

Introduction

We are residents that live within 300 metres of the proposed Shoalhaven Expansion Project, from which we also run a short-term accommodation business. This makes us “sensitive receivers” as defined in the Environmental Impact Statement (EIS). However, the EIS fails to include us as “sensitive receivers” and provides no analysis as to the impact of the project on our property. This is a reflection of the out-of-date, conceptual and theoretical data used throughout the EIS – making the EIS incomplete, inaccurate and misleading and deceptive. We are also of the view (as explained below) that the EIS does not comply with regulation 192(1) of the *Environmental Planning and Assessment Regulation 2021* and does not comply with the SEARS for the project in many fundamental and important respects.

The Shoalhaven Expansion Project will destroy our way of life, put at risk the structure of our home, decimate our business, materially devalue our property and cause severe mental and physical health outcomes for us and our family. It will also have alarmingly disproportionately negative impacts on wildlife, endangered and protected species, native vegetation, roads, road systems and other local amenities. We are therefore strongly opposed to the Shoalhaven Expansion Project. There is no economic or environmental justification for the project. After 5+ years of construction 24 hours a day 7 days a week, the project will generate an additional mere 235 MWs of power. During those 5+ years of construction, the lives and livelihoods of the “receivers” (as referenced in the EIS – being the people and properties most proximate and, therefore, most negatively affected by the project) will be destroyed, their properties will be materially devalued and their whole reason for living and working in Kangaroo Valley will be gone. Given the significant hydro and other renewable power projects coming, and scheduled to come, online in NSW over the next 10 years and expected, on NSW Government estimates, to produce more than 100,000 MWs of power, the Shoalhaven Expansion Project is without merit. Our opposition to the expansion project is explained in the following pages of objections.

Part A: Overview of Key Issues – High Level Objections

1. The context is key but has been completely ignored or misrepresented

- 1.1. Overall, the EIS and its related material fail to adequately comply with the various content and disclosure requirements required by applicable law, regulation, guidelines and policy (as exist at both State and Federal level), particularly regulation 192(1) of the *Environmental Planning and Assessment Regulation 2021* and the SEARS for the project. Accordingly, the EIS (in its current form) does not allow a fully informed and objective assessment of the project to be undertaken.
- 1.2. The “**Key issues**” section in the SEARS for the project provides:

*“The level of assessment of likely impacts should be commensurate with the significance or degree or extent of impact **within the context of the proposed location and surrounding environment**, and having regard to applicable NSW Government policies and guidelines.” (emphasis added)*
- 1.3. The proposed Shoalhaven Expansion Project and the different parts of its related works are located within a 200 metre radius of existing residential properties and businesses in a peaceful and tranquil rural setting. As required by the Planning Secretary in the SEARS for the project, that is the ‘context’ in which the impact of the Shoalhaven Expansion Project needs to be assessed in the EIS. However, contrary to the SEARS, the EIS does not properly consider the project in that ‘context’. Specifically the relevant ‘context’ is as follows:

- 1.3.1. Kangaroo Valley is a peaceful and tranquil rural town. It has a small population and is renowned for being one of the most beautiful valleys in Australia - with its stunning escarpment, wonderful wildlife and native vegetation, historic Hampden Bridge, pristine Kangaroo River and clean air. In fact it is unique – as being one of the only closed valleys in the world.
 - 1.3.2. It is a popular holiday destination for people seeking to escape the hustle and bustle, traffic, noise and air pollution of the city. It is an oasis.
 - 1.3.3. Consequently, many properties in Kangaroo Valley (including many of the “receivers”) are run (on a part time or full time basis) as short term holiday rentals, yoga or lifestyle retreats or wedding or recreation venues.
 - 1.3.4. The river and camping grounds are popular destinations for holiday makers and recreationists wanting to enjoy the beautiful and peaceful surrounds of Kangaroo Valley by kayak, canoe or on the many scenic walking tracks.
 - 1.3.5. In addition to being famous for its dairy farms and rolling farmlands, Kangaroo Valley is a “lifestyle” destination – a destination for people to enjoy a clean and quiet way of life in a beautiful environment.
 - 1.3.6. This is the ‘**context**’ in which the EIS should have, but has not, assessed the likely impacts of the Shoalhaven Expansion Project.
 - 1.4. Contrast this ‘**context**’ with the entirely negative impacts that the Shoalhaven Expansion Project will actually have on the Valley:
 - 1.4.1. 5+ years of construction, drilling, blasting, vibrations, noise pollution, sleep disruption, traffic, road damage, dust, removal and dumping of 420,000 cubic metres of spoil on 29 hectares of native vegetation (with acid leaching).
 - 1.4.2. Up to 370 workers coming in and out of Kangaroo Valley.
 - 1.4.3. Large-scale destruction of wildlife and native vegetation.
 - 1.4.4. Loss of income and property devaluation.
- This is what the project entails – for 5+ years, 24 hours a day 7 days a week.**
- 1.5. All of these catastrophic outcomes to produce a mere 235 MWs of additional power and to make the proponent a healthy return (which – alarmingly - we are subsidising as taxpayers and in effect therefore funding the proponent to our own detriment).
 - 1.6. Accordingly (and in breach of the SEARS “Key issues”), on any measure, the level of assessment of likely impacts of the Shoalhaven Expansion Project in the EIS is **not** commensurate with the significance or degree or extent of impact **within the context of the proposed location and surrounding environment** in Kangaroo Valley.

2. Nothing like it in Australia – for very good reason

- 2.1. There is no other hydro-electric project in Australia (either in operation or proposed) that is or would be located within such close proximity to residential properties and businesses.
- 2.2. By their very nature, these projects are ‘high impact’ projects, involving complex capital works that bring with them lasting environmental damage, noise pollution, air pollution, destruction of wildlife and native vegetation, traffic, road damage, devaluation of property prices and loss of income for businesses.
- 2.3. All other hydro-electric projects in Australia have, for good reason and based on sound government policy, been developed in remote locations so as not to have the negative impacts set out in these objections.
- 2.4. But for there being an existing power station in Kangaroo Valley (which, for context, was built more than 45 years ago when NONE of the “receivers” homes had been built), the site of the proposed expansion would not even be considered, given the proximity to nearby homes and businesses.

3. Justification and strategic need lacking

- 3.1. The SEARS specifically requires ‘an evaluation of the project as a whole having regard to ... the strategic need and justification for the project having regard to energy security and reliability in NSW and the broader National Electricity Market’. Regulation 192(1)(c) of the *Environmental Planning and Assessment Regulation 2021* also requires that ‘an environmental impact statement **must** contain... an analysis of feasible alternatives to carrying out the development..., considering its objectives, including the consequences of not carrying out the development’.
- 3.2. The EIS does not contain any such proper evaluation, justification or analysis. To the limited extent that there is mention in the EIS of alternative projects, these are limited to hydro power generation options only and not other sustainable or renewable options that could equally provide reliable back up / dispatchable power generation. Given that the Shoalhaven Expansion Project will produce a mere 235 MWs of additional power, an evaluation and justification (as required by the SEARS) and an analysis of feasible alternatives (as required by regulation 192(1)(c) of the *Environmental Planning and Assessment Regulation 2021*) is critical. To put that in context, by 2024 the government has projected that the expanded Snowy Hydro Scheme will produce 6,100 MW of power (26 times more power than the proposed expansion). The EIS also does not take into account the five Renewable Energy Zones (REZs) identified so far by the NSW Government, delivering large amounts of new renewable energy (including additional hydro power) within the next 10 years. The first of these REZs to come online is the Central-West Orana REZ, which will unlock 3,000 MWs of new network capacity by the mid-2020s (enough to power 1.4 million homes). That is the initial capacity for that REZ. Based on the NSW Government website, in June 2020 the government received 113 registrations of interest for the Central-West Orana REZ, representing 27,000 MWs of new energy generation and storage projects (including hydro projects). Another REZ that is being progressed by the NSW Government is the New England REZ. According to the NSW Government website, in 2021 the government received 80 registrations of interest, totalling 34,000 MWs of potential renewable energy projects (including hydro projects). The NSW Government’s Emerging Energy Program has awarded pre-investment funding to several pumped hydro projects in the New England region, including the Critical State Significant Infrastructure Oven Mountain Pumped Hydro project. This project is located on private land 60km southeast of Armidale and 70km northwest of Kempsey. It is not located anywhere near residential homes or businesses. Construction of the Oven Mountain project is expected to commence in 2024 and take approximately 4 years to complete, bringing power into the grid in 2028.

