



Department of
Infrastructure, Planning and Natural Resources

**Report on the Assessment of
Development Application 480-12-2002-i
Pursuant to Section 80 of the Environmental Planning
and Assessment Act, 1979**

**Proposal by Energy Australia to Construct New
Transmission Lines to Interconnect Redbank to the
Electricity Grid, as well as Upgrading Existing Feeder
953 and Replacing the Overhead Earthwire on Feeder
95L, in the Singleton and Cessnock Local Government
Areas**

**Department of Infrastructure, Planning and Natural
Resources**

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1. INTRODUCTION

On 6 January 2003, the Department received a development application from EnergyAustralia (the Applicant) for the construction of new electricity transmission lines and uprating of existing transmission lines associated with the Redbank 2 power plant proposal.

This report represents the Department's assessment of the proposed development, in accordance with the *Environmental Planning and Assessment Act 1979*.

2. DEVELOPMENT PROPOSAL

2.1 Background

The Applicant proposes to provide electricity infrastructure for the associated Redbank 2 power plant development application.

The Energy Australia development application is one of three associated development applications, the other 2 being:

- DA-478-12-2002-i: a development application lodged by NP Power 2 Pty Ltd proposing to construct and operate a BDT-fuel fired power plant (known as Redbank 2), which would use the coal tailings prepared at the Bulga Coal Management site for the generation of electricity to be supplied to the grid;
- DA-479-12-2002-i: a development application lodged by Bulga Coal Management proposing to supply coal tailings and mine water to Redbank 2, and to receive, manage and dispose of waste, being boiler ash and wastewater, from Redbank 2.

On 14 October 2003 the Minister for Infrastructure and Planning determined to refuse NP Power 2's proposed Redbank 2 power plant (DA-478-12-2002-i) for the following reasons: the greenhouse gas emissions intensity as proposed is higher than emissions intensities from existing power stations and expected emissions intensities from future power stations; greenhouse gas emissions intensity from the plant is greater than the pool coefficient; the off-set strategy proposed by NP Power 2 is highly uncertain and as such generally inadequate:

- other measures explored by the Department for ensuring the appropriate level of off-set are unproven and would be costly;
- the level of uncertainty and other associated implications are significant as to prevent consideration of a deferred commencement approval;
- allowing the plant, with a greenhouse emissions intensity above the average, would create additional pressure upon the Scheme participants, such that the cost of compliance for the State would be increased. In turn, there is the possibility that such cost increases could be passed on to consumers via increases to electricity prices. This has the effect of externalising the costs of Redbank 2's greenhouse gas emissions, such that these costs are passed onto the Scheme participants, namely the electricity retailers.

On the basis of the above, the Minister considered that approving Redbank 2, as proposed, could result in implications contrary to the public interest as it has not been demonstrated with any certainty that a significant environmental impact (namely impacts associated with the emissions of greenhouse gases) can be reasonably managed.

2.2 Outline of the Proposal

The proposed development consists of three major elements, being:

- The construction of two new 132 kV transmission lines connecting the proposed Redbank 2 to the existing 132 kV Feeder 953 transmission line (which runs from Redbank 1 to the Kurri substation). The connection is to occur just north of Putty Road at Mount Thorley. The length of new transmission line required is approximately 5 km in route length with two new 132 kV transmission lines constructed side by side, adjacent to the existing 66 kV transmission line and easement.
- The uprating of the existing 132 kV Feeder 953 transmission line between Redbank 1 and the Kurri Substation, a distance of approximately 55km; and

- Replacement of one of the two overhead earth wires with an optical ground wire (OPGW) conductor on 132 kV Feeder 95L Kurri Substation to VAW Aluminium Smelter at Kurri Kurri, a distance of approximately 5 km to enable improved protection schemes to be implemented.

2.3 Proposed Development Site

Figure 1 shows the route of the proposed new transmission line, existing 132 kV Feeder 953 transmission line proposed to be uprated and the existing overhead earth wires proposed to be replaced.

3. STATUTORY PLANNING FRAMEWORK

3.1 Minister's Role

The Redbank 2 power plant proposal is subject to a declaration pursuant to Section 76A of the Environmental Planning and Assessment Act 1979 (EP&A Act) making the project State significant. This declaration was made on 24 February 2002 and came into effect with the publication of a notice in the Government Gazette in March 2002. As State significant development, the Minister for Infrastructure and Planning is the consent authority for the development application.

As such the development as proposed by Energy Australia is also State significant as it is part of a project which is State significant. Accordingly, the Minister is the consent authority for this development application.

3.2 Permissibility

Singleton Local Environmental Plan, 1996

The Singleton LEP applies to all land within Singleton Shire. Under the Singleton LEP, the land to which the new transmission applies is zoned 1(a) – Rural Zone.

The land affected by the uprating of the 132 kV Feeder 953 fall within the zones listed below:

- 1(a) Rural Zone: this zone covers the majority of the land;
- 1(d) Rural Small Holding Zone: the 132 kV Feeder 953 passes through a small area of this zone at Whittingham;
- 4 Industrial Zone: the 132 kV Feeder 953 passes through the Mount Thorley Industrial Estate; and
- 5 Special Uses and Reservations: the Singleton Military Training Area is zoned Special uses.

Pursuant to the provisions of *State Environmental Planning Policy No. 4 – Development Without Consent* (SEPP 4) and Clause 36 of the Singleton LEP Utility installations are permitted in all of the zones without consent, however, as part of a project, part of which is State significant development, consent is required. A full consideration of the proposal against the provisions of the Singleton LEP is provided in Appendix B.

Cessnock Local Environmental Plan, 1989

The Cessnock LEP applies to all land within Cessnock City. There are no new transmission lines proposed within Cessnock, only uprating of the 132 kV Feeder 953. The zones on which the existing infrastructure is situated are listed below:

- 1(a) Rural A Zone: this zoning covers the majority of the 132 kV Feeder 953 route in Cessnock;
- 1(c) Rural Residential/Rural (Small Holdings) Zone: a small section of this zoning is encountered at Rothbury;
- 1(c1) Rural (Small Holdings) Zone: the 132 kV Feeder 953 traverses a small section of this zone at Rothbury;
- 1(v) Rural (Vineyards) Zone: there is a substantial length of the 132 kV Feeder 953 that traverses this zone in the Rothbury area; and

- 5(a) Special Uses Zone and 5(b) Special Uses (Railway) Zone: the special use zones apply to very small land areas near Kurri Kurri.

Pursuant to the provisions of SEPP 4 and the Model Provisions 1980 (which are adopted by the Cessnock LEP), utility installations are permitted in all of these zones without development consent. However, as part of a project, part of which is a State significant development, consent is required. A full consideration of the proposal against the provisions of the Cessnock LEP is provided in Appendix B.

3.3 Legislative Context

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation), the proposed development is not integrated development, non-designated development and State Significant development.

State significant development

Consent is sought for the proposed development pursuant to Part 4 of the Act. Normally, the construction of new transmission lines and/or the uprating of existing transmission lines does not require development consent, however, the proposed development is part of the Redbank 2 Power Plant development application (as without the proposal Redbank 2 would not be able to supply power to the electricity grid) which is subject to a determination made under Section 76A of the EP&A Act making that project State significant development. As such, the Minister for Infrastructure and Planning is the consent authority.

