

30 July 2020

Mandana Mazaheri

Planning Officer
Resource Assessments - Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mandana

RE: Bayswater Water and Other Associated Operational Works Project (SSD 9697)

I refer to your request via the Planning Portal to Singleton Council dated 30 June 2020 requesting advice on the Bayswater Water and Other Associated Operational Works Project (the **Project**). This letter forms Council's feedback in relation to that request.

Council notes that the due date for submissions is 30th July 2020. This application is one of five (5) State Significant Development projects currently in various stages of the assessment process within the Singleton Local Government Area. Given the timing of exhibition council's submission is preliminary in nature and may require reporting to a future Council meeting, noting that Council meets on the third Monday each month. Council has had a very tight timeframe to review the documents, develop a submission, brief our councillors (which is yet to occur) and form a view on the proposal. This timeframe for considered review of the proposed Project is considered too short and it is possible that, following a councillor briefing, council may add to or amend its submission.

The ability of council let alone the community, to review and assess the impacts and consequences of a State Significant Development project in such short timeframes is not only limited, it creates unnecessary stress for communities already stressed through drought, bushfires and now a coronavirus pandemic.

The submission focusses on those issues, concerns and questions that are, on first review, considered by council to be of concern to the future of our community. The extent of our submission is directly impacted by the time and resources available to complete a fulsome assessment.

The Project

The Project has been proposed to improve the management of ash generation and associated waste streams over the remaining life of the Bayswater Power Station and to enable improved rehabilitation outcomes for the ash disposal area. The Proponent has proposed to do this through:

- Optimisation of the ash management process, including increasing the capacity of the existing ash disposal area and improving transfer of ash to the Ravensworth void;
- Increasing the capacity of the existing ash harvesting and recycling facilities;
- Establishment of a salt cake disposal landfill to reduce discharge to the Hunter River, and manage contaminated water on site, capable of storing ; and
- Improve water management around the coal handling plant area.

It is noted that some of these activities are within the Singleton Local Government Area (such as some ash emplacement, borrow pits, water transfer infrastructure and ash transfer infrastructure) and some are within the Muswellbrook Local Government Area (such as some ash emplacement, the salt cake disposal landfill and the power station itself). The EIS provides little detail as to how these activities will be synergised across the two Local Government Areas, particularly in relation to rehabilitation planning and decommissioning.

The site is zoned under the *Singleton Local Environment Plan 2013* RU1 – Primary Production, and the development is defined as a electricity generating works. Under the current *Singleton Local Environment Plan 2013*, the development type is prohibited. Council acknowledges that, under *State Environmental Planning Policy (Infrastructure) 2007*, the development is permitted with consent. Despite this, consideration should be given to the LEP objectives of the zone, which include:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- To encourage diversity in primary industry enterprises and systems appropriate for the area; and
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Despite the permissibility conflict between the LEP and SEPP, the proposed development is not inconsistent with these objectives. Council notes that surrounding land uses consist of other electricity generating works, open cut and underground mining and agriculture.

Land Ownership

The EIS states that part of the Project will encroach on land owned by Singleton Council. Figure 1-2 of the EIS shows the land ownership related to the Project. This figure does not depict the location of land owned by Singleton Council.

The Proponent has not discussed the potential for the Project to impact land owned or managed by Singleton Council and it is unclear the extent to which the Project encroaches on land owned by Singleton Council, as such, further information regarding land ownership is required. Should the Project impact council owned or managed land, the Proponent should contact council and discuss these impacts.

Decommissioning, Rehabilitation and Final Land Use

The operational life of the Bayswater Power Station is currently to 2035, following which decommissioning, rehabilitation and post closure land use planning is proposed to commence. The EIS does not include a conceptual or detailed closure plan, nor does it include any consideration of post closure land uses for the site. These are considered to be critical shortcomings within the EIS.

