

14 April 2022



Nicole Brewer

Director Energy Assessments Department of Planning Industry and Environment

Nicole.Brewer@planning.nsw.gov.au

cc: Iwan Davies <iwan.davies@planning.nsw.gov.au>

Dear Nicole

Re: 20-123 Darlington Point Solar Farm – Development Consent No. SSD 8392 version 3.

Schedule 3, Condition 9: Biodiversity

We refer to the State Significant Development Consent SSD 8392 for the Darlington Point Solar Farm and confirm that we are writing on behalf of Darlington Point Solar Farm Pty Ltd (**DPSF**).

Unique reasons this project seeks an urgent extension to satisfying condition 9 (*biodiversity credit retirement of Column (a)*):

1. Octopus investments have taken over this aspect of the project from Edify, the original developer. Because no suitable land within the development site existed, this project has carried out an extensive consultation program with third party landholders in the region to find a suitable stewardship site.
2. The bulk of the credit obligation is for PCT 45 (98% of the overall credit value), which is a grassland vegetation type where few botanists are experienced. This has led to additional BCT requests in relation to its delineation and management, in relation to the stewardship site finally selected.
3. A non-compliance with a development approval condition would be likely to have significant detriment to the project, including creating a default under its funding arrangements and inability to raise credit.
4. There has been no certainty regarding the timing of the BCT endorsement process which we demonstrate has been iterative and extensive to date. While not unique to this project, the complications regarding PCT 45 have amplified delays.

On behalf of DPSF, we request a further extension of Condition 9 of 12 months to 28 April 2023.



BEGA

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Introduction

Darlington Point Solar Farm granted development consent in December 2018 and commenced construction in Q1 2019. It is the largest operational solar farm in Australia. The project is currently progressing through its final hold point commissioning with AEMO before entering its operational phase (expected to be in April 2022). Darlington Point Solar Farm is an important project for NSW as it provides energy to power over 100,000 homes.

Since December 2018 DPSF has worked diligently to pursue a biodiversity offsets outcome by way of a new stewardship site that fully complies with the requirements of the *Biodiversity Conservation Act 2016* (NSW) (**BC Act**) and that will create excellent outcomes for the environment and the local Riverina community and satisfy most of the offset obligation for this project.

Whilst substantial progress has been made in respect of the creation of a biodiversity stewardship site, we have been advised by the Biodiversity Conservation Trust (**BCT**) that due to personnel and workload constraints within the BCT, further time is required to complete its assessment of the application.

This letter therefore requests approval of the Planning Secretary to vary the timing for the retirement of biodiversity credits under condition 9 of Schedule 3 of the Development Consent for Darlington Point Solar Farm.

The wording of the condition 9 provides as follows:

Within two years of commencing construction under this consent, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Column (a) in Table 1 below, to the satisfaction of OEH.

The Planning Secretary has granted two prior extensions to Condition 9 currently requiring satisfaction of Condition 9 by 29 April 2022. On behalf of DPSF, we request a further extension of Condition 9 of 12 months to 28 April 2023.

While we appreciate that this request for additional time is significant, this letter will seek to illustrate to the Department the significant efforts that have been undertaken by DPSF and its consultants to date to satisfy Condition 9 to maximise the environmental benefits under the Biodiversity Offset Scheme.

DPSF has met its proposed timetable for lodgement of its Biodiversity Stewardship Agreement application. This timing is consistent with the timing that DPSF previously agreed with the BCT for

approval of the biodiversity scheme. The timing is also consistent with the timing that DPSF told the Department in its most recent extension request.

The further delay is now being determined by resourcing within the BCT itself. This request includes correspondence from the BCT noting that they require an additional 12-month period for assessment of the application, which is the basis upon which DPSF requests the same 12-month extension from the Department.

Background

The Darlington Point Solar Farm was consented biodiversity credits in accordance with the now repealed Threatened Species Conservation Act 1995. The project's assessment and implementation has bridged the change to the BC Act, aiming to improve the assessment of biodiversity values and protection of biodiversity across the state and supporting the most secure private conservation mechanism ever seen in NSW; the Biodiversity Offset Scheme. The timing of the approval meant the Biodiversity Conservation (Savings and Transitional) Regulation 2017 under the BC Act was relevant.

As part of the transition, a process termed 'Reasonable Equivalence' was instituted by the BCD to convert TSC biodiversity credits to the new BC Act credits. The 'Reasonable Equivalence' timing is not mandated and is subject to agency resourcing. When first implemented, the process was not transparent and timing varied in NGH's experience from months to several months. In the case of this project, the procedure was undertaken twice. Some errors were identified when DPSF questioned the second conversion. In September 2021, the conversion was still being reviewed and a third final updated conversion was subsequently reissued. During this time the consented credit requirement was not clear to DPSF.

To our knowledge, Darlington Point Solar Farm is one of the first NSW utility scale solar State Significant Developments to secure its biodiversity offset obligations via the establishment of a new physical stewardship site, independent of the solar farm site. It is generally understood that establishing new stewardship sites is the preferred option for retirement of credits under the BC Act. In this case, the site has been identified after extensive investigation and assessment work within the Riverina region. The stewardship site is located near Hay, NSW approximately 100km from the development site and comprises large areas of grazed native grasslands.

