



Office of Environment & Heritage

Neville Osborne
Team Leader - Energy
Resource Assessments
Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Your reference:
Our reference:
Contact:

MP 10_0135 MOD 3
DOC 14/252234
Virginia Thomas 6229 7105

Attention: Anna Timbrell - anna.timbrell@planning.nsw.gov.au

Dear Neville

RE: Modification 3 for Capital II Wind Farm – Overhead Transmission Line extension.

The Office of Environment and Heritage (OEH) has reviewed the documentation for the above Modification in terms of potential impacts on biodiversity and Aboriginal cultural heritage, and provides the following submission.

Biodiversity

OEH does not object to Modification 3 on biodiversity grounds but recommends the following condition. The extension of the overhead transmission line (OHL) crosses two creeks (Taylors Creek and Sandy Creek) which are identified as Protected Riparian Land on the Vulnerable Land Map for NSW (under the *Native Vegetation Act 2003*) – see **Figure 1**. Construction activities should be excluded within 20 metres of both identified creeks, as specified in **Attachment 1**. OEH agrees with the recommendation in the KMA vegetation assessment (2014) that construction works should not be undertaken in very wet conditions due to the high risk of erosion and considers this should also be a condition of approval.

Aboriginal cultural heritage

OEH advises that the Aboriginal heritage assessment, dated 24 September 2014, provided as part of Modification 3 is currently inadequate to consider whether the overhead transmission line (OHL) will not impact upon Aboriginal heritage.

Whilst Austral Archaeology undertook an Aboriginal Archaeological and Cultural Heritage Assessment of the overall Capital II Wind Farm study area in 2005; OEH advise the section relevant to the proposed OHL was not surveyed. This is problematic because the landform type conforms to one of the criteria identified as having archaeological potential whereby: "sites are most likely to occur on lower slopes and alluvial landforms" (Monteath & Powys P/L correspondence 24 September 2014 p2). OEH acknowledge that a comprehensive search of AHIMS was undertaken which did not find any sites in close proximity to the proposed OHL. This is however most likely due to the area not having been systematically surveyed. As such, OEH is concerned that the current assessment submitted has not adequately determined the impacts of the proposed Modification on Aboriginal heritage values as part of the assessment process and as such it cannot be conclusively demonstrated that Aboriginal objects are absent from this area.

As an indication of the archaeological potential; OEH advises that the Aboriginal site "Nardoo" (AHIMS # 57-3-0001) is a stratified subsurface deposit located approximately 3km

east/northeast of the proposed OHL. The site has been dated to 800 years old and contains high densities of artefacts including backed blades. A large section of the proposed OHL occurs on a similar landform type. The 2005 assessment by Austral Archaeology (page 17) also supports this whereby it states:

"The potential for intact surface and subsurface Aboriginal cultural remains is predicted to be higher in undisturbed areas on gentle topography with easy access to fresh water. Excavated stratified archaeological deposits have been recovered in sand sheets in the Bungendore/Lake George area confirming the presence of undetected subsurface material on lower slopes: these are all associated with permanent creeklines or Lake George."

Given there is currently no Indigenous Heritage Management Plan prepared for the Capital II Wind Farm project, OEH recommends a more formal survey of the proposed OHL should be undertaken to confirm there will be no impacts to Aboriginal heritage values. Consultation with the registered Aboriginal stakeholders should also form part of the assessment given the cultural values and significance of the area previously identified by Aboriginal community representatives.

Please contact Virginia Thomas if you have any queries relating to the biodiversity matters raised in this submission (Virginia.thomas@environment.nsw.gov.au) or Jackie Taylor for Aboriginal cultural heritage matters (Jackie.taylor@environment.nsw.gov.au).

Yours sincerely



6/11/14

ALLISON TREWEEK
Senior Team Leader, Planning - South East
Regional Operations and Heritage
OFFICE OF ENVIRONMENT AND HERITAGE