- 3.3. These are just a few examples of alternative power projects that will produce significantly more green power (by many times over) than the Shoalhaven Expansion Project. There are, of course, many other power projects which the proponent should have referenced, discussed, evaluated and analysed in the EIS in order to provide justification for the Shoalhaven Expansion project (as required by the SEARS and the regulations). With all of the additional power coming online from Snowy Hydro in 2024, 3,000 MWs coming online from the Central-West Orana REZ in 2025 and upwards of 100,000 MWs of new energy generation coming online across the 5 NSW REZs within the next 10 years how can a mere 235 MW expansion in Kangaroo Valley that will take at least 5+ years (2027 or 2028 at the earliest) to be constructed be justified given the real and material negative impacts of that expansion? The EIS should, as required by the SEARS and the regulations, provide a thorough justification for the expansion project taking into account power projects currently under construction and those flagged for development as well as the timing of those projects and the aggregate power those projects will contribute to the grid.
- 3.4. The irreparable damage and destruction the expansion will have on the native wildlife and vegetation cannot and should not be under-stated in the way it is under-stated and downplayed in the EIS. The EIS fails to properly address this damage and destruction. An example of this is set out under the heading “Biodiversity” in the Executive Summary to the EIS, as follows:
- “The Project would result in the direct removal of about 29.5 ha of native vegetation which includes about 0.23 ha of a threatened ecological community (TEC) which is listed under both the Biodiversity Conservation Act 2018 (BC Act) and Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). **The removal of this vegetation would also have direct impacts on 10 threatened species.** Where impacts on biodiversity cannot be avoided or minimised, **appropriate offsets** would be provided.” (emphasis added)*
- 3.5. 29.5 hectares is a huge parcel of land containing native vegetation that will be cleared and replaced with 420,000 cubic metres of acid leaching spoil. Why does such a large parcel of land containing native vegetation, a “threatened ecological community” and “10 threatened species” need to be cleared? What are the alternatives? The EIS references the ability to dump the spoil elsewhere but dismisses this option without any detail or clear justification. How can denuding native vegetation and threatening endangered species be justified given that the “threatened ecological community” is protected under the BC Act and the EPBC Act? What will be the “direct impacts” on the “10 threatened species”? Will they just be left to perish from having the spoil dumped on their homes and habitat? What does the proponent regard as “appropriate offsets” for the biodiversity impacts on the native vegetation, “threatened ecological community” and “10 threatened species”? There are dismissive references to offsets and credits – but this is unrealistic and is not an option when the risk is to wipe out a species of animal. The wildlife and endangered and protected animals have gone through hell following the bushfires and are still trying to establish a new and viable habitat to survive. The proponent will recklessly endanger them further.
- 3.6. This is just one example in the EIS that shows the completely inadequate and disconnected manner in which the proponent has conducted desk top analysis and by so doing has failed to properly address the real and significant devastation that the expansion project will inflict upon the environment, the wildlife, the native vegetation and the homes and habitat of the flora and fauna.

4. Failure to disclose capital investment value

- 4.1. The final paragraph in the SEARS under the heading ‘General Requirements’ provides that:

“The EIS must be accompanied by a signed report from a suitably qualified expert that includes an accurate estimate of the capital investment value (as defined in Clause 3 of the Environmental Planning and Assessment Regulation 2000) of the project, including details of all the assumptions and components from which the capital investment value calculation is derived.”

- 4.2. Was this report ever issued? Based on our discussions with representatives of the proponent, no-one has been able to tell us the capital cost of the project or even give us a ballpark figure.

5. General observations – Informing Detailed Objections in Part B

- 5.1. Key data sets in the EIS are out of date and incomplete and do not reflect the actual current nature of the environment in Kangaroo Valley, particularly for “sensitive receivers”. Due to the out of date and incomplete data sets used as a basis for the conclusions in the EIS, the EIS does not comply with regulation 192(1)(d)(ii) of the *Environmental Planning and Assessment Regulation 2021* because it fails to contain “a detailed description of the aspects of the environment that are likely to be significantly affected”. This is particularly the case in respect of the sections relating to noise and vibrations (given the peace and tranquility of Kangaroo Valley), destruction of wildlife and native vegetation, loss of amenity and contamination due to 420,000 cubic metres of spoil transference, dumping and acid leaching, clearance of more than 29 hectares of native vegetation, devaluation of property values and loss of revenue to businesses. The EIS also fails to even consider or recognise a key impact of the expansion, being the physical and mental health toll that will be borne by “sensitive receivers” as a result of the expansion and the broader impacts described in these objections.
- 5.2. Analysis and purported evidence in the EIS is oftentimes limited and lacks balance, failing to examine a broader evidentiary base or broader relevant sources of input and information that are directly or indirectly impacted or may be impacted by the project and this is particularly relevant in the context of the devastating impact the project will have on protected and endangered flora and fauna and other wild life and the risks of contamination due to the movement of 420,000 cubic metres of spoil containing acidic rock on soil, ground water and surrounding private property, including, in the context of wildlife, the wholly unsatisfactory acknowledgement that the incidence of road kill affecting wombats, kangaroos, echidnas and other local wildlife will materially increase (over 5+ years or however long the construction of the project continues).
- 5.3. There is a preponderance of desk-top and conceptual analysis of matters of key and material concern and relevance rather than reliance on verifiable factual and empirical up to date data and detail.
- 5.4. There is a lack of precision and attention to the accuracy, validity and currency of key information and detail which underpin the favourable conclusions reached – including:
- 5.4.1. a failure to use up to date and current maps and plans (thereby failing to pick up on changes to the environment, the increase in the number of homes and businesses (including our home and business which have been completely omitted from the EIS) and changes to infrastructure). This is also in breach of the SEARS, which requires (under the heading “Plans and Documents”) that: “The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation”;

