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KING + CAMPBELL

27 May 2025

Department of Planning, Housing and Infrastructure (DPHI)
4 Parramatta Square, 12 Darcy Street
Locked Bag 5022 PARRAMATTA NSW 2124

ATTENTION: Mr Chris Fraser

Dear Sir

RE: COWARRA WATER SUPPLY SCHEME & AMENDMENT REPORT
APPLICATION NO. SSI-57056461 & EPBC ID NO. 2023/09581
STATE SIGNIFICANT INFRASTRUCTURE
WATER SUPPLY & MANAGEMENT

1. INTRODUCTION

This submission has been prepared on behalf of Mr & Mrs Jim & Gail Newton as the registered proprietors of Lot 27 in DP 1281196 and J. Newton Construction Pty Ltd as the registered proprietor of Lot 86 DP 1312049. Copies of DP 1281196 and DP 1312049 are contained in Attachment 1 to this submission. Lot 27 and Lot 86 are collectively referred to as the Newton Land in this submission.

The preparation of this submission is based on the review of:

- Amendment Report Cowarra Water Supply Scheme Port Macquarie Hastings Council 30 April 2025 prepared by GHD. (referred to as the Amendment Report)
- Cowarra Water Supply Scheme Response to Submissions Port Macquarie Hastings Council 27 February 2025 prepared by GHD. (referred to as the Response to Submissions)
- The original Environmental Impact Statement Cowarra Water Supply Scheme Port Macquarie Hastings Council 21 June 2024 prepared by GHD. (referred to as the EIS).

Given the extensive information contained in the above reports this submission does not purport to be a comprehensive review of the submitted documentation but rather is focused on the assessment of the potential impacts of the proposed North Arm Trunk Main (NATM) on the Newton Land which are likely to occur:

- During the proposed construction of the NATM.
- Immediately following the completion of the construction of the NATM. (i.e rehabilitation of the Newton Land).
- During the operation of the NATM for the life of the proposed infrastructure.

The primary issue raised in this submission is that despite the proposed NATM extending for a distance of over 700m within the Newton Land and being the private property with the largest affectation by the proposed NATM , the assessments within

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the Amendment Report, the Response to Submissions and the EIS have not given sufficient regard to:

- The site-specific sensitivities of the Newton Land including the existing large water bodies, geotechnical conditions, existing infrastructure, biodiversity constraints and proximity to existing residential development.

- The need to ensure that the existing use of the Newton Land for agricultural purposes is maintained both during and following construction of the NATM.

- The scale of the potential impact on the Newton Land during the construction phase including the extent of land required to be occupied, traffic impacts, noise and vibration impacts and disruption to existing agricultural operations.

- The cumulative impact on the Newton Land.

- Alternative routes for the NATM that would avoid both the crossing of the Lake Innes Nature Reserve and the Newton Land. The documentation reviewed indicates that all four options considered commenced with the assumption that the only route for the NATM was through the Lake Innes Nature Reserve and the Newton Land. It is considered that this assumption may not have been as clear-cut had the initial identification of the site-specific sensitivities been more thoroughly investigated than indicated in the reviewed documentation.

2. NEWTON LAND SITE SPECIFIC ISSUES

Attachment 2 titled Farm Management Plan shows the extent of the Newton Land apart from the most eastern extent of the access handle within Lot 86 where it meets with Emmaus Court.

The Farm Management Plan also shows:

- The location of the easements for water supply 5m wide and 7.5m wide within which the NATM is proposed to be located and the location of the existing watermains within those easements.

- The location of the four large water bodies located immediately adjacent to the existing easements and the proposed route of the NATM. The existing water bodies were created through the previous sand extractive industry on the Newton Land and are in the order of 6 m deep and occupy a cumulative area of approximately 6.5 ha.

- The plans contained in the Amendment Report (Figure 2.1g and Figure 2.1h) do not specifically nominate the water bodies on the Newton Land as such and show the Cowarra EIS project area extending into two of the existing water bodies on the Newton Land.

  This is symptomatic of the assessment of the potential impacts of the NATM that has been applied to the Newton Land. It is considered that given the existing 6m deep water bodies are at places within 10m of the easement within which the

NATM is proposed to be constructed, these existing features should have been identified as a site-specific constraint to be carefully considered in the environmental assessment of the proposed NATM. No such assessment of the site-specific constraint posed by the existing water bodies on the Newton Land is contained in the Amendment Report, Response to Submissions or the EIS.

