ATTACHMENT A BCD advice for Walla Walla Solar Farm Submissions Report (SSD 9874)

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Key Issues

Issues are numbered according to the BCD EIS submission.

Issues not listed are taken to be to be resolved.

2.	<i>Aboriginal cultural heritage</i>	<p>An up-to-date unexpected finds protocol for Aboriginal cultural heritage, including skeletal remains, must be developed and implemented before construction begins.</p> <p>The Unexpected Finds Protocol for managing skeletal remains (AH2) should not include notification of the Registered Aboriginal Parties (RAPs) until after the remains have been determined (by NSW Police Coroners) as being Aboriginal in origin. We reiterate the following:</p> <p><i>If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and contact made with NSW Police and Department of Planning, Industry and Environment.</i></p>
	<i>Extent and Timing</i>	Pre-construction
	<i>Recommended conditions of development consent:</i>	<p><i>An appropriate unexpected finds protocol is developed prior to the commencement of construction, and to the satisfaction of the Department, that includes the following:</i></p> <p><i>If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:</i></p> <ol style="list-style-type: none"> <i>1. Not further harm the object</i> <i>2. Immediately cease all work at the particular location</i> <i>3. Secure the area to avoid further harm to the Aboriginal object</i> <i>4. Notify Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location</i> <i>5. Not recommence any work at the particular location unless authorised in writing by Department of Planning, Industry and Environment.</i> <p><i>If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and contact made with NSW Police and Department of Planning, Industry and Environment.</i></p>
5	<i>Biodiversity</i>	<p>The revised Biodiversity Development Assessment Report (BDAR) does not meet the SEARs.</p> <p>Elements of the proposal described in the EIS that potentially impact biodiversity have still not clearly been included in the assessment.</p>

		<p>BCD require further information for the assessment to be BAM compliant:</p> <ul style="list-style-type: none"> • An ecologically sound basis for justifying the reduction in ecosystem credits for PCT 76 Western Grey Box Woodland (derived grassland) in Zone 4, or revision of future vegetation integrity scores to 0. • Assessment of impacts to biodiversity and threatened species habitat from security fencing and associated 10 m APZ. • Clarification about the discrepancy between the digital dataset showing impacted Zone 10 PCT 278 and the lack of Zone 120 in BAM-C. <p>BCD response to RTS:</p> <ul style="list-style-type: none"> • <i>Provide a complete map of elements of the proposal as described in the EIS, including water tanks, materials lay-down areas, screening plantings and asset protection zones associated with the security fence, and confirm that they have been included in the assessment.</i> • <i>Supply all digital data required by the BAM, including a digital version of the development footprint as shown on Figure 6-1 (page 79) with a 10 m asset protection zone outside the security fence.</i> <p>The development footprint including impacts associated with the asset protection zone and security fence have not been provided. While other datasets have been supplied on request, Planning and Assessment did not receive this digital dataset with the RTS (page 62).</p> <ul style="list-style-type: none"> • <i>Include the impacts of proposed screening planting along the eastern site boundary in the assessment and its location in the development footprint.</i> • <i>Ensure that potential impacts to native vegetation due to revegetation and rehabilitation works are identified and addressed in the BDAR.</i> <p>The BDAR does not discuss whether native vegetation will be impacted by screening plantings or rehabilitation works. There is no consideration of a 'no-go' buffer between areas of clearing or disturbance for fence construction and screening plantings and remnant native vegetation.</p> <ul style="list-style-type: none"> • <i>Revise the BAM calculator and BDAR to ensure that the assessment of biodiversity impacts and offset obligation include all zones on the development site, as per Section 6 of the BAM. Adjustment to the BAM calculator is to be completed before impacts are identified and assessed according to BAM Sections 7 to 11. The offset requirement is likely to be an underestimate as a result of the missing Zone 10.</i> <p>– The digital dataset provided with the EIS showing impacted vegetation includes two different PCT polygons labelled as Zone 9 – PCT 278 'Riparian Blakely's Red Gum' and PCT 5 'River Red Gum herbaceous-grassy very tall open forest'.</p>
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		<p>temperature changes beneath the panels, and changes to specific habitat requirements for threatened species).</p> <p>The RTS presents the opportunity for a groundcover management plan to enhance native ground cover diversity within the panel area, thus justifying the maintenance of some VI score in Zone 4.</p> <ul style="list-style-type: none"> References to a ground cover management plan in the RTS (page 30 and measure SO2) describe the groundcover management plan as being prepared by an agronomist and aiming to ensure the establishment of perennial grass cover, such as lucerne or clover, across the site as soon as practical (page 96). The result of such a program on the vegetation integrity and habitat value of PCT 76 would be similar to total removal of native vegetation. Without additional commitments and details in the RTS about management of Zone 4 for native biodiversity values, BCD do not have confidence that there would be a biodiversity benefit. Slashing under panels to maintain a vegetation height of 15 cm outside the APZ and potential strategic grazing have also been mentioned in the EIS (page 265-266) but are not included as potential impacts to native vegetation and threatened species habitat. <p>Given the lack of certainty about groundcover management that is beneficial to native biodiversity, a reduction in credits for PCT 76 would require substantially more detail on the allocation of future site value scores, including suitable references from the professional literature.</p> <p>Section 7.1.1 indicates that the effect of installation and operation of the solar array over the life of the project is approximately 13% of the vegetation integrity score if the site was completely cleared. We acknowledge that the calculator includes a different future VI score of 3.6, indicating that the ecosystem credit requirement is 78% of the offset required if the zone was completely cleared. <i>We estimate another 33 ecosystem credits would be required to fully offset the impacts to PCT 76.</i></p> <ul style="list-style-type: none"> <i>Revise mitigation measures in the EIS to match the BDAR (Table 8-1) and to ensure stockpiling and material laydown areas are only within the assessed development footprint and not within any areas of mapped native vegetation.</i> <p>We recommend revised measures BD4 and BD5 (page 92) be modified to ensure stockpiling and laydown areas are within the approved development footprint and not within native vegetation (including ground cover).</p>
	<i>Extent and Timing</i>	Pre-determination