

Memorandum



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31 May 2022

To: Lachlan Sims
Team Leader Development
Lithgow City Council
From: Christopher Holloway (EMM Consulting on behalf of EnergyAustralia)
Subject: DA 070/22 Response to submissions received

Dear Lachlan,

For consideration by Lithgow City Council in its assessment of DA 070/22 Geotechnical Investigation Works, EMM Consulting (EMM) provide this memorandum outlining EnergyAustralia's (EAs) consideration of the relevant key issues raised within submissions received during the DA public exhibition period.

1 Traffic and access

Overview of issues raised: the use of Girraween Drive, in particular, and with regard to road condition, the existing bridge, public safety, amenity and community disruption.

1.1 Conduct of the works

The geotechnical works will be conducted such that there will be limited heavy vehicle passage (generally once in and once out over duration of the program) and only light vehicle movements as necessary to transport personnel, water and supplies to the operations. The conduct of works and types of vehicles travelling to and from site is expected to be as follows.

- Site establishment – this is the primary mobilisation of heavy plant and equipment. Trucks will be used to transport the required dozer/s or excavator/s to site to commence access road works, and to transport site facilities and supplies such as portaloos, generators, containment vessels, and ancillary equipment. Light vehicles (4WD) carrying personnel and equipment will be required to make daily trips. Up to twenty workers at maximum are expected during site establishment, but often much fewer.
- Geotechnical drilling – once the access track from Mount Walker Road 4WD trail has been established, one to two drill rigs will be mobilised to site via heavy vehicles (trucks with trailers). Once the drill rigs are delivered to the site, it is anticipated they would remain there for the duration of the drilling program. Therefore, there will not be multiple, frequent heavy vehicle trips required for the geotechnical drilling. Daily trips will primarily comprise light vehicles (4WDs) transporting workers to and from site, with each drilling rig expected to have a small team of workers. One water truck will cart water to the site as needed, based on the progress of geotechnical drilling and the properties of the subsurface rock. This is estimated to range between as little as one trip every few days to one or more daily trips if the subsurface formation is highly permeable.
- Demobilisation – progressively as works are completed there will be a demobilisation of plant, equipment and personnel from the site. This includes removal of drilling rigs, used drilling mud, site facilities and

general waste removal by heavy vehicles (trucks and/or trucks with trailers). Traffic during this period would be similar to the site establishment phase, though staged to align with the stabilisation of the site before departure.

The drilling of BH107/108 will be established and accessed by barge transport across Lake Lyell. After drill pad preparation by a suitable earth moving machine, one small drill rig will be mobilised to the barge launch location (one of the two concrete boat ramps on the western side of Lake Lyell) by heavy vehicle (truck and trailer). Additional heavy vehicle trips are limited to the delivery of site services and supplies, as well as tanked water, if required. Water will be sourced from publicly available fill points, other licenced water fill points or in accordance with EnergyAustralia's existing Water Access Licence and associated Works Approval.

Based on the sequencing of works, heavy vehicle movements are generally low and will fluctuate over the duration of the program. Further, it is not expected that there would be hourly trips of vehicles travelling to and from site. At most, there may be up to 30 workers across all of the sites at some times, however the typical daily average is not expected to exceed 10 workers.

1.2 Maximum heavy vehicle load and volumes

The existing railway bridge on Girraween Drive has been assessed and confirmed by the current operator (with reference to Council Infrastructure's response) that the bridge is suitable for safe access by all General Access Vehicles (GAV) as defined under the National Heavy Vehicle Regulations. EA has made Tenderers aware that the maximum load for any vehicle required for the geotechnical works must be within the weight and dimension limits of defined GAVs. EA can confirm that no oversize/overweight vehicles are being considered or will be required for the drilling program.

1.3 Existing road maintenance and safety

Any existing damage to the road network and maintenance that is not related to the drilling program does not form part of the DA. The access road has been inspected and the existing road condition is suitable for use by heavy vehicles. Due to the relatively light traffic associated with the proposed development, damage to the road is not expected and is unlikely to occur. It has been observed that there are pot holes, ruts and superficial damage to some sections of the access track needed to access the drilling program area. If required, existing known damage may be repaired as part of the proposed development only where landowner consent has been granted. In addition, a pre-work assessment of the road condition will be completed and any further damage to the road caused by the work would be rectified by EA, such as filling in potholes should they be created by heavy vehicle movements.

The low volume of traffic, short duration of the drilling program and infrequent use of the road network will minimise any potential safety concerns for local residents, in addition to management measures implemented by EA and their contractor with regard to driver conduct. Any traffic related to the drilling program will not present any safety concerns regarding emergency egress of the residences on Girraween Drive.

The structural integrity and load rating of the existing rail bridge has been assessed by the current railway controller (UGL Regional Linx) and EA has confirmed that the maximum load and vehicle would not exceed the weight limit of the bridge.

EA will ensure the contractor undertaking the works is subject to driver behaviour / code of conduct and traffic safety measures set out in the Construction Environment Management Plan (CEMP). This includes following all road rules, providing right of way / priority to residential traffic where safe to do so, and reducing speed when approaching and passing pedestrians. The safety risk is considered low given the low number of heavy vehicles accessing the site and the implementation of these measures relating to driver behaviour as part of the CEMP.

1.4 Selection of the preferred access route

Selection of the preferred access route required consideration of a range of factors including the safety of both the public and proposed workforce, potential environmental and social impacts and logistical constraints. Site access to the development is proposed via Mount Walker Road, from the Great Western Highway and Girraween Drive near Marrangaroo. Alternative access routes to the site may be possible via Sugarmans Road and/or other 4WD tracks through the Lidsdale State Forest and Marrangaroo National Park, however these involve longer and far more challenging 'off road' journeys which will be inaccessible during any substantial rainfall events due to the need to cross the Coxs River on any of those routes. Whilst access via Oakey Forest Road may be possible, this will also involve passage past residential properties.

The proposed access is for the completion of the short-term geotechnical investigations works only and, as outlined in Section 1.1, heavy vehicle movements will generally be low with only light vehicles and a water truck having daily movements over the duration of the program. Given the scope of the proposed works and minor nature of potential impacts, the proposed access route is considered to be appropriate.

Great Western Highway and Girraween Drive are both public roads and no works are required to these roads as part of the development. As such, these roads were not included within the investigation envelope, which focuses on the area subject to direct disturbance.

2 Assessment adequacy

Overview of issues raised: the level of assessment within the Statement of Environmental Effects (SEE) with regard to biodiversity and Aboriginal heritage.

The Statement of Environmental Effects (SEE) was prepared by qualified consultants and supported by technical studies where required. These technical studies were prepared by suitably qualified and accredited ecologists and archaeologists. The SEE was transparent in noting the limitations of field surveys conducted.

Terrestrial biodiversity - the NSW Biodiversity Conservation Act 2016 (BC Act) is the legislation addressing the conservation of biodiversity in NSW through the protection of threatened flora and fauna species, populations and ecological communities. The BC Act, together with the NSW Biodiversity Conservation Regulation 2017 (BC Regulation), establishes the Biodiversity Offsets Scheme (BOS). The BOS includes establishment of the biodiversity assessment method (the BAM) (DPIE 2020a) for use by accredited persons in biodiversity assessment under the scheme. Whilst the proposed development does not trigger entry into the BOS, the flora and fauna assessment has been prepared and reviewed by specialists accredited in biodiversity assessment under the scheme.

Aboriginal heritage - In NSW, Aboriginal objects, whether recorded or yet undiscovered, are afforded statutory protection under the *National Parks and Wildlife Act 1974*. Heritage NSW provides a series of guidelines as a framework for identifying and managing Aboriginal heritage and the cultural heritage interests of Aboriginal parties within development planning contexts. The due diligence process is the first step and is outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010) guidelines; and is intended to identify whether a proposed activity is likely to harm Aboriginal objects. Field surveys suitably covered all areas that would be disturbed by the works. EnergyAustralia recognise Aboriginal and Torres Strait Islander peoples as the Traditional Owners of the land on which we operate and the communities we serve. EnergyAustralia's goal is to build working relationships with Aboriginal and Torres Strait Islander peoples and communities more broadly. Whilst not required by the guidelines, Energy Australia proactively included representation from the Bathurst Local Aboriginal Land Council (LALC) in the development of the Aboriginal heritage due diligence assessment. Areas of disturbance are limited on Mt Walker and an Aboriginal heritage due diligence involved review of existing studies and Aboriginal history for the area.

3 Consultation

Overview of issues raised: adequacy of consultation for the works (existing and future).

EA is committed to engagement with First Nations and proactively included representative from the LALC. Should the project proceed, EA is committed to further consultation with Aboriginal persons in line with the Consultation Requirements for Proponents where representatives can register their interest in the project.

EnergyAustralia has already started to engage the community and key stakeholders on the pumped hydro energy storage project. We participated in a Town Hall style meeting at Wallerawang which had around 150 locals attend. The feedback received has provided us with the questions locals wanted information on. This is now the basis for our Q&A document which is on the project website page.

We will continue to engage extensively over the next two years as the project design progresses, and through the Environmental Impact Statement process by continuing to hold public information sessions across the region, including presentations to local interest and community groups. We will be sending out a regular newsletter via post or email to those who want to receive one and providing project updates on our website – www.energyaustralia.com.au. We will also present regular project updates to the Lithgow Council and the EnergyAustralia Lithgow Region Community Consultative Committee as the project progresses.

4 Works on Crown land

Overview of issues raised: Crown Lands recommended conditions to ensure no works occur on roads within Crown reserves, and/or any repair works are subject to consultation with RFS.