The landowners of the proposed stewardship site are not connected to the business of the solar farm project. They were selected after an extended period of consultation with the surrounding farming community throughout 2019 and 2020. To arrive at this stewardship site, the consultants and proponents have distributed information packs, met with landholders and provided high level ecological assessment results to landholders in the region. In summary this has included:

- 20 sites identified by desktop assessment; GIS modelling and estimated offset costs undertaken to narrow the search for a suitable site.
- 12 landholders were contacted directly.
- Information packs distributed and consultation undertaken with shortlisted landholders.
- Rapid 'validation' surveys and further consultation undertaken with shortlisted landholders.
- Detailed assessment of two best candidate sites progressed, and further consultation undertaken with landholders to detail management and financial implications of the proposed agreements
- Final field surveys and further consultation undertaken specific to the most preferred candidate. This has involved careful consideration of current and future land management practices as well as how the landholder may take a larger role in the offset scheme, independently. Several follow up surveys have been undertaken to address BCT matters raised and the stewardship site boundaries and management strategies have been revised in response to landholder and agency input.

NGH and DPSF have worked closely with the landowners to ensure that the stewardship site meets the requirements of the BC Act. In consultation with the BCT, DPSF has developed site-specific management techniques to improve the species within the site. This includes the use of controlled burning, which has required specialist advice on burn techniques. This has taken a considerable amount of time as there are limited specialists in this area.

We expect that the techniques proposed to manage the various plant community types (predominantly PCT45) will inform future stewardship sites and studies in the area. These techniques are being provided by specialists in their field to ensure that they are robust and satisfy the BCT's requirements. This has been a time-consuming process considering the limited number of specialists in the region. In addition, a peer review of the assessment and management plans is being undertaken to improve the confidence of the assessment, as agreed during BCT consultation.

In addition to the work carried out to complete the assessment and lodgement of the Biodiversity Stewardship Site Assessment Report (**BSSAR**), in close consultation with BCT, DPSF has worked with the landowners to educate them on the aims and mechanics of the offset scheme and has sought their input into management planning to ensure the result will be a long-term positive contribution to the conservation network.

DPSF and the NGH teams are very proud of the results obtained to date. Almost 3 years of work has been undertaken to get to this stage. NGH has undertaken five biological surveys at the selected stewardship site and we estimate that over 1,500+ hours of work has been undertaken to get to the

application submission stage. We are optimistic that this will be a flagship project, both for DPSF and for the renewable energy industry in NSW.

Status of the BSA

NGH submitted the Biodiversity Stewardship Agreement (**BSA**) application to the BCT 11 November 2021.

Prior to submitting the BSA application DPSF was advised by the BCT that it would be in a position to complete its assessment of the application within 12-16 weeks (i.e. no later than 4 March 2022).

On 13 January 2022 and 27 January 2022 we received comments from the BCT following their initial review of the BSSAR, management plan and Total Fund Deposit (**TFD**). The BCT requested the following to enable them to continue their assessment:

- Additional BAM plots within the stewardship site boundary. An area within the NE corner requires further representation.
- A more detailed mapping of PCT boundaries between PCT 157, PCT 164 and PCT 44.
- Further confirmation and justification of PCT 44 current condition verses past condition and how it will be restored.
- Consideration for a peer review of the stewardship documentation, particularly to value add to refine the required restoration of PCT 44.
- Adjustment of the management plan and TFD for adaptive management.

This work is now underway with site surveys (the long lead item) now completed. We expect to respond to the BCT's last queries on or before 6 May 2022.

During consultations with BCT on 3 March 2022 and the 10 March, BCT confirmed that they are very pleased with NGH's assessment for this project and are generally comfortable with the site selected. The BCT agreed to work with NGH concurrent with additional changes, to ensure all BCT issues are addressed in the finalised BSSAR and prevent further hold points slowing the evaluation of the assessment by BCT.

The Delay in Assessment

Based on the prior approval timetable notified to us by the BCT, we were expecting BCT to confirm their approval of the stewardship site no later than 29 April 2022. We were previously advised by the BCT in writing that this was achievable.

BCT notified us on 22 February 2022 that it could take up to a further 12 months to complete their assessment. We have been told that delays have been caused by short-staffing within the BCT to

assess applications and due to an increase in workload. On 23 March 2022 BCT updated this estimate, stating “new agency responsibilities” looked like adding 4 months to this estimate. This has since been revised back to 12 months.

We have challenged the BCT regarding their turn-around times and sought ways to expediate the process, however this process is entirely outside of DPSF’s control. There are no statutory periods for response by the BCT to BSA applications. We have however, been able to agree a more granular schedule with the BCT stepping out the assessment timings, undertaking further reviews of the BSSAR concurrent with administrative BCT processes:

Table 1 Detailed BSA tasks to complete (detailed correspondence is included in Appendix B):

Status	Responsibility	Expected Start Date	Duration	Expected Completion Date
Pre-submission meeting if applicable	BCT	N/A		N/A
Application received in BOAMS	BCT	1/04/2022	1	1/04/2022
Request to LH/AA for missing eligibility documentation (if applicable)	BCT	2/04/2022	5	8/04/2022
Satisfactory eligibility documentation resubmitted by AA	Landholder/AA	9/04/2022	15	29/04/2022
Application complete	BCT	30/04/2022	5	6/05/2022
Eligibility Review feedback to LH/AA (if applicable)	BCT	06/05/2022	20	1/06/2022
Satisfactory eligibility updates submitted by AA	Landholder/AA	1/06/2022	15	21/06/2022
Application Eligible	BCT	21/06/2022	3	23/06/2022
Site visit (Inc. BAM Desktop assessment by LRO)	BCT	24/06/2022	10	7/07/2022
BAM Review feedback to LH/AA	BCT	8/07/2022	15	28/07/2022