Non-designated Development

The proposal is not designated development, as it is not of a type of development listed under Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (the Regulation),

Not Integrated Development

The proposal is not integrated development, as it is Crown development to which Part 5A of the Act applies, and as such, under Section 90 of the Act, Division 5 of the Act, which relates to integrated development, does not apply. Notwithstanding this, the following approval will still be required to be obtained by the Applicant, should consent be granted:

- As work is required over a number of public roads within Singleton LGA and Cessnock LGA approval would be required under the *Roads Act, 1993*. However, Energy Australia is exempted from the need to obtain approval from either Council under the *Roads Act 1993* for road crossings of public roads.
- As Mushroom Composters Road, a Crown Road, is crossed approval is required from the Department of Lands under the *Roads Act 1993*.
- As Putty Road forms part of the Golden Highway (State Highway 27) which is a State Road under the care and control of the RTA the new transmission line crossing of Putty Road requires the consent of the RTA and SSC under the *Roads Act 1993*.
- As land clearing activities along the new transmission line are likely to result in the disturbance of land within 40 metres of watercourses. A permit from the Department under Part 3A of the *Rivers and Foreshores Improvement Act, 1948* is required. Additionally, if any poles are to be placed within 40 metres of a watercourse as part of the transmission line uprating, a part 3A permit would be sought.

However, as mentioned above, the proposal is one to which the provisions of Division 5 of the Act relating to integrated development do not apply. Notwithstanding this, the Department has consulted with the relevant agencies with regards to these additional approvals, and has in some cases received the conditions of approval that the agencies would impose. The Applicant must obtain the necessary approvals itself prior to any works being undertaken.

The Applicant has proposal would require vegetation clearing for the new transmission lines which triggers the provisions of the *Native Vegetation Conservation Act 1997* (NVC). A separate development application has been lodged with the Department for this approval.

Public Exhibition and Notification

Exhibition of development application and the accompanying Environmental Impact Statement took place between Friday 17 January 2003 and Friday 28 February 2003 (extended from the original closing date of 18 February 2003) at the following locations:

- Department of Planning - Head Office, Sydney;
- Department of Planning - Newcastle Office
- Cessnock City Council;
- Singleton Shire Council; and
- Nature Conservation Council of NSW, Sydney.

In accordance with the Act, nearby landowners and occupiers were notified in writing about the proposed development. Advertisements of the proposed development were placed in the newspapers listed below:

- the Cessnock Advertiser on Wednesday 22 January 2003 and Wednesday 5 February 2003;
- the Newcastle Herald on Thursday 16 January 2003 and Thursday 6 February 2003; and
- the Singleton Argus on Friday 17 January 2003 and Friday 7 February 2003.

The newspaper advertisements and public notifications provided details of the proposal, exhibition locations and dates, and information on how interested parties could make a submission. A notice providing the same information was also displayed on the proposed development site for the duration of the exhibition.

The Applicant provided additional information in response to such requests from the Department and the relevant integrated agencies. Upon the receipt of this additional information the Department re-exhibited the proposal (including the original application and the additional information) from Friday 6 June to Wednesday 9 July. This included notification of the re-exhibition to all the original notified residents (and agencies) as well as those which had made a submission, with advertisements placed in the following newspapers:

- the Cessnock Advertiser on Wednesday 4 June 2003 and Wednesday 18 February 2003;
- the Newcastle Herald on Thursday 5 June 2003 and Thursday 19 June 2003; and
- the Singleton Argus on Friday 6 June 2003 and Friday 20 June 2003.

3.4 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999* requires a referral to be made to Environment Australia should a proposed development be considered a controlled action. The only scheduled species which occurs in the habitats surrounding the proposed easement, for the new transmission lines, is the Slaty Red Gum (*Eucalyptus glaucina*). The Applicant asserts that no specimens of the Slaty red Gum will be impacted by the proposed easement for the new transmission lines, and as such a referral to Environment Australia is not warranted.

3.5 Other Relevant Environmental Planning Instruments

The proposed development is also subject to *State Environmental Planning Policy No. 44 – Koala Habitat Protection*, the *Hunter Regional Environmental Plan 1989* (Hunter REP).

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) provides for the protection of existing koala populations and koala habitat. The Applicant has provided a study which states that no koalas were identified in the impacted area. Further, while the Forest Red Gum, a preferred koala foraging tree, is present within the study area, and there are historic records of populations in the vicinity of the proposed development, the area is not core koala habitat, and as such the further provisions of SEPP 44 do not apply.

Hunter Regional Environmental Plan, 1989

The Hunter Regional Environmental Plan 1989 (Hunter REP) contains no specific provisions relating to development for electricity infrastructure, including transmission lines. However,

Part 7 of the Hunter REP relates to Environmental Protection and includes all development types. The Department considers that the proposed development is consistent with the relevant provisions of the Hunter REP. Considerations of the proposal against the objectives and provisions of the Hunter REP are provided in Appendix B.

4. CONSIDERATION OF ISSUES RAISED IN SUBMISSIONS

The Department received a total of 24 submissions in response to the initial exhibition of the proposed Redbank 2 power station project (including this DA), however only 15 related, either directly or indirectly, to Energy Australia's development application.

Of these submissions 8 were from Federal, State agencies or Council, being:

- Commonwealth Department of Defence: raised no issues directly related to Energy Australia's DA;
- Roads and Traffic Authority: identified that part of the transmission line proposed to be uprated would be within the easement of the approved National Highway Link from the F3 to Branxton, and that as such, the uprating should be undertaken in a more strategic manner, and poles within this easement should be removed and replaced;
- Department of Mineral Resources: indicated that there was no impact on known coal resources, and raised no issues directly related to Energy Australia's DA;
- NSW Rural Fire Service; recommendations regarding management of bush fires;
- Heritage Office: recommended that the recommendations within the SEE be implemented;
- NSW Health: raised concerns regarding the electromagnetic field impacts associated with the uprating;
- Hunter Water: raised no issues as long as the transmission line stayed within the existing easement; and
- Singleton Council: raised no issues directly related to Energy Australia's DA.

One submission was from a public interest group, being the Lower Wonnarua Tribal Council, which supports the Archaeological report undertaken for the SEE, and requested that a full survey be carried out on the entire route of the transmission line.

Five submissions were from members of the public, and the following issues were raised:

- re-establishment of the easement with native species;
- damage to private land;
- devaluation of property prices due to being near high voltage power lines;
- that the uprating of this transmission line is the not most appropriate way to provide for transmission in the Hunter Valley;
- restricts the access to a commercial rock resource.

Of the submissions received 4 were classified as being objections, all objectors being private submitters.

From the re-exhibition undertaken by the Department, nine submissions were received. The RTA, NSW Health, the Hunter Water Corporation and the NSW Rural Fire Service raised no further issues with regards to the transmission line DA. NSW Rail Estate and South Maitland Railways Pty Ltd identified issues associated with doing works within the rail easement. There were three submissions received from private residents or local interest groups. All three of these were objections. The only new issue raised by the objectors was that the transmission line should be replaced with an underground transmission line as it is more energy efficient and environmentally appropriate.

A summary of the major issues raised by each of these parties is presented in the relevant discussion in Section 5 of this assessment report, with full details of each submission provided in Appendix C. The Department has satisfied the requirements of the Act in relation to receipt and consideration of submissions.

5. CONSIDERATION OF ENVIRONMENTAL ISSUES

5.1 Flora and Fauna Impacts

Applicant's Position

The Applicant undertook flora and fauna assessment in three stages; being the uprating of the existing transmission line Feeder 953 (between Mt Thorley and Kurri), the new Feeder between Redbank and Mt Thorley, and the replacement of the overhead wire.

In the case of the uprating of the existing feeder 953 and replacement of the overhead wire impacts were identified within the existing easements. For the new transmission line, the Applicant notes that the area of potential impact is within an existing easement for an existing 66 kV transmission line as well as an area immediately adjacent to this easement for a width of 60 metres.

For the existing easements, the Applicant carried out a visual assessment of flora and fauna within the vicinity of each pole, and noted that no habitat would be impacted outside the existing easements. With regards to the new transmission line, the Applicant undertook a visual assessment of habitat types 30 metres to the east of the existing easement (which is where the new easement would be located).

