



OUT21/9465

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NSW Department of Planning, Industry and Environment

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Dear Mr Davies

**Project EnergyConnect (NSW - Western Section) (SSI 10040) –
Draft Conditions**

I refer to your email of 9 July 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

Please note our recommendations in **Attachment A** provided by DPIE - Water and NRAR.

Of particular note is the request to incorporate a geomorphic monitoring program (which should be a standard procedure for any crossing of floodplain features or river channels).

Any further referrals to DPIE Water and NRAR can be sent by email to landuse.enquiries@dpie.nsw.gov.au or to the following coordinating officer within DPIE Water:

Simon Francis – Senior Project Officer
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Yours sincerely

Liz Rogers,
Manager Assessments, Knowledge Division
Department of Planning, Industry and Environment: Water
16 July 2021

ATTACHMENT A

Advice to DPIE Planning & Assessment regarding the Draft Conditions for the Project EnergyConnect (NSW - Western Section) - SSI 10040

Recommendations for the Conditions

Water Supply

- 1 NRAR recommends the inclusion of a condition to include details of sources and security of water supply for the life of the development including authorised entitlements and licences.

Explanation

As identified in DPIE-Water and NRAR's Response to Submissions (RTS) response (OUT21/4772, letter dated 27 April 2021), the proponent has identified potential sources, however confirmation of the ability to secure this water supply and to meet relevant impact assessment and regulatory requirements is yet to occur. NRAR notes that this represents a risk to the project.

Geomorphic Monitoring

- 2 DPIE - Water recommends that the draft conditions include the requirement for geomorphic performance measures, monitoring and reporting programs and response measures to be included in the Construction Environmental Management Plan (CEMP).

Explanation

DPIE - Water's submissions to the EIS and RTS (OUT20/13225 dated 26 November 2020 and OUT21/4772 dated 27 April 2021, respectively) emphasised the need for geomorphic monitoring. More specific conditions around monitoring would ensure that the requirements are measurable, achievable and enforceable and would provide clear guidance to the proponent over what is needed. Such conditions could include those outlined as follows:

- a) Any disturbance to the banks, bed or riparian zone of watercourses must be assessed for risk of increased scour and/or erosion to channel bed and banks, and appropriate mitigation measures incorporated into the design and construction program.
- b) Design and mitigation measures must conform to geomorphic and hydraulic design principles, including: A Manual of Rehabilitation of Australian Streams (Rutherford and LWRDC 2000); Guidelines for stabilising stream banks with riparian vegetation (Abernethy and Rutherford, Technical Report 99/10, Cooperative Research Centre for Catchment Hydrology 1999); and Guidelines for Protecting Australian Waterways (Bennett, Sanders, Moulton, Phillips, Lukacs, Walker and Redfern, Land and Water Australia 2002).
- c) An report must be submitted following completion of construction to demonstrate conformity with design criteria and performance measures.
- d) Monitor the effectiveness of construction and operation of the crossing(s) and ensure response actions are undertaken. The monitoring and response plan must include objectives for the monitoring program, frequency and time line for monitoring and trigger action response measures for the project.
- e) Development of the monitoring program should include consultation with the Department of Planning, Industry and Environment – Water Group.

Guidelines for Controlled Activities on Waterfront Land

- 3 NRAR recommends that Condition D21 be revised to apply the "Guidelines for Controlled Activities on Waterfront Land" (CAA Guidelines) to all activities occurring on waterfront land, rather than be limited to waterway crossings. This is to ensure other activities such as laydown areas located near or within waterfront land are designed, maintained and rehabilitated appropriately.

Explanation

Condition D21 refers to the need to ensure waterway crossings are constructed in accordance with the CAA Guidelines. There is no reference however to how other works within waterfront land are designed/managed e.g. laydown areas within 40m of the banks of a watercourse. This needs to be included in this condition.

Condition D21 also refers to the need to not impact the geomorphic condition of the major rivers and distributary channels that are crossed. This is supported and would be supported by the integration of the CAA Guidelines.

Condition D23 refers to the Soil and Water (Construction Environmental Management Plan) sub-plan that is to be developed and that this will require condition D16 to D22 to be complied with. This assists in achieving objectives in D21 and D16 (which adequately addresses erosion and sediment controls, and refers to the requirement to be in accordance with the Landcom guidelines).

End Attachment A