



Our ref: DOC20/439551  
Senders ref: SSD-6687

Tatsiana Bandaruk  
Environmental Assessment Officer  
Planning and Assessment Group  
[tatsiana.bandaruk@planning.nsw.gov.au](mailto:tatsiana.bandaruk@planning.nsw.gov.au)

Dear Tatsiana,

**Uungula Wind Farm – exhibition**

Thank you for your email dated 22 May 2020 to the Biodiversity and Conservation Division (BCD) inviting comments on the Environmental Impact Statement (EIS) for the Uungula Wind Farm.

BCD has reviewed the EIS, Biodiversity Assessment Report (BAR), Aboriginal Cultural Heritage Assessment (ACHA) and associated documents.

Many of the issues identified with the BAR relate to survey work being completed in an earlier study and some information not being carried over to this BAR. This has resulted in the BAR not meeting the minimum information requirements of the Framework for Biodiversity Assessment (FBA).

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

Please note that from 1 July 2020 Aboriginal cultural heritage responsibilities currently performed by BCD will be transferred to the Heritage Division of the Department of Premier and Cabinet. From 1 July 2020 any questions or response to matters raised in the attachments relating to Aboriginal cultural heritage should be directed to [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) or 02 9873 8500.

Should you require further clarification on the items above please contact David Geering, Senior Conservation Planning Officer, via [david.geering@environment.nsw.gov.au](mailto:david.geering@environment.nsw.gov.au) or 02 6883 5335.

Yours sincerely

A handwritten signature in black ink that reads 'Samantha Wynn'.

**Samantha Wynn**  
**Senior Team Leader Planning - North West**  
**Biodiversity and Conservation Division**

25 June 2020

## BCD's recommendations

### Uungula Wind Farm

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#### Biodiversity

- 1.1 The BAR should address all the minimum requirements outlined in Table 20 of the FBA.
- 1.2 An additional Appendix containing detailed maps at an appropriate scale of PCTs, TECs, vegetation zones, plot and survey locations and species polygons be included in the BAR.
- 2.1 The BAR must address all impacts of the development and an appropriate offset requirement calculated.
- 3.1 Section 6.5.1.3 of the FBA must be addressed should Brush-tailed Rock-wallaby, Eastern Pygmy-possum and Regent Honeyeater be considered not to be present on the development site.
- 3.2 If the Regent Honeyeater is not assumed to occur in the study area an expert report will be required.
- 3.3 The BAR should be updated to include the upper quantum of likely impact so that credits can be calculated.
- 4.1 The EIS must assess the impact of the development on birds and bats as required by the SEARs.

#### Aboriginal cultural heritage

- 5.1 Provide documentation of previous correspondences with the RAPs regarding any matters raised.
- 6.1 BCD support analysis of artefacts extracted from testing, salvage operations or unexpectant finds.
- 7.1 The CHMP include a test and salvage excavation program that describes the scale, scope and rational of proposed method which is developed in consultation with the RAPs.
- 8.1 Develop a monitoring program as part of the unexpected finds protocols for areas of potential Aboriginal objects.
- 9.1 Clarify the actions and outcomes of 'community collection' and detail in the CHMP.
- 10.1 Describe the method of protecting the portable grinding grooves in consultation with the RAPs.

## BCD's detailed comments

### Uungula Wind Farm

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#### Biodiversity

##### 1 All requirements of the FBA must be addressed in the BAR

The Framework for Biodiversity Assessment (FBA) sets out the requirements for biodiversity assessment presented in the Biodiversity Assessment Report (BAR). The minimum information requirements for the BAR is provided in Table 20 of the FBA. The BAR for Uungula Wind Farm does not address the minimum requirements.

The BAR should be updated to include justifications for PCT selection, comparison of vegetation zones against the identified PCT, the description of differences between condition types of a PCT and comparison of PCTs against TECs. While it is noted that much of the survey work was completed by ERM in an earlier study, this information is still required to be provided in this BAR. The BAR should be a standalone document and provide a transparent assessment of the biodiversity values of the Study Area.

The BAR would also benefit greatly with the provision of more detailed maps (of the scale comparable to the detailed maps provided in Appendix E). The maps provided in Sections 3 and 4, particularly those depicting vegetation mapping, are inadequate due to scale.

#### Recommendations

- 1.1 The BAR should address all the minimum requirements outlined in Table 20 of the FBA.
- 1.2 An additional Appendix containing detailed maps, at an appropriate scale, of PCTs, TECs, vegetation zones, plot and survey locations and species polygons be included in the BAR.

##### 2 The biodiversity values present on the development site and the impact of the Project on these values must be described in the BAR and an offset requirement calculated

The BAR suggests that there are threatened species and ecological communities which will require further assessment to determine the impacts from the Project once the detailed design process is complete. The Framework for Biodiversity Assessment (FBA) clearly states that a BAR will describe all of the biodiversity values present on the development site and the impact of the Project on these values. This is a fundamental requirement for establishing the offset requirement of the Project.

