



Office of
Environment
& Heritage

DOC16/507690-9

Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001
Attention: Elle Donnelley elle.donnelley@planning.nsw.gov.au

Dear Ms Donnelley

Amended development application for Crookwell 3 Wind Farm SSD 6695

Thank you for providing the Office of Environment and Heritage (OEH) with the opportunity to provide comment on the above mentioned development application, received by OEH on 7 October 2016. I note the amendment makes the following changes

- Reduction in the number of wind turbines to from 29 to 23,
- increasing the turbine rotor diameter from 104 to 130 metres,
- relocating turbine A24, realigning access tracks,
- the maximum turbine blade tip will increase to 157m from 150m, with the minimum blade tip will be 27m. OEH understands that the overall rotor sweep area (RSA) will be reduced, however the individual turbine RSA will increase.

OEH notes the Applicant states the draft conditions of approval recommended in the SEARS still stand and are sufficient for ensuring that any biodiversity impacts are properly mitigated. We have reviewed these conditions and considered the proposed changes to the project, however, there are still some concerns about the proposed conditions of consent and the impact the project may have. I also refer to our letter of 5 December 2014 (DOC14/300048-1) and reiterate a number of comments in this letter. These comments relate to Aboriginal cultural heritage and biodiversity matters and are detailed in Attachments A and B.

If you would like to discuss the above comments further, please contact Lyndal Walters on 02 6229 7157 in relation to biodiversity matters and Sarah Robertson on 02 6229 7088 in relation to Aboriginal cultural heritage matters.

Yours sincerely

ALLISON TREWEEK 14/11/16
Senior Team Leader, Planning - South East
Regional Operations Group
OFFICE OF ENVIRONMENT AND HERITAGE

Attachment A – Aboriginal cultural heritage matters for Crookwell 3 wind farm

We require clarification on section 5.4 of the September 2016 addendum EIS which advises that further investigation of Aboriginal Cultural Heritage is not required. Both the Anderson 2010 and ERM 2014 reports recommended that “further archaeological assessment in the form of surface and sub-surface testing may be required where recorded sites overlap with proposed development areas if impacts cannot be avoided” and that “further surface assessment will also be required for the access tracks and other infrastructure areas once their final locations are pegged on the ground”. Therefore, while no further heritage assessment may be considered necessary for the Addendum EIS - further archaeological investigation, including additional surveys and test excavations, must be undertaken for the project prior to construction.

We continue to support the incorporation of the recommendations provided by ERM (2014) in the *Supplementary Aboriginal and Historical Cultural Heritage Assessment* as part of the conditions of consent. Specifically:

- Subsurface testing of potential archaeological deposits (PADs) be undertaken prior to ground disturbance (ERM 2014:97). Figures 7.4 and 7.5 of the report indicate that PADs will be impacted by the currently proposed access roads and that archaeological testing is therefore required.
- Salvage collection of Aboriginal sites where impacts cannot be avoided.
- Preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) developed in conjunction with the Aboriginal knowledge holders and OEH to determine how best to manage and mitigate impacts to Aboriginal cultural heritage, and develop an unexpected finds procedure. These strategies must be developed prior to construction. The Plan must be informed by the results of previous archaeological surveys and test excavations.

We reiterate our recommendations that a firm commitment be given to considering all available management measures if any areas of significant Aboriginal objects or archaeological deposits are located during archaeological excavations/salvage activities. This could include consideration to changing the project layout so as to avoid any significant areas.

We can confirm that Aboriginal site cards have still not been submitted to the Aboriginal Heritage Information Management System (AHIMS) for sites WF1 to WF16 or WF1PAD, WF2PAD or WF3PAD. This is a legal requirement with associated financial penalties. Site cards must be submitted to AHIMS as soon as possible and OEH notified of their submission.

Attachment B – Biodiversity matters for Crookwell 3 wind farm

Table 1 – Comments relating to the draft conditions of consent

Condition	OEH comment
C8 - Biodiversity	OEH reiterates our comment from 5 December 2014 that if the Booroolong Frog is known to occur in First Creek, or is found to occur during further surveys of the site, a buffer should be implemented around the local population and no impacts should occur in this area". This is regardless of whether they are breeding.
C9 - Biodiversity	The Flora and Fauna Management Plan required by condition C9 should be prepared in consultation with OEH and should consider the Natural England Technical Information Note TIN051 to demonstrate appropriate buffers, including but not limited to identifying distances from Turbine A12 to the closest hollow bearing trees. OEH would still prefer that turbine A12 be removed.
Condition C10 – Detailed Design and Micro-siting	OEH considers that the Applicant should develop a Micro-siting plan to complement this condition and that it should reference TIN051 to determine buffer distances.
C13 - Biodiversity Offset Package	OEH understands that the Applicant will be using the NSW Biodiversity Offsets Policy for Major Projects underpinned by the Framework for Biodiversity to meet this condition. OEH do not consider that any transitional arrangements apply.
C14 - Bird and Bat Monitoring and Management	<p>We reiterate our request from 5 December 2014 that DPE change the condition to ensure that the Applicant engage with OEH early in the development of the BBAMP and allow a minimum of two months for the consultation period.</p> <p>We also reiterate our request that the OEH considers that "Operation" means that the Applicant must commence monitoring from the time that the turbines start turning, regardless of whether they are producing electricity.</p> <p>Surveys for Eastern Bentwing-bat and Eastern False Pipistrelle should be conducted using detectors placed at height (preferably on monitoring masts) during activity periods, especially migration, and that this survey should be undertaken in consultation with OEH, and should be part of the baseline surveys required by this condition.</p>
E25(d) Construction Fauna and Flora Management Plan	OEH notes that turbine A27 has been removed, however this condition still should still apply to turbine A32.
F20 – Operational Environment Management Plan	We also reiterate that we would like to see the following statement included in the CEMP and OEMP that "all areas that have been mapped as native vegetation must be rehabilitated with all native species that are suitable to the location – in particular areas that have been mapped as over 50% native grass must be rehabilitated with native grass species."

Table 2 – General comments – Biodiversity

Matter	OEH comment
Access track realignments	There has been a minor change to the alignment of access track between turbine A13 and A16 to avoid the box gum woodland. However the layout in Figures 2 and 3 in the Addendum Environmental Impact Statement doesn't look any different. These figures should be updated to show these changes.
Turbine A24 realignment	The Ecology report states that there has been a slight change of location for turbine A24, however it doesn't look any different between Figure 2 and Figure 3 in the Addendum Environmental Impact Statement. These figures should be updated to show these changes.
Turbine A26 and A27 removal and track realignment	OEH notes and supports the removal of turbine A26 and A27 from within the Box Gum derived native grassland path in the western part of the project area and the realignment of the access track to avoid this patch. However it doesn't appear that the realignment to the access track is reflected in Figure 3 – Proposed Infrastructure layout. This should be updated to reflect the changes.