For the transmission line uprating, the Applicant identifies that the vegetation was highly modified and dominated by exotic species. Notwithstanding this, the Applicant notes that the easement passes through the Kurri Sand Swamp Woodland endangered ecological community, and that two threatened and two Rare Or Threatened Australian Plant species were recorded within the easement. One threatened bird species was identified in the vegetation surrounding the existing easement (the Grey-crowned Babbler). Regarding the replacement of the overhead wire, the Applicant notes that two threatened plant species were identified, but that there were no threatened fauna species observed within the easement, or likely to use the easement. As such, with regards to these two parts of the proposal, the Applicant asserts that the proposed works will result in minor disturbances, such as crushing of plants within the vicinity of existing access tracks and localised disturbance around the power poles.

With regards to the new transmission line, the Applicant identifies that between 2 and 3.5 hectares of woodland would be removed, including narrow-leaved Ironbark-Bulloak woodland, Narrow-leaved Ironbark-Forest Redgum woodland and Riparian vegetation, and noted that no nests of the endangered Grey-crowned Babbler were observed within this area. With regards to the Grey-crowned Babbler, the Applicant undertook an impact assessment of the proposal against the provisions of Section 5A of the Act, finding that the proposal will not significantly impact on the species or its habitat.

The Applicant concludes that no threatened species of flora or fauna would be significantly impacted by the proposed development, however to ensure any impacts are minimised, the following recommendations are included:

- that woody material cleared be stockpiled within the easement to provide foraging and refuge habitat for terrestrial fauna;
- that the work takes place outside of the breeding period for owls and arboreal mammals, and the nesting period for the Grey-crowned Babbler, preferably with works taking place between April and May.

Issues Raised in Submissions

The National Parks and Wildlife Service (NPWS) submitted that the SEE did not include an assessment of the impacts on the Hunter Lowland Redgum Forest endangered ecological community (it was listed in December 2002, and HLA's SEE undertook fieldwork in October 2001 and June 2002)), which potentially occurs along the route of the new transmission line. Further, the NPWS noted that the routine maintenance of clearing within the existing easement resulted in species not being able to reach maturity, and asserted that the full extent of the community being impacted by this routine maintenance had not been adequately established, nor assessed under Section 5A of the Act.

One private submission raised the issue of flora and fauna impact, specifically requesting that revegetation should be undertaken within the easement with native species to ensure appropriate level of biodiversity, and that conservation of *Eucalyptus parramattensis* ssp. should be undertaken.

Department's Position

The Department considered the flora and fauna assessment undertaken by the Applicant as poor, and requested a significant amount of additional information, specifically in relation to impacts:

- within the new 132 kV easement, and the amount of vegetation proposed to be removed and whether targeted surveys were undertaken for threatened species; and
- within the existing 132 kV easement (proposed for uprating) and whether any Kurri Sand Swamp Woodland would require clearing or be impacted.

The Applicant has responded that:

- approval is being sought to clear up 4 hectares of woodland, and that clearing of riparian vegetation and dry pasture may not be necessary;
- targeted surveys and Section 5A assessments were undertaken for threatened species;
- no clearing of Kurri Sand Swamp Woodland would occur outside of the existing easement; and
- that Energy Australia intend to develop and Soil and Sediment Control Plan to mitigate runoff and soil erosion impacts on adjacent vegetation.

The Department is generally satisfied with the Applicant's additional information, however notes that there are still residual potential impacts, especially regarding minimisation of impacts to the Grey-crowned Babbler. To ensure such impacts are minimised, the Department recommends that, should consent be granted, a Flora and Fauna Management Plan be required, including:

- strategies for minimising vegetation clearing within the new easement and complete protection of vegetation outside of the new easement area;
- weed control be carried out;
- pre-clearing surveys should identify any mature trees and tree hollows that can be practically retained, including any available for re-use, and identification, relocation or rehabilitation of fauna or flora species identified as necessary;
- that Grey-crowned Babbler nests not be disturbed, and that works take place outside of the period July to February, being the babbler's breeding season
- a vegetation management plan, including details of vegetation to be removed and within what time frame, description of species to be utilised for replanting; and inclusion of maintenance, monitoring and performance criteria; and
- induction of construction staff to the requirements within the Plan and the importance of protecting flora and fauna.

The Department would also recommend that no power poles be located within 40 metres of an existing watercourse, and that material cleared be stockpiled within the easement, as proposed by the Applicant. As long as clearing is minimised, and the abovementioned management strategies are implemented adequately, the Department is satisfied that the proposed development is likely to have minor ecological impacts. Further, the Department is satisfied that the Applicant has undertaken an appropriate level assessment, and that the relevant studies have been carried out in accordance with the Act.

5.2 Visual Amenity

Applicant's Position

The SEE states that the new transmission lines will be constructed beside an existing 66 kV easement, which is within the undulating foothills visual landscape unit and minimising the amount of land clearing required for the project. The Applicant notes that the visual amenity of the area on which the new transmission lines are proposed is considered to be low. The area between Mount Thorley and Bulga Mine is characterised by mining activities including

overburden dumps, open cut pits and surface facilities. Much infrastructure transects the land including roads, two rail spur lines and an extensive network of electricity infrastructure made up of 330 kV transmission lines and associated towers (Transgrid) as well as 132 kV, 66 kV and 11 kV transmission lines (EnergyAustralia).

The SEE notes that the uprating of the 132 kV Feeder 953 and 95L transmission lines will occur within the existing easement, however the Applicant acknowledges that the uprating will have additional visual impact. It is stated that the poles will be 2-3 metres taller than existing poles, which currently range in height from 15.5 to 18.5 metres, and new pole structures will be installed in approximately 180 locations along the 55km long easement.

Issues Raised in Submissions

One private submission made reference to the visual impacts of the proposed development.

Department's Position

With regards to the new transmission line, the Department notes that there is currently an existing 66 kV transmission line which follows the same route. The only part of the new transmission line which does not follow the route of the existing 66 kV line is from the power station to the 66 kV line. As such, due to the nature of that land being adjacent to the proposed power plant, and adjacent to Bulga's mining operations, the Department considers that there will be minimal visual impact. With regards to the length of the new transmission line, the Department notes that by following the existing line, the visual impact to the surrounding landscape is minimised.

The Department notes that while some of the transmission line poles will be increased in height by 2-3 metres this increase is not visually significant. The nature of the transmission line, nor the cables it carries, will be changed.

5.3 Archaeological and Heritage Impacts

Applicant's Position

The SEE states that there will be no impacts on sites of European heritage in the vicinity of the proposed development. Only one item, "Minimbah" at Whittingham, is close to the existing 132 kV Feeder 953. As there are minimal alterations to the 132 kV Feeder 953 the heritage values of Minimbah will not be affected.

Regarding Aboriginal archaeological impacts, the Applicant asserts that the conservation issues relating to transmission line construction are access track and transmission line easement clearing, and pole construction. The Applicant notes that the existing 132 kV transmission line easement has not had a previous archaeological assessment, and that while the existing easement has already been significantly impacted, there is potential to further affect already disturbed archaeological materials. The Applicant's archaeological analysis provides an indication of the size and contents of likely sites as well as potential locations. With regards to the new transmission line easement, the Applicant indicates that the main threat to Aboriginal sites is the upgrading of the access track, especially at creek crossings, and power pole construction. Recommendations included in the SEE cover the pre-construction, construction and post-construction stages of the proposed project.

The Applicant identifies that the pre-construction stage consists of field inspections at potential site locations which may be disturbed by construction or uprating. This would:

- For the uprating of Feeder 953: record any new sites which may be identified, and provide temporary fencing to ensure the site is not impacted. Where the site cannot be protected consent to destroy would be sought from the NPWS under Section 90 of the *National Parks and Wildlife Act 1974*;
- For the new transmission line:
 - provide a permanent protective fence for the scarred tree T-3 (this should be a five strand 20 x 20 metre fence), such that it can provide a buffer and protect the tree roots. There should be no lopping of branches or other forms of damage to this tree without a NPWS Section 90 consent.

