

The Hon Paul Scully MP
Minister for Planning and Public Spaces
Department of Planning, Housing and Infrastructure
By email: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-additional-adit>

4 September 2024

Snowy 2.0 MOD 3- Additional Adit

Dear Minister,

The National Parks Association of NSW (NPA) offers the following comments upon the Modifications Report for the **Snowy 2.0 Main Works Modification 3**. The proposal has been classified as State Significant Infrastructure under application SSI-9687-Mod-3.

NPA has been expressing and explaining our concerns about the adverse environmental impacts of Snowy 2.0 on Kosciuszko National Park (KNP) since the project was announced in 2017. This application foreshadows more cumulative impacts on KNP, further demonstrating the recklessness of locating such a massive infrastructure project in an internationally significant Protected Area.

The documents that accompany Snowy 2.0 Mod 3 continue to ignore the critical importance of National Parks and the need to take all possible steps to avoid damage to the species, habitats and ecosystems they are supposed to protect. This failure to recognise the difference between Protected Areas and other greenfield development sites is epitomised by the repeated denial of any significant environmental impact despite acknowledgement that a minimum of 25.5 hectares of currently intact National Park would be cleared or damaged. The lost habitat includes threatened Montane Peatlands and Swamps.

In NPA's view the NSW and Commonwealth Governments are obliged under of international treaties, conventions and treaties to take every feasible step to avoid adverse impacts on a National Park. This project resoundingly fails to meet those obligations.

Inadequate consultation

The Snowy 2.0 project has attracted public interest and controversy from the outset. This is reflected in the high degree of community engagement through submissions, representations to parliamentarians, discussions with the regulatory agencies and broad media coverage across many aspects of the project. Accordingly, it is extremely disappointing that the Department has placed the modification on public exhibition for the shortest possible permissible period, a mere 13 days. This is manifestly inadequate time to scrutinise the more than 500 pages of documents on public exhibition. It renders the consultation process tokenistic and inconsistent with the high level of public interest.

The Modifications Report states that '*no specific concerns or issues [were] raised*' by the National Parks and Wildlife Service (NPWS) in respect to the proposed modification. The clear implication is that NPWS, as the land manager, is satisfied that the project presents no risk to KNP. This assertion relies upon NPWS remaining independent of the continued political support for the project. NPA has contested *National Parks and Wildlife Act* approvals for this project in the Land and Environment Court and remains concerned at the lack of independence exhibited by NPWS on this matter.

Those concerns are amplified by the apparent reluctance to consult with key representative committees, notably the Southern Ranges Regional Advisory Committee, in relation to this proposal.

PO Box 528, PYRMONT NSW 2009

Impacts on Groundwater Dependant Ecosystems

The Modifications Report estimates that the proposed additional adit will adversely impact upon the watertable and associated Groundwater Dependant Ecosystems over an area of at least 25.5 hectares. It is not clear how these impacts interact with those previously approved, but in the absence of clarification it must be assumed that they are additional to the approved level of damage to KNP.

Section 8.3 of the Groundwater Impact Assessment claims that the additional impacts will be limited to the construction period as 'Watertable drawdown is not predicted during operation'. It goes on to claim that no Terrestrial, Aquatic or Subterranean Groundwater Dependant Ecosystems will be impacted, and that 'impacts to stygofauna communities will be low'.

NPA cannot reconcile these conclusions with the presence of a rare system of string bogs across the area where groundwaters will be impacted. These string bogs are associated with silty bog soils and a watertable at or near the surface. They were recorded by Australia's most eminent alpine ecologist, the (late) Dr Alec Costin. Their formation likely dates back to periglacial activity during the last ice age and they are of outstanding scientific and conservation significance.

Further description of the significance of these habitats is provided in 'Peat-forming bogs and fens of the Snowy Mountains of NSW', NSW Office of Environment & Heritage (2012).

NPA strongly recommends that the Department seek independent advice on the conservation significance of these bog formations rather than rely upon the information provided in this application.

Additional habitat destruction

The application proposes the destruction of an additional 10.33 hectares of habitat. The impacted vegetation is mapped habitat for the threatened Eastern Pygmy Possum and Smokey Mouse.

The biodiversity 'consistency assessment' argues that *'All works associated with MOD 3 are within the approved construction envelope and will not increase the impact on biodiversity beyond the approved impacts'*. It goes on to state that the proposal *'will not result in an increased impact to biodiversity values relating to vegetation integrity or abundance, habitat suitability or connectivity, or threatened species abundance or movement'*.

The proposition is that Snowy Hydro Corporation already holds approvals to destroy 198 hectares of Eastern Pygmy Possum habitat and 84 hectares of Smokey Mouse habitat, and, since they have not yet exceeded their destruction quota, there is no requirement for any further biodiversity assessment.

NPA notes that this 'preapproved destruction' approach is inconsistent with the obligation for proponents to take all feasible measures to minimise the impact of development on threatened and protected species. In other words, if Snowy Hydro has removed less critical habitat than originally approved that should be applauded, not used as preapproval for further impacts under a separate process.

One of the consequences of the proponent's approach is that it sidesteps the question of whether the modification requires extra biodiversity offset payments. It is imperative that this issue be addressed in a public and transparent manner.

NPA recommends that the department carefully consider whether this approach represents best planning practice and avoids opening an approval to legal challenge.

Storage of excavated spoil

The Main Works EIS stated that *"excavated material will be transported from the [headrace surge] shaft to surface at Marica and then to Tantangara for management"* (Table 2.3).

There was no suggestion that excavated material would be stored at Marica or used as fill at the site.

However, the Modification Report reveals that *'Spoil excavated from the surge shaft is being stored in the Surge Shaft Spoil Stockpile Area, which is located adjacent to the surge shaft (see Figure 1.1). The Surge Shaft Spoil Stockpile Area has capacity for approximately 140,000 m³ (bulked) of spoil.*

Once construction of the surge shaft has been completed most of the spoil stored on the Surge Shaft Spoil Stockpile Area will be placed as fill around the concrete collar to shape the final surface of the surge shaft. Any surplus material will be trucked to the Rock Forest PSE. The proposed modification will not change this approach." (Section 3.3.1)

These statements suggest that spoil placement has occurred contrary to the Conditions of Approval. NPA strongly recommends that the Department investigate this potential breach of approval by Snowy Hydro Corporation.

The Modification Report also states that *'The Construction Work Area 3 Spoil Stockpile Area will be used to store spoil that will be used to backfill the access adit and other excavated spoil prior to trucking to either Rock Forest or Tantangara. It has been designed to have capacity to store up to approximately 310,00 m³ (bulked volume) of spoil, however there is space in the area to increase this if required."* (Section 3.3ii)

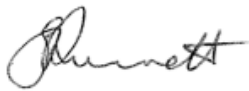
It is unclear why an additional spoil stockpile area is needed, other than the relatively minor amount of 135,000 m³ to backfill the adit. NPA recommends that approval be refused for additional storage of 605,100 m³ of spoil at Marica in order to avoid unnecessary impacts on KNP.

Cost

The Modifications Report does not provide a cost estimate for the proposed works. The escalating costs of the Snowy 2.0 project are a matter of acute public interest and there is no reason why this proposal should forgo standard process. Failure to provide such information reflects extremely poorly on the proponent and their shareholders.

If you have any questions about the above I can be contacted at garyd@npansw.org.au.

Yours sincerely,



Gary Dunnett
Executive Officer

National Parks Association of NSW
protecting nature through community action