- 5.4.2. a consequential failure to include all affected “receivers” (despite this omission having been known to the proponent prior to submission of the EIS and having been raised on multiple occasions since);
- 5.4.3. scant to little up to date and current forensic scoping of the number and types of business that would be directly and indirectly impacted by the project, with negligible meaningful forensic analysis as to the nature of the businesses, their activities, turnover, staffing, contribution to the local and broader economy and related matters – with such omissions and failures allowing favourable conclusions to be drawn by the proponent;
- 5.4.4. a complete underplaying of the implication of heavy haulage vehicles and increased traffic not only as relates to the amenity of Kangaroo Valley and areas closely proximate to the project but on the ability of the road systems and road structures and surfaces to cope over the life of the project. Again, this is in breach of the SEARS, which requires (under the heading “Key issues”): **“Transport** - an assessment of the transport impacts of the project on the capacity, condition, safety and efficiency of the local road network (including Moss Vale Road, Jacks Corner Road, Lower Bendeela Road and Promised Lands Trail)”.
 - 5.5. The way noise and vibrations and the consequences of 24 hours a day seven days a week construction activities, including underground blasting, is trivialised is alarming and demonstrates a complete lack of understanding of the genuine impact of noise in the environment around the project – in the context of a peaceful rural environment where noise is currently non-existent. While much of this relates to the questionable and now seriously outdated noise data sets being used, it also illustrates that the assessments undertaken and conclusions reached have failed to properly and thoroughly consider the extent of the impacts from noise and vibration **“within the context of the proposed location and surrounding environment”** (as required by the SEARS).
 - 5.6. Stakeholder engagement is dressed up as having been thorough and meticulous when in actual fact the engagement relevant to the project as described and outlined in the EIS (which is materially different to the previous proposal which the proponent did not proceed with due to it not being economically viable) has been minimal at best with no more than a single meeting (in August 2022) with some of the directly affected “receivers” having taken place prior to submission of the EIS. It has not met the minimum criteria required by the SEARS under the heading “Consultation”, despite how it is (incorrectly) presented in the EIS.
 - 5.7. The EIS fails to fully consider mitigation and fails to apply clear analysis and options as to measures that could be adopted to minimise issues and impacts – rather the EIS contains generic shopping lists of possible options and ideas but no concrete or clear recommendations and or proposals as to what the proponent will actually do. In other parts where very material issues are raised there is a complete failure to provide any mitigation or any measures or proposals to remedy or address such material issues. This renders the EIS non-compliant under regulation 192(1)(d)(v) of the *Environmental Planning and Assessment Regulation 2021*.
 - 5.8. There are many examples where reliance for conclusions or making assumptions is based upon incomplete, out of date or inaccurate facts or analysis and when issues or impacts are recognised the EIS simply states that a plan will be subsequently developed or further consultation will be undertaken, rendering it impossible for affected parties to adequately understand the issues or impacts and whether such issues or impacts can or will in fact be addressed in a satisfactory manner. In this respect, the EIS does not comply with regulation 192(1)(d)(iv) of the *Environmental Planning and Assessment Regulation 2021*.

- 5.9. The strategic context for the project is provided as a fait accompli rather than presented with logical and persuasive reasoning – with the messaging very clearly being that this is a great project, the government is supporting it and therefore it is going to proceed. The project is premised on it being incontrovertible because it is “green” and because it is simply an “expansion”. These are false premises. Just because it is “green” ought not give the project unfettered license to proceed without a full, thorough and informed analysis of the materially negative impacts the project will in fact have, particularly where such impacts are wholly negatively disproportionate to the justification for a project that will only produce an additional 235 MWs of power. Equally the nature of the project is such that it entails material complexity and (undisclosed) capital cost – as evident by the length of its proposed construction and the nature of the myriad of sophisticated works that will be needed. Cloaking it as a simple “expansion” and therefore a natural thing to ‘green light’ is also mistaken when applying a full, thorough and informed analysis of the materially negative impacts the project will in fact have, particularly given that:
- 5.9.1. The proposed “expansion” or “phase 2” was first touted some 45 years ago, back in 1977.
 - 5.9.2. Back in 1977, most of the homes and businesses on Bendeela Road, Old Bendeela Road and Jacks Corner Road had not been built and **none** of the homes and businesses on Jim Edwardes Place (housing the “sensitive receivers”) had been built, meaning that the impacts of progressing “phase 2” back then would have been completely different to the actual negative impacts on the now home and business owners in the project location today. The EIS is required to assess the actual “likely impacts” (now, not what they would have been in 1977) of the expansion “within the context of the proposed location and surrounding environment” (as it is now, not back in 1977). This requirement is clearly set out in the SEARS for the project and has not been properly addressed in the EIS.
 - 5.9.3. The “phase 2” touted back in 1977 is very different to the current proposed expansion project.
 - 5.9.4. Just 2 years ago, the expansion was deemed uneconomic and unfeasible. The proponent has not disclosed the capital cost of the expansion, nor has it disclosed the amount of Government funding it will receive in respect of the project. However, it is certainly no coincidence that the expansion has gone from being uneconomic and unfeasible to economic and feasible for the proponent on the basis of significant funding support (ie. taxpayer dollars) from the Government.
- 5.10. Overall, the presentation of the EIS and related material is dense and impenetrable when read as a whole, being unacceptably full of specialised jargon, acronyms and language which is contrary to the over-riding requirement that the EIS needs to be succinct and use plain English to explain complex information simply.
- 5.11. Cumulatively, based on the above the EIS and its related material does not form a proper basis for interested parties to adequately assess the project and its impacts. Through its shortcomings and the approach adopted, it lacks balance and objectivity with nearly all matters, unsurprisingly, being determined to fall in the proponent’s favour. The EIS paints a picture which is incomplete, out of date, inaccurate and, by doing so, it is misleading and deceptive. The EIS does not comply with regulation 192(1) of the *Environmental Planning and Assessment Regulation 2021* or the SEARS.

Overall Summary

The project will irrevocably and detrimentally damage Kangaroo Valley, the community, the environment, flora, fauna and wildlife, lives, livelihoods, businesses and the mental health of those proximate to the project for a minimum of 5 very long years. How this is acceptable on any measure is beyond a rational person's understanding. To dislocate, damage, devastate and destroy a community and environment and wreak such socio-economic havoc over people's lives, their futures and cause untold personal financial harm and damage (as businesses are lost and home values destroyed) is unconscionable – particularly when also recognising that this project is not even commercially viable, will have one of the highest costs of production per MW than other renewable projects and is only producing a nominal expanded capacity of 235 MWs (without also accounting for the power generation required to power and run the facility – which nets out the output proposed). There is no hydro-electric project in Australia that has been or is planned to be constructed effectively on top of and underneath residents as is proposed here – yet this seems not be considered material. It is obvious that cumulatively these issues are too severe and too great to permit the project to proceed.

Part B - List of Detailed Objections

Objection	Descriptor	Possible Remedy
B1	Non-Compliance with SEARS – General Requirements (Maps)	Withdraw and resubmit or produce supplementary report with omissions corrected.
<p>Detail : All maps used in the EIS and Appendices are non-compliant – thereby rendering it impractical for interested parties to adequately or fairly assess the EIS in the detail required to form and develop a fully informed view.</p> <p>Contrary to specific requirements, the maps used:</p> <ul style="list-style-type: none"> (a) are <u>materially</u> out of date; (b) are not at an “<u>adequate scale</u>” to permit interested parties to properly and readily assess the location of proposed works and therefore the corresponding impact or issues; and (c) due to their being out date, do not, show “<u>EXISTING infrastructure, land use and environment features</u>”. <p>(Emphasis added)</p>		
B2	<u>Issue:</u> Non-Compliance with SEARS – General Requirements (Site Plans)	<u>Recommendation:</u> Withdraw and resubmit or produce supplementary report with omissions corrected.
<p>Detail : There are no site plans that provide the level of detail required by the General Requirements of the SEARS:</p> <ul style="list-style-type: none"> (a) for “<u>all project components</u>”; (b) that show all “<u>existing infrastructure</u>”; or (c) that contain “<u>cross-sectoral mapping</u>” which “<u>identifies underground components</u>” for “<u>all project components</u>” (both existing and planned). <p>(Emphasis added)</p>		

B3 Issue: Non-Compliance with SEARS – General Requirements (Socio-economic impacts)

Recommendation:

- (a) An up to date and current forensic survey of the area ought to be conducted and assessment undertaken by an independent party to catalogue, assess and understand how many businesses now operate, the nature of the businesses, whether the impacts and solutions addressed in the proponent's impact assessment are reasonable and/or correct and what the actual impact will be on those businesses in terms of loss of income, impacts on good will and economic viability.
- (b) Separately, a mental health and well-being assessment should be undertaken to assess and examine the impact the project will have on the mental health and well-being of residents and business owners / operators impacted by 5 years of noise, vibrations, heavy traffic, sleep disturbance, anguish and anxiety and economic loss.