- Temporary protective fencing will be constructed to protect all sites and isolated finds within the easement, with tree clearing within the fenced areas to be performed with a chainsaw to avoid ground disturbance. The following isolated finds are listed:
 - X-18 and X-20, on the western side of the proposed line;
 - X-19, on the eastern side of the proposed line;
 - Site MT-9, a camp site which has exposures to the west of the proposed line but which is difficult to assess the sub-surface extent of. The site will be fenced;
 - Site MT-10, a ridge crest containing artefacts on land that is already cleared. Any trees which might interfere with a power line could be chain sawed to minimise ground disturbance. The site will be fenced;
 - Site MT-11, a ridge crest where artefacts occur over a 30 metre distance. The site will be fenced, and if power poles need to be located in this site, the same procedures as for MT-10 apply; and
 - Isolated finds X-23, 24 and 26, on the western side of the proposed line.

During the construction phase, the Applicant provides the following:

- that protective fences will be erected around all sites and clearing within the fenced areas will be undertaken to avoid ground disturbance, and that monitoring will be undertaken if ground disturbance is likely within the fenced sites MT-10 and MT-11.
- poles will be located to avoid all sites and isolated finds, however, that it may be necessary to locate poles within sites MT-10 and MT-11 to facilitate transmission lines spanning the crest ridge. If poles are necessary within sites MT-10 and MT-11, proposed pole locations will be pegged and inspected. The SEE states that poles locations within sites MT-10 and MT-11 will be located to avoid artefacts and monitoring will be undertaken during any ground disturbance.

EnergyAustralia's standard EMP covers Aboriginal archaeological environmental aspects, and the standard EMP will be employed during construction and maintenance works. The SEE also recommends that members of the construction crews be trained in the identification of artefacts and be able to avoid site disturbance where possible. The SEE notes that on-the-ground observers are recommended, and that if new sites are found during construction, work in the area should temporarily cease. An archaeologist is required to assess the need for a NPWS consent to destroy, and if it is needed, to process it before work resumes.

Post-Construction, the Applicant provides the following:

- the permanent fence for scarred tree T-3 be left in place;
- the temporary protective barrier fences be removed; and
- any future ground disturbance in the vicinity of any of the sites or isolated finds have an archaeological inspection in advance.

Issues raised in Submissions

The Lower Wonnarua Tribal Council (LWTC) indicated support for the management plan prepared by Dan Witter. The submission also stated that LWTC would like full involvement in Archaeology of the site and requested that a full survey be done on the proposed route. The LWTC also requested that they be provided with the opportunity to tender for construction works and suggested ongoing employment for Aboriginal people.

Department's Position

The Department supports the mitigation strategies proposed by the SEE and the recommendation that work should cease and NPWS be notified in the event that an Aboriginal relic is unearthed during construction, and needs a Section 90 Consent to destroy.

Should the Minister decide to grant development consent, the Department considers that the measures outlined in the SEE and a requirement for the Applicant to immediately cease works and notify the NPWS should any Aboriginal relics be uncovered during any construction activities, should be adopted. The Department considers that these measures would adequately address any potential impacts on any Aboriginal and non-Aboriginal archaeological and heritage items, and provide suitable protection.

The Department's primary concern relates to the wording in the SEE, where in some cases the Applicant has not made a clear indication that some of the recommendations in the consultant's report (provided as an appendix) would be implemented. As such, where the recommendations as suggested in the consultant's report (and highlighted above in this assessment report) are not clearly provided for in the SEE, then the Department recommends conditions ensuring that those recommendations are followed.

5.4 Traffic and Transport

Applicant's Position

The SEE states that existing access tracks will be used to access all transmission lines, which may require some maintenance works. The Applicant also states that typical vehicles for a track maintenance or construction would be a tipper and backhoe or a small dozer.

Issues Raised in Submissions

The submission from the RTA stated that replacement pole structures are to be designed to avoid conflict with the approved route for the National Highway Link between the F3 and Branxton. It also asserted that all structures should be located outside the road reserve of the approved route of the new highway, and no power pole structures are to be located within the road reserve. The submission also indicated that the Applicant requires the concurrence of the RTA with regards to the final design of the uprating. The RTA also stated that a Road Occupancy Licence would be required from the RTA if works require road closure.

Department's Position

Energy Australia has expressly submitted to the Department that the conditions as proposed by the RTA are unacceptable. Notwithstanding this the Minister has the ability to enforce conditions which Energy Australia is not supportive of, if the Minister considers them appropriate.

In this instance the Department considers it unreasonable for the Applicant to be subject to the costs of any future works, the details of which have not been finalised (even though such works have been approved). The Department notes that at this stage the RTA has not provided a detailed design for the road, and that the RTA's EIS for the road states that specific effects of the final route would be ascertained in consultation with the electricity company. The Minister's approval for the RTA's road supports this by indicating that the utility provider would not be responsible for the costs of relocating the utility.

Further, as the RTA's issues relate to the uprating of the existing transmission line, the Department notes that there is currently an existing easement, and that the Applicant is not proposing to change the easement, but to carry out works within the easement. As such, considering the lack of progression of the RTA's approved freeway link, and the fact that the Applicant is not changing the existing easement, it appears onerous to expect the Applicant to now change the existing easement and relocate the transmission line.

The Department further notes that should the RTA's proposed conditions be enforced, then that may significantly alter the Applicant's proposed development. Specifically the Applicant's proposed development does not include any change to the existing easement, nor the provision for a new easement along this route. This would require a significant amount of new assessment to be undertaken, and potentially a new development application to be lodged. The Department therefore concludes that the RTA's proposed conditions should not be included in any consent issued by the Minister, should the Minister determine to approve the DA.

5.5 Soil and Surface Water Impacts

Applicant's Position

The Applicant asserts that all construction material will be stored away from waterways and stormwater drains, with no pollutants to be discharged to stormwater drains or waterways.

The Applicant identifies Singleton Council's the Singleton Erosion and Sediment Control DCP, which is relevant to the subject area and notes that the fundamental issues within it are:

- erosion control measures need to be applied with the site to minimise erosion;
- acknowledge that some erosion will occur and take steps to intercept and retain sediment within the work site.

The Applicant acknowledges that there is the possibility for erosion to occur, and has stated that an Erosion and Sediment Control Plan (ESCP) will be developed. The SEE includes a copy of the Environmental Guidelines for Sediment Control, produced by the Applicant. The Applicant indicates that the ESCP will ensure that soil erosion is limited and that sediment will not leave the construction site. Further, the ESCP will include techniques for minimising erosion on tracks. The Applicant identifies the soil types that it is likely to encounter along the easement, and provides a brief description of the potential for erosion to occur in those soils.

The SEE includes a description of the principles to be applied during the rehabilitation process:

- disturbed areas will be topped with local soils during rehabilitation;
- topsoil from the native tree covered area will be kept separate from areas of pasture or weed infestation;
- soils with high salinity are not recommended for top dressing;
- topsoil handling will be minimised to prevent modifications; and
- where possible topsoil will be directly respread

Vegetation material cleared will be used for mulch and groundcover where topsoil has been spread for rehabilitation, and all rehabilitated areas will be monitored and maintained. The SEE indicates that planting for revegetation should not be necessary, however includes a list of revegetation should it be necessary.

Issues raised in Submissions

No submission raised soil and surface water issues.

Department's Position

While the Department considers the proposal to have a minor impact, due to the small land disturbance area associated with power pole installation/replacement, the Department accepts the Applicant's acknowledgement that there is potential for erosion and sedimentation, and supports the actions described within the Erosion and Sediment Control Plan.

Notwithstanding this, the Department has made a number of recommendations relating to soil and erosion sedimentation, in the event that the works are within 40 metres of a waterway, since they then represent a greater potential for impact. In particular, the Department would require a more detailed Erosion and Sediment Control Plan in the event that works are within the specified distance, as well as the following:

- any riparian areas must be rehabilitated, including removal of exotic species, revegetation with native species and the stabilisation or erosion hazards; and
- asset protection zones required for bushfire protection must be outside the buffer zone for the watercourse.

