



Office of Environment & Heritage

DOC15/428562
MP 10_0156

Mr Mike Young
Director, Resource Assessments
Department of Planning and Environment NSW

Attention: Neville Osborne neville.osborne@planning.nsw.gov.au

Dear Mr Young

Collector Wind Farm Modification

The Office of Environment and Heritage (OEH) has reviewed the Collector Wind Farm Modification Application (Mod) and we provide the following comments on biodiversity and Aboriginal cultural heritage issues, including advice on recommended conditions.

OEH have been working productively with Ratch and their consultant on this modification for some time and as a result of this early engagement we have no real concerns with this modification either from an Aboriginal cultural heritage or biodiversity perspective.

We have attached some additional comments and in essence we have a query regarding Aboriginal consultation as it is unclear if any responses were received from the Registered Aboriginal Parties. Provided no comments from the Registered Aboriginal Parties have been received to the contrary; OEH commend the proposed strategy to avoid impacts to Aboriginal cultural heritage values and we support the mitigation measures proposed for the Mod.

The proponent has contacted OEH directly regarding the draft Biodiversity Assessment Addendum (BAA). We have reviewed it, provided feedback, discussed our concerns and attended another site inspection to view the changed layout. Our feedback has been incorporated to our satisfaction.

OEH does not object to the removal of the hard hectare clearance limit as proposed in the Mod. However, the proponent must commit to re-calculating the area of impact post-construction to ensure that all impacts are counted in BioBanking calculations to enable adequate offsetting. It is our experience that impacts are often greater than predicted, for example proposed roads may be estimated at 8m wide, but the actual impact can be up to 20m wide. Further information is provided in Attachment One.

Please do not hesitate to contact us at rog.southeast@environment.nsw.gov.au if you have any queries regarding the issues raised in this letter. Or Contact Virginia Thomas on 62297105.

Yours sincerely

ALLISON TREWEEK

Senior Team Leader, Planning
South-East Region

13/11/15

ATTACHMENT 1 Detailed comments on Aboriginal cultural heritage and biodiversity.

ATTACHMENT 2 email from Neil Weston

Attachment 1 - Detailed comments on Aboriginal cultural heritage and biodiversity

Aboriginal Cultural Heritage

OEH have reviewed the Addendum report (dated July 2015) prepared by NSW Archaeology Pty Ltd and note that as a result of the additional archaeological survey and consultation; three new Aboriginal sites have been recorded. Although these sites have been assessed as low scientific significance, OEH commend the proposed strategy to avoid where possible.

As the Addendum report states (on page 7) that a draft copy of the report will be provided to Registered Aboriginal Parties (RAPs) for their review; OEH requests clarification as to whether any responses were subsequently received from the RAPs? If so, have these responses been considered as part of the Mod in relation to the results of the Addendum report and proposed recommendations?

Provided there are no RAP comments to the contrary; OEH notes that one site, SU45/L2, will be impacted by the location of the proposed substation without any proposed mitigation. OEH recommend the remaining sites, SU/L1 and SU54/L1, are specifically included within the conditions of the Project Approval at Condition D3 as sites to be avoided.

OEH supports the specific mitigation measures proposed for the Mod whereby an exclusion zone of 20-25 metres will be used, where practicable, to buffer Aboriginal site locations to avoid impacts. OEH recommends exclusion zones are considered for all Aboriginal sites recorded within the Project area where necessary. The establishment of the exclusion zones must be undertaken in consultation with a qualified archaeologist to ensure the adequate identification of the Aboriginal site boundaries.

OEH continues to support the requirement for the preparation of a Cultural Heritage Management Plan (CHMP). We recommend that the CHMP be prepared as soon as possible to ensure areas containing Aboriginal sites and objects are not inadvertently impacted during any pre-construction or site preparation activities. The proposed exclusion zones should form a part of the mitigation measures outlined within the CHMP. All site maps and plans for the Project must also be updated to ensure all Aboriginal sites, including the newly recorded SU1/L1 and SU54/L1 areas, are clearly identified.

