

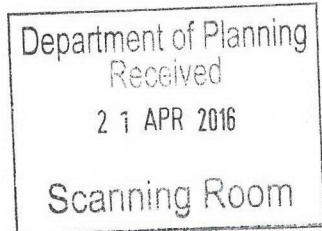


Office of
Environment
& Heritage



Our Ref: DOC16/144769
Your Ref: SSD 7487

Ms Rose-Anne Hawkeswood
Senior Planner
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001



Dear Ms Hawkeswood

Re: White Rock Solar Farm Project (SSD 7487) - Exhibition

Thank you for your email correspondence dated 18 March 2016 regarding the above proposal requesting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

OEH has reviewed the Environmental Impact Statement prepared by NGH Environmental dated March 2016.

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 OEH recommends:

- Consideration should be given to reducing the impact of the project on the low condition Endangered Ecological Community (EEC) occurring on site by reconfiguring the development layout, where possible.
- Consideration should be given to strengthening the weed management and rehabilitation of the degraded EEC on site through the proposed mitigation measures to ensure the project provides a net gain for biodiversity.
- The recommendations of Aboriginal Cultural Heritage Assessment Report should be included as part of an approval for the project.
- Prior to works commencing the proponent should prepare an Aboriginal Cultural Heritage Management Plan. This plan should include chance find protocols for dealing with unexpected Aboriginal objects located during the proposed works. The Aboriginal Cultural Heritage Management Plan should be prepared in consultation with the Registered Aboriginal Parties for the project and OEH.

- During construction, after the clearing of weeds and ground vegetation but prior to the commencement of ground disturbing works, all areas of proposed ground disturbance should be inspected for Aboriginal objects.
- If any Aboriginal objects are located as a result of this process, works should only continue in accordance with the chance finds protocol contained within the project Aboriginal Cultural Heritage Management Plan.

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.

Yours sincerely

Owner. 15/4/16.

NICKY OWNER
A/Senior Team Leader Planning, North East Region
Regional Operations

Contact officer: KRISTER WAERN
6640 2503

Enclosure: Detailed OEH comments - White Rock Solar Farm Project (SSD 7487)

Attachment 1: Detailed OEH Comments – White Rock Solar Farm Project (SSD 7487)

Biodiversity

OEH has reviewed the Environmental Impact Statement prepared by NGH Environmental dated March 2016.

The project has been assessed in accordance with the Framework for Biodiversity Assessment (FBA). The Biodiversity Assessment Report prepared by NGH Environmental has determined that the vegetation proposed to be impacted consists of cultivated exotic vegetation and a low condition Endangered Ecological Community (EEC).

The low condition EEC was determined to have a site value score of less than 17 and as such in accordance with section 9.4 of the FBA, an offset for this impact is not required.

The low condition EEC is the White Box Yellow Box Blakely's Red Gum Woodland and approximately 2.93ha of this community will be impacted by the proposal. Consideration should be given to reducing this impact by reconfiguring the development layout where possible to avoid the EEC.

OEH agrees with the proposed mitigation measures for direct and indirect impacts associated with the construction and operational phases of the development as detailed in section 5 'Avoid and Minimise Impacts' of the Biodiversity Assessment Report. OEH considers that the weed management plan should be developed to provide ongoing weed control and removal over the whole property.

Further, although there is no requirement for offsets to be provided for the impact to 2.93ha of low conditions EEC. OEH supports the measures to be implemented in table 5-3, being '*where possible, plantings will be carried out that increase the diversity of the existing vegetation*'. With targeted species plantings, the degraded EEC on site can be rehabilitated to improve the biodiversity values of the project site and the local area.

Recommendations:

- Consideration should be given to reducing the impact on the low condition EEC on site by reconfiguring the development layout where possible.
- Consideration should be given to strengthening the weed management and rehabilitation of the degraded EEC on site through the proposed mitigation measures to ensure the project provides a net gain for biodiversity.

Aboriginal Cultural Heritage

OEH has reviewed the proposal and accompanying documentation from the perspective of Aboriginal cultural heritage and provides the following comments.

OEH considers that both the survey methodology employed and the Aboriginal Cultural Heritage Assessment Report (ACHAR) provided in support of the proposal are substandard. The effective survey coverage, particularly in area SU3A, was inadequate to accurately inform the process with regard to the likely presence of Aboriginal objects within the project area. Two prominent hill tops within SU1 were entirely avoided by the survey team and large areas within all survey units have been left unassessed.

Furthermore we note that the executive summary of the ACHAR notes that field survey was carried out in accordance with the requirements of the "*OEH Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW 2010*" (the Code). We note that the ACHAR itself is not compliant with the requirements of the Code. Although not a legislative requirement for state significant developments, OEH considers the Code to represent an industry benchmark standard and recommends that in future all such reports are written in a manner compliant with the reporting requirements enshrined within the Code. Of particular note is the lack of any supporting documentation for the consultation process with the local Aboriginal community for the project. Although testimony is provided indicating that consultation is compliant with OEH requirements, no evidence has been included to verify the claims made within the report.

Regardless of the deficiencies and inadequacies noted above, OEH concurs that the likelihood of undisturbed Aboriginal objects being present within the project area is low and considers that the recommendations contained within the ACHAR, along with the following variation recommended conditions of approval will adequately address any such likelihood and provide protections for any previously unidentified objects located within the project area.

OEH notes that recommendation #4 in the ACHAR (p25) requires the formulation of an Aboriginal Cultural Heritage Management Plan (ACHMP) which should include a chance finds protocol. The OEH recommends that a condition of approval for the project include the requirement to have completed the ACHMP prior to any ground disturbing works commencing.

Recommendations:

- The recommendations of Aboriginal Cultural Heritage Assessment Report should be included as part of an approval for the project.
- Prior to works commencing the proponent should prepare an Aboriginal Cultural Heritage Management Plan. This plan should include chance find protocols for dealing with unexpected Aboriginal objects located during the proposed works. The Aboriginal Cultural Heritage Management Plan should be prepared in consultation with the Registered Aboriginal Parties for the project and OEH.
- During construction, after the clearing of weeds and ground vegetation but prior to the commencement of ground disturbing works, all areas of proposed ground disturbance should be inspected for Aboriginal objects.
- If any Aboriginal objects are located as a result of this process, works should only continue in accordance with the chance finds protocol contained within the project Aboriginal Cultural Heritage Management Plan.