-
- Detail : (a) Contrary to the express requirement, there is inadequate objective analysis of the actual or even possible or likely direct and indirect consequences on the lives, livelihoods, financial well-being and mental health and well-being of those parties directly or indirectly affected by the proposal.
- (b) Specifically, and in particular, the EIS contains little to no objective evaluation (as required) of the “***economic and social costs and benefits of the project***” preferring simply to conclude without supporting analysis (through omission of relevant and up to date detail and lack of evaluation) that the project will ultimately only have some passing impacts.
- (c) There is also no up to date analysis of the number or types of businesses that operate within a 5 km radius of the project and the financial consequences that a 5 year project will have on such businesses, relying instead on data and information from around 2019.
- (d) Overall, the proponent's out of date mapping, out of date data and out of date analysis compounds such deficiencies.

B4	Issue: Non-Compliance with SEARS – Key Issues (Noise)	Recommendation: An independent and up to date noise survey and actual (as opposed to conceptual) analysis should be undertaken, covering all affected receivers (not just some) and all noise in aggregate from the project, its construction activities, movement of personnel and movement of traffic and this should form the basis of new community engagement and then be published as part of an updated and newly submitted EIS, taking into account such findings.
----	--	---

Detail : Overall the SEARS requires:

“The level of assessment of likely impacts should be commensurate with the significance or degree or extent of impact **within the context of the proposed location and surrounding environment.**”

The ‘context’ for the project is a peaceful and tranquil rural environment in close proximity to residential homes and businesses. Of those businesses, many of them (including our business) rely upon that peace and tranquillity in order to generate revenue. If the project expansion proceeds, our business (like many other businesses located near the expansion) will collapse.

The EIS, in breach of the SEARS, completely ignores the ‘*likely impacts... within the context of the*’ actual location of the project. The context is not a noisy urban setting. However, assessments of the likely impacts in the EIS have been made against standard Noise Management Levels (**NMLs**), not against the actual peaceful and tranquil environment currently enjoyed by “receivers”. These NMLs are not the appropriate measure “within the context of the proposed location and surrounding environment” of Kangaroo Valley and, accordingly, the EIS and its entire evaluation of the impact of noise and vibrations on “receivers” does not comply with the SEARS for the project.

In addition:

(a) **Duration**

There is no weight or due consideration given to the impact that noise and vibrations will have over a **continuous period** of 5 years for a project scheduled to operate seven days a week 24 hours a day in an environment where there have been no major works of any similar nature since 1977 (45 years ago - when the original power station was completed) and similarly no works of this nature or duration for a hydro-electric scheme have been undertaken or are planned to be undertaken within such intimate proximity of residents, homes and businesses anywhere else in Australia. This obvious omission and lack of contextual disclosure is a fundamental failing of the EIS and renders its conclusions incomplete, inaccurate, lacking in objectivity and highly misleading.

(b) **Unreliable, dated data**

- (i) The noise monitoring (which underpins the entire assessment) is unreliable and materially out of date. Specifically:
 - (1) It was undertaken for a limited period (rather than taken across different periods for cross checking and correlation – given that noise levels across the year vary significantly depending on the season and meteorological conditions).
 - (2) It was undertaken in early 2019 (3.5 years ago) and is therefore no longer safe to be relied upon as being accurate given changes in the environment over that time have or are likely to have altered and lowered noise levels, including transformer upgrades to the existing power station, which has led to reduced background noise and other changes in land usage, traffic and other conditions since that time.
- (ii) Sole reliance on dated aerial data (from around 2019) to inform the proponent and its EIS as to those affected by potential noise and vibrations (see 6.8.2 of the EIS) is fundamentally flawed and is inaccurate as evidenced by the fact that it has failed to include “receivers” who are directly affected by the proposal, including ourselves and our property. The proponent has been made aware of this and has failed to take appropriate action by updating the EIS. This failure:
 - (1) Materially undermines all findings, conclusions, assessments and impacts in the entire EIS as the real and actual number of “sensitive receivers” is understated.
 - (2) Does not permit interested parties reviewing the EIS to adequately and fully and fairly understand the full noise and vibration impacts of the project on the environment, residents, the community and Kangaroo Valley overall.
- (iii) The above failures are not only contrary to the SEARS but also render the entire EIS non-compliant as it is wholly and completely misleading and deceptive by omission.
- (iv) The community surrounding the project who are opposed to the project (the KV-POPSE group) has also reviewed the background noise level assumptions and the evaluation of the noise impact in the EIS and strongly believe they are inaccurate.

(c) **Only conceptual modelling**

Apart from the data being outdated (and therefore incapable of being properly relied upon), the assessment itself is also incapable of being relied upon as only a conceptual model has been used – thereby not permitting interested parties to adequately understand actual possible impacts and issues. In other words, NO actual modelling has been undertaken – see page xi of the EIS. For a project of this complexity, of this duration, with significant and material noise generation from heavy haulage, blasting, boring, drilling, crushing, vibrations noise from up to 370 personnel on site and coming

and going etc a conceptual model is unacceptable and renders the EIS unreliable and in breach of the SEARS.

(d) **Misleading observations about noise and vibrations impact**

- (i) The entire noise and vibrations assessment is full of jargon, structured and presented in a way which is largely impenetrable and difficult to follow easily and is not succinct nor written in simple English (as is required). It fails to satisfy these basic requirements that a valid EIS needs to follow.
- (ii) More generally, the findings in the EIS simply do not stack up against the reality of life in Kangaroo Valley in and around the project. The EIS demonstrates a complete disconnect from reality and a bias towards the project and lacks appropriate objectivity. This is partially a symptom of:
 - (1) the over-reliance on desk top analysis, conceptual modelling and out of date, inaccurate data; and
 - (2) incorrect reliance on aerial data; and
 - (3) a concerning lack of objectivity in assessing the pros and cons of the project and its related construction activities.
- (iii) A selection of additional issues and observations include:
 - (1) The failure of the EIS to adequately or genuinely take into account the fact that materially elevated noise levels (in the context of a quiet rural environment that relies on peace and tranquillity) have an outsized impact as compared to environments where urban noise, background noise, traffic noise, heavy vehicle movements and construction noise is an accepted and tolerated part of life. These are levels that in some cases will be multiples than (what are already unreliable) background noise levels.
 - (2) The failure of the EIS to adequately or genuinely take into account the fact that a 100% increase in trembling and vibrating ground surfaces in response to heavy machinery and use of heavy equipment, blasting through the use of heavy explosives during the **day** and during the **night** and crushing of spoil is similarly an unacceptable socio and environmental outcome for this quiet and peaceful rural area. Noise levels at night from blasting for example will be 100% higher than existing such levels – as there is no blasting underground at night at the moment. To suggest blasting and over pressure from blasting simply elevates background noise and hitherto non-existent vibrations is patently false and misleading.
 - (3) Overlay this with the fact that the EIS trivialises the various material impacts and falsely refers to them as being merely short term when the fact is that such impacts will exist and materially negatively impact residents, businesses and the environment over the full **5 year life** of the project 24 hours a day seven days a week. Accordingly, it is beyond any reasonable person's

comprehension that the EIS would find that such impacts are negligible and ought to be tolerated in the context of the environment around the project.