5.6 Socio-Economic and Health Issues

Applicant's Position

The SEE notes that the Singleton area is well serviced by a range of health and support services, children's services, aged services, and community services as well as recreation and leisure facilities. It is also stated that the construction of the proposed new transmission lines and upgrading of existing lines is likely to be undertaken from existing Energy Australia resources and therefore is not expected to generate any additional employment. Employment associated with the development is likely to be minimal and therefore will have negligible impact upon the services and infrastructure in the Hunter Valley, particularly the Singleton Shire.

Issues Raised in Submissions

A submission from a private individual raised concern about the potential devaluation of their property due to public perception of the dangers of living in close proximity to transmission lines. The submission also queried the possibility of receiving compensation for the loss of value to their property. NSW Health raised concern regards the increased electromagnetic field strength within the vicinity of the uprated transmission line and the new transmission line.

A submission from a business indicated concern about the impact of the location of the existing 132 kV feeder line as it divides rock resource and queried whether it is possible to move the feeder line to the south. The submission also questions if relocation of the 132 kV feeder line is not possible will the design of the power line structures allow blasting operations nearby.

Departments Position

The Department acknowledges that the proposed new transmission lines and uprating will have negligible impacts on socio-economic factors in the Hunter Valley and Singleton Shire such as employment and services.

The Department notes that the proposed development represents a minor change to the use of the land. The uprated line will be substantially the same, while the new transmission line will follow adjacent an existing easement, and will not be substantially out of character with the existing 66 kV line. As such the Department does not consider that the proposal is likely to result in any negative impacts to property values over and above those which currently exist.

With regards to health impacts associated with an increase to the electromagnetic field strength, the Department requested additional information indicating the strength of the magnetic and electric fields as a result of the proposed development. While the proposal represents an increase in the field strengths at the fringe of the easements, the Department notes that in all cases the fields are significantly below the National health and medical Research Council Draft Guidelines of 1000 mG (for magnetic fields) for the public up to 24 hours per day and 5 kV/m (for electric fields) for the public up to 24 hours per day.

5.7 Project Justification

The Applicant asserts that the proposed development has been chosen for a number of physical and ecological reasons, being:

- it is a reasonably straight route and it follows an existing easement which minimises the area of disturbance and minimises the amount of land to be cleared; and
- all uprating will take place within existing easements with virtually no adverse impacts.

The Applicant identifies that the proposed new transmission lines and uprating of the 132 kV Feeders 953 and 95L will only occur when and if Redbank 2 is approved and constructed. The 132 MW produced at Redbank 2 must be capable of being delivered to the electricity grid. The proposed development allows this connection to occur.

As described above, however, the Minister refused development consent for Redbank 2, as the Minister determined that approving Redbank 2, as proposed, could result in implications contrary to the public interest.

Due to the obvious relationship between Energy Australia's proposed development, and the proposed Redbank 2 power plant, the Department notes that the approval of this development would not be consistent with the Government's approach to Redbank 2, irrespective of whether the Minister determines that the environmental impacts associated with this proposal are acceptable or not, in accordance with the earlier discussion. Further, the Department notes, that approval of this development application would not be seen as an orderly approach to development, since, for the purposes of the decision making, the entire reason for such a development has not been established, or rather has been removed.

The Department notes, that while the concept of justifiable demand for a development is not specifically prescribed by the legislation to be considered by the Minister in this instance, it is

a concept which is fundamental to the appropriateness of future development. Further, the Department is of the opinion that to permit development, the fundamental basis of which has been removed, is not an orderly and appropriate approach to development, and that development which is not orderly or appropriate is not consistent with the objects of the Act, and not in the public interest.

6. CONCLUSION

The Department's primary concern relates to the flora and fauna impacts associated with the new transmission line, for which the Department has recommended the Applicant prepare a Flora and Fauna Management Plan to ensure any impacts on threatened species in this easement are kept to a minimum. Other than this, the Department concludes that Energy Australia's proposed development is generally unlikely to result in any adverse environmental impacts beyond those which are already being experienced.

Notwithstanding this the Department notes that irrespective of its recommendations, to be considered should the Minister approve the development; there is currently no justification for the proposed development to proceed, since the Redbank 2 power plant has been refused by the Minister. As such, while the proposal is unlikely to result in any significant adverse impacts, and that it would be possible to provide a regime whereby such impacts are minimised to acceptable levels, the Department is of the opinion that any environmental impact is unacceptable under the circumstances that the justification for the proposal has been removed, and the proposal will therefore provide no benefits.

The Department concludes that, on the basis of the Minister's refusal of the Redbank 2 power plant:

- the proposal would result in unacceptable environmental impacts for a development which provides no benefits; and
- approval of the development application would not be seen as an orderly and appropriate approach to development, and that development which is not orderly or appropriate is not consistent with the objects of the Act, and not in the public interest.

7. RECOMMENDATION

It is RECOMMENDED that the Minister:

- (1) consider the contents of this report prior to making his determination on the Development Application in accordance with Section 80 of the *Environmental Planning and Assessment Act 1979*.
- (2) consider that the proposal has no justification due to the refusal of Redbank 2 and therefore provides no benefits, and that the development has unacceptable environmental impacts for development which has no benefits.
- (3) consider that the proposal has no justification, that development which is not justified is not appropriate or orderly development, and that development which is not orderly or appropriate is not consistent with the objects of the Act, and not in the public interest.
- (4) refuse to grant development consent to development application DA-480-12-2002-i, submitted by Energy Australia, under Section 80 of the Act.

APPENDIX A - CONSIDERATION UNDER SECTION 79C

Section 79C requires that the consent authority, when determining a development application, takes into consideration the following matters.

The provisions of:

(i) any environmental planning instrument;

In relation to the proposed power plant, the following environmental planning instruments apply.

- State Environmental Planning Policy No. 44 - Koala Habitat Protection;
- Hunter Regional Environmental Plan 1989;
- Singleton Local Environmental Plan 1996
- Cessnock Local Environmental Plan 1989.

Consideration of the provisions of these instruments, in the context of the proposed development is outlined in section 3.4 and in Appendix B of this report, where relevant. The Department considers that the proposed development is generally consistent with the provisions of the relevant planning instruments.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority;

There are no draft environmental planning instruments relating to the development.

(iii) any development control plan;

Singleton Erosion and Sediment Control Plan

The ESCP aims to ensure that appropriate control measures are applied such that soil erosion is minimised, and to ensure that measures implemented to intercept and retain sediment within the work site where any erosion occurs. The Department considers that the measures can be appropriately implemented.

Cessnock Development Control Plan No. 28 – Cessnock Vineyard Districts

The DCP aims to ensure that development within the Vineyard District is consistent with the rural and viticultural character of the District, as well as providing for protection of water quality in watercourses, conservation of biodiversity and conservation of archaeology and heritage within the District. The Department notes that the proposed is to take place entirely within the existing easement within the District, and considers that appropriate measures would be in place to ensure such provisions are satisfied.

(iv) any matters prescribed by the regulations that apply to the land to which the development application relates;

The matters required to be taken into consideration by the *Environmental Planning and Assessment Regulation 2000* are not relevant for this application.

(v) the likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality;

Section 4 of this assessment report considers the environmental impacts of the proposed development in detail.

(vi) the suitability of the site for the development;

The new power lines are proposed to link the proposed Redbank 2 power plant to the existing 132 kV Feeder 953, and are proposed to be constructed immediately adjacent to an existing 66 kV transmission line. The necessary easement would primarily be adjacent to the existing easement, and would form an extension of it. The Department therefore considers that the proposed route for the new transmission line is a suitable route.