In relation to Threatened Ecological Communities (TEC) on the development site it is noted that the BAR states "*The assessment of impacts to the TEC has been undertaken on an assumption that the area may increase by up to 25%, to 30 ha (14 ha of the CEEC), under the detailed design; however, this has not been included in the credit calculation as it is unable to be assigned to a particular vegetation zone*". Where the final footprint has yet to be determined additional vegetation survey should have been undertaken to determine the potential vegetation types that may be impacted, a worse scenario assumed, and a credit commitment calculated accordingly.

#### Recommendation

- 2.1 The BAR must address all impacts of the development and an appropriate offset requirement calculated.

### 3 Credits have not been calculated for three candidate species credit species

Species credits have not been calculated for Brush-tailed Rock-wallaby, Eastern Pygmy-possum and Regent Honeyeater yet the BAR indicates that further assessment may be required to determine presence of these species as there is suitable habitat present. Credits were not calculated based on the rationale that, while there is potential for these species to occur in the Development Footprint, none of these species have been previously identified in the Study Area and nearby records are scattered.

Section 6.5.1.3 of the FBA outlines the four reasons why a candidate species might not be considered to be present on the development site. The BAR has not considered Section 6.5.1.3 in relation to these three species.

It is noted that the same survey methods were employed for both the rock-wallaby and the pygmy-possum. It is not considered likely that methods employed for rock-wallabies would be sufficient to detect pygmy-possums. It is further noted that arboreal Elliot traps, an effective survey technique for pygmy-possums, were not used. The BAR indicates that further assessment may be required to determine presence of these species. BCD concur that the Brush-tailed Rock-wallaby is unlikely to occur in the study area as the required cliff habitat is not present. However, further survey should be conducted, or an expert report provided for the Eastern Pygmy-possum.

The Regent Honeyeater was included as a species requiring further consideration in the SEARs issued in November 2016. The BAR includes the required assessment and concludes that *“Impacts to this species will be limited to a reduction in foraging habitat from vegetation removed within the Development Footprint”*. It is also stated that *“... Regent Honeyeater is known from nearby records in the region. Further assessment for these species will be undertaken, or expert report prepared, once the Development Footprint has been finalised and areas of suitable habitat to be affected by the Project can be definitively identified”*. The Regent Honeyeater has been determined not to be impacted by the development in the BioBanking Credit Calculator, with the Id method being survey, and therefore no credit requirement generated.

Given that the Regent Honeyeater is a highly mobile species, and its critically endangered status, the survey effort of 24 20-minute searches of 2 ha areas during spring and summer cannot be regarded as an adequate means of determining the likelihood of occurrence of the Regent Honeyeater in the study area. Occurrence at this location is most likely to be during the winter – spring period and determined by the flowering of White Box and Yellow Box, two key foraging species for the Regent Honeyeater. An expert report will be required if this species is not assumed to occur.

#### Recommendations

- 3.1 Section 6.5.1.3 of the FBA must be addressed should Brush-tailed Rock-wallaby, Eastern Pygmy-possum and Regent Honeyeater be considered not to be present on the development site.
- 3.2 If the Regent Honeyeater is not assumed to occur in the study area an expert report will be required.
- 3.3 The BAR should be updated to include the upper quantum of likely impact so that credits can be calculated.

### 4 The direct and indirect impact of the development on birds and bats must be addressed

Section 8.4.1 of the EIS states that the biodiversity assessment has been undertaken in accordance with the requirements of the SEARs which includes:

*“assess the impact of the development on birds and bats, including blade strike, low air pressure zones at the blade tips (barotrauma), alteration to movement patterns, and cumulative impacts of other wind farms in the vicinity.”*

The EIS goes on to note that bird and bat strike associated with wind farm development are not assessed under the FBA as detailed in Section 2.3 of the FBA and states that prior to the

commissioning of any Wind Turbine Generators (WTGs), the proponent will prepare a Bird and Bat Adaptive Management Plan for the project in consultation with DPIE. This is not in accordance with the SEARs which clearly states that the EIS must assess the above impacts.

The EIS does contain a Collision Risk Model, prepared in 2013, for White-throated Needletail and Wedge-tailed Eagle however there is no justification as to why other bird species are not assessed nor a broader discussion of impacts.

The EIS must address the range of direct and indirect impacts on birds and bats. Blade strike on birds, in particular large sedentary raptors, fast high flying microchiropteran bats, flying foxes and fast or high-flying birds must be addressed, as should indirect habitat loss.

Uungula Wind Farm is located approximately nine kilometres south of the operational Bodangora Wind Farm and 60 kilometres from Crudine Wind Farm which is currently under construction. The approved Liverpool Range Wind Farm and Flyers Creek Wind Farm are approximately 100 km from Uungula. The EIS must address the potential cumulative impacts of these developments.

### Recommendation

- 4.1 The EIS should be updated to include the impact of the development on birds and bats as required by the SEARs.