- The proximity of the existing water bodies to the proposed NATM is compounded by the geotechnical characteristics of the in-situ soils which are silty sand and highly mobile when saturated. Mr Newton has extensive experience in dealing with the existing soils on the Newton Land from the previous works associated with the existing water bodies. That experience is causing Mr Newton significant concern which has been expressed directly to PMHC staff in meetings and site inspections.

  Based on that experience, significant concern is raised with respect to the viability of constructing the NATM within the existing easement without impacting on the nearest walls of the existing water bodies. The primary concern is that the excavation works could result in the existing water bodies ultimately being joined resulting in the NATM being located within the larger water body. . Site-specific geotechnical investigation is required to determine the construction method that would avoid that outcome and should be also applied to determining whether the preferred route for the NATM in this location is viable and if viable to provide the design factors that must be included in future construction environmental plans to be prepared by a construction contractor.

- Further concern is raised with respect to the lack of assessment of the potential impacts caused by the construction of the NATM on the existing water quality of the water bodies on the Newton Land. Given the scale of the existing water bodies and the existing good health of the water contained therein, consideration of the potential impacts on water quality within the water bodies should form part of the planning assessment process of the adopted route. Review of the Amendment Report, Response to Submissions and the EIS do not indicate that this issue has been carefully considered to date.

  General references to the use of measures within the Blue Book and the future preparation of a Construction Environmental Management Plan do not demonstrate sufficient consideration of the potential impacts on existing water quality within the Newton Land during the construction of the proposed NATM. In these site-specific situations, the planning assessment needs to as a minimum provide specific criteria for a future Construction Environmental Management plan to apply to the sensitive environment within which the NATM is proposed to be constructed.

- Parts of the Newton Land including the south-eastern water body have been impacted by the salvinia noxious weed. Mr Newton in conjunction with PMHC, NSW National Parks (as the owner of the Lake Innes Nature Reserve) and adjoining landowners to the east and south have implemented substantive efforts to eradicate or at least control the extent of the salvinia infestation.

The existence of this highly invasive noxious weed and the potential for its footprint to be extended through the construction of the NATM has not been considered or assessed in the Amendment Report, Response to Submissions or the EIS.

The potential spreading of the salvinia weed within the Newton Land, the Lake Innes Nature Reserve, the surrounding properties (including the Rosendahl Reservoir) is a significant risk created by the subject project and should be carefully considered in the environmental assessment.

- The extent of flood prone land within the Newton Land has been identified in the project documentation. It is not clear that consideration has been given to the extent to which the flood prone and low-lying nature of the land will potentially impact on the construction of the 700m length of the NATM within the Newton Land. Based on dealing with the property for over 35 years Mr Newton has considerable experience to confirm that the land is not suitable for significant construction work during periods of above average rainfall. This issue is relevant to the viability of the preferred route for the NATM and the quantum of impact caused by the future construction of the proposed NATM within the Newton Land.

- The biodiversity assessment contained in the project documentation does not include extensive site-specific assessment of the Newton Land. Of particular interest is the regular presence of the black necked stork (Ephippiorhynchus asiaticus) on the Newton Land. While the black-necked stork does not nest on the Newton Land it has been a regular visitor to the property presumably as a source of food. The photo below shows a pair of black-necked storks on the Newton Land.

- It is not clear in the documentation that due regard has been applied to the potential noise, vibration and traffic impacts on residents within Sanctuary Springs Estate and Emmaus Residential Aged Care Facility which adjoin the construction access to the construction footprint of the NATM within the Newton Land.

The photo above taken from Emmaus Court shows the proximity of residential development to the existing access driveway within Lot 86 DP1312049. Use of this driveway during the construction of the NATM requires careful consideration and assessment during the planning approval process to ensure that if the proposed development is approved, suitable conditions of development consent are applied to that aspect of the construction process.

Consideration should also be given to the construction transport route east of the Newton Land. The photos below show existing road network within Emmaus Court & Sanctuary Springs Way does not contain suitable geometry for heavy truck manoeuvring and is a lower classification road than that normally constructed for heavy loads.