The SEARs require, amongst other things, *an assessment of compatibility of the development with other land uses in the vicinity of the development during construction, operation and after decommissioning, including consideration of the zoning provisions applying to the land, including a description of measures that would be implemented to remediate the land following decommissioning in accordance with State Environmental Planning Policy No 55 - Remediation of Land.*

The EIS references *AGLs Approach to the Rehabilitation of Power Generating Infrastructure* as a guide to the process that will be undertaken to rehabilitate the facility upon closure. However, the EIS does not provide any conceptual or detailed final land use options or closure plan. There has been no assessment of any viable final land uses for the site. It is essential that the assessment of this Project includes the final land use options, outcomes and objectives for the site. Any assessment should include:

- Potential areas of the site or AGL owned land where alternative land uses at the end of the station life could be applied;
- Relationship between any final land uses and the final landform;
- The integration of any final uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
- Whether any land use options will be safe, stable, non-polluting and sustainable in the context of the final landform; and
- A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.

There are other risks that have the potential to influence and impact rehabilitation and closure outcomes that have not been considered in the EIS. These risks relate primarily to how a Project will be designed to adapt to the changing environmental conditions that are projected to occur, not only for the duration of the operation, but for the life of the rehabilitated. The NSW Government, through AdaptNSW has prepared a Climate Change Snapshot of the Hunter Region (2014) that identifies, amongst other things:

- maximum temperatures are projected to increase in the near future by 0.4 to 1.0°C
- Minimum temperatures are projected to increase in the near future by 0.5 to 0.9°C
- Maximum temperatures are projected to increase in the far future by 1.6 to 2.6°C
- Minimum temperatures are projected to increase in the far future by 1.5 to 2.5°C
- The number of hot days will increase, the number of cold nights will decrease

- Rainfall is projected to decrease in spring and winter
- Rainfall is projected to increase in autumn
- Average fire weather is projected to increase in summer, spring and winter
- Severe fire weather is projected to increase in summer and spring¹.

It should be noted that AdaptNSW define near future as 2030 and far future as 2070.

These changes in weather patterns are likely to have a significant impact on the future success of rehabilitation activities across the Hunter Region, including at the Bayswater Power Station.

Council seeks further clarification from the Applicant on the:

1. Timing of detailed closure planning including the actions needed to be taken to achieve land use that is suitable and does not result in a negative socio-economic impact to the community. This analysis must include:
 - a. Analysis of potential final land uses for the site, including the ash dam, borrow pits and salt cake landfill sites;
 - b. Potential areas of the site or AGL owned land where the identified final land uses could be applied;
 - c. Relationship between the final land uses and the final landform;
 - d. The integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
 - e. Whether any or all options will be safe, stable, non-polluting and sustainable in the context of the final landform; and
 - f. A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.
2. Role of both councils and the community in the land use options assessment and analysis, including the extent to which such consultation has occurred and its outcomes;
3. The relationship between land use and the principles of strategic land use planning, including the extent to which the Applicant has consulted with council on the future strategic land use planning outcomes for the local government area;
4. Ash dam management actions that will be taken to ensure dam stability during and post operations, including contingencies for final landform design and rehabilitation outcomes should the dam wall destabilise during and/or post operation;

¹ NSW Office of Environment and Heritage (2014) *Hunter Climate Change Snapshot* sourced from <https://climatechange.environment.nsw.gov.au/Climate-Projections-for-NSW/Climate-Projections-for-your-region/Hunter-Climate-Change-Downloads>

5. Assessment of the suitability, permissibility and sustainability of the final land use(s) proposed by area or domain, including actual feasibility and economic viability, as well as linkage between final landform and final land use(s) (that is, will be landform proposed actual provide for the uses identified);
6. Analysis of the climate changing risks (temperature, rainfall, fire) on the success of rehabilitation, including the contingency measures that would be implemented in the event rehabilitation fails;
7. Viability of final land uses, including where on the lease or AGL owned land these uses could be applied;
8. The consequences of the final land use options, including the final use of the ash dam, on the principles of ecologically sustainable development, in particular, inter-generational equity;
9. safety, stability, pollution potential and sustainability of the proposed final land uses in the context of the final landform; and
10. Timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.