## Aboriginal cultural heritage

The BCD review of the proposed Uungula Windfarm proposal has included the Environmental Impact Assessment report (EIS pp 380-393) and supporting documentation (NSW Archaeology Pty Ltd 2013, 2018, Austral Archaeology 2020). BCD understand that the project has changed since first conceptualised resulting in 3 separate Aboriginal Cultural Heritage (ACH) assessment studies.

Overall, BCD consider that each of the 3 ACH assessments has adequately surveyed the proposed development project area including the locations where the development footprints are now proposed. BCDs understanding of the assessment results is that 35 Aboriginal sites will be affected by the proposal (Table 8-36 of the main EIS).

The results further show that the spatial distribution of archaeological finds across the project area consist of stone artefacts in low frequency and density (NSW Archaeology 2013, 2018, Austral Archaeology 2020). BCD therefore believe that some flexibility may exist for the project to avoid harm to objects in some instances (Aboriginal/archaeological sites).

### 5 Documentation of consultation with Registered Aboriginal Parties should be provided

BCD understand that the initial project assessment undertaken in 2012 identified Registered Aboriginal Parties (RAP) as prescribed in the Aboriginal consultation requirements. The consultation requirements require that written correspondences from the RAPs is attached to the ACH assessment report, along with a tabled communication log detailing any project correspondence with the RAPs. BCD is unable to find evidence of this correspondence with the RAPs.

### Recommendation

- 5.1 Provide documentation of previous correspondences with the RAPs regarding any matters raised.

### 6 BCD supports the recommendation of artefact analysis

The Austral Archaeology assessment recommendations (2020 Appendix K) request an artefact analysis of all artefacts collected from the sites impacted by the development proposal. BCD note that the artefacts have been adequately recorded and analysed as detailed in the NSW Archaeology 2018: p.141-155 Table 8, and further analysis of artefacts undertaken in Austral Archaeology 2020: p. 68-72, Appendix 1 Table 6.1. BCD is satisfied with the completed analyses

undertaken. BCD support analysis of artefacts that may be yet revealed through test and salvage excavations or discovered through the unexpectant finds protocol.

#### Recommendation

- 6.1 BCD support analysis of artefacts extracted from testing, salvage operations or unexpectant finds.

### 7 Subsurface excavations

BCD recommend that consideration is given to avoiding construction in areas where Aboriginal sites are described as high in significance. If this is unachievable BCD recommend test and salvage excavation as recommended in the report (Austral Archaeology 2020 Appendix J) for the following sites, UWFA11 AS1, UWFA11 AS2 4A2 and UWFA24AS1. The scope and scale of test (and potentially salvage) excavation is to be adequately described when developing the Cultural Heritage Management Plan (CHMP).

#### Recommendation

- 7.1. The CHMP include a test and salvage excavation program that describes the scale, scope and rational of proposed method which is developed in consultation with the RAPs.

### 8 A monitoring program is included in the unexpectant finds protocol

BCD note the requests from the RAPs to test excavate all areas where artefacts have been found (section 4.4 Austral Archaeology 2020:61). Based on the information contained within the 3 ACH assessment reports (NSW Archaeology 2013, 2018, Austral Archaeology 2010) BCD consider that this is excessive given the very low surface finds for almost all of the sites located within the project area and the history of extensive land use disturbance.

BCD accept the request to excavate 3 areas (described above in Recommendation 7) because each site and artefact descriptions offers some, if not marginal, potential as a sample for exploring the overall characteristics of sites for the local area compared to the other localities where artefacts were discovered.

BCD recommend that a monitoring program is developed for artefacts discovered in the proposed footprint rather than additional test excavations of those areas. BCD recommend that the program form part of the unexpectant finds protocol (if the project is approved) and initiated during the early phases of construction works. BCD believe that a monitoring program built into an unexpectant finds protocol is a sufficient safeguard after known objects are collected and test and salvage excavation complete and, is proportionate to the low frequency of finds.

#### Recommendation

- 8.1 Develop a monitoring program as part of the unexpected finds protocol for areas of potential Aboriginal objects.

### 9 Clarification is required regarding outcome of community collection of Aboriginal objects

Aboriginal objects at threat from the development proposal are recommended for community collection. BCD request confirmation on whether collection in this instance means relocating the artefacts to a location where they will not be harmed (on-site) or, removed from the land for the purpose of safe keeping under a Care Agreement with the Local Aboriginal Land Council or other organisation. BCD request that this is clarified through on-going consultation with the RAPs when developing the CHMP.

#### Recommendation

- 9.1 Clarify the actions and outcomes of 'community collection' and detail in the CHMP.

## 10 Protection of portable grinding grooves

BCD note the request from the RAPs to protect the portable grinding grooves because the RAPs consider the object of high cultural significance. The method of how the grooves will be protected must be detailed in the CHMP through consultation with the RAPs.

### Recommendation

- 10.1 Describe the method of protecting the portable grinding grooves in consultation with the RAPs.