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Our Ref: S03/03436 Pt 1
Your Ref:

Dear Mr Marshall

Proposed Augmentation of the North-West Sector Network - Feeder 9JA

Thank you for your letter of 22 December 2003 seeking consultation with the Director-General for the preparation of an Environmental Impact Statement (EIS) for the above proposed development.

Attachment No. 1 outlines the statutory matters that must be included in any EIS under clauses 229 and 230 of the *Environmental Planning and Assessment Regulation 2000* (the *Regulation*). Attachment No. 1 also identifies requirements for seeking approval from the Minister for Infrastructure and Planning under Division 4 of Part 5 of the *Environmental Planning and Assessment Act* (EP&A Act).

Under clause 231 of the *Regulation*, the Director-General requires the EIS to specifically address the issues listed below. You should note however, that clause 231(e) of the *Regulation* requires you to re-consult the Director-General in relation to the preparation of the EIS if the EIS is not exhibited within two years of the date of this letter.

Specific Issues

- Need for the proposal, taking into consideration current and future energy demands in the areas to be serviced and existing system deficiencies and supply reliability issues (including identification of appropriate reliability standard) and alternatives;
- Relationship of the proposal within broader energy demand management and alternative energy opportunities. Consideration should be given to:
 - MEU NSW Code of Practice - Demand Management for Electricity Distributors (2001);
 - most up to date NEMMCO Statement of System Opportunities;
 - Review of arrangements for development of the electricity network Report to Minister for Energy by an inter-governmental working group, June 2001;
- Implementation of any measures, as part of the proposal, to manage demand and greenhouse gas emissions. Consideration should be given to the greenhouse benchmarks scheme under the Electricity Supply Act;
- Relationship of the proposal with the existing transmission line network and with any anticipated or planned future expansion of the regional electricity distribution network;
- Consistency with relevant State and Commonwealth policies, including the National Electricity Code;
- Comprehensive assessment of feasible options for the transmission line (including undergrounding options and alternative alignments) and reasons for choosing the preferred option;
- Detailed description of the proposed scheme (clearly identifying the route alignment on maps), including:
 - associated substations and all required ancillary infrastructure, access tracks and maintenance requirements;
 - siting and design of the proposed temporary overhead 132kV pole line;
 - crossings over the western railway line and TransGrid's transmission lines in the vicinity of the proposed route.
- Consideration of alternative support arrangements for the transmission line (including single pole structures) and justification for the preferred arrangement;
- Construction timing, methods and impacts for the proposed temporary and new lines. These should include consideration of noise, air quality, drainage and surface flow, erosion, groundwater, water quality, flooding, vegetation clearing, fauna and flora habitat, weeds and pests, fire risk, and cultural heritage;

- Means of ensuring sound riparian outcomes for any works within 40 m of a watercourse/wetlands (eg First and Second Ponds Creek). Demonstrate consistency with the requirements of the Rivers and Foreshores Improvement Act and principles of NSW River and Estuaries Policy;
- If vegetation clearance is required, the means of ensuring sound native vegetation management outcomes and rehabilitation of disturbed sites. Consistency with principles of the Native Vegetation Conservation Act;
- Assessment of soil erosion, sedimentation and land degradation issues, consistent with the Soil Conservation Act. Outline of mitigation measures;
- Assessment of any soil salinity issues, and need for any special measures to ensure no exacerbation of salinity, nor impacts on the infrastructure;
- An assessment of the impact on flora and fauna, particularly critical habitats; threatened species, populations, ecological communities, and their habitats, with particular reference to Cumberland Plain vegetation¹. The assessment should involve the following steps:
 - i) conduct baseline surveys, and consult relevant databases and listings by the Scientific Committee;
 - ii) identify any applicable *assessment guidelines* issued and in force under Section 94A of the *Threatened Species Conservation Act 1995* or, subject to Section 5C of the EP&A Act, Section 220ZZA of the *Fisheries Management Act 1994*;²
 - iii) describe the types and condition of habitats in, and adjacent to, the land to be affected by the proposal;
 - iv) prepare a list of species and ecological communities that were recorded in the study area and adjacent areas. Also identify which threatened species, populations and ecological communities are likely to occur based on the presence of suitable habitat and/or previous sightings;
 - v) apply an Assessment of Significance (under section 5A of the EP&A Act) to each threatened species, population or ecological community, or their habitats, that may be affected by the proposal. The EIS must justify any decision to not apply the test to all of the threatened species, populations or ecological communities identified in step iv);
 - vi) prepare a Species Impact Statement for any critical habitats; threatened species, populations or ecological communities, or their habitats that are likely to be significantly affected by the proposal (note: An SIS must be prepared in accordance with any requirements of the Director-General of National Parks and Wildlife Service (now Department of Environment and Conservation) and/or Director of Fisheries).
- Identification of sections of the route susceptible to natural hazards (such as wind, erosion, bushfire or flooding). Description of appropriate design features and/or management procedures to minimise hazard impacts;
- Quantified description of the expected greenhouse gas impacts. This should include construction impacts and the potential for the line to increase energy use and consequent greenhouse gas emissions;
- Consideration of electric and magnetic fields, potential impacts and the means of minimising such impacts. A demonstration of compliance with 'prudent avoidance principles' should be provided;
- Assessment of the visual impact of the transmission line distinguishing between areas where the line would be a new landscape feature and where it would augment or rebuild existing transmission utility lines;
- Identification and assessment of direct and indirect property impacts. Details should be provided for any land which may require acquisition or establishment of an easement;
- Consideration of the proposal's impact on future urban development currently being planned by DIPNR for the NW Sector, and the Riverstone Release Area in particular. This should include visual impacts, and options which may allow more efficient urban development such as route realignment and undergrounding;
- Impacts on the Riverstone sewage treatment plant, including implications on any plant expansion proposals;