Status	Responsibility	Expected Start Date	Duration	Expected Completion Date
BAM updates submitted by AA	Landholder/AA	29/07/2022	10	11/08/2022
2nd BAM Review feedback to LH/AA (if applicable)	BCT	12/08/2022	5	18/08/2022
Satisfactory final updates submitted by AA	Landholder/AA	19/08/2022	5	25/08/2022
BAM Review Complete	BCT	26/08/2022	3	30/08/2022
Drafting Agreement	BCT	31/08/2022	5	6/09/2022
BCT QA Review	BCT	7/09/2022	7	15/09/2022
To Landholder for signing & Return	BCT	16/09/2022	5	22/09/2022
Signed by Landholder	Landholder/AA	23/09/2022	10	6/10/2022
Execution by BCT CEO:	BCT	7/10/2022	5	13/10/2022
LRS for Registration	BCT	14/10/2022	30	24/11/2022
Credits Released	BCT	25/11/2022	2	28/11/2022
Total			176	

The changing status of the project's timeline can be seen in the attached consultation Appendix B, summarised as:

- June 2021 – BCT advise to allow 12-16 weeks for BCT to review BSA before the BSA is provided to Local Registry Services to attach to the land title. BCT note that detailed comments are usually provided around readability and justification and management actions suggest the current timeline proposed is tight.
- February 2022 – BCT advise that due to staffing constraints and increased workload we should allow 12 months from BSA re-submission date for credits to be issued.
- March 2022 - BCT advise that they are being notified of additional responsibilities to be taken up by the agency likely to add an additional 4 months and suggest to allow for an 18 months

extension in light of how BCT resourcing may affect this project. We understand this has since been revised back to 12 months.

While there are clear environmental advantages to securing a new site under the BC Act, NGH's experience is that the agencies have failed to provide clear and consistent advice as they see these new and complex rules applied to different sites, under changing administrative arrangements.

Options available to DPSF

As trading of credits in the market has been limited for the specific credits required by DPSF, only securing a new site or paying out the obligation to the BCF were viable options for this project. Creation of a new site by the developer has always been considered preferable, as NGH have advised DPSF that:

- it is generally considered to be the option most aligned with the intent of the BC Act;
- this takes resource requirements to find and generate credits off the BCT (the outcome if payments are made to the BCF);
- it places the onus of offsetting impacts squarely with the developers, to be considered integral to project planning;
- it reduces the cost burden on DPSF; establishment of large offset sites is much more efficient (30-50%) than current market values, based on NGH's experience to date

The Development Consent is a key project agreement that enables DPSF to continue operating. DPSF have advised that the management team are keen to preserve social license to operate and good long-term relationship with community. A non-compliance with a development approval condition would be likely to have significant implications for DPSF, including creating a default under its funding arrangements and inability to raise credit. For this reason, DPSF and its advisers have prioritised the BSA and have worked diligently over the proceeding 3 years to ensure that it is in a satisfactory form to seek approval from the BCT.

The alternative now is for DPSF to purchase the required credits from the fund before the 29 April 2022 expiry date. At this point, the onus of securing land to generate credits would then fall to the BCT. This outcome would be highly regrettable in terms of operating within the intent of the BC Act and maximising the environmental benefits of this project. It would devalue the work DPSF has already undertaken in support of the BC Act and send a signal to landholders and developers that this avenue, to establish new offset sites as part of their projects, is high risk as it is not currently supported by the NSW government.

Conclusion

While the relationships between the BCT, the consultants and DPSF on this project have been highly productive and close, the uncertainties within the system (including resourcing and significantly increased workloads within the BCT) have not allowed for a definitive and reliable timeline to be provided for approval of the stewardship scheme.

The biodiversity scheme is now in its final stages with an initial application provided to the BCT in late 2021.

We submit that there would be no beneficial outcome should the Department reject this extension request. Rather, the opportunity to create the very well-progressed biodiversity stewardship site would be lost together with many hundreds of hours of dedicated work to secure this positive biodiversity outcome by DPSF, its consultants and BCT.

We would welcome a discussion with the Department on the matters raised in this letter and request a meeting prior to any decision being made.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brooke Marshall", with a period at the end.

Brooke Marshall

Principal Renewable Energy Impact Assessment,

Certified Environmental Practitioner (CEnvP) PO Box 470 Bega NSW 2550

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Appendix A Previous extension requests

2 September 2021

Nicole Brewer
Director
Energy Assessments
Department of Planning Industry and Environment



Nicole.Brewer@planning.nsw.gov.au
cc: natasha.homsey@planning.nsw.gov.au

Dear Nicole

Re: 20-123 Darlington Point Solar Farm Offsets – Request for BSSAR extension

This letter has been prepared to seek approval to vary the timing of the retirement of biodiversity credits under condition 9 of Schedule 3 of the Development Consent for Darlington Point Solar Farm. The wording of the conditions allows for this request:

Within two years of commencing construction under this consent, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Column (a) in Table 1 below, to the satisfaction of OEH.

An extension request was approved (attached; Appendix A, lodged February 2021). At that time we noted the preference to secure as many credits as possible via a Stewardship site and that progress had been slowed by seasonal conditions. At that time, negotiations and assessment were well progressed.

