



Office of Environment & Heritage

DOC18/8831-3

The General Manager
Upper Lachlan Shire Council
PO Box 10
Crookwell NSW 2583
via email: council@upperlachlan.nsw.gov.au

Attention: Mr Roland Wong

Dear Mr Wong

DA 122/2017 – Carrying out works for the purpose of an electricity transmission or distribution network – Newtricity Biala Property Pty Ltd - Biala, Gurrundah and Bannister

Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on the development application described above, including the Statement of Environmental Effects (SoEE), received on 6 December 2017 from Upper Lachlan Shire Council (council).

We understand that the proposal is to install an underground 33kV transmission line connection from the Biala Wind Farm to the site of the Gullen Range Wind Farm substation. OEH notes that the proposal is the same one that we commented on 28 September 2017, being development application (DA) 81/2017, however the new DA 122/2017 now includes the upgrade to the substation.

We note that there are two options for the transmission line. While Option 2 is the preferred option to reduce impact on biodiversity values, it is still unclear what impact it will have on Aboriginal cultural heritage.

Please note any impacts to Aboriginal cultural heritage will require an Aboriginal heritage Impact Permit, this permit will require consultation with the Aboriginal community in accordance the standard OEH guidelines.

Biodiversity

While OEH notes the recommendations in the SoEE have broadly been designed to reduce the impact on biodiversity values, we consider that to adequately determine the impact on the areas with high biodiversity values, we support the proponents use of detailed design to avoid these areas. Given the availability of disturbed land, it appears that by micro-siting the transmission line, impacts can be avoided to the following;

- *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland* (Endangered Ecological Community) ,
- hollow bearing trees.

Please note that the *Biodiversity Conservation Act 2016* commenced on 25 August 2017. There are transitional arrangements set out in the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, which means that this application is defined as a "pending or interim planning application".

However, the proponent can 'opt in' to the offsets scheme and assess the impacts and offset requirement under the new Biodiversity Assessment Method.

OEH acknowledges that a targeted seasonal survey for Hoary Sunray was conducted on 2 November 2017 during the known flowering period and that they were not detected, so we have not included any further advice in this letter for this species.

Aboriginal cultural heritage

OEH is aware that ERM were intending to undertake test excavations and further survey late last year. However, we note that no additional information relating to archaeological assessments has been provided since the August 2017 Due Diligence report. Therefore, there is inadequate information for OEH to provide comment on whether Option 1 or 2 will have less impact on Aboriginal cultural heritage, or what the impact of the substation expansion will be.

We support the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR). This must be supported by a full archaeological survey of the project area and archaeological testing of any identified potential archaeological deposits (PAD). The survey must include all areas of direct impact such as the substation expansion footprint, both options for the transmission line route, access roads, construction compounds, and laydown and stockpiling areas. Undertaking these assessments now will provide greater certainty about whether Option 1 or Option 2 will have less impact on Aboriginal cultural heritage.

We note the commitment to use horizontal directional drilling to avoid areas of archaeological potential near Humes Creek, but advise that all entry and exit points must be surveyed prior to selection.

Any proposed micro-siting of the transmission line to avoid impacts to biodiversity values must be surveyed to ensure any potential impacts to Aboriginal cultural heritage values are also considered.


Recommendations

Given the concerns raised above, we make the following recommendations;

1. Detailed designs should be provided to demonstrate the avoidance of impacts to:
 - a) The endangered ecological community *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland*
 - b) Hollow bearing trees
2. A full archaeological survey and program of subsurface test excavation must be undertaken prior to the development of detailed design plans and prior to any development approval.
3. An Aboriginal Heritage Impact Permit (AHIP) is required if impacts to Aboriginal objects cannot be avoided.

If you require further information or would like to arrange a meeting or discuss the above comments further, please contact Lyndal Walters on 02 6229 7157 for biodiversity matters, or Sarah Robertson on 02 6229 7088 for Aboriginal cultural heritage matters.

Yours sincerely


ALLISON TREWEEK 19/1/18
Senior Team Leader, Planning - South East
Regional Operations Division

Attachment A – Detailed comments on Aboriginal Cultural Heritage

We note that an archaeological site (a modified/scarred tree) and potential archaeological deposit (PAD) were identified during the site inspection on 1 June 2017. As at 17 January 2018 - no Aboriginal Site Recording Forms have been submitted to the Aboriginal Heritage Information Management System (AHIMS) for these sites identified during the archaeological assessments. We remind the consultants that this is a legal requirement under Section 89(A) of the National Parks and Wildlife Act 1974 (NPW Act).

The subsurface potential of this region is poorly understood as most assessments have been survey based only. This makes it difficult to know how accurately surface finds predict the likelihood of subsurface deposits. Extensive subsurface testing in the Crookwell area and broader Southern Tablelands has found that surface surveys are not a good predictor of subsurface artefacts in this region. We recommend that subsurface testing be undertaken in areas of both low and high potential to assess whether subsurface archaeological sites could be present. This is in line with the OEH *Code of practice for archaeological investigation of Aboriginal objects in New South Wales* requirements.

Recent subsurface archaeological assessments have occurred at the Crookwell 2 Wind Farm last year, and the associated reports are now available on AHIMS. These reports must be reviewed and referenced in any Aboriginal Cultural Heritage Assessment Reports prepared for the Biala transmission line. This is to ensure that the most up to date archaeological information is considered when determining the significance and impact on Aboriginal cultural heritage values for this project.

Recommendation 5 of the Due Diligence Assessment incorrectly refers to "Aboriginal relics" and the Heritage Act 1977. This information is repeated in section 3.2.5. of the SoEE, subheading "Implications for the project". We remind the consultants that Aboriginal objects are defined and regulated under the NPW Act. This information must be corrected.

OEH Guidelines

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*. OEH 2011. Available online at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf>
- *Code of practice for archaeological investigation of Aboriginal objects in New South Wales*, DECCW 2010. Available online at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf>
- *Aboriginal cultural heritage consultation requirements for proponents 2010*. DECCW 2010. Available online at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>
- *Applying for an Aboriginal Heritage Impact Permit guide for applicants*, OEH (2011). Available online at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>