¹ Environmentally sound practice requires the proposal to be modified, if possible, to avoid a significant effect on threatened species, populations, and ecological communities or their habitats.

² On 2 October 2002 the *Threatened Species Conservation Amendment Act 2002* was assented to. It is anticipated the Act will commence progressively. The reference to *assessment guidelines* reflects the provisions of the new Act. It is anticipated that the provisions dealing with the guidelines will commence in late 2004.

- Identification of other utilities that might be impacted by the proposal. Outline of mitigation measures;
- Description of appropriate mitigation measures for all identified impacts and assessment of their likely effectiveness;
- Outline of an Environmental Management Plan (EMP) with specific reference to both construction and operation of the proposal. Monitoring, auditing and reporting procedures should also be described;
- Consideration of relevant provisions of the Blacktown Local Environmental Plan (LEP)1988, draft Riverstone LEP, Sydney Regional Environmental Plan (SREP) No 19 - Rouse Hill Development Area, SREP No 20 - Hawkesbury Nepean River (N0 2 – 1997) and DIPNR's Urban Development Program (2003);
- Consideration of flora and fauna studies and Aboriginal heritage assessment prepared for Blacktown City Council, as part of the Riverstone LES/LEP process; and
- Consideration of "Soil and Landscape Issues in Environmental Impact Assessment", DLWC Technical Report No. 34.

The Department's draft EIS Guideline "Network Electricity Systems and Related Facilities" (Attachment 2) should also be consulted in the preparation of the EIS. Attachments 3 and 4 provide additional information on natural resource management issues, and should be addressed.

Note that the above matters must be addressed for the temporary line, as well as the final line, as relevant. The EIS must also address any issues associated with dismantling of the temporary line and outline rehabilitation proposals.

You should consult with Blacktown City Council and take into account any comments this council may have in the preparation of the EIS. Other bodies that you should consult with are TransGrid, Sydney Water Corporation, State Rail Authority, Roads and Traffic Authority, Landcom, Department of Environment and Conservation, NSW Heritage Office, and Local Aboriginal Land Council(s). In addition, the NSW Department of Health (Environmental Health Branch) should be consulted about electric and magnetic fields. The EIS should also address other issues that emerge from consultations with relevant local, State and Commonwealth government authorities, service providers and community groups.

Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), approval of the Commonwealth Minister for the Environment is required for actions that may have a significant impact on matters of National Environmental Significance, except in circumstances which are set out in the EPBC Act. Approval from the Commonwealth is in addition to any approvals under the NSW legislation. If you need approval under the Commonwealth Act, your EIS will be expected to assess the impacts on these matters.

Please contact Rebecca Newman on (02) 9762 8151 should you have any queries on this matter.

Yours sincerely

Mark Hather
 Director
Major Infrastructure Assessment
As delegate for the Director-General

Note: Matters of National Environmental significance under the EPBC Act are:

- i. World Heritage properties
- ii. RAMSAR wetlands
- iii. threatened species or ecological communities listed in the EPBC Act
- iv. migratory species listed in the EPBC Act
- v. the environment in a Commonwealth marine area
- vi. nuclear actions
- vii. national heritage