

Department of Planning, Housing and Infrastructure

Nicole Robinson
E.B. Mawson & Sons Pty. Ltd.
45/54 Oakes Road
Griffith, NSW, 2680
Via email: nrobinson@mawsons.com.au

6 September 2024

Planning Secretary's Environmental Assessment Requirements Darlington Point Quarry Project (EAR 1926)

Dear Nicole,

I refer to your request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for the above development, which is designated local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Please find attached a copy of the SEARs for the Environmental Impact Statement (EIS) for the development. These requirements have been prepared in consultation with relevant government agencies based on the information your company has provided to date. Comments from Council are outstanding and will be provided for consideration in the EIS once received by the Department. The agencies' comments are attached for your information (see Attachment 2). You must have regard to these comments in the preparation of the EIS.

In your request for SEARs, you have also indicated that the proposal is classified as integrated development under section 4.46 of the EP&A Act. You are encouraged to consult with the relevant agencies with respect to licence/approval requirements. If further integrated approvals are required, you must undertake your own consultation with the relevant public authorities and address their requirements in the EIS.

The Department wishes to emphasise the importance of effective and genuine community consultation during the preparation of the EIS. This process should provide the community with a clear understanding of the proposal and its potential impacts and include active engagement with the community regarding key issues of concern. The development application (DA) for the proposed development must be accompanied by clear evidence of the consent to the lodgement of the DA of all owners of land directly subject to the DA.

Please contact the consent authority at least two weeks before you propose to submit your DA. This will enable the consent authority to:

- confirm the applicable fees; and

Department of Planning, Housing and Infrastructure

- determine the number of copies (hard-copy and digital) of the EIS that will be required for reviewing purposes.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of Climate Change, Energy the Environment and Water to determine if an approval under the EPBC Act is required (<http://www.environment.gov.au> or 6274 111).

You should also contact the Mine Safety branch of the NSW Resources Regulator in regard to matters relating to compliance with the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

If you have any enquiries about these requirements, please contact Emily Pemberton on 02 8275 1783 or email at emily.pemberton@dpie.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "C. Dumbleton".

Carl Dumbleton

Acting Director Energy and Resource Assessments
as delegate for the Planning Secretary

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* and Part 8 of the *Environmental Planning and Assessment Regulation 2021*.

Designated Development

EAR Number	EAR 1926
Proposal	Continued sand extraction of up to 300,000 tonnes of material per annum disturbing up to 40 hectares.
Location	corner of Kidman Way and Jim Cattnach Road, Darlington Point, NSW (Lot 175, DP 750908)
Applicant	E.B. Mawson & Sons Pty. Ltd.
Date of Issue	06/09/2024
Date of Expiry	06/09/2026
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 190, 192 and 193 of Part 8, Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none">• an executive summary;• a comprehensive description of the development, including:<ul style="list-style-type: none">- a detailed site description and history of any previous activities on the site, including a current survey plan;- identification of the resource, including the amount, type, composition;- the layout of the proposed works and components (including any existing infrastructure that would be used for the development);- an assessment of the potential impacts of the development, as well as any cumulative impacts, including the measures that would be used to minimise, manage or offset these impacts;- a detailed rehabilitation plan for the site;- any likely interactions between the development and any existing/approved developments and land uses in the area, paying particular attention to potential land use conflicts with nearby residential development;- a list of any other approvals that must be obtained before the development may commence;- the permissibility of the development, including identification of the land use zoning of the site;- identification of sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways;• a conclusion justifying why the development should be approved, taking into consideration:<ul style="list-style-type: none">- alternatives;- the suitability of the site;

	<ul style="list-style-type: none"> – the biophysical, economic and social impacts of the project, having regard to the principles of ecologically sustainable development; and – whether the project is consistent with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; and • a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.
Consultation	<p>In preparing the EIS for the development, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners that may be impacted by the development.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.</p>
Key Issues	<p>The EIS must assess the potential impacts of the proposal at all stages of the development, including the establishment, operation and decommissioning of the development.</p> <p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Noise – including a quantitative assessment of potential: <ul style="list-style-type: none"> – construction and operational noise and off-site transport noise impacts of the development in accordance with the Interim Construction Noise Guideline, NSW Noise Policy for Industry and NSW Road Noise Policy respectively; – reasonable and feasible mitigation measures to minimise noise emissions; and – monitoring and management measures. • Air – including an assessment of: <ul style="list-style-type: none"> – the likely air quality impacts of the development in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW. The assessment is to give particular attention to potential dust impacts on any nearby private receivers due to construction activities, the operation of the facility. • Water – including: <ul style="list-style-type: none"> – a detailed site water balance and an assessment of any water licensing requirements or other approvals required under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i>, including a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan or water source embargo – an assessment of potential impacts on the quality and quantity of existing surface and ground water resources, including a detailed assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; and – a detailed description of the proposed water management system, water monitoring program and other measures to mitigate surface and groundwater impacts. • Biodiversity – including: <ul style="list-style-type: none"> – accurate predictions of any vegetation clearing on site; – a detailed assessment of the potential biodiversity impacts of the development, paying particular attention to threatened species, populations and ecological communities and groundwater dependent ecosystems undertaken in accordance with Sections 7.2 and 7.7 of the <i>Biodiversity Conservation Act 2016</i>; and – a detailed description of the proposed measures to maintain or improve the biodiversity values of the site in the medium to long term, as relevant.

- **Heritage** – including:
 - An Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared in accordance with relevant policy and guidelines, identifying, describing and assessing any impacts to Aboriginal cultural heritage sites or values associated with the project.