- (4) The assessment grossly trivialises the impacts on the affected community that will arise due to sleep disturbances, framing them as acceptable. Sleep disturbance is never acceptable particularly in an environment prized for its tranquillity and peace but to suggest it is acceptable throughout the life of the project or for any sustained period of the project illustrates the disconnect in the EIS between reality and desk top analysis and the failure to apply a genuinely objective lens to the very real impacts of the project.
- (5) The EIS fails to consider or provide any thorough analysis in response to the very real issue of:
 - (A) noise transference up and down the escarpment, across the tree top canopies; and
 - (B) the mixing of sound that will travel from the upper scheme of the project works and the lower scheme of the project works,providing affected residences with a stereophonic cacophony of elevated noise disturbance and noise exceedances.
- (6) The EIS also fails to address and evaluate (including the failure to identify all new or elevated sources of noise and aggregate them and treat them as a single source of impact and aggravation):
 - (A) noise emittance and transmission from the crushing operations related to the spoil dumping activities and works nor from the cement batching activities – other than noting the existence of such activities; and
 - (B) noise emittance and transmission from the constant stream of heavy vehicles arriving from 6 am six days a week and reversing with reversing beeping monitors, the bussing of the many hundreds of workers to site each day and the noise associated with these workers alighting, chatting, engaging and readying themselves for work and then leaving at 6 or 7pm, let alone the night time noise of workers coming in for, what the EIS discloses, may be three shifts during the 24 hour period (in terms of vehicle noise and people noise).
- (7) There is nothing in the EIS about an assessment of the abovementioned collective noise, particularly the night time noise and impacts on sleep and quiet enjoyment. There is reference to it existing but no analysis of its actual levels nor actual impact particularly when added to all of the other construction noise.
- (8) There is no up to date analysis of the impact that the construction activities will have on the 38 land slippage sites in the escarpment in and around the Valley (as confirmed and identified by Shoalhaven City Council) and the risks that the underground and above ground blasting and the related vibrations (and other capital works) may have on such high risk sites, given the natural

rain disasters declared in March 2022 and September 2022 – see Shoalhaven City Council website for more detail.

- (9) The above omissions further result in the noise and vibration assessment being inaccurate and incomplete and the EIS being non-compliant with the SEARS.
- (10) Add to the above issues that the detail in the EIS is already deficient as it omits to include any analysis of or considerations relevant to ALL “sensitive receivers” then the magnitude of the misrepresentation of the noise and vibration issues (and the gloss that has been applied to this issue) in the EIS becomes obvious and evidences the fundamental failure of the EIS (and the proponent) to comply with the relevant requirements under applicable law, guidelines and policy when fairly, objectively and adequately assessing the impacts of noise and vibrations.

Important note for the Minister: Some real life observations for the Minister for Planning when assessing the merits of this proposal and the project:

- residents will be driven crazy, businesses will fail and the mental health of residents will be likely to be very badly affected.
- 5 years of noise and vibrations over 24 hours a day seven days a week – well and truly in excess of current noise levels and in many cases at such levels that are capable of causing material issues in terms of sleep disturbance and possible issues with structures in and around the project.
- there are no hydro-electric projects in any part of Australia that are so close to residents and businesses and that have such detrimental impacts – impacts which are wholly disproportionate to the justification for the project when NSW has other options it can rely upon to help stabilise and smooth the grid with the increase of variable energy sources. In particular, by 2024 the Snowy Hydro Project will provide 6,100 MW of power as the State’s “hydro battery” (26 times more power than the proposed expansion), whereas the proposed expansion the subject of the EIS will provide a mere 235 MW of power.

Despite all of this, the EIS notes that there ought to be no problems. Not accurate, not objective, clearly misleading.

B5 Issue: Non-Compliance with SEARS – Key Issues (Transport)

Recommendation: An independent and up to date transport survey and assessment should be undertaken, having regard to the matters addressed below, including the preparation of an independent report and assessment by a geo-technical engineer and these up to date (and independent) assessments should form the basis of new community engagement and then be published as part of an updated and newly

submitted EIS, taking into account such findings.

Detail : As in the case of the above objection, similarly, the level of misstatement, ambiguity, false assumptions, dated data and proponent friendly and non-objective analysis render this part of the EIS wholly unreliable. More specifically:

(a) **Duration**

There is no weight or due consideration given to the impacts that the unparalleled and unprecedented increase in heavy traffic will have in terms of noise pollution, noise exceedances, vibrations, disruption, damage to road systems and infrastructure, damage to wildlife, the environment, mental health, personal well-being, the financial circumstances of residences and businesses etc (ranging from over-sized vehicles, heavy haulage, dump trucks, concrete trucks, multiple axle vehicles, light trucks, busses and large 4WDs) over a continuous and sustained period of 5 years for a project scheduled to operate seven days a week 24 hours a day in an environment where there have been no major works of any similar nature since 1977 (45 years ago - when the original power station was completed). This further obvious omission is a fundamental failing of the EIS and renders its conclusions highly questionable, lacking in objectivity and lacking appropriate probative value.

(b) **Unreliable, dated and incorrect data - general**

Again, the entire EIS is based upon materially out of date data taken from a single period of monitoring over 3.8 years ago (between 4 February and 10 February 2019) – and, moreover, a period where traffic is recognised as being at its lowest in Kangaroo Valley. The age of the data, the limited (and inherently narrow) data points and related extrapolations and assumptions linked to this flawed data set render the EIS unsafe and unreliable and the conclusions reached are therefore not only misrepresented but also, as a consequence, misleading and deceptive.

(c) **Issues with stale and outdated data**

The EIS is misleading by omission by representing that reliance on the February 2019 single data set is appropriate, even applying the proponent's 3% escalator to get to 2022. Although not exhaustive, the following issues are obvious, rendering the EIS unreliable and unsafe (and also, as a consequence, misleading):

(i) As is well known to the proponent (from discussions held with its representatives), the seven-day single data set from February 2019 pre-dated an unprecedented change in the behaviour of Australians and residents of Australia and consequential changes to the way people travelled, lived and worked post February 2019 due to the COVID-19 pandemic, including:

(1) a well-documented movement of people from urban centres to regional locations, in particular to the South of NSW, to the Southern Highlands, to the Illawarra region and specifically to (and around) Kangaroo Valley – resulting in

an increase in local populations, an increase in the movement of traffic and the volume of traffic to such locations (many of which rely on the limited access points leading to Kangaroo Valley which will be heavily used by the project, should it proceed);

- (2) a well-documented increase in Australians and residents of Australia holidaying within Australia and relevantly in Kangaroo Valley and its surrounds – again resulting in an increase in local transient populations, an increase in the movement of traffic and the volume of traffic to such locations (many of which rely on the limited access points leading to Kangaroo Valley which will be heavily used by the project, should it proceed);
- (3) a corresponding increase in the establishment and operation of accommodation options and other supporting businesses, including short term stay rentals (run through platforms such as Airbnb, StayZ, Kangaroo Valley Getaways, Booking.com etc etc.) – similarly resulting in an increase in local transient populations particularly during Thursdays to Sundays and over all holiday periods, a corresponding increase in the movement of traffic and the volume of traffic to such locations (many of which rely on the limited access points leading to Kangaroo Valley which will be heavily used by the project, should it proceed).

- (ii) Despite the proponent being aware of them, the above referenced demographic and societal changes are completely ignored in the EIS by relying on a single data set of seven days prior to such changes and there is no reference to it or evaluation of such changes to supplement or justify the conclusions reached based on the assessment. In this regard the EIS contains the following particularly misleading statement:

“....there have been no major developments that have occurred within the vicinity of the Project since 2019...”

- (iii) In addition to the above short-comings, the seven day single data set from February 2019 is curiously immediately after the holiday period when traffic numbers from visitors and holiday makers are obviously depressed and lower than in other periods. This methodology is curious at best and misleading at worst. This further reinforces that relying on the outdated data set is unsafe and unreliable and that the corresponding assessment and analysis is, as a consequence, misleading.
- (iv) Adopting a single data set (with all of the limitations addressed above) fails also to provide an objective basis for determining genuine traffic volumes and flow across a 12-month period in Kangaroo Valley – given the significant fluctuation in volume due to holiday seasons, weekend movements and mid-week movements across the year. The failure to take data across different times of the year also therefore makes it impossible to rely on the data set (and corresponding assessment and analysis) contained in the EIS as being reliable.

