

Mr David McNamara
Director Secretariat
Independent Planning Commission of NSW
GPO Box 3415
Sydney NSW 2001

Dear Mr McNamara

Bango Wind Farm (SSD 6686)

I refer to the letter from the Independent Planning Commission of NSW (the Commission), dated 28 March 2018, requesting a response to matters raised by Office of Environment and Heritage (OEH) regarding the Bango Wind Farm.

The letter from OEH, dated 21 March 2018, makes a number of recommendations to further avoid and manage the potential impacts of the project on biodiversity and Aboriginal cultural heritage.

The Department can advise the Commission that all the matters raised by OEH have been thoroughly considered in its assessment of the Bango Wind Farm, in accordance with NSW Government policy (as detailed in the Department's assessment report and outlined below).

The Department can also advise that it consulted extensively with OEH during the assessment process, including meetings, site visits, provision of additional information, and consideration of comments on the recommended conditions of consent.

This has resulted in significant changes to the project to avoid and minimise impacts on biodiversity, including:

- removal of 47 turbines from the project layout (including the entire Langs Creek Cluster to avoid impacts to potential Superb Parrot habitat), which represents almost 40% of the original 122 turbines proposed by the Applicant;
- micro-siting of 36 turbines in Layout Option 1 (corresponding to 33 turbines in Layout Option 2) to avoid impacts on native vegetation, including hollow-bearing trees;
- micro-siting of turbines to be at least 50 metres from intact vegetation, except for 7 turbines in Layout Option 1 (corresponding to 5 turbines in Layout Option 2) which have 1 hollow-bearing tree located within 50 metres;
- revising the project layout to avoid any clearing of EPBC listed Box-Gum Woodland Endangered Ecological Community (EEC);
- maximising turbine setback distances from Wedge-tailed Eagle nests, and not allowing micro-siting to move turbines any closer to these nests; and
- revising the over-dimensional and heavy vehicle transport route and site access points to avoid all roadside vegetation clearing, including along Hopefield Lane, Wargeila Road, and Tangmangaroo Road.

However, OEH has requested further changes to the project, namely:

- removing an additional 16 turbines in Layout Option 1 (and the corresponding 13 turbines in Layout Option 2); and
- relocating an additional 23 turbines in Layout Option 1 (and the corresponding 15 turbines in Layout Option 2).

The Department has prepared a map showing the changes made to the project through the assessment process and the additional turbines identified for removal or relocation by OEH (see Attachment 1).

Based on its assessment, the Department considers that further changes to the project are not warranted, and that the residual biodiversity impacts of the project are relatively low and can be appropriately offset in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*.

Biodiversity

Vegetation Impacts

To address any uncertainty about the vegetation mapping, the Department assumed a worst-case scenario where all 103.75 hectares of Box-Gum Woodland EEC potentially affected by the project was in 'moderate to good condition'.

However, subsequent field surveys undertaken in Spring 2017 verified that only 67.81 hectares of Box-Gum Woodland EEC would be affected by the project, with only 32.13 hectares of this area in moderate to good condition (see Attachment 2).

The *NSW Biodiversity Offsets Policy for Major Projects* allows the Applicant to offset the residual impacts through a combination of land-based offsets, payment into the Biodiversity Conservation Fund and/or supplementary measures.

Further, the Applicant has demonstrated that there is suitable land in the region (both onsite and offsite) to adequately offset the ecosystem and species credit liability likely to be generated by the project.

Prior to construction, the recommended conditions require the Applicant to update its baseline vegetation mapping, and calculate its offset liability in accordance with the *Framework for Biodiversity Assessment* (FBA), in consultation with OEH and to the satisfaction of the Secretary.

This approach ensures biodiversity credit liabilities reflect actual impacts, and provides an incentive for the Applicant to further reduce biodiversity impacts through detailed design.