I provide below a further update to demonstrate we are now in the final stages of the Biodiversity Stewardship Agreement (BSA) application. The key delay has been adjustment to the vegetation and Stewardship site boundaries in consultation with BCT and the landowners, respectively, as follows:

- At the pre-lodgement site assessment with the BCT (21st of May 2021, Alex Santiago NGH and Stuart Young BCT), further advice was provided that led to revised vegetation mapping. This required a further survey program:
 - Updating vegetation mapping, and
 - Collecting additional plot data.
- Updated BAM calculations were required to reflect this new information.
- Redefined boundary (several options considered).
- This required us to go back to stakeholders and renegotiate the scheme of arrangement with them as additional land was required. Consideration of ongoing adjacent agricultural activities influenced the final agreed location of the Stewardship site boundaries.



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The surveys and negotiation are now complete and as of today:

1. The boundaries are finalised (refer Appendix B and C).
2. All background searches are complete ready to accompany lodgement.
3. All field work is complete to inform the BSSAR.
4. The BSSAR draft is complete.
5. The overarching Draft Management Plan is complete.
6. The Total Fund Deposit is complete.

Subject to completing the following steps, we are in a position to lodge the application:

1. Consulting with Biodiversity Conservation Division (BCD) regarding the existing Statement of Reasonable Equivalence. BCD are currently re-examining the Statement of Reasonable Equivalence, and there is potential that the Statement may be re-issued with a reduced credit obligation.
2. Consulting with the Biodiversity Conservation Trust (BCT) regarding grazing as a potential weed management measure.
3. Remodelling to potentially allow for some grazing under restrictions, in alignment with:
 - a. The Fire Management Plan.
 - b. The Threatened Species Management Plan.
 - c. The Weed Management Plan.
 - d. The Native Vegetation Management plan.
4. Documentation of the grazing restrictions and the Fire management plan, in the BSSAR, including consideration of fencing and fire trails to the Total Fund Deposit calculations.
5. Client and landowner liaison to ensure the outcomes are satisfactory to all parties.
6. Lodge the BSA application via Biodiversity Offsets and Agreement Management System (BOAMS).

The credit obligation is due to be retired by 30th September 2021, as such, we are requesting an extension. BCT have confirmed that it takes on average 12 – 16 weeks to be processed before it is provided to Local Land Services (LLS) to be registered on property title. Based on this timeframe, we anticipate this will take an additional 6 months based on our current resourcing. We therefore proposing to lodge the BSA application by 30th October 2021 and are requesting an extension to retire the credit obligation until 29th April 2022.

The work must be undertaken by trained and accredited persons in the Biodiversity Assessment Method (BAM) and there has been delays in training during Covid-19 that has caused shortages for NSW ecological consultancies in this area.

Please let me know if you would like additional information in relation to this request.

Yours sincerely,



Brooke Marshall | Manager, NSW SE & ACT
Principal Renewable Energy Impact Assessment
Accredited BAM Assessor BAAS18149
Certified Environmental Practitioner (CEnvP)
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Appendix B Credit Calculations

Table 1 Change in VI score of vegetation zones with and without required management.

Zone	Vegetation type and condition	Current VI score	VI score without management	VI score with management	Security Benefit score	VI gain with management
1	PCT 44 grassland	59.5	55.4	96.6	2.4	43.2
2	PCT 157 shrubland	97.2	95.7	99	4.9	8.2
3	PCT 164 open shrubland	97.4	95.6	99.1	4.9	8.4
4	PCT 164 nitre goosefoot	78.4	76.7	85.4	3.5	12.2
5	PCT 17 shrubland	78.3	75.5	90.2	3.5	18.2

Table 2 Ecosystem Credits generated from the stewardship site with required management.

Zone	Vegetation type and condition	Area (ha)	Credits generated
1	PCT 44 grassland	285.4	3116
2	PCT 157 shrubland	143.3	294
3	PCT 164 open shrubland	69.5	147
4	PCT 164 nitre goosefoot	3.9	12
5	PCT 17 shrubland	4.2	19