(d) **Misleading description of traffic data**

Section 6.7.3.2 is wholly misleading as it references “Existing” traffic volumes. This is an incorrect statement as the data is not based on “existing” monitored volumes at all.

Rather it is based on outdated data that is only referable to a single seven-day data point during a period when traffic volumes are naturally low and without consideration of the other shortcomings referenced above.

(e) **Understated impact of traffic volumes**

- (i) There is a complete lack of objectivity in this aspect of the EIS. The EIS determines that an additional volume of heavy haulage, semi-trailers, large dumping vehicles, buses, large 4WDs and light trucks rumbling through Kangaroo Valley (and its surrounds) over approximately 200,000 trips during the project is insignificant and will have no impact. From zero to 200,000 additional heavy vehicle movements is certainly material and will certainly have an impact on the community, on the amenity of Kangaroo Valley and its prized peace and tranquillity (**over 5 years**).
- (ii) The lack of objectivity and genuine appreciation of on the ground impacts of such an enormous increase in heavy traffic volume points to the failings and inadequacies of the reliance on desk top analysis as opposed to an actual and empirical assessment of genuine impacts and affects across an appropriate number of reference periods, rendering reliance on the current EIS and assessment unsafe.

See Objection above related to Noise impacts as well.

(f) **Impracticability of closing off access**

The EIS again demonstrates its lack of objectivity and understanding of the reality on the ground in Kangaroo Valley in the context of dismissive detail that for numerous heavy and outsized loads during construction B73 will need to be closed from Fitzroy Falls through to Cambewarra. Material access to Kangaroo Valley is through B73. Kangaroo Valley is not blessed with a multitude of different, safe, well maintained access roads. Closing off Kangaroo Valley in this manner is simply not acceptable in terms of public safety, residents' access and the commercial needs of the town and its businesses. You cannot simply shut off the town. The complete absence of any consideration of the implications of doing this in the EIS is astonishing and further reinforces the lack of consideration in its preparation and objective understanding of the project's actual negative and material impacts and consequences. Simply notifying of closures is not an acceptable mitigant as proposed in the EIS.

(g) **Existing unsafe road conditions – Failure of analysis**

Given its reliance on outdated data and desk top analysis, the EIS has failed to have any regard to the current state of the roads in to Kangaroo Valley, down Bendeela Road and Jacks Corner Road due to the unprecedented and prolonged period of rain to which Kangaroo Valley and its surrounds have been subject over the last eighteen months (and in particular the natural rain disaster events declared in March 2022 and September 2022) and this failure renders the analysis in the EIS unsafe, unreliable and, as a consequence, misleading. Specifically:

- (i) No additional geo-technical engineering study or report has been undertaken to verify the actual current condition of the roads critical to the project and whether they are currently capable of supporting the 200,000 plus traffic movements of heavy project vehicles during the life of the project. Specific issues which require investigation and evaluation before any determination about the suitability of the roads can be taken include the following considerations:
 - (1) Barrengarry mountain Road (B73 leading to Fitzroy Falls) was grossly and materially damaged and dilapidated through major land slips requiring closure (and/or limited and controlled access) for approx. six months and major remedial works;
 - (2) Cambewarra Mountain Road (B73 leading from Cambewarra to the Kangaroo Valley town centre) was similarly grossly and materially damaged and dilapidated through major land slips requiring closure (and/or limited and controlled access) for approx. six months and major remedial work;
 - (3) The conditions of the above two roads are still not without issue and require further ongoing remedial work and monitoring;
 - (4) The condition of Moss Vale Road leading into Hampden Bridge is in an appalling and unsafe state, with road signs most recently restricting traffic speeds to 40kmh due its unstable nature;
 - (5) The conditions of Bendeela Rd and Jacks Corner Rd are in a similarly poor and precarious state – with their sub surfaces unstable giving way to road subsidence, bitumen liquification (as springs develop under the roads) in many locations
- (ii) The only proposal raised in the EIS is that, by way of mitigation, the proponent will undertake a dilapidation survey and rectify any damage done by its vehicles. This is a back to front approach and ignores the key issue that, given the known material issues and state of dilapidation of the key roads to be relied upon, the assessment is not reliable without the benefit of an up to date geo-technical expert engineer's report to determine whether the roads are in fact capable of supporting the project, without causing disproportionate issues for Kangaroo Valley, its residents and the holiday-makers who support its residents' businesses.

(h) **Material omissions and misleading content**

- (i) The EIS contains a misleading and inaccurate reference point for the purposes of analysing impacts on "existing road performance" – see paragraph 4.4 of the "Traffic and transport impact assessment". Specifically:
 - (1) Apart from the unreliability of the data set, the assessment incorrectly states (and therefore provides a false basis for the consequential analysis) that the period between:

“....Sunday 11:45am to 12:45 pm hour presents the highest traffic volumes and therefore is indicative of the worst level of performance experienced by the local road network.”

- (2) The above period is in fact one of the more quieter periods in and around Kangaroo Valley as residents and visitors are either lunching or, for visitors, they would have already checked out of their short term accommodation (by 10am or 11am). The inaccuracy is a further symptom of relying on out of date data that takes no account of changes to demographics and behaviours since 2019.
- (ii) The EIS also only provides volume data for additional traffic related to the project during the hours of 7 am to 6 pm on weekdays and 8 am to 1 pm on Saturday but omits to provide any corresponding data or detail as to traffic movements, noise or volume related to works to be conducted throughout the night. This is a material omission as such noise and movements will generate major and negative impacts for residents' quiet enjoyment during the evening and during the night, as well as impacting on sleep (and of course for those that run businesses the ability to attract clients and earn a living).
- (iii) The congestion from the spoil dumping trucks, heavy haulage vehicles, equipment delivery vehicles, light trucks and 4WDs as they approach the KV Power Station and are required to park, congregate, move between the pond and the proposed spoil site and load and unload equipment and workers is not considered in adequate detail and, through this failure, misleadingly ignores the genuinely negative impacts this will have on traffic flow, access to homes, accommodation and businesses and the consequential economic impact this will have on business and property values etc during the 5 year life of the project.
- (iv) The simple measure proposed in mitigation to a number of these grave and material impacts and concerns is to draw up a traffic management plan and this is assumed to magically address the very grave concerns of such unprecedented traffic disruption, movement and noise over 5 years.
- (v) The overall lack of objectivity in assessing and commenting on the issues addressed above in the EIS again underscores its overall bias and inherent deficiencies.

B6 **Issue: Community and Stakeholder Engagement - Misleading Disclosure and Descriptions**

Recommendation: Community engagement needs to be undertaken fully and properly afresh based on the current proposal and without omitting receivers and the EIS updated with the details of this engagement and re-submitted.

