



Office of Environment & Heritage

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Our reference: DOC19/211089
Contact: Calvin Houlison
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Dear Mr Stuckey

RE: Shoalhaven Hydro Expansion Project EIS – OEH Comments (SSI 9816)

Thank you for consulting us regarding the abovementioned critical state significant infrastructure (SSI) major project. Please note these comments also represent the views of the National Parks & Wildlife Service (NPWS) branch within OEH. We note that the proposal comprises geotechnical borehole explorations to inform the hydro expansion project, staging/works areas and access tracks to some boreholes. In response, our comments are provided below:

Impacts to Morton National Park

We note that access across the Promised Land track within Morton National Park is the only aspect of the geotechnical explorations project occurring on NPWS land. Access across locked WaterNSW lands will also be required. No boreholes or associated staging works are proposed on-park. Access arrangements within the Morton NP for Origin contractors are already in place and administered at the time of each entry.

Conditions of access include no dogs or firearms within the Morton NP, ensuring that gates are closed and locked after access and prohibiting entry and after rain until roads can be used without causing damage. Our preferred approach for the geotechnical explorations project is that the existing access arrangements are utilised. It is anticipated that, prior to the more extensive period of access for the expansion project (which may involve physical works such as track widening, vegetation trimming on-park and the like), a licence for access under the National Parks & Wildlife Act 1974 will be issued.

Biodiversity

We have reviewed the Biodiversity Development Assessment Report (BDAR) prepared in support of the EIS. The BDAR states that the 0.21ha of proposed vegetation clearing does not trigger the 0.25ha threshold above which offsets are required. However, the clearing thresholds applicable for development assessed under Part 4 of the Environmental Planning & Assessment Act 1979 are not relevant for SSD/SSI projects. Under s7.14 of the Biodiversity Conservation Act 2016, impacts for major projects are required to be offset unless a BDAR waiver is granted (generally at SEARs stage). Therefore, the biodiversity credit liability calculated by the BDAR will need to be offset and credit retirement provided for by way of condition.

We also note that the BDAR has included a number of species credit species as potentially present in the suitability assessment, identifying these as "not excluded". As per the above comments, offsets for the project will need to be provided. However, taking account of the streamlined assessment pathway, we

support offsets being provided for the ecosystem credits only in this case, given the fairly minimal impact upon species credit species. The BDAR will need to be updated to reflect this. Finally, we also note that the online BAM calculator will need to be submitted online and reviewed by our office at or prior to Response To Submissions stage.

Aboriginal Cultural Heritage

A due diligence assessment for Aboriginal cultural heritage is included in the EIS. Due diligence assessments for Aboriginal cultural heritage are usually completed as a defence to the strict liability provisions under s87 of the National Parks and Wildlife Act 1974 and, although OEH has no formal role in certifying such assessments, comments are provided below.

The due diligence assessment indicates that no harm to Aboriginal objects from the proposed geotechnical investigations is anticipated. We support boreholes 7 and 8 being moved to disturbed areas to avoid potential archaeological sensitivity (Jacobs 2019:61). However, we do note that the areas of potential sensitivity are based on surface survey and background research. These areas have not been confirmed through archaeological test excavation.

Jacobs (2019:61) recommend that no further Aboriginal cultural heritage assessment is required for the geotechnical investigations. The assessment has identified that each borehole location is in an area of low archaeological sensitivity (Jacobs 2019:61).

The due diligence assessment indicates that the location of boreholes 7 and 8 were moved to disturbed areas to avoid potential archaeological sensitivity. However, boreholes 7 and 8 are still located close to an area of potential archaeological sensitivity. As such, we recommend that management measures, such as temporary fencing, or inclusion of a "no-go" area as part of the recommended Aboriginal heritage induction for geotechnical contractors, are included to prevent inadvertent impact. The EIS notes that ancillary works areas are required. These ancillary works areas for borehole locations 7 and 8 could encroach on the archaeologically sensitive area if management measures are not included.

If the impact footprint changes then an updated Aboriginal cultural heritage assessment should be completed. This may require further works, including Aboriginal community consultation in accordance with the OEH Consultation Requirements and archaeological test excavation in accordance with relevant OEH guidelines. The unexpected finds protocol outlined in the EIS should be followed if Aboriginal objects are identified during works.

Consultation regarding the proposed geotechnical investigations has occurred with the Nowra Local Aboriginal Land Council (LALC) and the Illawarra LALC. Formal consultation in accordance with the OEH Consultation Requirements has not been undertaken as part of this assessment as no harm to Aboriginal objects is anticipated. As such, and although not required by the SEARs, we advise that there is a risk that unidentified cultural values may be present in the study area. If any harm is proposed to occur to areas of potential archaeological sensitivity or if Aboriginal objects are identified during works, Aboriginal community consultation in accordance with the OEH Consultation Requirements should be completed.

Please do not hesitate to contact Calvin Houlison, Senior Conservation Planning Officer, on 4224 4179 or via e-mail calvin.houlison@environment.nsw.gov.au should you have any further queries.

Yours sincerely



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