The construction of the Emmaus RACF made use of the adjoining public road as a temporary construction access which as shown in the photo below provides a direct access to cross Emmaus Court at the eastern boundary of the Newton Land. It is submitted that this temporary access option be considered should the proposed route for the NATM be approved and conditioned to ensure existing local residential streets roads are not unnecessarily damaged by heavy construction traffic.

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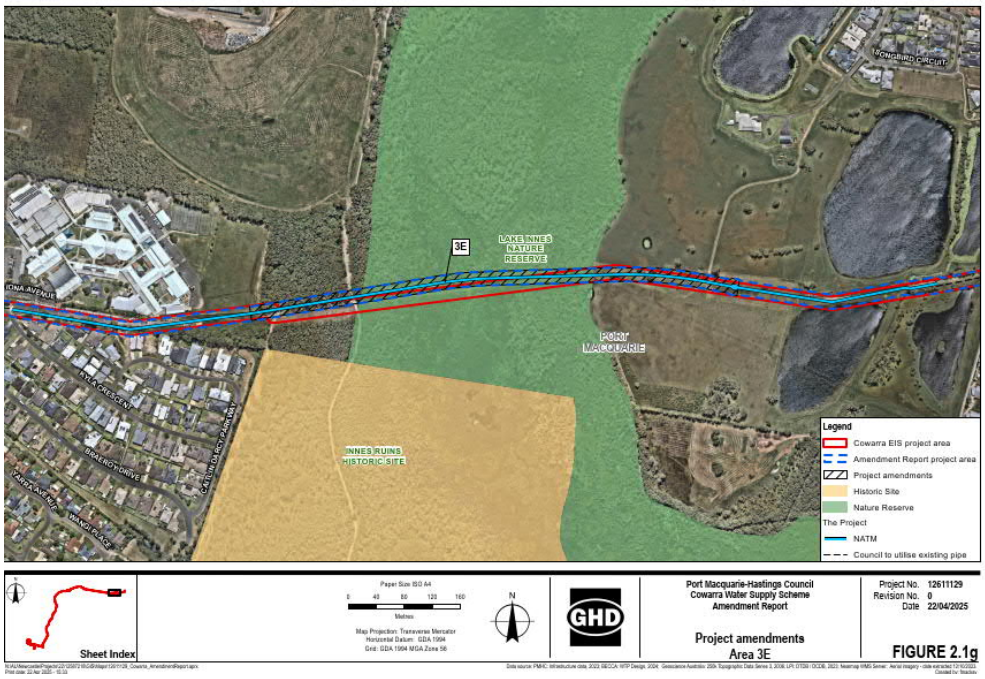
- The Newton Land is currently used for farming beef cattle and it is important that the existing agricultural use is not unduly impacted by the proposed construction of the NATM. As outlined below it is clear that, while not documented in the Amendment Report or Response to Submissions, the construction of the NATM will impact on a significantly larger footprint than the existing easements for water supply.

  Prior to any development consent being issued for the construction of the NATM within the Newton Land, documentation should be provided to confirm that potential impacts on the existing agricultural use of the land have been avoided where possible and otherwise minimised. This may require the consideration of alternate construction methodologies.

- The scale of the potential impact on the Newton Land during the proposed construction of the NATM has not been adequately identified in the Amendment Report, Response to Submissions or the original EIS. The Amendment Report confirms that the Entrance and Exit points for the Horizontal Directional Drilling (HDD) of the Lake Innes Nature Reserve have been moved to provide separation to the boundaries of the nature reserve.

  The Amendment Report does not specifically identify the location and footprint of the Entrance/Exit point for the HDD within the Newton Land. The documentation also provides no detail with respect to the depth of the HDD which will also to some extent determine the location for the entrance/exit point.

  It is clear that the footprint of the work site at the entrance/exit point will be larger than the footprints of both the Amendment Report project area and the Project amendments shown in Figure 2.1g below.



Given one of the primary purposes of the Amendment Report is to identify the amendments to the originally exhibited proposal it is considered that further detail needs to be provided with respect to the actual footprint of the impact of the proposed works on the Newton Land.

It is not considered to be appropriate that this confirmation of this detail is deferred until a Construction Environmental Management Plan is prepared by a currently unknown contractor. Any proposed approval of the NATM within the Newton Land should be based on a complete identification and assessment of the extent of land required to be occupied for construction work, stringing and welding of water mains, construction access, construction compound and facilities.

