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13 August 2024

Tatsiana Bandaruk
Department of Planning, Housing and Infrastructure
Submitted via Major Projects Portal

Dear Tatsiana,

**EPA's Recommended Secretary's Environmental Assessment Requirements
(New England Renewable Energy Zone Transmission Project, SSI-74175972)**

I refer to your request for the Environment Protection Authority's (EPA's) Secretary's Environmental Assessment Requirements (SEARs) for the New England Renewable Energy Zone Transmission project (SSI-74175972).

The application proposes the following:

- New and upgraded above ground electricity transmission infrastructure including:
 - About 220km dual 500 kV transmission lines in a 140m wide easement
 - About 100km of 500 kV transmission lines in a 70m easement
 - About 40km of 300kV transmission lines in a 60m easement
 - Transmission lines will be above ground on towers between 45 and 75m high, spaced between 70m and 700m apart.
- Four energy hubs to connect future energy generation
- Upgrades and extensions of existing power infrastructure
- Ancillary development including access tracks and roads
- Construction related facilities including workforce accommodation camps, concrete batching plants, crushing and screening plants, helipads and support facilities
- Total construction time of around 6 years completed across 2 stages.

The proponent (EnergyCo) is a NSW Government authority and as such, the EPA considers that it will be the Appropriate Regulatory Authority for the proposal.

The EPA understands that the following activities defined in Schedule 1 *Protection of the Environment Operations Act 1997* (POEO Act) are proposed:

- Crushing, grinding and separating
- Extractive activities
- Helicopter-related activities

The proponent should provide details of the proposed activities in the Environmental Impact Statement including if these activities will exceed the thresholds in Schedule 1 of the POEO Act to demonstrate whether an Environment Protection Licence(s) will be required.

The EPA has considered the details of the proposal and provides the recommended SEARs in **Attachment A**. In carrying out the assessment, the proponent should refer to the relevant

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guidelines listed as well as any relevant industry codes of practice and best practice management guidelines.

If you wish to discuss this matter, please contact Chris Marsh on 02 9995 6461 or email environmentprotection.planning@epa.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jackson', written in a cursive style.

CHRISTIE JACKSON
Unit Head – Environment Protection Planning
NSW Environment Protection Authority

ATTACHMENT A

EPA's Recommended Secretary's Environmental Assessment Requirements New England Renewable Energy Zone Transmission Project, SSI-74175972

1. Environmental impacts of the project

- 1.1. The description should include the following for both the construction and operation of the project:
 - a. Details of the premises covered by the project including any relationship with any existing Environment Protection Licences
 - b. the layout of all the physical elements of the project within the project area, including all buildings, structures, works, haulage activities, pollution controls, stockpile and material handling areas, sealed and unsealed areas, landscaping and open space.
 - c. all mitigation measures that will be built into the physical layout and design of the project (such as noise walls)
 - d. any ancillary infrastructure for which approval is being sought (such as upgrades to utilities or surrounding roads)
 - e. identify those components of the physical layout and design that may change during the detailed design of the project, and set clear limits within which this change may occur without requiring amendments to the Development Application (DA) or modifications to the development consent if the project is approved
 - f. plans showing the layout and design in plan-view and cross section.
- 1.2. Identify any likely interactions between the development and any existing/approved developments and land uses in the area.
- 1.3. Identify all sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways.
- 1.4. Identify all potential environmental emissions, assess the likely environmental impacts, and describe the proposed mitigation measures to minimise environmental pollution to achieve compliance with relevant environmental legislation, policies, and guidelines.
- 1.5. The EIS must accurately summarise the key findings of the detailed technical studies in the appendices of the EIS and use suitable cross-referencing to reduce repetition between the two parts of the EIS.

2. EPA Licensing and Approval Requirements

- 2.1. Identify all approvals and licences required under environment protection legislation including details of all scheduled activities under schedule 1 of the *Protection of the Environment Operations Act 1997*.
- 2.2. Outline how the proposal and its environmental protection measures would be implemented and managed so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).

3. Construction Works

- 3.1. The EIS must include detail of the construction works including:
 - a. any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site).
 - b. Identify, characterise and classify the following in accordance with the EPA's *Waste Classification Guidelines (2014)*:

- i. all waste that will be generated onsite through excavation, demolition or construction activities, including proposed quantities of the waste;
- ii. all waste that is to be removed to an offsite location, including proposed quantities. Include the commitment to ensure this waste is taken to a facility that can lawfully receive it.