Detail : The issues are many and varied as regards the proponent's adequate compliance with its obligations to undertake effective community engagement, including:

-
- (a) The EIS places its compliance with the requirements for effective community and stakeholder engagement on a false premise. It is therefore misleading and fails to objectively disclose the true circumstances and the lack of community engagement relevant to the proposal which is the subject of the EIS.
 - (b) The proponent only engaged with “receivers”, “sensitive receivers” and the community more broadly in or around July and August 2022 in connection with the project outlined in the EIS. Early engagement on a materially different proposal was undertaken in 2019 and the proponent is disingenuously and misleadingly representing that that engagement forms part of the engagement for the current proposal and project (when the two are different).
 - (c) By its own admission the proponent notes that the project put forward in 2019 was not feasible. The project was materially re-worked and changed (to the extent that the key components that were of particular concern to the community and receivers and sensitive receivers in 2019 are now not part of the current proposal). In other words, while it is still an expansion to the existing scheme the key elements of the project are very different and accordingly reliance on engagement from 2019 is wrong and misleading.
 - (d) In addition, given the significant passage of time there have been many changes since 2019 in terms of movement of people, changes in the make up of the Kangaroo Valley community and the businesses in operation that linking engagement to the original engagement is flawed and, acting reasonably, the proponent ought to be aware of this and is acting in bad faith by seeking to represent the facts otherwise.
 - (e) In truth, key sensitive receivers were only afforded one direct meeting with the proponent in connection with the current proposal for the project and this was on 22 August 2022. There was no detail shared about the actual works, the traffic issues, the location of the tunnels or the myriad of issues as outlined in these (and other objections). The meeting simply alerted the group to the fact an EIS would be lodged by November 2022 – all timed, as disclosed by the proponent’s representative, to permit a decision before the upcoming State election. Political opportunism appeared to inform the progress and the rush to prepare and submit the EIS.
 - (f) The concerns of interested parties, receivers and sensitive receivers in connection with the current proposal have not been taken into account or accommodated in any respect as the proponent had already locked in place the project design and parameters.
 - (g) The consultation process was a claytons consultation process and fails to appropriately satisfy the relevant requirements for community engagement contained in the SEARS, applicable law, regulation, policy and guidelines in the context of the actual content of the current proposal. This includes there being absolutely inadequate examination and evaluation of the evident concerns (even adopting concerns raised from the 2019 engagement) and no solutions or mitigations proposed – other than the promise of some further discussions, consultation and plans and guidelines – all of which are of no benefit to the community or concerned receivers post factum and after a decision which will

fundamentally damage concerned residents irreparably for the life of the project and in some cases beyond.

- (h) An example of the shortcomings and wilfully liberal approach of the proponent to the key requirement of community engagement was its reliance on data from 2019 and aerial data from that time to determine who might be affected by the 2022 proposal. Not surprisingly, many concerned residents, receivers and businesses have therefore been completely overlooked. The proponent has been made aware of this but provided no response or proposal as to how to remedy the deficiencies.
- (i) This methodology and approach is fundamentally flawed and means that the proponent has failed to adequately comply with its requirements as applicable to community engagement.
- (j) Some other key shortcomings (which are contrary to the requirements the proponent needs to follow) include:
 - (i) Over simplifying key issues raised.
 - (ii) Failure to identify community views relating to the current project and design using suitable maps, figures, graphics and tables (in fact none were provided to this objector).
 - (iii) Failure to breakdown and characterise the key issues raised and, despite references to doing so, actually evaluating and addressing the issues e.g. concerns around the materially negative impacts the project will have on the value of homes and properties and the economic viability of businesses. (References are made but no due consideration or evaluation provided).
- (k) Simply put, for a project of this level of complexity and given the material changes to it and the passage of time, the community engagement has not been conducted in a satisfactory manner at all.
- (l) The impression from the EIS (which was identified directly by the proponent's representatives on or around 22 August 2022) is that speed and political expedience seems to have had a large bearing on this.

B7 Issue: Non-Compliance with SEARS – Key Issues (Socio-economic impacts)

Recommendation:

- (a) Based on the shortcomings and issues addressed an independent assessment should be undertaken and form part of an updated and re-submitted EIS.
- (b) A mental health assessment should be conducted to assess and report on the serious potential mental health outcomes that the project will or may trigger and

form part of an updated and re-submitted EIS.

Detail : The EIS' many failings (as addressed in these objections) similarly render the assessment of the socio-economic impacts as unsafe and unreliable overall. These issues include the nature of the misrepresentations contained, the use of (and reliance upon) outdated data, the omission of all current residents, businesses and sensitive receivers affected or concerned by the current project, the proponent's failures around community engagement, the failure to conduct sufficient actual and up to date on the ground evaluations and assessment – preferring desk top analysis or conceptual modelling in many cases. Specifically:

- (a) In some cases, the data relied upon is not stable or sufficiently reflective of the current socio-economic environment relevant the project. It relies on a mix of 2016 ABS census data, 2021 ABS census data but notes that key data regarding employment, education and internal migration is not included as it was due in October 2022. This is a critical omission for a project of this nature with the impacts it will have if it proceeds.
- (b) A simple measure of the bias or blindness to the socio economic impacts of this project on the community is illustrated by the following observations in the assessment:
 - (i) the view that it is deemed that an increase of up to 43% to the population of Kangaroo Valley with a transient workforce with no connection to the Valley (and the concomitant issues that follow – in terms of traffic movement, noise, potential for crime, social disfunction etc etc.) is not material and should not be an obstacle to the project proceeding;
 - (ii) while recognising the material impact to the tranquillity and peaceful amenity of the area (and what it is known and prized for and which underpins its economic foundations), it notes visitors and tourists will be affected and discouraged from supporting businesses close to the project but offers no solutions to this and strangely notes this as having negligible impact;
 - (iii) while recognising that local accommodation and short stay businesses will suffer it is proposed that construction workers can stay in such accommodation to provide economic cover for affected businesses – while giving no genuine consideration to the fact that most such businesses offer premium accommodation that would make it economically impractical for construction workers to stay there in any case;
 - (iv) making misleading representations that local businesses in Kangaroo Valley will benefit significantly from the influx of workers when it is clearly stated that such workers will be bused into the work sites and bused out and will in reality therefore only ever pass through the town on their shuttle bus (with 30 journeys assumed each day in some cases);

-
- (v) a range of statements about local businesses benefitting in terms of procurement and other opportunities when in actual fact the EIS makes it clear that the bulk of procurement will come from outside Kangaroo Valley.
 - (c) In summary, while the assessment does tease out a range of the key issues correctly and provides fair to good coverage about them in some cases it then lacks objectivity and applies an arguably misleading lens to assessing the consequential impacts and this bias and lack of genuine objectivity based on actual facts and circumstances is illustrated by the inadequate impacts table contained on p46 of the assessment. With some exceptions, this table applies a questionable low to medium rating to issues of real (and obviously high) concern to the community and nearby residents and conversely (and arguably conveniently) then applies a med to high rating to impacts that favour the proponent's analysis (when not necessarily supported by empirical analysis or data). The results after applying supposed mitigation demonstrate even greater bias and in many cases such mitigation makes no sense or has no basis to supporting a lower of the impact rating. For example – how does a “communication” mitigate against the actual fact that night-time blasting will occur and cause noise and vibrations throughout the night causing sleep disturbances during the project's construction? The table and the overall assessment requires independent review and assessment.
 - (d) Two other key and concerning shortcomings include:
 - (i) Notably, and while recognising the issue, there is also complete silence on the impact on property values and the goodwill of businesses directly affected. This is a genuinely material issue – that will carry with it millions of dollars worth of impact given the length and complexity and impacts of the project. This silence is misleading by omission.
 - (ii) The assessment and the EIS overall make no reference to the mental health impacts this project will have on residents and the community (and business owners directly) affected by the project and its 5 years of construction occurring seven days a week 24 hours a day – other than a mere two references in the context of fatigue from sleep disturbances. Specifically:
 - (1) The anxiety, anguish, distress and emotional toll will be significant and is already causing material concern and distress.
 - (2) Failure to address, consider and properly evaluate the important issue of mental health in this assessment or as part of the community engagement or in the EIS overall – particularly in the context of the mental health issues the country is now facing - is inappropriate and also constitutes a material failing of the EIS and further reinforces why it is flawed and non-compliant.

B8 **Issue:** Structural failure to consider alternatives appropriately

Recommendation: This section of the EIS needs re-working and re-submitting.

