

20 July 2023

Contact: *Alison Kniha*

Our ref: *D2023/59942*

Kurtis Wathen
Department of Planning & Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Wathen,

SEARs Request – Yarrabin (Phoenix) Pumped Hydro (SSD-59906734)

Thank you for your Major Projects Planning Portal referral dated 6 July 2023, requesting WaterNSW's input for the SEARs for the above development.

Our interest in the Proposal is as:

- owner of a large proportion of land on which the Proposal would be located, and
- the potential interaction of the Proposal on our ability to fulfil our statutory objectives and functions under the *Water NSW Act 2014 (NSW)* relevantly, to capture store and release water, maintain and operate our assets, and operate as a social and environmentally responsible organisation.

WaterNSW has reviewed the Scoping Report (GHD; dated June 2023) and the draft SEARs and note the identified areas of environmental assessment that will be further considered in the EIS including hazards and risks, water quality, access and traffic, biodiversity and Aboriginal cultural heritage.

Reflecting the location of the Proposal within the Burrendong catchment, we consider further assessment of potential impacts on WaterNSW operations, infrastructure and land, and Burrendong Reservoir is required.

In addition to the matters in the draft SEARs, the EIS should include:

- an assessment of the risk to the Burrendong catchment and water quality from construction, and mitigation measures
- the inclusion of the construction phase in the detailed site water balance for the project
- an assessment of the risk of fuel leaks and spills during operation, refuelling and storage of the transfer pumps
- assessment of the potential impact of the operations of the project on Burrendong reservoir with reference to WaterNSW's statutory and regulatory water quality requirements

- measures to minimise or prevent leakage and spills from constructed reservoirs with the potential to impact on the water quality of Lake Burrendong
- an assessment of consequential risk to Burrendong Dam Wall from a failure of a constructed reservoir(s), and required controls to manage the risk
- a review of any airborne emissions or potential particulates, and measures for the prevention of dust and waste impacts on the water quality of Lake Burrendong
- assessment of potential interactions with WaterNSW and any agreement, developed in consultation with WaterNSW, to manage those interactions.

WaterNSW considers that the level of assessment should be proportionate to the significance of, or degree of impact on, the key issue area.

In relation to the draft Scoping Report, WaterNSW makes the following comments:

1. The draft Scoping Report misrepresents the arrangements for securing water for operations (initial fill and top ups). ACEN will be required to secure this water either through the purchase of water entitlements from the market or seek compliance with the *Water Management Act 2000 (NSW)* for take through provisions for pumped hydro energy storage projects. WaterNSW's role would be to process trades, a function it provides for all water sector participants.
2. While WaterNSW is not the developer, as set out above, we have a considerable interest in the Project. WaterNSW is committed to ensuring we are a socially and environmentally responsible organisation and have developed a Reconciliation Action Plan to guide our progress towards understanding, and delivering on, the role we can play in providing meaningful improvement in outcomes for Aboriginal and Torres Strait people. WaterNSW expects ACEN to take this into consideration as it moves forward with the Project but recognises this is above legislative requirements and therefore not for the Scoping Report.
3. The draft Scoping Report misrepresents the approval process for geotechnical investigations. WaterNSW is in discussions with ACEN in relation to the applicability of WaterNSW being the consent authority for geotechnical investigations. WaterNSW will engage with the Department on this matter in due course.

As you may be aware, in December 2022, WaterNSW entered into a Development Agreement with ACEN Australia Pty Ltd in relation to the Proposal. The Agreement is primarily a land agreement that provides access to WaterNSW owned land for investigations to support feasibility studies and securing all necessary project approvals.

Should the project receive all required approvals and proceed to construction WaterNSW will provide land tenure arrangements (for WaterNSW owned land) for construction, operation, and maintenance.

WaterNSW would be pleased to discuss the agreement with the Department if desired.

WaterNSW requests to be included as a key stakeholder for this project and consulted during project design and development of the EIS. We would also appreciate being advised when the EIS is exhibited for further review.

We request that the Department continues to notify us of all developments that may impact on our assets, infrastructure or land, using the email address Environmental.Assessments@waternsw.com.au. If you have any questions regarding this letter, please contact me at alison.kniha@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha", with a long horizontal flourish extending to the right.

ALISON KNIHA
Catchment Protection Planning Manager