Appendix C Plant Community Type mapping of Stewardship Site

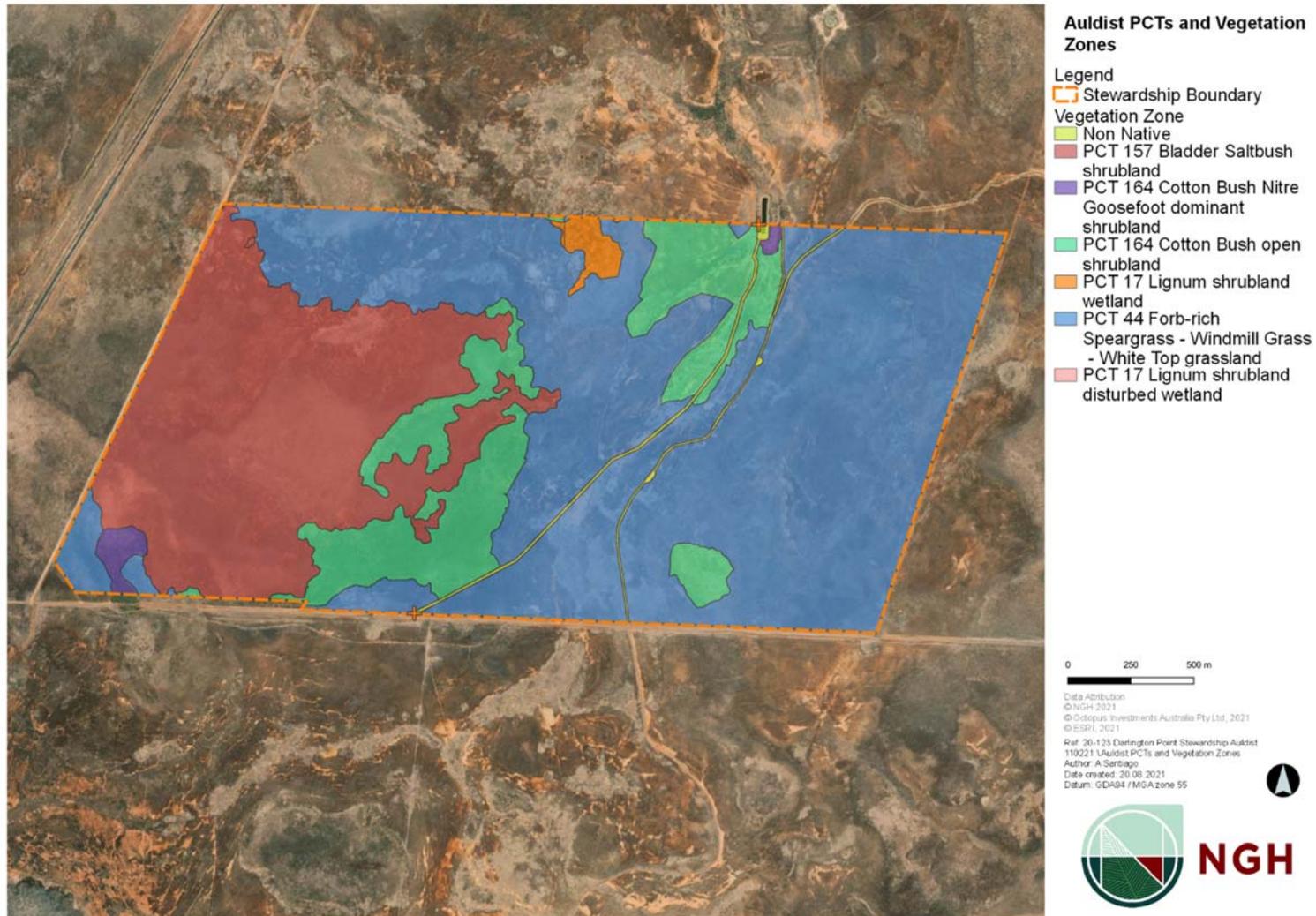


Figure 1 PCTs and vegetation zones within the Stewardship Site

Darlington Point Solar Farm Pty Ltd

C/- Octopus Investments Aust Pty Ltd
Como Centre, 644 Chapel St
South Yarra, Melbourne, VIC 3141

9 February 2021

Mr Jim Betts
Secretary
Department of Planning, Industry & Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Secretary

**Darlington Point Solar Farm – Development Consent No. SSD 8392
Schedule 3, Condition 9: Biodiversity Offsets**

We refer to the State Significant Development Consent granted on 7 December 2018 by a delegate of the Minister for the Darlington Point Solar Farm (SSD 8392) (**Consent**).

Darlington Point Solar Farm Pty Ltd (**DPSF**) is the company that owns the Darlington Point Solar Farm and is carrying out the development pursuant to the Consent.

The purpose of this letter is to request the Secretary's agreement to an alternative timeframe for satisfaction of Condition 9 of Schedule 3 of the Consent which requires biodiversity credits to be retired.

Condition 9 of Schedule 3 relevantly provides as follows:

'Biodiversity Offsets

Within two years of commencing construction under this consent, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Column (a) in Table 1 below, to the satisfaction of OEH.

...'

Since construction commenced pursuant to the Consent on 22 March 2019, DPSF has been working diligently to procure the biodiversity credits required by Condition 9. As you are aware, there are three options available to DPSF to acquire the necessary biodiversity credits, being

- (a) Retiring credits under the Biodiversity Offsets Scheme (**BOS**) (either by purchase from the credit market or generating credits at a purposefully selected Stewardship site), or
- (b) Making payments into the Biodiversity Conservation Fund using the offset payments calculator, or
- (c) Funding a biodiversity action that benefits the threatened entity impacted by the development.

Department of Planning, Industry & Environment

Considering the significant number of biodiversity credits that are required to be retired pursuant to Condition 9 of the Consent, establishing a biodiversity stewardship site is the most viable option available to DPSF and is also the preferred option under the *Biodiversity Conservation Act 2016 (BC Act)*. The open credit market is not sufficiently liquid to enable DPSF to direct purchase the required biodiversity credits from proponents in the Riverina region. The alternative would be to direct purchase biodiversity credits from the BCD which is the most expensive and least preferred option for DPSF and BCD and ultimately is not the intent of the BC Act.

While a biodiversity stewardship site is the preferred approach, it is the most time consuming of the three options. Notwithstanding this, DPSF has made significant progress to this end and are nearing the final stages of this process. Below is a summary of the current status:

1. Extensive work has been undertaken to identify suitable sites and consult with interested landholders. This includes an initial desktop assessment to identify suitable properties in the region, a generic mail out followed by a number of "rapid site surveys" carried out throughout 2019 and 2020 including discussing the BOS with a number of landowners.
2. 3 sites were determined by DPSF to be the most suitable stewardship sites warranting further investigation. DPSF were keen to ensure more than one site was investigated given the need for compliance with Condition 9. Further detailed surveys were undertaken, including PCT identification, initial vegetation integrity plots indicating vegetation condition and detailed discussions were had with the landholders at these 3 sites.
3. 2 sites were considered by DPSF to be satisfactory and had landholder interest. Total fund deposits and management plans were prepared for these two sites and negotiations were entered into with the landholders.
4. 1 site has now been confirmed as the preferred stewardship site. An in-principal agreement has been reached between DPSF and the landholder for an application to be made to the Biodiversity Conservation Trust for a biodiversity stewardship site to be created over the relevant land, which will generate the majority of the biodiversity credits required to satisfy Condition 9 of the Consent and result in entering in to a Biodiversity Stewardship Agreement.
5. A land management plan has been prepared and in-principal agreed with the landholder. A final survey has been completed and the land area agreed with the landholder.
6. A Draft biodiversity stewardship site assessment report, total fund deposit and management plan have been prepared for a suitable stewardship property that meets the majority of the ecosystem credit requirements. The documents are expected to be finalised for submission to the Biodiversity Conservation Trust accompanied by a biodiversity stewardship application form by the end of March 2021.

This progress has been slowed by seasonal conditions. The drought conditions in regional NSW through much of 2019 and early 2020 made PCT 45 very difficult to identify. Now that the drought conditions have been relieved, DPSF has been able to complete surveys and locate a suitable landholding which contains the required number and class of PCT 44 credits (which are equivalent PCT 45 credits), which has been confirmed by final ecological surveys. In addition, the very large area of land which is required to generate sufficient credits to comply with Condition 9 of the Consent (c. 500ha) necessitated a significant number of surveys and discussions with landowners. It is anticipated that DPSF will enter into a binding written agreement with the landholder within the next few weeks which will then enable a biodiversity stewardship application to be made to the Biodiversity Conservation Trust shortly thereafter.

Three processes out of DPSF's control also affect the timing:

Department of Planning, Industry & Environment

1. Seeking reasonable equivalence
2. Retiring residual credits
3. Lodgement and endorsement of the BSSAR

In relation to the number of biodiversity credits required to be retired pursuant to Condition 9, we note that the number of credits specified in Condition 9 was calculated in accordance with the now-repealed *Threatened Species Conservation Act 1995 (TSC Act)*. In accordance with clause 22(3) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, on 20 December 2018 a delegate of the Chief Executive of the Office of Environment & Heritage provided a Statement of Equivalence which determines the biodiversity credits under the current BC Act that are reasonably equivalent to the remaining biodiversity credits under the TSC Act that remain to be retired pursuant to the Consent. DPSF intends to retire credits in accordance with the Statement of Equivalence, a copy of which is **enclosed**. This process has added time to assessing and securing the credits.

Notwithstanding the progress made to date, residual credits will be required to be purchased. This will be undertaken in the most expedient manner, likely via the BCT, having fully investigated the potential to secure them through the stewardship site.

Based on our enquiries, we understand that once an application for creation of a Biodiversity Stewardship Site is made to the Biodiversity Conservation Trust, it can take several months for that application to be determined and a Biodiversity Stewardship Agreement to be executed. While this process is now in train, these steps need to be completed before DPSF will be in a position to retire the biodiversity credits required under Condition 9.

Given the above, it will not be possible for DPSF to retire the required biodiversity credits by March 2021. We therefore request that the Secretary agree to extend the time for satisfaction of Condition 9 of the Consent until 30 September 2021.

We would be pleased to discuss any aspect of this request with you further, if that would be of assistance. Otherwise, we would be grateful to receive your written agreement to extending the date for compliance with Condition 9, which is a process contemplated by that condition.

Yours sincerely

DocuSigned by:

D384A5D23F7C466...

Director

Darlington Point Solar Farm Pty Ltd

Appendix B BCT correspondence

Dimity Bambrick

From: Louiza Romane
Sent: Monday, 21 March 2022 11:41 AM
To: Beth Noel
Subject: FW: 20-123 - Darlington Point Solar Farm BSSAR

LOUIZA ROMANE
REGIONAL MANAGER - BIODIVERSITY
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Please note I do not work on Fridays

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NGH acknowledges that we work on the traditional lands of First Nations people across Australia and recognises the enduring connection to the land. We pay our respects to elders, past present and emerging.

From: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>
Sent: Friday, 11 June 2021 1:27 PM
To: Louiza Romane <louiza.r@nghconsulting.com.au>; Alex Santiago <alex.s@nghconsulting.com.au>
Subject: RE: 20-123 - Darlington Point Solar Farm BSSAR

Hi Louiza,

Sounds good to me.

For future reference we estimate that on average it takes an agreement spends about 12-16 weeks with the BCT before it goes to LRS to be register on title.

This does not include the time the management plan/BSSAR is back with the landholder or AA for review etc.

Cheers,

Stuart



**Biodiversity
Conservation
Trust**

Stuart Young
Conservation Assessment Officer
Murray-Riverina

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From: Louiza Romane <louiza.r@nghconsulting.com.au>
Sent: Friday, 11 June 2021 12:55 PM

To: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>; Alex Santiago <alex.s@nghconsulting.com.au>
Subject: RE: 20-123 - Darlington Point Solar Farm BSSAR

Hi Stuart,

Thank you for the clarification on this. We are heading to site next week to undertake mapping and BAM plots and would then need another week to update the documentation before submitting to BOAMs. As such, I think the best course of action is to apply for an extension.

Thanks for your help on this.