The ACHAR must:

 - be prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010), including results of thorough archaeological survey and test excavations (where required);
 - include evidence of adequate and continuous consultation with Aboriginal stakeholders in determining and assessing impacts, developing and selecting options for avoidance of Aboriginal cultural heritage; and mitigation measures (including the final proposed measures), having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010).
- **Traffic & Transport** – including:
 - accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products;
 - an assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road networks, detailing the nature of the traffic generated, transport routes, traffic volumes and potential impacts on local and regional roads;
 - a description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network (particularly the proposed transport routes) over the life of the development;
 - evidence of any consultation with relevant roads authorities, regarding the establishment of agreed contributions towards road upgrades or maintenance; and
 - a description of access roads, specifically in relation to nearby Crown roads and fire trails.
- **Land Resources** – including:
 - assessment of potential impacts on soils and land capability (including potential erosion and land contamination) and the proposed mitigation, management and remedial measures (as appropriate); and
 - assessment of activities that could cause erosion or sedimentation issues, and the proposed measures to prevent or control these impacts.
- **Waste** – including:
 - estimates of the quantity and nature of the waste streams that would be generated or received by the development; and
 - any measures that would be implemented to minimise, manage or dispose of these waste streams.
- **Hazards** – including:
 - an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, storage, handling and use of any hazardous or dangerous goods.
- **Visual** – including:
 - an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain, including with respect to any new landforms.
- **Social & Economic** – including:
 - an assessment of the likely social and economic impacts of the development.
- **Rehabilitation** – including:

	<ul style="list-style-type: none"> - a detailed description of the proposed rehabilitation measures that would be undertaken throughout the development; - a detailed rehabilitation strategy, including justification for the proposed final landform and consideration of the objectives of any relevant strategic land use plans or policies; and - potential impacts on landforms (topography), paying particular attention to the long-term geotechnical stability of any new landforms (such as overburden dumps, bunds etc).
Environmental Planning Instruments	<p>The EIS must take into account all relevant State Government environmental planning instruments, guidelines, policies, and plans. While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies and plans that may be relevant to the environmental assessment of this development.</p> <p>During the preparation of the EIS you must also consult the Department's EIS Guideline – Extractive Industries – Quarries. This guideline is available at https://www.planning.nsw.gov.au/sites/default/files/2023-02/extractive-industries-quarries-eis-guideline.pdf</p> <p>In addition, the EIS must assess the development against <i>Murrumbidgee Local Environmental Plan 2013</i> and any relevant development control plans/strategies.</p>

ATTACHMENT 1

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Environmental Planning Instruments, Policies, Guidelines & Plans

Environmental Planning Instruments - General

State Environmental Planning Policy (Resources and Energy) 2021

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

Murrumbidgee Local Environmental Plan 2013

Risk Assessment

AS/NZS 4360:2004 Risk Management (Standards Australia)

AS ISO 31000:2018 Risk Management - Guidelines (Standards Australia)

HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)

DPI Land Use Conflict Risk Assessment Guide

Land

State Environmental Planning Policy (Resilience and Hazards) 2021

Agricultural Land Classification (DPI)

Rural Land Capability Mapping (OEH)

Soil and Landscape Issues in Environmental Impact Assessment (NOW)

Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)

Guidelines for Consultants Reporting on Contaminated Sites (EPA)

Agricultural Issues for Extractive Industry Development (DPI)

Water

Groundwater	NSW Aquifer Interference Policy 2012 (NOW)
	NSW State Groundwater Policy Framework Document (NOW)
	NSW State Groundwater Quality Protection Policy (NOW)
	NSW State Groundwater Quantity Management Policy (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
Surface Water	NSW State Rivers and Estuary Policy (NOW)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)

	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (DECC)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities (NOW)
Flooding	Floodplain Development Manual (OEH)
	Floodplain Risk Management Guideline (OEH)
Biodiversity	
	Biodiversity Assessment Method (DPIE 2020)
	Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (DPIE, 2019)
	Ancillary rules: Biodiversity conservation actions
	Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying variation rules
	NSW Surveying threatened plants and their habitats (DPIE, 2019)
	Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians (DECC, 2009)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – Working Draft (DEC, 2004)
	Threatened Species Assessment Guideline – The Assessment of Significance (DPIE, 2019)
	Threatened Species Test of Significance Guidelines (OEH, 2018)
	OEH principles for the use of biodiversity offsets in NSW
	NSW State Groundwater Dependent Ecosystem Policy (NOW)
	Fisheries Management Act (1994)
	Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)
Heritage	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW (OEH) 2011
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)
	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH)
	NSW Heritage Manual (OEH)
	Statements of Heritage Impact (OEH)
Noise	
	NSW Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA)
	NSW Road Noise Policy (EPA)
Air	
	Protection of the Environment Operations (Clean Air) Regulation 2022
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	Assessment and Management of Odour from Stationary Sources in NSW (DEC)

National Greenhouse Accounts Factors (Commonwealth)

Transport

Guide to Traffic Generating Development (RTA)

Road Design Guide (RMS) & relevant Austroads Standards

Future Transport Strategy 2056

Austroads Guide to Traffic Management

Hazards

Hazardous and Offensive Development Application Guidelines – Applying SEPP 33

Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis

Planning for Bushfire Protection 2019 (RFS)

Resource

Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)

Waste

Waste Classification Guidelines (EPA)

Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 (EPA)

Rehabilitation

Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)

Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)

Strategic Framework for Mine Closure (ANZMEC-MCA)

ATTACHMENT 2

AGENCY CORRESPONDENCE