For the proposed uprating of existing Feeder 953 and the replacement of the overhead wire, there is to be no works outside of the existing easement. The Department considers that use of the existing easement is appropriate for this development.

(vii) any submissions made in accordance with this Act or the regulations;

A total of 24 submissions in response to the exhibition of the proposed Redbank 2 power station, of which 15 related, either directly or indirectly, to Energy Australia's development application. A further 9 submissions were received in response to the re-exhibition of the development application. All matters raised in these submissions have been given due consideration, as described in section 4. A summary of the submissions and issues raised is provided in Appendix C.

(viii) the public interest;

The Department considers that, since the fundamental basis of the proposed development has been removed, the proposal does not represent orderly and appropriate approach to development, and that development which is not orderly or appropriate is not consistent with the objects of the Act, and not in the public interest.

APPENDIX B - CONSIDERATION OF RELEVANT PLANNING INSTRUMENTS

HUNTER REGIONAL ENVIRONMENTAL PLAN 1989

Part 1 Preliminary

7 Duties of certain public authorities in relation to plan preparation and development consents

(1) Where:

- (a) *an environmental planning instrument applying to the region or a part of the region provides (or is deemed to have provided) that development specified in the instrument may not be carried out except with consent under the Act being obtained, and an application is made to carry out development, then a consent authority, the Director, the Minister or a determining authority (as the case may be) should, in carrying out its or his or her function under the Act or under the instrument concerned, and for the purpose of advancing the aims and objectives of this plan enumerated in clause 2, consider the content of the background report and the objectives, policies and principles contained in this plan and relevant to the matter.*

The Department has considered the proposal in the context of the relevant provisions of this regional environmental plan, and considers that the proposed development is generally consistent with those provisions (see below).

Part 5 Transport

Division 1 Roads, railways and public transport

34 Policies for control of development

(1) A council:

- (a) *should not grant consent to the carrying out of any development involving the storage or handling of goods or materials which are likely to be delivered by heavy transport vehicles, unless it has considered whether use could be made of a transport mode other than road which, in the opinion of that council, is economically practicable, and*

The proposal will require vehicle transport of power poles, however, due to the location of the easement no other form of transport in practical.

Part 7 Environment protection

Division 1 Pollution control

47 Policies for control of development

(1) Not relevant

(2) A council should not grant consent to any development unless it is satisfied that:

- (a) *there is adequate provision for setbacks between the development and existing watercourses,*

The proposed development generally follows existing easements, and would have very little impact on existing water courses. The Department has issued conditions of consent under the *Rivers and Foreshores Improvement Act 1948* to ensure that any works within 40 metres of an existing water course is managed so as to minimise any impacts.

- (b) *an adequate vegetation cover is maintained or reinstated so as to minimise soil erosion,*

The Applicant proposes to minimise vegetation removal, to that which is necessary to provide for adequate protection of the transmission lines within the easement. .

(c) Not relevant

- (d) *adequate measures are provided to control soil erosion during construction of the development.*

The Applicant has proposed an Erosion and Sedimentation Protocol. the Department considers this Plan appropriate, however would require a more detailed Plan to be approved by the Director-General prior to construction, for works within 40 metres of a watercourse.

SINGLETON LOCAL ENVIRONMENT PLAN

Clause 16 of the Singleton Local Environment plan requires the consent authority to be of the opinion that the carrying out of the development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out.

The proposed development passes through land with the following zonings:

- 1(a) Rural Zone: this zone covers the majority of the land;
- 1(d) Rural Small Holding Zone: the 132 kV Feeder 953, near Whittingham;
- 4 Industrial Zone: the 132 kV Feeder 953, Mount Thorley Industrial Estate; and
- 5 Special Uses and Reservations: the Singleton Military Training Area.

The Department's consideration of the proposed development in these zones is provided below.

Zone 1 (a) (Rural Zone)

1 Objectives of zone

- a) *to protect and conserve agricultural land and to encourage continuing viable and sustainable agricultural land use,*
The proposed development is on land immediately adjacent to or within existing easements, and as such will not impact significantly on any agricultural land.
- b) *to promote the protection and preservation of natural ecological systems and processes,*
The proposed development is on land immediately adjacent to or within existing easements, and as such will not impact significantly on any natural ecological systems and processes.
- c) *to allow mining where environmental impacts do not exceed acceptable limits and the land is satisfactorily rehabilitated after mining,*
- d) *to maintain the scenic amenity and landscape quality of the area,*
The Department considers that the proposed development would not significantly impact the scenic amenity and landscape of the area, being land immediately adjacent to or within existing transmission line easements.
- e) *to provide for the proper and co-ordinated use of rivers and water catchment areas,*
- f) *to promote provision of roads that are compatible with the nature and intensity of development and the character of the area.*

2 Without development consent

Development for the purpose of: agriculture; forestry; intensive agriculture; small gravel pits. Exempt development.

3 Only with development consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of: advertising structures (other than as would be permitted by clause 33 of the [Environmental Planning and Assessment Model Provisions 1980](#) if they applied); boarding-houses; bulk stores; bus depots; business premises; car repair stations; dual occupancy-detached; industries other than offensive or hazardous industries; junk yards; light industries; liquid fuel depots; motor showrooms; residential flat buildings; road transport terminals; shops; warehouses.

Zone 1 (d) (Rural Small Holdings Zone)

1 Objectives of zone

- a) *to facilitate and provide for rural residential development in appropriate locations, taking into account natural constraints,*
- b) *to maintain and enhance the amenity and landscape quality,*
The Department considers that the proposed development would not significantly impact the scenic amenity and landscape of the area, being land immediately adjacent to or within existing transmission line easements.
- c) *to provide for adequate, efficient and orderly servicing.*
The proposed development intends to supply electricity to the National Grid, a necessity to ensure electricity can be supplied to consumers.

2 Without development consent

Exempt development.

3 Only with development consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of: advertising structures (other than as would be permitted by clause 33 of the Environmental Planning and Assessment Model Provisions 1980 if they applied); bulk stores; business premises; caravan parks; car repair stations; dual occupancy-detached; extractive industries; hazardous industries; industries; intensive agriculture; intensive livestock keeping establishments; junk yards; light industries; liquid fuel depots; mines; motor showrooms; offensive industries; residential flat buildings; road transport terminals; service stations; shops; transport terminals; warehouses.

Zone 4 (Industrial Zone)

1 Objectives of zone

- a) *to allocate sufficient land in suitable locations to facilitate and promote the establishment of a broad range of industrial uses,*
The Department considers that the provision of electricity to the National Grid is necessary to ensure industrial developments are viable. .
- b) *to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.*

2 Without development consent

Exempt development.

3 Only with development consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of: caravan parks; dwellings (other than those used in conjunction with industry); educational establishments; extractive, offensive or hazardous industries; hospitals; hotels; institutions; mines; motels; roadside stalls; shops (other than bulky goods and drive-in liquor stores and those ancillary to, and used in conjunction with, manufacturing purposes not prohibited in this zone or which serve the daily needs of the work force of the industrial area).

Zone 5 (Special Uses and Reservations Zone)

1 Objectives of zone

- c) *to reserve and make available land required for public purposes, including community services and utilities,*
The propose development is a utility installation, as it is works to an electricity transmission line.
- d) *to restrict land uses that may conflict with or adversely affect the intended use for land required for public purposes.*

2 Without development consent

Exempt development.

3 Only with development consent

The particular land use indicated by black lettering on the map and any development ordinarily ancillary or incidental to that land use.

Development for the purpose of: community land uses associated with the facilities and sites of schools, colleges and other educational establishments; drainage; recreation areas; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Development not included in item 3.