Cheers,

LOUIZA ROMANE
PROJECT MANAGER - BIODIVERSITY
BSc (Earth Science) (Hons 1)



Please note I do not work on Mondays

T. 02 6492 8352 **M.** 0415 143 295
E. louiza.r@nghconsulting.com.au
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From: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>
Sent: Friday, 11 June 2021 12:36 PM
To: Alex Santiago <alex.s@nghconsulting.com.au>; Louiza Romane <louiza.r@nghconsulting.com.au>
Subject: RE: 20-123 - Darlington Point Solar Farm BSSAR

Hi Alex and Louiza,

There is the possibility of having credits ready to retire them in September, but the agreement would need to be submitted ASAP and there would be very tight turnaround times for both the BCT and NGH.

There are very likely to be requests from the BCT for documentation relating to the application. The review of the BSSAR and Management Plan usually results in a detailed list of comments to be addressed by the AA. The comments are usually around readability, providing justification of PCTS, clarifying/additional information to support management actions, the lack of or inappropriate performance indicators and ensuring that the timings and actions align across the BSSAR, the Management plan and the TFD. As well as how well the monitoring aligns with the EMM ops manual.

If you think that NGH would be able to work with tight turn-around times (~2-10 business days), then September is possible.

Otherwise I would suggest asking for a time extension.

Cheers,

Stuart



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From: Alex Santiago <alex.s@nghconsulting.com.au>
Sent: Thursday, 10 June 2021 9:39 AM
To: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>
Subject: 20-123 - Darlington Point Solar Farm BSSAR

Hi Stuart,

Hope you're well. I just wanted to confirm a few points in relation to the Darlington Point BSA application, if possible?

- We are intending to lodge the BSA to the BCT on the 30th of June. We have been given the deadline of September to retire credits. Are you able to give us a rough estimate of turn-around time from the BCT's end, so we can request an extension if required?
- Can we also confirm that the landholders need to set up a BOAMS account (not just be listed as a case party) for the BSA process?

Also just an update that project management for the Darlington Point BSA has now been taken over by Louiza Romane, who is managing a number of BSA applications for NGH. Her contact details are:

Louiza Romane

Louiza.r@nghconsulting.com.au

Ph: (02) 6492 8352

M: 0415 143 295

Thanks for your help,

Alex

ALEX SANTIAGO
ECOLOGIST

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From: [Louiza Romane](#)
To: [Beth Noel](#)
Subject: FW: Meeting for Darlington Point
Date: Monday, 21 March 2022 11:40:00 AM
Attachments: [image002.png](#)
[image003.png](#)

LOUIZA ROMANE
REGIONAL MANAGER - BIODIVERSITY
 BSc (Earth Science) (Hons 1)



Please note I do not work on Fridays

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From: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>
Sent: Wednesday, 23 February 2022 12:07 PM
To: Louiza Romane <louiza.r@nghconsulting.com.au>
Cc: Dieuwer Reynders <Dieuwer.Reynders@bct.nsw.gov.au>
Subject: RE: Meeting for Darlington Point

Hi Louiza,

Yes we can meet early next week. Does Monday 11:30am work for you?

Regarding your question last week about someone who has good knowledge of the Hay plans and regen expertise. Martin Driver has worked extensively in that region and may be happy to visit the site and kick some dirt. His number is 0400170957.

As mentioned previously we recommend allowing for 12 months from submission date for the credits to be issued. As this is currently the average time it takes for an application to be assessed, agreements signed/registered and credits issued. Please find a slightly more detailed time line of the BSA application assessment process, which may assist in your application for an extension. This is a best case scenario. Please beware that this is an example timeline using the 1st of April as a hypothetical submission date. The duration of each step might be slightly shorter or longer than estimated depending on other factors such as workload (BCT/AA/Landholder) or leave (sick/recreational/family etc). As the agreement can now be signed digitally, we have removed the risk of agreements being lost/delayed in the mail.

Status	Responsibility	Expected Start Date	Duration	Expected Completion Date
Pre-submission meeting if applicable	BCT	N/A		N/A
Application received in BOAMS	BCT	1/04/2022	1	1/04/2022
Request to LH/AA for missing eligibility documentation (if applicable)	BCT	2/04/2022	5	8/04/2022
Satisfactory eligibility documentation resubmitted by AA	Landholder/AA	9/04/2022	15	29/04/2022
Application complete	BCT	30/04/2022	5	6/05/2022
Eligibility Review feedback to LH/AA (if applicable)	BCT	06/05/2022	20	1/06/2022
Satisfactory eligibility updates submitted by AA	Landholder/AA	1/06/2022	15	21/06/2022
Application Eligible	BCT	21/06/2022	3	23/06/2022
Site visit (Inc. BAM Desktop assessment by LRO)	BCT	24/06/2022	10	7/07/2022
BAM Review feedback to LH/AA	BCT	8/07/2022	15	28/07/2022
BAM updates submitted by AA	Landholder/AA	29/07/2022	10	11/08/2022
2nd BAM Review feedback to LH/AA (if applicable)	BCT	12/08/2022	5	18/08/2022
Satisfactory final updates submitted by AA	Landholder/AA	19/08/2022	5	25/08/2022
BAM Review Complete	BCT	26/08/2022	3	30/08/2022
Drafting Agreement	BCT	31/08/2022	5	6/09/2022
BCT QA Review	BCT	7/09/2022	7	15/09/2022
To Landholder for signing & Return	BCT	16/09/2022	5	22/09/2022
Signed by Landholder	Landholder/AA	23/09/2022	10	6/10/2022
Execution by BCT CEO:	BCT	7/10/2022	5	13/10/2022
LRS for Registration	BCT	14/10/2022	30	24/11/2022
Credits Released	BCT	25/11/2022	2	28/11/2022
			176	

Cheers,

Stuart



Stuart Young
Senior Conservation Assessment
Officer
Murray-Riverina

Wiradjuri Country, 7161 Olympic Hwy, Moorong,
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From: Louiza Romane <louiza.r@nghconsulting.com.au>

Sent: Tuesday, 22 February 2022 11:49 AM

To: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>

Subject: Meeting for Darlington Point

Hi Stuart,

Would you be available to meet early next week to discuss Darlington Point BSA Application. We are preparing a letter for an extension and would like some further discussion before doing so.

