



DOC22/608961

12 August 2022

The Senior Planning Officer
Infrastructure Assessments
Department of Planning, Industry and Environment
PARRAMATTA NSW 2150

Via Major Projects Portal

Dear Mr Heath

I refer to the request made on 14 July 2022 to the Environment Protection Authority (EPA) inviting comments on the proposal for the Wilcannia Weir Replacement about five (5) kilometres downstream from the existing weir in the Darling River (SSI - 10050).

The EPA has reviewed the Environmental Impact Statement (EIS) and note that this project is declared as critical infrastructure. We also note that the development is not a scheduled activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (the Act) and therefore the proposal does not require an environment protection licence.

Please note that under the Act the EPA is the Appropriate Regulatory Authority (ARA) for activities carried on by the State or a public authority, whether at a premises occupied by the State or public authority or otherwise.

Upon review of the EIS, the EPA recommends that should the Department of Planning, Industry and Environment approve the project, the approval include the requirements set out at Attachment A.

The proponent should be aware that under section 120 of the Act it is an offence in NSW to pollute waters. Should the project be approved, the proponent must take all necessary precautions and implement all practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm during the construction phase.

The EIS proposes that during the summer months (November to February) construction works at the new weir may be carried out between 5am and 7am to reduce work during the hotter part of the day. We note that these construction hours are outside of the standard construction hours recommended in the *Interim Guidelines for Construction Noise* (DECC, 2009).

Should these construction times be approved, the proponent should ensure noisy works that are likely to exceed the noise affected target levels are scheduled during periods where people are less likely to be impacted. Identifying sensitive land uses that may be affected and applying best work practices to minimise noise will assist in managing noise impacts.

We also encourage the proponent to engage openly with the potentially impacted community, as proposed, to ensure they are kept informed of potential noise impacts and have an opportunity to discuss performance. This will assist in establishing a good working relationship with the community and provide an opportunity for the resolution of any complains.

Given the sensitive location of proposed works within the Darling River, once construction of the weir commences the EPA would appreciate the proponent notifying us so a site inspection can be arranged.

If you have any further enquiries about this matter please contact Briohny Seaman by telephoning 02 6983 4918 or by electronic mail at info@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'D Wallett', with a stylized, cursive script.

DARREN WALLETT
Unit Head - Regulatory Operations
NSW Environment Protection Authority

Attachment A

The EPA recommends that if approval for this project is to be granted the Department of Planning, Industry and Environment include the following in the conditions of approval.

- The proponent must prepare and implement an erosion and sediment control plan in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) to prevent the pollution of waters during the construction phase of the project;
- The proponent must implement measures to control and minimise dust from the premises during the construction phase of the project;
- The proponent must implement best practice standards and site specific feasible and reasonable noise control measures in accordance with the *Interim Guidelines for Construction Noise* (DECC 2009) and as proposed in the EIS Technical Report 8, Noise and Vibration Impact Assessment (Jacobs, 2022), including the implementation of a detailed noise and vibration management plan to minimise noise impacts during the construction phase of the projects; and
- Wastes generated during the construction and operational stages of the project must be classified in accordance with the EPA's *Waste Classification Guidelines* (EPA, 2014) and taken to a place that can lawfully accept and dispose of them.
- Given the sensitive location of proposed works within the Darling River, once construction of the weir commences the proponent must advise the EPA to arrange a site inspection.