The proposed development is not listed as prohibited development in any zone, nor is it listed as development not requiring development consent. As such, the proposed development is permissible in these zones with development consent. The Department considers that the proposed development is generally consistent with the objectives of each zone. Further the Department notes that ordinarily the proposed development would not require consent, in accordance with clause 36 of the LEP, but because it is considered as a project with the proposed Redbank 2 power plant, it is State significant development and consent is required. In this regard, the Department notes that the proposed Redbank 2 is permissible with consent in the relevant zone on the LEP (Zone 1(a) Rural Zone).

CESSNOCK LOCAL ENVIRONMENT PLAN

Pursuant to the provisions of SEPP 4 and the Model Provisions 1980 (which are adopted by the Cessnock LEP), utility installations are permitted in all of these zones without development consent. However, as part of a State significant development, consent is required. A full consideration of the proposal against the provisions of the Cessnock LEP is provided below. The proposed uprating of 132 kV Feeder 953 passes through the following zonings:

- 1(a) Rural A Zone;
- 1(c) Rural Residential/Rural (Small Holdings) Zone, near Rothbury;
- 1(c1) Rural (Small Holdings) Zone, near Rothbury;
- 1(v) Rural (Vineyards) Zone, near Rothbury;
- 5(a) Special Uses Zone, near Kurri Kurri; and
- 5(b) Special Uses (Railway) Zone, near Kurri Kurri.

Clause 9 requires that except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out. The Department's consideration of the proposed development in these zones is provided below.

Zone No 1 (a) Rural "A" Zone

1 Objectives of zone

The objectives of this zone are:

- a) *to enable the continuation of existing forms of agricultural land use and occupation,*
The proposed development does not restrict continued use of agricultural land.
- b) *to ensure that potentially productive land is not withdrawn from production,*
The proposed development does not restrict continued use of productive land.
- c) *to encourage new forms of agricultural land use,*
- d) *to enable other forms of development which are associated with rural activity and which require an isolated location, or which support tourism and recreation, and*
- e) *to ensure that the type and intensity of development is appropriate in relation to:*
 - i. *the rural capability and suitability of the land,*
 - ii. *the preservation of the agricultural, mineral and extractive production potential of the land,*
 - iii. *the rural environment (including scenic resources), and*
 - iv. *the costs of providing public services and amenities.*

2 Without consent

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); commercial vineyards; forestry; stables.

3 Only with consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Advertising structures; amusement parks; automotive uses; boarding houses; bulk stores (other than those associated with an agricultural use); commercial premises (other than those primarily intended to provide services to tourists); heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mortuary chapels; motor showrooms; recreation facilities (other than those ancillary or related to a tourist recreation facility); residential flat buildings; shops (other than those primarily intended to provide services to tourists or general stores); transport terminals (other than the storage and servicing of vehicles associated with the occupation of the owner); warehouses.

Zone No 1 (c) Rural-Residential/Rural (Small Holdings) Zone

1 Objectives of zone

The objectives of this zone are:

- a) *to enable small holdings development to be carried out on land which is suitable for that purpose, and*
The proposed development does not restrict small holdings development to be carried out, as it includes works entirely within an existing easement.
- b) *to enable other forms of development to be carried out on land within the zone if they are in keeping with the rural character of the locality and are compatible with existing or likely future small holdings.*

2 Without consent

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); dwelling-houses; forestry stables accommodating no more than 3 horses.

3 Only with consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Advertising structures; aerodromes; amusement parks; animal boarding, breeding or training establishments; art galleries; automotive uses; boarding houses; bulk stores; caravan parks; cemeteries and crematoria; clubs; commercial premises (other than veterinary establishments); commercial vineyards; conference facilities; extractive industries; feed lots; gas holders; generating works; helipads; heliports; horse training establishments; hotels; industries (other than home industries or rural industries); institutions; integrated tourist development; junk yards; liquid fuel depots; mines; mortuary chapels; motor showrooms; pig keeping establishments; places of assembly; poultry farming establishments; reception establishments; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; sawmills; service stations; shops (other than general stores); stock and sale yards; timber yards; tourist accommodation buildings; tourist recreation facilities; tourist-related craft shops; transport terminals; warehouses; wineries.

Zone No 1 (c1) Rural (Small Holdings) Zone

1 Objectives of zone

The objective of this zone is to encourage high quality and environmentally sensitive rural-residential and compatible development.

The proposed development does not restrict other development to be carried out, as it includes works entirely within an existing easement.

2 Without consent

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); dwelling-houses sited in accordance with the relevant development control plan.

3 Only with consent

Child care centres; dams; drainage; dwelling-houses (other than those referred to in item 2); environmental facilities; fire trails; general stores; home businesses; home occupations; pedestrian ways; roads; stables; tree planting; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in item 2 or 3.

Zone No 1 (v) Rural (Vineyards) Zone

1 Objectives of zone

The objectives of this zone are:

- a) *to maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District, and*
The proposed development does not impact on any viticultural land, as it includes works entirely within an existing easement.

- b) *to encourage appropriate tourist development consistent with the rural and viticultural character of the Vineyards District, and*
- c) *to minimise conflict between viticultural and non-viticultural land uses by ensuring sympathetic location and design of those uses, and*
The proposed development minimises land use conflict as it includes works entirely within an existing easement.
- d) *to enable continued rural use of land which is complementary to the viticultural character of land within this zone, and*
- e) *to protect the water quality of receiving streams and to reduce land degradation, and*
The proposed development includes measures to ensure that adjacent watercourses are protected.
- f) *to actively promote the need to conserve and enhance the biodiversity of the Vineyards District, and*
The proposed development includes measures to minimise vegetation clearing.
- g) *to conserve the aboriginal archaeology and European heritage of the Vineyards District.*
The proposed development includes measures to ensure that Aboriginal archaeology and European heritage items are protected.

2 Without consent

Agriculture (other than animal boarding, breeding or training establishments, pig keeping, feed lots or poultry farming establishments); stables accommodating no more than 2 animals.

3 Only with consent

Animal boarding, breeding or training establishments (other than for dogs); art galleries; attached dual occupancies; bed and breakfast accommodation; child care centres; commercial vineyards; community centres; commercial signs; conference facilities; dams; dwelling-houses; environmental facilities; home industries; home occupations; horse training establishments; integrated tourist development; motels; picnic grounds; places of assembly; public buildings; reception establishments; recreation facilities in association with tourist accommodation buildings; refreshment rooms; riding schools; sheds; stables accommodating more than 2 animals; tourist accommodation buildings; tourist-associated premises specified in any licence granted under the Liquor Act 1982; tourist-related shops in association with integrated tourist development; tourist-related craft shops; underground coal mining which does not involve surface works or infrastructure; utility installations; wineries.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3.

Zone No 5 (a) Special Uses Zone

1 Objectives of zone

The objectives of this zone are:

- a) *to accommodate development by public authorities on publicly-owned land,*
The proposed development is development by a public authority for the purposes of a utility installation.
- b) *to provide for appropriate community uses, and*
- c) *to enable associated and ancillary development.*

2 Without consent

Nil.

3 Only with consent

The particular purpose indicated on the map; dams; any public purpose; utility installation.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 5 (b) Special Uses (Railways) Zone

1 Objectives of zone

The objective of this zone is to enable development for railways and related purposes on railway land, whether in public or private ownership.

The proposed development is a utility installation, which is described as permissible with consent. The proposed development would not impact on the ability to develop railways and related purposes.

2 Without consent

Nil.

3 Only with consent

Dams; railways; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 3.