Note: The EPA's *Waste Classification Guidelines (2014)* are available at: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste>

- c. construction timetable and staging; hours of construction; proposed construction methods.
 - d. environment protection measures, including noise mitigation measures - in accordance with the Interim Construction Noise Guideline (DECC, 2009), dust control measures and erosion, and sediment control measures- in accordance with *Managing urban stormwater: Soils and construction*, vol. 1 (Landcom 2004).
- 3.2. Include a site diagram showing the site layout and location of environmental controls.
 - 3.3. Construction noise associated with the proposed development should be assessed using the *Interim Construction Noise Guideline* (DECC, 2009). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/construction-noise>

4. Air issues

- 4.1. The EIS must demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically the POEO Act and the *Protection of the Environment Operations (Clean Air) Regulation 2022*. This consideration should include section 129 of the POEO Act concerning control of "offensive odour".
- 4.2. The EIS must include an air quality impact assessment (AQIA). The AQIA must be carried out in accordance with the document, *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2022)*. These are available at: <https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/approved-methods-for-the-modelling-and-assessment-of-air-pollutants>
- 4.3. The EIS must detail emission control techniques/practices that will be employed at the site and identify how the proposed control techniques/practices will meet the requirements of the POEO Act, *POEO (Clean Air) Regulation* and criteria within *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2022)*.

5. Noise and Vibration

The EIS must assess the following noise and vibration aspects of the proposed development:

- 5.1. Operational and construction activities on the premises that maybe considered vibration intensive should be assessed using the guidelines contained in the *Assessing Vibration: a technical guideline* (DEC, 2006). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration>
- 5.2. If blasting is required for any reasons during the construction or operational stage of the proposed development, blast impacts should be demonstrated to be capable of complying with the guidelines contained in *Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration* (ANZEC, 1990). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/construction-noise>
- 5.3. Operational noise from noise intensive activities to be undertaken on the premises should be assessed using the guidelines contained in the *NSW Noise Policy for Industry* (EPA, 2017). Available at: [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

- 5.4. If applicable, noise on public roads from increased road traffic generated by land use developments other than road projects should be assessed using the guidelines contained in the *NSW Road Noise Policy* (EPA, 2011) and associated application notes. Available at: <https://www.epa.nsw.gov.au/your-environment/noise/transport-noise>.
- 5.5. If applicable, noise on rail lines from increased rail traffic generated by land-use developments other than rail projects should be assessed using the guidelines contained in the *Rail Infrastructure Noise Guideline* (EPA, 2013) and associated application notes. Available at: <https://www.epa.nsw.gov.au/your-environment/noise/transport-noise>.

6. Waste, chemicals and hazardous materials and radiation

The EIS must assess the following waste, chemical and hazardous materials related aspects of the proposed development:

- 6.1. Assess and describe all aspects of waste generation, classification, management and disposal associated with the proposed development.
- 6.2. Demonstrate compliance with all regulatory requirements outlined in the POEO Act and associated waste regulations.
- 6.3. Outline contingency plans for any event that may result in environmental harm, such as excessive stockpiling of material, or dirty water volumes exceeding the storage capacity available on-site.
- 6.4. Demonstrate that appropriate spill containment will be provided for storage, filling and loading of all fuels and other chemicals to be used on site, in accordance with all relevant Australian Standards, and/or NSW EPA's *Storing and Handling of Liquids: Environment Protection- Participants Manual* (DECC, 2007).
- 6.5. Demonstrate compliance with Part 9.3E of the POEO Act for the use of any industrial chemicals, including details of activities involving Schedule 6 or Schedule 7 chemicals listed on the IChEMS register. Additionally, demonstrate a system for periodic review to ensure that any new IChEMS Register requirements are incorporated.
- 6.6. Identify the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*. Available at: <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/warr-strategy>.
- 6.7. Demonstrate how liquid waste (e.g. drilling mud waste) will be managed.
- 6.8. Demonstrate that facilities proposed for the disposal of general solid waste and green waste (e.g. material from vegetation clearing) have the appropriate capacity to lawfully receive and process the volume of waste to be generated.

7. Water

The EIS surface water quality assessment must:

- 7.1. Demonstrate that all practical measures to prevent, control, abate or mitigate water pollution have been implemented, including a description of options that were explored (such as reuse to avoid a discharge or treatment).
- 7.2. Provide details of the proposal that are essential for predicting and assessing potential impacts to receiving waters. This could include (but is not limited to):
 - a. Site layout, including details of the existing and proposed water management system.
 - b. Drainage map for the entire site identifying sub-catchments, flow paths, drainage infrastructure, design sizing of structures, water storages, discharge points, and any potential flow paths to receiving waters.

- c. How stormwater will be managed in all phases of the project. Information should include, where appropriate, measures to avoid or minimise erosion, leachate generation, and sediment mobilisation at the site.
 - d. Any in-water activities (such as piling or dredging).
- 7.3. Include water balance(s) for ground and surface water, including any intake and discharge locations, volumes, frequency and duration.
- 7.4. Identify and estimate the quality and quantity of all pollutants that may be introduced into the water cycle by source and discharge point, including residual discharges after mitigation measures are implemented. This should be undertaken for construction and operational phases.
- 7.5. Include a water pollution impact assessment undertaken consistent with the guidance available at <https://www.epa.nsw.gov.au/your-environment/water/managing-water-pollution-in-nsw/environment-protection-licensing/water-pollution-discharge-assessments>. The level of assessment should be commensurate with the risk to the environment and human health.
- 7.6. Describe any surface water quality monitoring programs, including proposed monitoring locations, frequency and indicators of surface water quality. Analytical limits of reporting should have regard to any identified guideline values. Water quality monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (2004) available at: <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/22p3488-approved-methods-for-water-in-nsw.pdf>.
- 7.7. The EIS must describe how stormwater will be managed in all phases of the project, including details of how stormwater and runoff will be managed to minimise pollution. Information should include measures to be implemented to minimise erosion, leachate and sediment mobilisation at the site. The EIS should consider the guidelines *Managing urban stormwater: soils and construction*, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC, 2008).