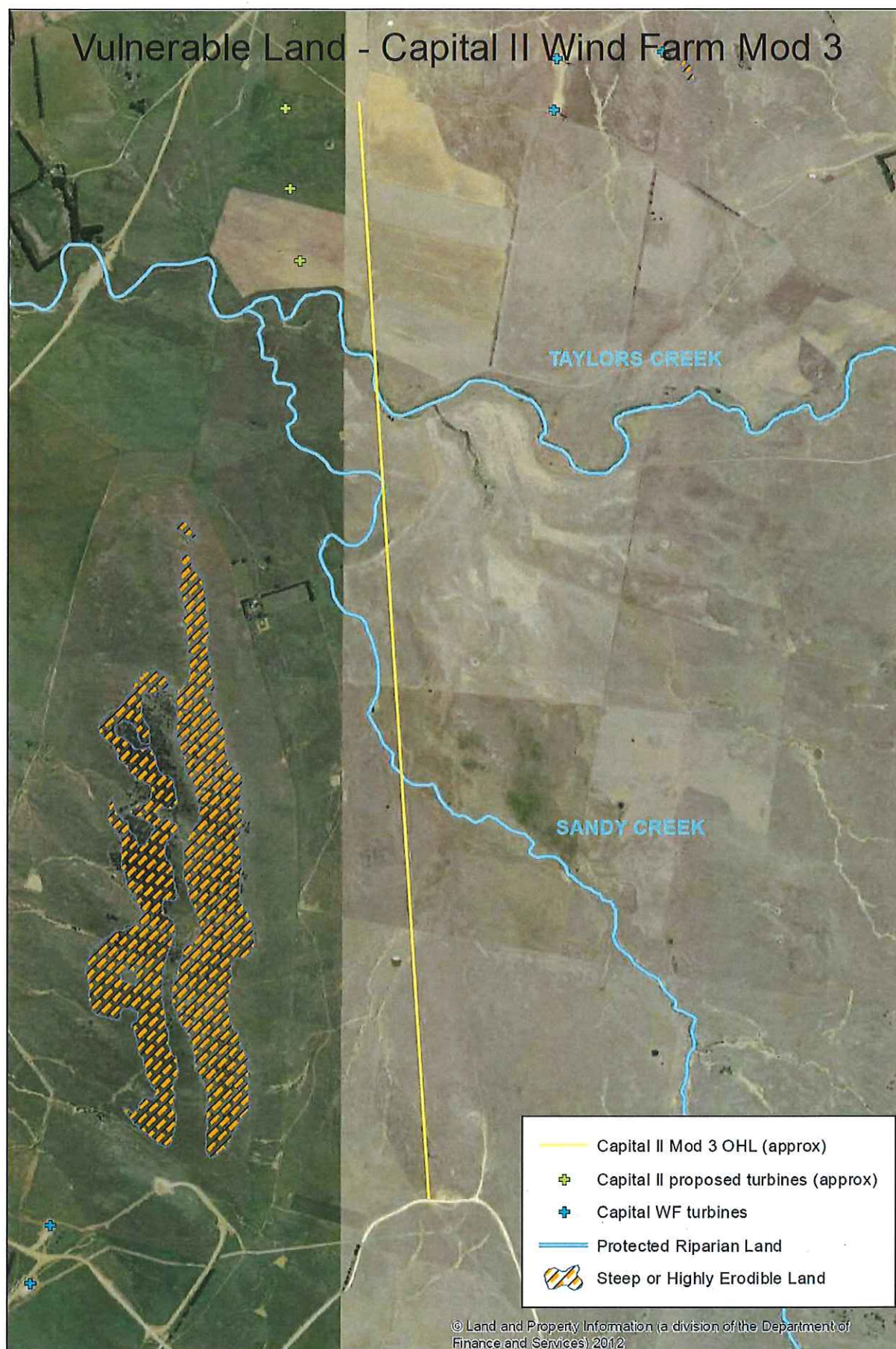


FIGURE 1

Attachment 1

TAG A

NATIVE VEGETATION ACT 2003

NATURAL RESOURCE MANAGEMENT PLAN – VULNERABLE LAND

I, Ian Michael Macdonald MLC, Minister for Natural Resources and Minister administering the *Native Vegetation Act 2003*, revoke the natural resource management plan made on 30 December 2005 and replace it with this plan.

This plan is made under section 10 of the *Native Vegetation Act 2003* and clause 31 of the *Native Vegetation Regulation 2005*.

1. The Vulnerable Land Map for NSW

In this Plan, the *Vulnerable Land Map for NSW* means the dataset held by the Department of Natural Resources in the Oracle database in read-only electronic form with the following unique identifier: *Schema: ADMIN. Feature dataset: VULNERABLE_LAND. Feature class: Steep or Highly Erodible, Special_Category, Protected Riparian.*

2. Identification of land as vulnerable land

- (a) *Steep or highly erodible land* is land that is marked in green on the Vulnerable Land Map for NSW.
- (b) *Protected riparian land* is land that is within 20 metres of the bed or bank of a watercourse marked in blue on the Vulnerable Land Map for NSW. If the actual location of such a watercourse varies from the location identified on the Vulnerable Land Map for NSW, then the distance of 20 metres is to be measured from the actual bed or bank.
- (c) *Special category land* is land that is marked in red on the Vulnerable Land Map for NSW.

3. Identification of regrowth as protected regrowth

All native vegetation on steep or highly erodible land or protected riparian land that is regrowth is identified as protected regrowth. "Regrowth" and "protected regrowth" have the same meaning as in the *Native Vegetation Act 2003*.



 MINISTER FOR NATURAL RESOURCES

Date: 31 January 2007