Clause 10 General development principles—rural and environmental protection zones

1. *In determining any application for consent to carry out development on land within Zone No 1 (a), 1 (a1), 1 (c), 1 (c1), 1 (c2), 1 (f), 1 (v) or 7 (d1), the Council shall have regard, in addition to the matters specified in section 90 (1) of the Act:*

a) *to the following general principles:*

i. *development should be generally compatible with the rural suitability and capability of the land on which it is to be carried out, as indicated on maps deposited in the office of the Council,*

NA

ii. *development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the City of Cessnock,*

NA

iii. *development (other than development on land within Zone No 1 (c), 1 (c1) or 1 (c2)) should not materially reduce the agricultural production potential of the land on which it is to be carried out, or of adjoining land,*

The proposed development would not materially reduce the agricultural production potential of any land, as it is proposed to carry out works entirely within an existing easement.

iv. *the existing and possible future use of the land and of other land in the locality should not be prejudiced (particularly in the case of land which contains recoverable mineral or extractive resources),*

There was some concern raised by a private submission that the uprating would restrict access to a rock resource. However, the Department notes that the uprating would not restrict access beyond the existing situation. As such, the Department considers that the proposed development does not further prejudice the possible future land use. Further, the department notes that the land is currently used for transmission of electricity, and that the proposed development ensures that the existing use of the land can be maintained.

v. *development should not materially affect any wildlife refuge, significant wetland or any identified site containing Aboriginal archaeological relics and such relics or places should be preserved where necessary,*

The proposed development would not materially affect any of the listed items, as it is proposed to carry out works entirely within an existing easement.

vi. *development (including associated access roads) should not create or worsen soil erosion potential through the action of wind or water or the alteration of land form, and adequate measures should be taken to avoid such an effect,*

The proposed development includes measures to ensure that soil erosion is minimised, as existing access roads would be utilised.

vii. *adequate utility services and community facilities should be available to the land and its future occupants, and the land should be capable of accommodating on-site disposal of domestic waste and the provision of a domestic water supply, including a fire-fighting capacity,*

NA

- viii. *development should not have the possible effect of creating demands for unreasonable or uneconomic provision or extension of services by the Council or any other public authority,*
NA
 - ix. *development should not create significant additional traffic or create or increase a condition of ribbon development on any road, particularly a main or arterial road, relative to the capacity, standard and safety of the road,*
NA
 - x. *the creation of vehicular access to a main or arterial road should be minimised and where no alternative access is available, the location and treatment of the access should minimise potential traffic hazards,*
NA
 - xi. *development should incorporate adequate drainage measures, including sediment and waste control, and prevention of the uncontrolled flow of water across the land or adjoining land,*
NA
 - xii. *development should not lead to any deterioration of water supply or water quality within a water catchment,*
The proposed development includes measures to ensure that soil erosion is minimised, as existing access roads would be utilised. Further, if works are proposed within 40 metres of a water course, the Department would require a Soil and Erosion Protocol to be submitted and approved.
 - xiii. *where land is proposed to be cleared, vegetation should be retained in appropriate locations to reduce the visual impact of clearing to the maximum extent consistent with the rural character of the area,*
The Applicant intends to minimise clearing, however notes that any clearing would take place within the existing easement.
 - xiv. *in the case of land within Zone No 1 (v), the general impact of development on the scenic catchment of the vineyards district should be minimised,*
The proposed development is within in an existing easement and does not significantly change the existing scenic catchment.
2. *The Council must, when determining any application for consent to carry out development on land within Zone No 1 (v) that is shown by diagonal broken black hatching on the map (being land that is potentially affected by the activities at the Singleton Army Field Firing Range), have regard to the likely effect of those activities.*
The proposed development is entirely within an existing easement, and would not impact on activities within the Singleton Army Field Firing Range.

The proposed development is not listed as prohibited development in any zone, nor is it listed as development not requiring development consent. As such, the proposed development is permissible in these zones with development consent. The Department considers that the proposed development is generally consistent with the objectives of each zone. Further the Department notes that ordinarily the proposed development would not require consent, in accordance with clause 6 of the LEP (which adopts the model provisions), but because it is considered as a project with the proposed Redbank 2 power plant, it is State significant development and consent is required.

APPENDIX C – SUBMISSION SUMMARIES

Original Exhibition Period

Government Agencies	Position	Reasons
Department of Defence	Not Stated	No issues raised
Mineral Resources NSW	Not Stated	No objections as proposal does not impacts on any known coal resources
Hunter Public Health Unit	Not Stated	EMF issues associated with the transmission line uprating, specifically the Applicant should provide a prediction of field strength at the edge of the easement.
Roads and Traffic Authority	Not Stated	Suggests that Feeder 953 be removed from service and that a more significant upgrade be carried out which will be of more strategic value in the future. Specifically suggests that Energy Australia and Transgrid consult re. upgrading the line now to allow replacement pole structures are to be designed to avoid conflict with approved route for the National Highway Link between F3 and Branxton. All structures should be located outside the road reserve of the approved route of the new highway
		No power pole structure is to be located within the road reserve of the specified classified roads.
		Applicant requires the concurrence of the RTA with regards to final design of uprating
		Road Occupancy Licence is required from RTA if works requires road closure
Hunter Water	Not Stated	No objections as long as transmission lines remain in existing easements and will no impact on current/future operation of Wastewater Treatment Works
NSW Rural Fire Service	Not Stated	Recommends that the EMP be amended to include responsibilities for employees and contractors to prevent bush fires, particularly in bush fire season and during total fire bans
NSW Heritage Office	Not Stated	Recommends that the recommendations listed in SEE are incorporated as conditions
Singleton Council	Support	raised no issues directly related to Energy Australia DA
Lower Wonnarua Tribal Council	Not Stated	Supports management plan developed by Dan Witter
		LWTC would like full involvement in Archaeology of the site, particularly the requests that a full survey be done on the proposed route
		Requests that LWTC be given an opportunity to tender for construction works and a provision for ongoing employment of Aboriginal people.
Private submissions	Position	Reasons
Private submission	Object	Redbank 2 will add transmission capacity required from the Hunter Valley. This and several other incremental increases in the transmission capacity will advance the date of augmentation of high voltage transmission capacity south from the Hunter Valley. Existing No. 953 skirts intensive viticulture and winemaking area. By contrast the existing route of the 953 line passes predominantly through grazing country, and much less visually significant. The degree of works appears to fall well below the capacity augmentation that would be provided by reconstructing this circuit for operation at higher voltage.
Private submission	Not Stated	Only object if there is damage to the ground area or improvements thereon.

Private submission	Object	Devaluation of property owned for more than 40 years, due to poor public perception of the dangers of being close to high transmission lines and a power plant. Compensation?
Private submission	Not Stated	Requests that establishment of native species of appropriate height for use near high voltage easements be investigated for the widened easement, to reduce native vegetation destruction
		Energy Australia assist in conservation of the threatened species <i>Eucalyptus parramatensis</i> ssp <i>decadens</i>
		revegetation species list should be expanded to provide for increased biodiversity
Private submission	Object	Will not allow entry onto their property until compensation matter regarding previous works done by Energy Australia is settled. Requests onsite agreement is reached between themselves and Energy Australia prior to any upgrades on their property.
		Shortest route is along the edge of the Army Range
Private submission	Object	Objects as the uprating may preclude their expansion in the S and E direction, limiting the major rock resource.
		Quarrying requires drilling and blasting. Will the uprating of the power line be designed to allow for blasting and drilling nearby? What will the blasting limitations be.

Re-exhibition Period

Government Agencies	Position	Reasons
Roads and Traffic Authority	Not Stated	Raised no further issues
South Maitland Railways	Not Stated	Request that Energy Australia contact SMR each day so as to notify train movements - for safety purposes
Hunter Public Health Unit	Not Stated	Raised no further issues related to Energy Australia DA
Hunter Water Corporation	Not Stated	As long as the line stays within the existing easement
Rail Estate	Not Stated	No work permitted in rail corridor unless prior approval or an Access Deed with StateRail
Hunter Environment Lobby	Object	The transmission line should be replaced with an underground line, as it is more energy efficient and environmentally appropriate.
NSW Rural Fire Service	Not States	Raised no further issues
Private Submissions	Position	Reasons
Private submission	Object	Ongoing dispute with Energy Australia
Private submission	Object	Pollution of dams and pastures of adjoining landowners and soil erosion from development
		Devaluation of property due to perceived health impacts