Biodiversity

Removal of native vegetation clearance limits and use of BioBanking Assessment Methodology (BBAM) to quantify offset requirements

The Mod seeks to remove Condition B1 but OEH recommends the following rewording of the condition instead:

Condition B1 – The clearing of all native vegetation is to be limited to the minimal extent practicably required. Details regarding the procedures for clearing vegetation and minimising the extent of clearing shall be clearly included in the construction FFMP contained in condition D25(f). **The area of impact will be measured post-construction, with results refining the BioBanking calculations for offsetting.**

Biodiversity Impacts

Our initial concerns were that flora and fauna surveys for the Mod area were not undertaken using standard survey techniques or at the right time of year, i.e.:

- surveys consisted of a random meander / no detailed flora or targeted fauna surveys were undertaken / timing of the random meanders were not ideal with regard to identifying flora species and accurately ascertaining vegetation condition (Section 3.1.2).
- survey timing was not suitable to detect the majority of species with the potential to occur (Section 3.2.5)

However, following discussion with the proponent and consultant, and provision of further information, OEH considers that further flora and fauna surveys of the Mod areas are not required, other than those described in the BAA. Because adequate surveys were undertaken for the original BA at the correct time of year, and the adjacent habitat in the Mod areas is equivalent, we have agreed that no further targeted reptile or bird surveys are required. The proponent has agreed to incorporating their understanding of the threatened bird habitat in the development footprint to guide micro-siting of the infrastructure, and to using an ecologist to ground-truth and advise on micro-siting during the final design phase of the project.

OEH does consider, however, that the random meanders in the Mod areas (over 2 days in winter) should not be referred to as validation surveys (as in Section 3.2.6), given the points listed above, perhaps "broad habitat assessment" would be more fitting.

Hollow-bearing trees (HBT)

OEH's advice against the use of artificial nest boxes has been incorporated into the BAA. The proponent must ensure that any HBT (or sections of HBT) that are re-used in retained areas, are not placed within 100m of turbines.

Because a number of threatened hollow-dwelling fauna are known to utilise this site, OEH expressed some concerns directly to the proponent about the removal of HBT; specifically that HBT should be retained wherever possible and that clearance should occur outside the breeding seasons of threatened hollow-dependent fauna. In response we have received advice from the proponent that they are in the process of developing a strategy to undertake further survey and assessment of HBT in order to manage the risk of HBTs causing significant constraint on the timing of the project. OEH supports the proposed strategy (included at Attachment 2) and understands that we will be included in its further development.

Offset Strategy

OEH notes that all impacts will be offset, even if areas are to be rehabilitated. We endorse this, and advise that all rehabilitation should use native species. We query the use in the BAA of the use of the term "worst case" impact for the total proposed impact. As stated earlier, the post-construction impact area can often be greater than the proposed impact, so the term "worst case" is inappropriate.

In terms of rehabilitation, OEH considers it unlikely that a hardstand will be effectively rehabilitated.

OEH concurs that we have liaised directly with the proponent over the offset strategy to ensure it uses the BBAM and addresses hollow-bearing tree (HBT) removal.

Bird and Bat Adaptive Management Plan (BBAMP)

OEH concurs that we have provided advice and input directly to the proponent over the Bird and Bat Adaptive Management Plan (BBAMP), including consideration of the longer turbine blade length. We note however that the July 2014 version of the BBAMP attached as Appendix D to the Mod application is not current, and does not reflect the outcomes of ongoing liaison between Ratch, OEH and Brett Lane & Associates. OEH will continue to liaise with the proponent to ensure the BBAMP is adequate, but we do not endorse Appendix D as the final report.

ATTACHMENT 2 - Email from Neil Weston, Ratch 26/10/15 to OEH

We propose to develop the following strategy, to minimise the risk of HBTs defining the critical path:

- Use the overall design principle to avoid removal of any trees, wherever possible
- Undertake a site survey of all of the defined infrastructure micro-siting corridors for hollow-bearing trees (following broad initial identification of trees within the corridor and 'at risk' from existing aerial photo and GIS data). The objective of this survey will be:
 - To identify (as defined in the modification application) the location of HBT, and size / number of hollows in each
 - To assess use of the hollow in relation to any species observed
 - To assess potential likely habitat value of HBTs to threatened species, and threatened species with potential to use identified HBTs
- Use the collected data to work with the project design team to identify 'critical' HBTs, where impacts cannot be avoided, and hence trees likely to need removal. This work is likely to be part of the 'ground-truthing' micro-siting, as identified above
- Implement appropriate mitigation measures to minimise the impacts of removal of HBTs, such as undertaking removal earlier than scheduled by the construction program, to ensure that any such removal is outside relevant breeding seasons
- Develop other management strategies for the construction program, eg to address situations where unexpected HBTs and / or threatened species are found, to ensure that threatened fauna are not present and killed during construction across the development site
- Develop this strategy into a detailed draft Flora & Fauna Management Plan for discussion and review with OEH (through similar consultation approaches to those previously used for CWF), to reach consensus agreement on the management approach, prior to any formal submission for approval

We will continue to develop this strategy in more detail, with expectations that the team will undertake the HBT site survey work this year, and progress the other steps in parallel with the ongoing design work.