The Department acknowledges the conservation significance of remnant Box-Gum Woodland EEC in the region, and the need to avoid and minimise the clearing of this community as far as practicable. The Department considers these principles have been fully applied to the project before consideration to offsetting the residual impacts.

In this regard, it is important to note that the *NSW Offsets Policy* does not prohibit the clearing of this community, and establishes a framework for compensating for residual impacts of major projects to ensure biodiversity values are maintained or improved in the medium to long term.

In this case, the Department considers its approach to assessing impacts on native vegetation and biodiversity offsets has been appropriately conservative, and consistent with NSW Government policy.

Bird and Bat Strike

To reduce bird and bat strike from turbines, OEH has recommended that turbines be removed or relocated where they are:

- within 500 m of Wedge-tailed Eagle nests;
- within 100 m of hollow-bearing trees; and
- within 100 m of intact woodland.

The Department acknowledges bird and bat strike risks associated with the operation of wind turbines, and can confirm that it is developing further policy to assess, manage and potentially offset these risks. However, at this stage, there is no NSW Government policy and limited data available on these matters to support the advice and specific setbacks recommended by OEH.

The assessment found that as a result of the various design changes to the project layout (as outlined above), the residual risks of bird and bat strike are relatively low, and the Department has recommended a range of specific measures to ensure potential impacts on Wedge-tailed Eagle nests, hollow-bearing trees, and intact woodland are avoided and minimised. It has also imposed an obligation to offset any residual impacts on native vegetation, which would provide suitable habitat for these species in alternative locations in the region.

In addition, the Department has recommended that the Applicant prepare and implement a Bird and Bat Adaptive Management Plan, which must include undertaking detailed monitoring of threatened and 'at risk' species, and carrying out adaptive management if the impacts are higher than predicted or result in adverse impacts on threatened or 'at risk' species in the locality.

In regard to habitat fragmentation, the Department notes that there are no designated areas of conservation significance or habitat corridors in the locality, and the project has been designed to avoid and minimise clearing as far as practicable. This includes changes to the transport arrangements to avoid any clearing of roadside vegetation.

Based on its assessment, the Department considers any further changes to project layout to address bird and bat strike are not warranted.

Aboriginal Cultural Heritage

The Department agrees with OEH's comments that further Aboriginal cultural heritage surveys may be required if additional disturbance is proposed in areas that have not been assessed as a result of detailed design and micro-siting, and has reflected this in the recommended conditions which require the preparation and implementation of a Heritage Management Plan for the project, in consultation with OEH and Aboriginal stakeholders.

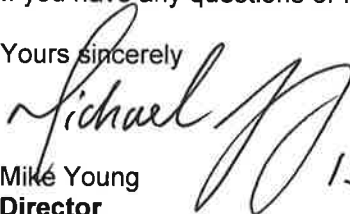
The Department also agrees that any salvage of Aboriginal heritage items should be undertaken in consultation with Registered Aboriginal Parties (RAPs), although the assessment indicates that this is unlikely to be required given the limited heritage values identified during the surveys.

In this regard, the Heritage Management Plan requires a description of the measures that would be implemented to protect, minimise and manage the impacts on the heritage items, and ensure ongoing consultation with Aboriginal stakeholders during the implementation of the plan.

Overall, the Department considers that it has comprehensively assessed the matters raised by OEH in accordance with NSW Government policy, and with the changes to the project and the implementation of the recommended conditions, the project would achieve a reasonable balance between maximising the use of the site's wind resources and minimising the potential impacts on the environment, including in regard to biodiversity and heritage values.

If you have any questions or require further clarification, please contact me on (02) 8217 2091.

Yours sincerely


13/4/18.

Mike Young
Director
Resource and Energy Assessments

Enclosures:

- Attachment 1 - Bango Wind Farm – Layout 1 Figure with turbines recommended for removal and micro-siting
- Attachment 2 - Bango Wind Farm – Additional Vegetation (BioBanking) Plots to Inform the Project's Offset Liability, Eco Logical Australia Pty Ltd, 8 December 2017