Attachment 3 is a copy of Dealing 2223579 which provides the terms for the water supply pipeline 5m wide created in 1996 within the Newton Land. It is considered that the terms of the existing easement do not extend provide Council with the legal right to undertake works of the scale required to complete the construction of the NATM within the Newton Land.

This submission seeks commitment from the applicant to a more thorough identification and assessment of the overall potential impacts of the proposed NATM on the Newton Land including:

- clear identification of the extent of land required to be occupied,
- groundwater and surface water quality impacts during the construction process.
- the timeframe for the occupation of the Newton Land for construction purposes,
- management of waste during the under-bore process and conventional trenching construction process,

- strategies to minimise disruption to existing agricultural operations during construction and
- thorough assessment of traffic, noise and vibration impacts.

- There is insufficient information in the Amendment Report to confirm the rehabilitation process proposed by the applicant to restore the Newton Land to its current state following the completion of the proposed construction of the NATM. The more thorough identification and assessment of potential impacts of the NATM within the Newton Lands will also provide the basis for a more informed rehabilitation strategy as part of the planning documentation.

  The terms of the easement contained in Attachment 3 require that the surface be restored as nearly as practicable to its original condition. Given the scale of the expected occupation of the Newton Land beyond the boundaries of the existing easement and the site-specific sensitivities of the land as outlined above, it is considered that the planning assessment should include details of how the Newton Land is to be restored to its original condition. The documentation reviewed to date does not appear to consider rehabilitation of the Newton Land post construction of the NATM.

- The Amendment Report confirms that scour valves and air valves will be installed at the low and high points of the proposed NATM. The documentation reviewed to date does not include any indication of the vertical alignment of the proposed NATM and therefore the locations of the proposed valves have not as yet been disclosed. This information is important to be at least conceptually considered as part of the planning assessment process so that the landowner can be informed with respect to:

  - The location of permanent infrastructure within the Newton Land.
  - The expected nature and frequency of discharges from the scour valves and air valves which is important given the site-specific sensitivities of the Newton Land as outlined above.

3. Alternate Routes

   This submission confirms that a more thorough examination of the potential short-term and long-term impacts of the proposal on the Newton Land is required prior to the Department's determination of the subject application.

   This further examination should include independent consideration of alternate routes to the proposed under bore of Lake Innes Nature Reserve and construction of over 700m of the NATM within the Newton Land.

   The assessment of alternate routes undertaken to date is considered to be inadequate as all options assumed that the under bore of Lake Innes Nature Reserve and construction of over 700m of the NATM within the Newton Land was the only available route to the applicant.

   The submission confirms that this early assumption has then been compounded by an inadequate identification and assessment of the site-specific and

cumulative impacts of the proposal on the Newton Land and potentially on the adjoining Lake Innes Nature Reserve.

4. Concluding Remarks.
The Newton Land represents the private land holding most impacted by the proposed Cowarra Water Supply Scheme.

It is considered that the documentation submitted to date in the Amendment Report, Response To Submissions and the original EIS has not adequately identified the existing constraints the Newton Land presents to the proposed development.

Accordingly the documentation then does not contain a thorough assessment of the potential impacts of the proposed NATM on the Newton Land with respect to:

- The site-specific sensitivities of the Newton Land including the existing large water bodies, geotechnical conditions, existing infrastructure, biodiversity constraints and proximity to existing residential development.

- The need to ensure that the existing use of the Newton Land for agricultural purposes is maintained both during and following construction of the NATM.

- The scale of the potential impact on the Newton Land during the construction phase including the extent of land required to be occupied, traffic impacts, noise and vibration impacts and disruption to existing agricultural operations.

- The cumulative impact on the Newton Land.

- Alternative routes for the NATM that would avoid both the crossing of the Lake Innes Nature Reserve and the Newton Land. The documentation reviewed indicates that all four options considered commenced with the assumption that the only route for the NATM was through the Lake Innes Nature Reserve and the Newton Land. It is considered that this assumption may not have been as clear-cut had the initial identification of the site-specific sensitivities been more thoroughly investigated than indicated in the reviewed documentation

Should you require further information regarding this submission please do not hesitate to contact the writer.

Yours faithfully
King & Campbell Pty Ltd

Per

Anthony Thorne
Encl. As listed