8. Groundwater

- 8.1. Provide details of the project that are essential for predicting and assessing impacts to groundwater with a description of the existing environment, including:
- a. Geological, topographical, and hydrogeological resource descriptions, maps, and cross-sections.
 - b. Assessment of groundwater quality, users of groundwater, existing bores including depths and construction, assessment of local land use.
 - c. A hydrogeological interpretation of water-bearing geological units, depth to water table, groundwater gradient, Conceptual hydrogeological model, assessment of groundwater dependent ecosystems.
 - d. Site map and cross-sections showing and characterising any proposed excavations and spoil emplacement (relative to water table) with topography.
 - e. Proposed groundwater monitoring program.
 - f. The assessment should be in accordance with Groundwater assessment toolbox for major projects in NSW - Overview document (DPE, 2022) - https://water.nsw.gov.au/_data/assets/pdf_file/0004/507613/Groundwater-assessment-toolbox-for-major-projects-in-NSW.pdf

9. Soils

- 9.1. The EIS should include an assessment of the potential impacts on soil and land resources should be undertaken, being guided by the *Soil and Landscape Issues in Environmental*

Impact Assessment (DLWC 2000). The nature and extent of any significant impacts should be identified. Particular attention should be given to:

- a. Soil erosion and sediment transport- in accordance with *Managing urban stormwater: Soils and construction*, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C Unsealed Roads; D Main Roles) (DECC2008).
- b. Mass movement (landslides) – in accordance with *Landslide risk management guidelines* presented in *the Australian Geomechanics Society* (2007).
- c. Urban and regional salinity – guidance given in the *Local Government Salinity Initiative* booklets which includes *Site Investigation for Urban Salinity* (DLWC, 2002).

- 9.2. A description of the mitigation and management options that will be used to prevent, control, abate or minimise identified soil and land resource impacts associated with the project. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented. Where required, add any specific assessment requirements relevant to the project.

10. Contamination

- 10.1. Identify the likelihood of contamination (on different media such as soils, groundwater, ground gas, surface water and sediments, where applicable) by considering the context of past, existing, and future land uses. The EIS must document how the assessment of contaminated land has been undertaken with regard to the relevant guidelines for contaminated land made or approved by the NSW EPA).
- 10.2. All reports on contamination must be prepared by a suitably qualified contaminated land consultant. If an auditor is being engaged for the project, it is acceptable to make optional the requirement for certified consultants to undertake the assessments. For those projects that will require use of NSW accredited site auditors, we suggest requiring that the report/s be “prepared by a suitably qualified contaminated land consultant” and include the following note:

“Note: A suitably qualified and experienced contaminated land consultant is a contaminated land consultant who meets the competencies outlined in the Guideline on the Competencies and Acceptance of Environmental Auditors and Related Professionals (Schedule B9) as provided in the ASC National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013).”
- 10.3. Where contamination is considered likely based on past or current land uses or other factors (such as offsite contamination migrating onto the site), undertake detailed site investigation/s to determine the nature and extent of the contamination.
- 10.4. Where contamination exists, assess if remediation of the land is required, having regard to the ecological and human health risks posed by the contamination.
- 10.5. Where contamination is found and requires either a detailed site investigation, remediation or further human health or ecological risk assessments, a NSW EPA accredited Site Auditor must be engaged.
- 10.6. Any Preliminary Site Investigation, Detailed Site Investigation, Remedial Action Plan, or other related reports on contamination submitted to the consent authority, must be accompanied with an Interim Audit Advice advising on the appropriateness of the assessments/reports. At the end of audit, a Section A Site Audit Statement certifying the suitability of the site for the proposed use must be prepared by a NSW accredited Site Auditor and submitted to the consent authority

- 10.7. The following references should be included as relevant guidelines to be followed when assessing contaminated land:
- a. *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA, 1998)* - <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/managing-contaminated-land-guidelines-remediation.pdf?la=en&hash=6AAE054645C2A0264515ABF7121AEF7F47E5FC85>
 - b. *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (EPA, 2015)*
 - c. *Contaminated land sampling design guidelines - Part 1 and 2 (EPA, 2022)*
 - d. *Consultants reporting on contaminated land: contaminated land guidelines (EPA, 2020)*
 - e. *Guidelines for the NSW Site Auditor scheme 3rd edition (EPA, 2017)*
 - f. Any other relevant guidelines made or approved by the EPA under s105 of the *Contaminated Land Management Act 1997* - <https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines>