

Appendix 5

Supplementary Director-General's
EA Requirements & EA Report reference table



NSW GOVERNMENT
Department of Planning

Contact: Scott Jeffries
Phone: (02) 9228 6426
Fax: (02) 9228 6366
Email: scott.jeffries@planning.nsw.gov.au

Our ref: S07/00070, 07_0156

Ms Nicole Holmes
Manager, Water Resources
Hunter Water Corporation
PO Box 5171
HRMC NSW 2310

Dear Ms Holmes

Tillegra Dam Project (Application No. 07_0156) – Supplementary Director-General's Requirements

I refer to the Director-General's Requirements issued for the above project on 8 January 2008.

As you are aware, the project has now been declared a Controlled Action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. As a consequence, the Department of Planning on behalf of the Minister for Planning has confirmed to the Commonwealth, that the Bilateral Agreement between the NSW and Commonwealth Governments will apply. Accordingly, the Department will undertake an environmental impact assessment of the project to satisfy the requirements of both NSW and Commonwealth legislation.

To ensure that sufficient information is provided to enable an appropriate level of assessment of relevant controlling actions, the Director-General has issued supplementary requirements for the Environmental Assessment under section 75F(3) of the *Environmental Planning and Assessment Act 1979*. A copy of the supplementary Director-General's requirements is attached.

You must ensure that the Environmental Assessment adequately addresses the Director-General's requirements issued on 8 January 2008, and the supplementary requirements attached to this letter.

Should you have any further enquiries please do not hesitate to contact Mr Scott Jeffries, Director – Major Infrastructure Assessments on (02) 9228 6426 or scott.jeffries@planning.nsw.gov.au.

Yours sincerely

1.5.09

Chris Wilson
Executive Director
Major Project Assessments
As delegate for the Director-General

Supplementary Director-General's Requirements

Section 75F(3) of the *Environmental Planning and Assessment Act 1979*

The Tillegra Dam proposal (reference: 07_0156, EPBC 2008/4551) has been determined to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The controlling provision is Wetlands of International Importance (sections 16 and 17B of the EPBC Act) and the action is subject to the assessment and approval process under the EPBC Act.

It is the ecological character of the Hunter Estuary Wetlands Ramsar site that is protected under Sections 16 and 17B of the EPBC Act. The ecological character is the combination of the ecosystem components, processes and benefits/services that characterise the wetland at a given point in time. The phrase 'at a given point in time' refers to Resolution VI.1 paragraph 2.1 of the Ramsar Convention, which states that 'It is essential that the ecological character of a site be described by the Contracting Party concerned at the time of designation for the Ramsar List, by completion of the Information Sheet on Ramsar Wetlands'.

Further information on the ecological character of listed Ramsar Wetlands, including ecological character descriptions, can be obtained from the Australian Wetlands Database using the following links:

<http://www.environment.gov.au/water/publications/environmental/wetlands/database/index.html>

<http://www.environment.gov.au/water/environmental/wetlands/ramsar/implementation-guidance.html>

Under the provisions of the bilateral agreement between New South Wales and the Commonwealth, the environmental impacts of the controlled action will be assessed under Part 3A of the *Environmental Planning & Assessment Act 1979*.

To enable the assessment of controlled actions under the EPBC Act, the Director-General's requirements issued for the project on 8 January 2008 are supplemented with the following additional requirements.

The Environmental Assessment must include:

- a description of the action and an assessment of the relevant impacts¹ that the action has, will have or is likely to have on the ecological character of the Hunter Estuary Wetlands Ramsar site in relation to the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matter of National Environmental Significance (May 2006)*;
- a description of the environmental values, including the ecological character of the Hunter Estuary Wetlands Ramsar site;
- a description of the relevant impacts should include direct, indirect, cumulative and facilitative impacts on the quality, quantity and hydrological flow regimes of surface and groundwater flow. These impacts should be described for the construction and operation phases of the proposed action;
- a description of the seasonal dynamics of the Williams River in the context of flows into the Hunter River Estuary, including volume, timing, duration, and frequency, and the associated maintenance of ecological character of the Ramsar site including a consideration of (and justification for) the worst case scenario;
- a description of the relevant water planning and allocation frameworks for the Williams River, such as the draft Water Sharing Plan, and in this context a description of the proposed release strategy and assessment of the potential impacts on the ecological character of the Hunter Estuary Wetlands Ramsar site;
- description of the data and modelling used to develop the scenarios and proposed release strategy, including the assumptions, sensitivities and the degree of confidence in the predictions;
- a description of feasible mitigation measures, changes to the proposed action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts;

¹ The term "relevant impact" is defined in section 82 of the EPBC Act.

- to the extent practicable, a description of any feasible alternatives to the proposed action that have been identified through the assessment, and their likely impact;
- sufficient information about the proposed action and its relevant impacts to allow an informed decision whether or not to approve the controlled action under the EPBC Act; and
- information to address the matters outlined in Schedule 4 of the Commonwealth *Environment Protection and Biodiversity Conservation Regulations 2000*.

The description and assessment of these issues in the Environmental Assessment must be integrated as far as is practicable with the description and assessment of the other impacts of the proposal including but not limited to impacts on the ecology, hydrology, fluvial geomorphology, geology and socio-economic values.

Supplementary Director-General's requirements	EA Report reference
<p>A description of the action and an assessment of the relevant impacts¹ that the action has, will have or is likely to have on the ecological character of the Hunter Estuary Wetlands Ramsar site in relation to the <i>EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matter of National Environmental Significance (May 2006)</i></p>	<p>Description of the action:</p> <p>EA Report:</p> <ul style="list-style-type: none"> • Executive summary • Chapter 1 (Introduction) • Chapter 6 (Description of the Project) • Chapter 7 (Construction) • Chapter 10 (Section 10.10 – <i>Hunter Estuary and Ramsar Management</i>) • Appendix 6 – Tillegra Dam Wetland Impact Assessment Section 1 • Annexure A – Tillegra Dam Concept Report Final Volume 1 • Annexure B - Roads around Tillegra Dam, New Salisbury Road Concept Design Report <p>Assessment of relevant impacts:</p> <ul style="list-style-type: none"> • EA Report Chapter 10 (Section 10.10) • Appendix 6 – Tillegra Dam Wetland Impact Assessment Report (entire report)
<p>A description of the environmental values, including the ecological character of the Hunter Estuary Wetlands Ramsar site</p>	<p>Appendix 6 – Tillegra Dam Wetland Impact Assessment Report (refer Chapter 3 and Appendix C - <i>Ramsar Information Sheet</i>)</p>
<p>A description of the relevant impacts should include direct, indirect, cumulative and facilitative impacts on the quality, quantity and hydrological flow regimes of surface and groundwater flow. These impacts should be described for the construction and operation phases of the proposed action</p>	<p>Appendix 6 – Tillegra Dam Wetland Impact Assessment Report (entire report)</p>
<p>A description of the seasonal dynamics of the Williams River in the context of flows into the Hunter River Estuary, including volume, timing, duration, and frequency, and the associated maintenance of ecological character of the Ramsar site including a consideration of (and justification for) the worst case scenario</p>	<p>Appendix 6 – Tillegra Dam Wetland Impact Assessment Report (Chapter 3 onwards)</p> <p>Appendix 6 – Tillegra Dam Wetland Impact Assessment Report Section 5.5 (<i>worst case scenario</i>)</p> <p>Appendix 6 – Tillegra Dam Wetland Impact Assessment Report Appendix B to report (<i>BMT WBM Technical Report Appendices – supplementary background information</i>)</p> <p>EA Report - Working Paper A (Sections 2.2 to 2.5) and reach characterisations (Sections 4.1, 5.1, 6.1, 7.1 & 8.1)</p> <p>EA Report - Working Paper D (all sections)</p> <p>EA Report Technical Annexure A – Tillegra Dam Concept Report Final Volume 1 (Section 5 Hydrology, pp48 to 55)</p>

¹ The term "relevant impact" is defined in Section 82 of the EPBC Act.

Supplementary Director-General's requirements	EA Report reference
A description of the relevant water planning and allocation frameworks for the Williams River, such as the draft Water Sharing Plan, and in this context a description of the proposed release strategy and assessment of the potential impacts on the ecological character of the Hunter Estuary Wetlands Ramsar site	<p>EA Report - Chapter 8 (water sharing plans)</p> <p>EA Report – Executive Summary and Chapter 10 (proposed release strategy)</p> <p>EA Report – Working Paper D (Section 2 environmental flow regulations)</p> <p>EA Report – Working Paper D (Section 4 river flow requirements)</p> <p>EA Report – Working Paper D (Sections 5, 6 and 7 development of release strategy)</p> <p>Appendix 6 – Tillegra Dam Wetland Impact Assessment Report Section 5 (<i>impacts of Tillegra Dam on the Hunter Estuary Wetland</i>)</p>
A description of the data and modelling used to develop the scenarios and proposed release strategy, including the assumptions, sensitivities and the degree of confidence in the predictions	Appendix 6 – Tillegra Dam Wetland Impact Assessment Report Sections 3, 4 & 6 and Appendix B to report (<i>BMT WBM Technical Report Appendices</i>)
A description of feasible mitigation measures, changes to the proposed action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts	<p>EA Report Executive Summary and Chapter 10.</p> <p>Appendix F – Tillegra Dam Wetland Impact Assessment Report Sections 7 & 8 (<i>Recommendations and conclusions</i>)</p> <p>Note: There are no feasible mitigation measures or proposed changes to the action specific to the wetlands as the consultants could not identify any significant impacts in the first instance, to manage or mitigate.</p>
To the extent practicable, a description of any feasible alternatives to the proposed action that have been identified through the assessment, and their likely impact	<p>EA Report – Chapter 3 (refer Sections 3.4 and 3.6)</p> <p>EA Report – Working Paper G</p>
Sufficient information about the proposed action and its relevant impacts to allow an informed decision whether or not to approve the controlled action under the EPBC Act	All material - EA Report, Appendices and Working Papers.
Information to address the matters outlined in Schedule 4 to the Commonwealth <i>Environment Protection and Biodiversity Conservation Regulations 2000</i>	<p>EPBC Regulation Schedule 4 – Clause 1(a–h) (background of action)</p> <ul style="list-style-type: none"> EA Report Chapters 1 to 3 <p>EPBC Regulation Schedule 4 – Clause 2 (a–i) (Description and consultation)</p> <ul style="list-style-type: none"> EA Report Chapters 4 to 7 <p>EPBC Regulation Schedule 4 – Clause 3 (a–e) (relevant impacts)</p> <ul style="list-style-type: none"> EA Report Chapters 9 to 21 All Working Papers <p>EPBC Regulation Schedule 4 – Clause 4 (a–f) (Safeguards and mitigation measures)</p> <ul style="list-style-type: none"> Appendix F – Tillegra Dam Wetland Impact Assessment Report Sections 7 & 8 (recommendations and conclusions relevant to management of existing Seaham Weir and

Supplementary Director-General's requirements	EA Report reference
	<p>general actions for improving and monitoring aquatic environment)</p> <p>Note that no specific impacts were identified hence no specific safeguards and mitigation measures were proposed (note that safeguards and mitigation measures for entire project in general contained at the end of each chapter in the EA Report and within the Statement of Commitments).</p> <p>EPBC Regulation Schedule 4 – Clause 5 (a–d) (Other approvals and conditions)</p> <ul style="list-style-type: none"> Chapter 8 <p>EPBC Regulation Schedule 4 – Clause 6 (a–b) (Environmental record of the person proposing to take the action)</p> <ul style="list-style-type: none"> This was provided in the publicly available project referral and application form provided to DEWHA at the start of the process. These details were not specifically reiterated in the EA Report. If requested an amendment could be made to Appendix F Tillegra Dam Wetland Impact Assessment Report, through referencing and inclusion of the original referral into an appendix in the back of this report. This would then reiterate this information. Please advise if this would be desirable. <p>EPBC Regulation Schedule 4 – Clause 7 (a–b) (Information sources)</p> <ul style="list-style-type: none"> EA Report (Chapter 22) Working Papers A to D and G (various sections) Appendix F – Tillegra Dam Wetland Impact Assessment Report Sections 3, 4, 6, references and Appendix B to report (<i>BMT WBM Technical Report Appendices</i>)