EA has carried out further site inspection and, at this time, is not contemplating repair or road works within Crown reserves. Should works be required, they would be undertaken in accordance the Access Establishment activities described in Section 3.3.1 of the SEE (and associated mitigation and management measures) and following additional engagement with Crown Lands.

5 Access agreements

Council has requested confirmation that negotiations and/or access agreements have been progressed and confirmed for the works.

The primary access route starts from public roads (Great Western Highway and Girraween Drive). The remainder of the route includes private landholdings, and trails managed by Crown reserve and National Park and Wildlife Service (NPWS). EA has progressed negotiations with all relevant landholders for access.

- EA holds a short-term licence (RN 632131) with Crown Lands which allows use of Lot 57 / DP751655 and existing tracks only.
- EA has a private access agreement in place with the landowners of Lot 2015 / DP127106, Lot 11 / DP 807429, Lot 202 / DP 847628.
- EA has progressed negotiations with NPWS with an access agreement expected to be received shortly (see attachment).
- EA has a private access agreement in place with Lithgow City Council which allows the use of Lot 68 / DP751655.

Should you require further information or discussion on the responses outlined in this memorandum, please let me know.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Holloway', with a stylized flourish at the end.

Christopher Holloway
Associate Director - Environment
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Attachment 1 – Correspondence with NPWS regarding access

Alex Frolich

From: Hillen, Stuart <Stuart.Hillen@energyaustralia.com.au>
Sent: Thursday, 19 May 2022 4:01 PM
To: Alex Frolich; Christopher Holloway
Cc: Eastwood, Ben; Hanly, Mick
Subject: FW: Slide pack for discussion on Thursday

CAUTION: This email originated outside of the Organisation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Meredith Junor <Meredith.Junor@environment.nsw.gov.au>
Sent: Tuesday, 19 April 2022 7:32 PM
To: Courmadias, Justin <Justin.Courmadias@energyaustralia.com.au>; Hillen, Stuart <Stuart.Hillen@energyaustralia.com.au>; Charlie Wilson <Charlie.Wilson@dpie.nsw.gov.au>
Cc: Angela Lonergan <Angela.Lonergan@environment.nsw.gov.au>
Subject: RE: Slide pack for discussion on Thursday

Hi all

Thanks for your time last week.

Ange is on leave for a few weeks now but asked me to confirm the following:

1. Ange is comfortable with giving a ~3 month consent to Energy Australia for heavy vehicle use of Mt Walker Road for the purpose of geotechnical works.
2. The consent will be subject to some operational conditions (eg access during wet weather, arrangements for gate keys/combo locks) that need to be drafted. I'll work with Ange on this when she's back from leave and we'll then provide a draft consent to EA for comment.
3. In the meantime, Energy Australia can rely on the verbal consent Ange gave during our meeting of 14 April for 4WD access to Mt Walker Road via Sugarman's Road for the purpose of taking tenderers to site.

We'll be in touch in the coming weeks.

Regards

Meredith

Meredith Junor
A/Manager Commercial Projects & Utilities
Visitor Engagement & Revenue Branch
NSW National Parks and Wildlife Service

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W nationalparks.nsw.gov.au

From: Courmadias, Justin <Justin.Courmadias@energyaustralia.com.au>
Sent: Thursday, 14 April 2022 12:17 PM
To: Meredith Junor <Meredith.Junor@environment.nsw.gov.au>; Angela Lonergan <Angela.Lonergan@environment.nsw.gov.au>
Cc: Hillen, Stuart <Stuart.Hillen@energyaustralia.com.au>; Charlie Wilson <Charlie.Wilson@dpie.nsw.gov.au>
Subject: RE: Slide pack for discussion on Thursday

Meredith/Angela

Many thanks for your time earlier. My apologies for dropping off the call unexpectedly at the end (we lost power in the house which meant that I lost my internet connection).

Kind regards

Justin

Justin Courmadias
Portfolio Development Lead

e justin.courmadias@energyaustralia.com.au t + 61 3 8628 4550 m [REDACTED]



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From: Courmadias, Justin
Sent: Tuesday, 12 April 2022 4:29 PM
To: Meredith Junor <Meredith.Junor@environment.nsw.gov.au>
Cc: Hillen, Stuart <Stuart.Hillen@energyaustralia.com.au>; Nugent, Daniel <Daniel.Nugent@energyaustralia.com.au>; Charlie Wilson <Charlie.Wilson@dpie.nsw.gov.au>; Neil Stone <Neil.Stone@environment.nsw.gov.au>; Angela Lonergan <Angela.Lonergan@environment.nsw.gov.au>; Semi Ramatai <Semi.Ramatai@environment.nsw.gov.au>
Subject: Slide pack for discussion on Thursday

Hi Meredith

In anticipation of our call on Thursday, we thought it might be helpful to send you the attached slide pack which sets out our feedback on the points/queries for discussion that you highlighted in your calendar invite regarding our access request.

We look forward to discussing this further with you on Thursday.

Kind regards

Justin/Stuart

Justin Courmadias
Portfolio Development Lead

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