Detail : The proponent has included some language and a table that addresses some variations it considered to the current proposal. It also referenced a possible greenfield site project as an option. However:

- (a) A valid EIS is required to go much further than this and failure to do so renders the EIS non-compliant as it does not afford interested parties the proper opportunity to test and understand the relevant pros and cons of what is being proposed.
- (b) The manner in which the proponent has addressed this important element in the EIS demonstrates its own project bias and lacks the objectivity required of it for the purposes of preparing an EIS and by adopting this approach the EIS is misleading and deceptive.
- (c) Specifically, the proponent is required to (but has failed to adequately do the following):

“..... include an analysis of feasible alternatives considered having regard to the objectives of the project, including the consequences of not carrying out the project. The analysis of alternatives should explain how the project has ended up in its current form, summarising the key alternatives that have been considered and rejected (e.g. alternative ways of achieving the objectives of the project; and alternative sites, designs, mitigation measures) and the reasons why they were rejected.”

- (d) There is no clear detail, other than some passing references, as to why the alternatives were rejected.

B9 **Issue:** Non-Compliance with Supplementary SEARS – Project Description

Recommendation: Withdraw and resubmit or produce supplementary report with omissions corrected.

Detail : The EIS fails to provide “*the precise location **and** description of all works to be undertaken.....and structures to be built*”. Specifically, the EIS contains incomplete detail as to where works will be carried out, what works will actually be carried out and what will ultimately be built in different locations and the related impacts. Instead, it provides a range of possibilities and options for a number of different parts of the project but insufficient **precise** detail as required by the Supplementary SEARS. The other objections supplement and amplify this objection.

B10	Issue: Non-Compliance with Supplementary SEARS – Impacts	Recommendation: Withdraw and resubmit or produce supplementary report with omissions corrected.
-----	---	--

Detail : There is a general failure to provide detail in response to each element of Appendix A, para 10 of the Supplementary SEARS. Specifically, there is no (or where there is, there is insufficient) detail on the likely “*direct, indirect and consequential impacts*” nor a sufficient clear or detailed “*analysis of the significance of relevant impacts*”. In fact, due to the issues raised in other objections impacts are ignored, misrepresented or omitted (emphasis added). Accordingly, the EIS is not fully compliant with the SEARS.

B11	Issue: Non-Compliance with Supplementary SEARS – Avoidance, mitigation and offsetting	Recommendation: Withdraw and resubmit or produce supplementary report with omissions corrected.
-----	--	--

Detail : While further objections relevant to mitigation are addressed in B13(d) below, specifically the proponent has failed to comply with Appendix A, para 11 iii of the Supplementary SEARS by not including “*the cost of mitigation measures*”.

B12	Issue: Non-Compliance with Supplementary SEARS – Avoidance, mitigation and offsetting	Recommendation: Withdraw and resubmit or produce supplementary report with omissions corrected.
-----	--	--

Detail : The proponent has failed to adequately comply with Appendix A, para 12 iii of the Supplementary SEARS by not providing sufficient clarity or detail about its proposed “offset strategy” given the real (and in some cases irreversible) risk to the protected and endangered species listed in the EIS.

B13	Other objections - Miscellaneous	Recommendation: Withdraw and resubmit or produce supplementary report with omissions corrected.
-----	---	--

(a) Detail : **Power output**

The EIS is built on the proposal that the project will generate 235 MW of power generation. However, apart from a reference from using its own generation or sourcing renewable power from elsewhere, it fails to specify and quantify the generating capacity the project will need to power and operate itself. The net output for the project should be clearly described where it relies on its own generation to power and operate itself. Failure to qualify the myriad of references to 235 MW of power generation fails to provide a full and clear picture to interested parties in terms of genuinely being able to assess the true pros and cons of the project. This detail needs to be provided.

(b) Detail : **Project extension or over-run**

- (i) The EIS fails to provide any relevant analysis as to the possibility of any project delays and the consequences or impacts on extensions to the project timeline. This is unrealistic. Interested parties ought to be alerted to other projects of similar complexity and in the same or similar industry sector to illustrate the prevalence of delay and consequences (by comparison). This is a key issue and consideration as based on the Snowy Hydro expansion a delay of 2 years is already expected. Interested parties ought reasonably to be informed of this risk and the consequences.
- (ii) The EIS also fails to adequately explain what actual impacts there would be to the project timeline if underground works do not run 24 hours a day seven days a week. A passing reference to a work schedule of 24 hours seven days a week to keep to the 5 year project timeline is insufficient. The omission of this information is highly relevant to the way interested parties will view the pros and cons of the project and its timeline.

(c) Detail : **Project justification – additional disclosure required**

The project is expressed as being necessary to provide long duration energy storage in support of NSW's growing exposure to or reliance upon variable energy. The EIS indicates (or at least implies) that the project is only commercially feasible with the material financial support of Government (by way of taxpayer funding or subsidies). This point was expressly confirmed by representatives of the proponent at the meeting held with receivers in or around August 2022. In this context interested parties have a valid and genuine basis for understanding what the proposed or anticipated cost of the project will be to construct (overall and on a dollar per capital cost MW basis) and how much is being subsidised or supported by Government and how this compares to other projects around NSW that are also capable of helping (and/or are being planned) to respond to the issues NSW may face in the context of grid stability due to variable energy sources. This disclosure is important as to whether the materially negative impacts of the project on Kangaroo Valley, residents, business and the environment are proportionate and do in fact justify the project proceeding and as to help determine whether the justification is more correctly described as being driven by the proponent's own commercial return.

See additional detail in Paragraph 3 of Part A which is incorporated into this objection.

(d) Detail : **Mitigation**

- (i) The EIS fails to fully consider mitigation and apply clear analysis and options as to measures that could be adopted to minimise issues and risks – rather the EIS contains generic shopping lists of possible options and ideas but insufficient concrete or clear recommendations and or proposals as to what the proponent will actually do.
- (ii) In other parts where very material issues are raised there is a complete failure to provide any mitigation, any measures or proposals to remedy or address such

material issues – for example in the context of an admitted materially negative impact on property values.

- (iii) There is an extreme reliance on incomplete analysis and when issues are recognised the EIS very often simply states that a plan will be subsequently developed or further consultation or communication will be undertaken, rendering it impossible for affected parties to adequately understand the issues and whether such issues can or will in fact be addressed in a satisfactory manner.

(e) **Hours of work**

- (i) Notwithstanding the overall shortcomings of the project and the materially negative impacts it will have on the community, the environment, wildlife, lives, livelihoods and mental health, at its most basic, the hours proposed by the proponent are excessive and clearly create a natural obstacle to the project proceeding when considered in the context of all other issues.
- (ii) Realistically movement and noise will commence from around 5:30 am to 6 am each day as workers arrive, trucks arrive and the site readies itself for work. Over five years – 24 hours a day seven days a week this is far and beyond what can be considered reasonable for the location, for the environment, for the amenity of Kangaroo Valley and its residents and businesses. As noted below in paragraph (iv), add to this the very likely prospect of project over-run of at least 2 years and this period balloons out to 7 years of materially negative impacts on the community, the environment, wildlife, lives, livelihood and mental health seven days a week 24 hours a day.
- (iii) The carrying out of underground night-time works, involving different shifts coming and going in the dead of night, conducting blasting and other noisy works that will also lead to vibrations and ground disturbance never experienced before is equally egregious and cannot be justified or supported given the impacts it will have.
- (iv) On top of this, any variation to the hours of work will lead to a longer project completion timeline which in itself creates further issues and impacts – blowing the project timeline out for a period much longer than five years, creating even more unbearable outcomes for the community, the environment, wildlife, lives, livelihoods and mental health.