Protection of the Environment

The application is supported by a comprehensive and detailed EIS and supporting assessments. Council has undertaken limited review of these documents within the timeframe available, and seeks the following clarifications:

- **Flooding**

It should be noted that Singleton Council is currently reviewing and updating its flood management study and plan, and any flood modelling completed as part of the Project should be reviewed on adoption of that study.

- **Surface water**

Council has previously expressed concerns regarding the potential for salt cake contamination to enter surface and groundwater systems. There is limited information in the EIS regarding the existing surface and groundwater environment at the site, however, it is noted that there are groundwater quality exceedances recorded in the vicinity of the existing ash dam.

Seepage from the dam is proposed to be captured in sumps located downstream from the dam wall. It is not clear whether the design capacity of these sumps is capable of containing a 1:100 year rainfall event, and if so, how this seepage water would be managed under such circumstances. If not, Council would like clarity on where overflow seepage water discharges to, and what the consequences of this discharge will be to downstream water users and the environment.

The EIS includes an assessment of dam wall failure, however, this assessment does not appear to include an analysis of failures under varying climate scenarios. As identified above, the regional climate is predicted to change, as such, assessment of impact should include the likelihood of dam failure under such scenarios and ensure

adequate management controls of potential impacts are identified and implemented. This assessment should also include the impact of dam wall failure on downstream infrastructure, particularly that owned or managed by council and including roads and the water supply to Jerrys Plains.

- **Salt Cake**

The EIS states, at page 230, that *the facility would be designed to accommodate up to 50,000 tonnes of salt cake per year, with approximately 600,000 tonnes of salt cake being deposited over the operational life. 10 cells are proposed which would be constructed sequentially as shown in Figure 2-5. Once each cell is at capacity the next one would be constructed. Each cell would be able to hold more than three years of Salt cake if around 20,000 m³ is generated per year.* At a maximum rate of 50kT per year, the capacity of the salt cake landfill for the remaining 16 years of station life, would be in the order of 800kT, some 200kT more than the proposed design. It is not clear whether the proposed Project will achieve the design outcomes required for salt cake generation.

In addition, the potable water supply for the residents of Jerrys Plains is provided under agreement with Singleton Council. Water is drawn from the Hunter River, treated at Basywater Power Station and stored in Plashett Reservoir prior to transfer into the Singleton drinking water network. The security of this water supply is critical to the residents of Jerrys Plains. Council would seek further clarification and assessment of the potential for salt cake landfill failure to impact the quality of water in Plashett Reservoir.

Concluding comments

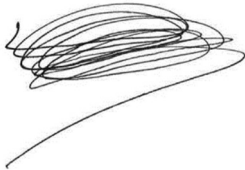
As identified above, this application is one of five (5) State Significant Development projects currently in various stages of the assessment process within the Singleton Local Government Area. The resources required to adequately assess one application of this scale and significance, let alone five, have not been considered by the Department when determining the duration of the exhibition period. Council has undertaken a limited review of the EIS and reserves its right to provide further advice during the assessment process.

Given the timing of exhibition council's submission is preliminary in nature and may require reporting to a future Council meeting, noting that Council meets on the third Monday each month. Council has had a very tight timeframe to review the documents, develop a submission, brief our councillors (which is yet to occur) and form a view on the proposal. This timeframe for considered review of the proposed Project is considered too short.

Bayswater Water and Other Associated Operational Works Project
Singleton Council Submission on EIS

I would like to thank the Department for the opportunity to provide comment on the Bayswater Water and Other Associated Operational Works Project. Should you have any questions or comments, please contact Mary-Anne Crawford, Manager Development and Environmental Services on 02 6578 7290.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends downwards and to the right.

Mary-Anne Crawford
Manager Development and Environmental Services