

Critical State Significant Infrastructure Dams



Start to the Planning Process



Following the announcement in October 2019 for the planning and delivery of three new or augmented dams in NSW, WaterNSW has started the formal planning process.

The projects included in this package were the raising of **Wyangala Dam**, and construction of new dams on the **Mole River** and **Dungowan Creek**.

In NSW, projects of State significance follow the environmental assessment and approvals processes set out in the Environmental Planning and Assessment Act 1979. The Department of Planning, Industry and Environment are responsible for the administration of this process.

An application for assessment as a State Significant Infrastructure (SSI) project has been lodged in March 2020 for all three projects with the Department.

State Significant Infrastructure Application

What is State Significant Infrastructure?

State Significant Infrastructure includes major developments that have a wider social or economic significance and impact than on just the local area.

State Significant Infrastructure development types are typically infrastructure that is:

- Over a certain size, ie, is major in scale
- Would exceed a specific capital investment (eg \$30M for water storage)
- Significant enough to warrant an EIS, when the proponent is also the determining authority
- Declared to be SSI by the Minister

The Minister may also declare any SSI to be Critical State Significant Infrastructure if considered to be essential to the State for economic, environmental or social reasons. Critical State Significant Infrastructure project examples include the Pacific Highway Upgrade, Inland Rail and Snowy 2.0. The three dams were declared to be Critical State Significant Infrastructure through the NSW Water Supply (Critical Needs) Act 2019.

What is a State Significant Infrastructure application?

Proponents of CSSI must submit an Environmental Impact Statement (EIS) with their application for approval. The EIS must comply with the Planning Secretary's Environmental Assessment Requirements (SEARs). The SEARs identify what must be in the EIS, and what engagement must inform the EIS.

The SEARs are informed by a Scoping Report, which is submitted along with an SSI application to the Department.

The Scoping Report provides early details of the project, potential impacts during construction and operation, and details proposed environmental studies to be undertaken and assessed during the EIS stage, and outline the engagement in preparing the EIS.

The Department will publish the Scoping Report on its website and seek advice from relevant public authorities and local councils on what should be included in the SEARs.

The SEARs will then be published on the Department's website.

Any feedback received from the community will be taken into consideration by the Department when preparing SEARs.

Anticipated Scope of the Environmental Impact Statement

The purpose of the EIS is to assess the economic, environmental and social impacts of the project and to help the community, government agencies and the approval authority make informed submissions or decisions on the merits of the project.

Based on environmental investigations to date, including community feedback, key issues to be assessed in the EIS documentation is likely to include:

- Surface water and groundwater
- Aquatic and terrestrial biodiversity
- Aboriginal and Historic heritage
- Land uses
- Social and economic
- Hazards (Dam safety /Flooding /Contamination)

This is not an exhaustive list, and other issues identified during ongoing investigations and through community feedback will also be addressed in the EIS.

As well as these issues, SEARs usually specify that an EIS must include:

- A description of the project, its components, construction activities and any potential staging

- A consideration of cumulative impacts with other developments
- Details of measures and strategies to avoid, minimise, manage, mitigate, or offset impacts
- Identification and response to community or stakeholder issues that have been made on the project prior to exhibition of the EIS.

Commonwealth approval

All three projects have the potential to impact on matters of national environmental significance – as listed in the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). These matters include threatened flora and fauna species and threatened plant community types. Consequently, the projects will be referred to the Commonwealth Minister for the Environment who will need to decide if they require his approval.

The assessment of the impact is expected to use the process as described here for the State - as the Commonwealth has accredited the NSW process as the basis for assessing and offsetting biodiversity impacts for most major development.

Actions that have been assessed under an accredited assessment approach do not require a separate environmental impact assessment under the EPBC Act. While the NSW Minister for Planning and Public Spaces is the determining authority for the project, the Commonwealth Minister remains the person who must decide whether to approve the controlled action under the EPBC Act.

What comes next?

WaterNSW will prepare an EIS that meets the requirements issued by the Department. This will require further environmental investigations and assessments, and engagement with potentially affected communities and stakeholders.

The EIS documents will be lodged with the Department who will publicly exhibit the documents for a minimum of 30 days. All community members and interested stakeholders will be invited to make a submission on the project during the public exhibition phase. The EIS is expected to be placed on public exhibition in 2021. The Minister for Planning and Public Spaces will only make a decision on the project after considering the information presented in the EIS documents, the issues raised by community members and stakeholders in submissions, and the response from WaterNSW to those issues.

Contact us

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