



Our Ref: DOC16/123072  
Your Ref: MP 09\_0093 MOD 1

Ms Pillipa Duncan  
Senior Planner  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Ms Duncan

**Re: Sapphire Wind Farm (MP 09\_0093) Modification 1**

Thank you for your e-mail dated 7 March 2016 regarding the above modification application requesting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.


We have reviewed the documents supplied and advise that a number of issues are apparent with respect to biodiversity and Aboriginal cultural heritage. These issues are discussed in detail in **Attachment 1** to this letter.

In summary the OEH provides the following recommendations:

- The OEH does not support the proposed modification to the timing of biodiversity offset provision. The appropriate biodiversity credits should be retired prior to construction commencing on site as such work will cause immediate impacts on biodiversity values.
- The OEH supports a pro rata extrapolation of the existing BioBanking calculations as this will provide a suitable offset for the proposed impacts.
- The OEH should review the draft conditions of approval prior to determination of the modification.
- A full and complete recording of all known Aboriginal objects within the project area should be provided to the OEH Heritage Division for entry into the Aboriginal Heritage Information Management System as a matter of urgency.
- A condition of approval should be included requiring that all known Aboriginal objects likely to be harmed as a result of the proposed works be collected prior to works commencing and that consultation with all Registered Aboriginal Parties for the project be carried out in order to determine an appropriate long term management strategy for those objects.

If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Regional Operations, OEH, can be contacted on 6640 2503 or at [krister.waern@environment.nsw.gov.au](mailto:krister.waern@environment.nsw.gov.au).

Yours sincerely

 4 April 2016

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Region**  
**Regional Operations**

Contact officer: KRISTER WAERN  
6640 2503

Enclosure: Detailed OEH comments - Sapphire Wind Farm (MP 09\_0093) Modification 1

## **Attachment 1: Detailed OEH Comments – Sapphire Wind Farm (MP 09\_0093) Modification 1**

### **Biodiversity**

The Office of Environment and Heritage (OEH) has reviewed the proposed modifications and provides the following comments.

#### **Timing of Offsets**

Condition C7 is proposed to be changed which will delay the requirement to finalise the Biodiversity Offset Package from 'prior to commencement of construction' to 'prior to commencement of operations'. The commencement of operations could take years after construction which will cause impacts to biodiversity. This will create another lag time impact on biodiversity. OEH does not support the proposed change as the biodiversity loss will occur at the commencement of construction and as such the offset should be finalised prior to impacts occurring.

#### **Offset Calculations**

The OEH generally agrees with the reduced impacts to biodiversity from the proposed modification. We have reviewed appendix B3 prepared by Ecological Australia dated 16 February 2016. The proposal states that with the reduced impact on biodiversity a recalculation of the offset requirements will be required. The report puts forward two options for the recalculation, one of using the Framework for Biodiversity Assessment (FBA) calculator, and the other option of using a pro rata extrapolation of the existing BioBanking calculations. The OEH understands that both options would include the Regent Honeyeater and the Border Thick-tailed Gecko as species credits at the reduced impact rate.

The OEH is satisfied that using a pro rata extrapolation of the existing BioBanking calculations will provide a suitable offset for the proposed impacts. Although this method may have a slightly higher ecosystem credit requirement than using the FBA, it will provide a more simplified process for determining the offset requirement in line with the existing approval.

We note that the reports put forward as part of the modification do not propose any draft conditions of approval in relation to this matter. The OEH would be happy to review any draft conditions to ensure that their wording reflects the intent of the proposed modification.

#### **Recommendations:**

- The appropriate biodiversity credits should be retired prior to construction commencing on site as this work will cause immediate impacts on biodiversity values.
- A pro rata extrapolation of the existing BioBanking calculations will provide a suitable offset for the proposed impacts.
- The OEH should review the draft conditions of approval prior to determining the modification.

### **Aboriginal Cultural Heritage**

The OEH has reviewed the supplied documentation from the perspective of Aboriginal cultural heritage management and has the following comments to make.

We note the outcomes of the survey conducted to inform the modification application and the low number of Aboriginal objects identified. The OEH has some concern with the landscape interpretation by the archaeologist that crests are landforms of low significance unlikely to contain Aboriginal objects.



Based on a long history of archaeological and anthropological assessments throughout NSW and south eastern Australia, the OEH is of the opinion that crests and ridgelines were often used as transit ways and campsites/observation posts by Aboriginal people and are often likely to contain significant evidence of traditional Aboriginal and occupational activities. Although disturbance, and erosion of topsoils, often resulting from historic land use practices, may reduce the likelihood of intact sites remaining in many of these locations it is a misnomer to label them of low potential/significance.

The OEH also notes that no evidence has been provided to show that details regarding the Aboriginal objects recorded during the survey have been provided to our Aboriginal Heritage Information Management System (AHIMS). The OEH requires that, in accordance with MCOA E4 of the existing approval and S89A of the *National Parks & Wildlife Act 1974* a full and complete recording of all known Aboriginal objects within the project area be provided to the OEH AHIMS unit as a matter of urgency.

The OEH further recommends that a condition of approval be included requiring that all known Aboriginal objects likely to be harmed as a result of the proposed works be collected prior to works commencing and that consultation with all Registered Aboriginal Parties for the project be carried out in order to determine an appropriate long term management strategy for the objects.

Regardless of the aforementioned issues, we concur with the conclusion that the Aboriginal objects discovered during the survey process are of relatively low significance, particularly from a scientific perspective. We also concur with the recommendations for Aboriginal objects which are contained within the Aboriginal Cultural Heritage Assessment report provided.

Recommendations:

- A full and complete recording of all known Aboriginal objects within the project area be provided to the OEH Heritage Division for entry into the Aboriginal Heritage Information Management System as a matter of urgency.
- A condition of approval be included requiring that all known Aboriginal objects likely to be harmed as a result of the proposed works be collected prior to works commencing and that consultation with all project RAPs be carried out in order to determine an appropriate long term management strategy for the objects.