Cheers,

LOUIZA ROMANE
REGIONAL MANAGER - BIODIVERSITY
BSc (Earth Science) (Hons 1)

Please note I do not work on Fridays

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From: [Stuart Young](#)
To: [Beth Noel](#)
Cc: [Louiza Romane](#)
Subject: RE: Old Galah
Date: Wednesday, 23 March 2022 2:03:03 PM
Attachments: [image001.png](#)
[image005.png](#)
[image002.png](#)
[image004.png](#)

Hi Beth,

Last week we were notified of additional responsibilities coming to our region. I'm still trying to find out if we will get additional resources to handle the additional work load and how this will impact our ability to assess Stewardship agreements. At worst it could add 4 months to the time table below. I would suggest applying for at least a 12 month extension and if possible an 18 month extension.

I should have more information and a better idea of what is happening by Friday afternoon.

Stuart



Biodiversity Conservation Trust

Stuart Young
 Senior Conservation Assessment
 Officer
 Murray-Riverina

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From: Beth Noel <beth.n@nghconsulting.com.au>
Sent: Wednesday, 23 March 2022 12:21 PM
To: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>
Cc: Louiza Romane <louiza.r@nghconsulting.com.au>
Subject: RE: Old Galah

Stuart,

If it's easier we've used the information you provided earlier see below.

Cheers

Beth

Status	Responsibility	Expected Start Date	Duration	Expected Completion Date
Pre-submission meeting if applicable	BCT	N/A		N/A
Application received in BOAMS	BCT	1/04/2022	1	1/04/2022
Request to LH/AA for missing eligibility documentation (if applicable)	BCT	2/04/2022	5	8/04/2022
Satisfactory eligibility documentation resubmitted by AA	Landholder/AA	9/04/2022	15	29/04/2022
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Drafting Agreement	BCT	31/08/2022	5	6/09/2022
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To Landholder for signing & Return	BCT	16/09/2022	5	22/09/2022
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LRS for Registration	BCT	14/10/2022	30	24/11/2022
Credits Released	BCT	25/11/2022	2	28/11/2022
			176	

From: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>
Sent: Wednesday, 23 March 2022 11:59 AM
To: Beth Noel <beth.n@nghconsulting.com.au>
Subject: RE: Old Galah

Hi Beth,

Thanks for the email, couple of things just come up. Will get a response to you this Friday – is that ok?

Cheers,

Stuart



**Biodiversity
Conservation
Trust**

Stuart Young
Senior Conservation Assessment
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From: Beth Noel <beth.n@nghconsulting.com.au>

Sent: Monday, 21 March 2022 11:19 AM

To: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>

Cc: Dimity Bambrick <dimity.b@nghconsulting.com.au>; Louiza Romane <louiza.r@nghconsulting.com.au>; Iain McClea <Iain.McClea@octopusinvestments.com>

Subject: RE: Old Galah

Stuart,

Thanks for the additional information, it is greatly appreciated.

NGH are preparing an extension request letter and was wondering how many months are needed to assess the documentation assuming we return the BSSAR to the BCT by the end of April with the justifications, information requested below and additional plot data?

We want to make this a realistic timeframe so we don't have to ask for another extension so any information you can provide would be most helpful.

Kind regards

BETH NOËL
TECHNICAL LEAD - ECOLOGY
Accredited NSW BAM Assessor (BAAS19015)
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From: Stuart Young <Stuart.G.Young@bct.nsw.gov.au>

Sent: Thursday, 10 March 2022 3:41 PM

To: Beth Noel <beth.n@nghconsulting.com.au>

Subject: Old Galah

Hi Beth,

Good to chat this morning.

As it sounds like you are heading out to the property again in the near future I thought it would include a bit more feedback.

Part of our assessment is to check that the mapping and pct assignments are as accurate ("correct") as they can be.

Based on the BSSAR submitted I had sketched areas that I wanted to check during the site visit (they usually end up being big days). In particular the area(s) with plot 6, 14 and 13 as nardoo (Marsilea) suggests it gets too wet for PCT44. I would also be looking to see how well the pct boundaries reflect what's on ground.

Something else I would/will be looking out for are areas where there is some remnant lignum or cane grass (PCT 17) that has been heavily grazed in the past and are quite sparse and subsequently missed or not mapped. If mapped is lignum/cane grass dense enough to call it as a PCT and is the mapping boundary reasonable, inundation history etc.

Another tricky thing is the shrub/grassland mosaic and how to map that. The BCT guidance is generally, if you can see it at 1:1000 scale then the BCT likes it to be mapped within reason.

With Fire, I will be checking any fire plan against what's in the relevant PCT description from the veg classification database. I'd be looking to see if the two line up and if not what is the justification.

Hope this helps.

Cheers,

Stuart

Stuart Young
Senior Conservation Assessment Officer Murray-Riverina

NSW Biodiversity Conservation Trust

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