



Environment, Climate Change & Water

#5

Your reference:
Our reference:
Contact:

MP10_0151MOD3
DOC10/41201
Julian Thompson, 6992 7002

Ms Dinuka McKenzie
Senior Planner
Infrastructure Projects
Department of Planning
GPO Box 39
Sydney NSW 2001

29 September 2010

Dear Ms McKenzie,

RE: Proposed modification to Woodlawn Wind Farm – Additional three wind turbine generators – s75W *Environmental Planning & Assessment Act 1979*

I refer to your letter dated 6 September 2010, and the attached Statement of Environmental Effects (SEE) for proposed modifications to the Woodlawn Wind Farm. It is understood that the proponent wishes to include an additional three wind turbine generators as part of the development and that this proposal is being assessed under the provisions of Part 3A of the *Environmental Planning & Assessment Act 1979*.

The Department of Environment, Climate Change and Water (DECCW) has reviewed the SEE and provides the following comments on the proposed modification for your consideration.

Impacts on Biodiversity

The proposed locations of the additional three wind turbine generators do not appear to have any significant impacts on threatened species or their habitat, or on any endangered ecological communities. The recommendations of the supplementary Flora and Fauna Assessment (*Kevin Mills & Associates, July 2009*) in relation to:

- avoiding the disturbance of remnant woodland patches, and
- the preparation of a soil & water management plan to ensure appropriate erosion and sediment control measures are designed and adopted and that there is appropriate rehabilitation of areas disturbed during the construction phase,

should be incorporated into any consent.

Additionally, DECCW recommends that disturbance of rock outcrops, which are potential habitat for various threatened reptiles, should also be avoided by the proponent in planning its construction works in relation to the additional three turbines.

Aboriginal Cultural Heritage

Two Aboriginal Heritage Impact Permits (AHIPs), numbers 2288 and 2289 have been issued under the *National Parks & Wildlife Act 1974* by DECCW in relation to the approved wind farm development. These AHIPs do not cover the proposed three new turbine locations.

DECCW reviewed the Biosis Research report titled *Woodlawn Wind Farm Additional Turbine Extension Archaeological Assessment Indigenous Cultural Heritage – July 2010* in the SEE and has the following comments:

- Two sites where Aboriginal objects were found and may be impacted by the proposal were recorded during survey for the new turbine locations at Turbine 22 (site WLWF1) and Turbine 21 (site WLWF2).
- The Biosis Research report indicates that the proponent intends to submit an AHIP application for the two sites as they may be impacted.
- DECCW understands that these three additional turbines are now being assessed under Part 3A and so no AHIPs would be necessary.
- The consultation process with Aboriginal communities does not meet DECCW requirements in terms of the Interim Community Consultation Requirements for Applicants (DEC, 2004) or the Aboriginal Cultural Heritage Consultation Requirements for proponents (DECCW, 2010). No correspondence from stakeholder groups has been appended.
- Sites WLWF1, WLWF2 and WLWF3 are not listed on DECCW's database - Aboriginal Heritage Information Management System (AHIMS) as at 21 September 2010. It is understood the proponent is still required to submit "site cards" to DECCW in order for the objects to be listed on the AHIMS database.
- The identified sites all have low scientific and community significance except WLWF1 which has medium significance for Aboriginal stakeholder groups. DECCW would likely be able to issue an AHIP in respect of the sites. However DECCW understands that as this modification is being assessed as a Part 3A development, the proponent is exempt from requiring an AHIP.
- DECCW agrees with the recommendations in section 10.4.3 of the SEE which include the requirement that the Cultural Heritage Management Plan under the CEMP be amended accordingly by the proponent if this modification is approved, and fencing off of object sites be undertaken to avoid disturbance.

General

In general the SEE adequately describes the potential environmental impacts of the project modification and the measures necessary to minimise or mitigate against those impacts.

The Environment Protection Authority (EPA) was an approval body under s91 of the *Environmental Planning & Assessment Act* during the original development assessment process for this development. Environment Protection Licences are no longer required to be held in relation to wind farms and as such, the DECCW (which now includes the EPA) provides these comments as an interested party.

DECCW's statutory role in this proposed modification appears to be limited to the potential assessment of an Aboriginal Heritage Permit Application under sections 87/90 of the *National Parks & Wildlife Act 1974*. DECCW understands however, that this particular modification is being considered under section 75W of the *Environmental Planning & Assessment Act 1979* (Part 3A) and therefore sections 87/90 of the *National Parks & Wildlife Act 1974* do not apply to this modification.

DECCW seeks the Department of Planning's clarification as whether or not this is indeed the correct position with regards to the *National Parks & Wildlife Act 1974*.

DECCW is happy to discuss these comments further with the Department of Planning and the proponent. If you have any queries about this matter please contact me on (02) 6229 7002.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Julian Thompson', written over a horizontal line.

JULIAN THOMPSON
Unit Head – South East Region
Environment Protection and Regulation Group