

# Secretary's Environmental Assessment Requirements

## Part 5, Division 5.1 of the *Environmental Planning and Assessment Act 1979*

<b>Proposal</b>	East Seaham Road Stage 5 Reconstruction
<b>Location</b>	East Seaham
<b>Applicant</b>	Port Stephens Council
<b>Date of Issue</b>	26 September 2024
<b>SEAR Number</b>	1927
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 190, 192 and 193 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>The Planning Secretary requires the matters detailed below be addressed as part of the EIS. The Department of Planning and Environment (the Department) advocates the preparation of concise, accessible and justified EISs, focusing on the proposed development, its likely environmental impacts and the mitigation of those impacts. All EISs should be prepared to allow government agencies and the public to fully comprehend the environmental implications of the proposed development. The EIS must clearly outline the statutory planning provisions that apply to the proposal.</p>
<b>Key Issues</b>	<p>The Department has identified the following issues which are likely to be of key significance to the environmental planning and assessment of the proposed development. These issues do not relieve the Applicant from assessing any other key issues that may be identified during the EIS preparation.</p> <p>The EIS must include an assessment of all potential impacts of the proposed development on the existing environment, during construction and operation (including cumulative impacts if necessary), and develop appropriate measures to avoid, minimise, mitigate, offset, manage and/or monitor these potential impacts. As part of the EIS assessment, the following matters must also be addressed:</p> <p><b>The Proposal</b> – including:</p> <ul style="list-style-type: none"> <li>○ location of the proposed development and its context in the locality, including plans and maps;</li> <li>○ a description of the proposed development, including key components and activities required to construct it and operational elements including their physical layout and design;</li> <li>○ associated utility works;</li> <li>○ relationship to any other proposal;</li> <li>○ staging and timing of the proposed development; and</li> <li>○ proposed construction hours.</li> </ul> <p><b>Statutory context</b> – including:</p> <ul style="list-style-type: none"> <li>○ a justification for the proposal and suitability of the site for the proposed development;</li> <li>○ a demonstration that the proposal is consistent with relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies;</li> <li>○ consideration of impacts of 'no action' and consideration of alternative options as well as construction and operation technologies; and</li> <li>○ a list of approvals that must be obtained under any other Act or law before the development may lawfully be carried out.</li> </ul> <p><b>Air Quality</b> – including:</p> <ul style="list-style-type: none"> <li>○ a description of potential sources of air emissions during construction and potential impacts on the environment and sensitive receivers.</li> </ul> <p><b>Biodiversity</b> – including:</p>

	<ul style="list-style-type: none"> <li>○ consideration of whether the activity is likely to significantly affect threatened species in accordance with Part 7 Division 2 Section 7.8 of the <i>Biodiversity Conservation Act 2016</i>.</li> </ul> <p><b>Contamination</b> – including:</p> <ul style="list-style-type: none"> <li>○ an assessment of the extent and nature of any potential soil (terrestrial and aquatic) and groundwater contamination at the site and demonstrate that the site is suitable (or will be after remediation) for the proposal.</li> </ul> <p><b>Flooding</b> – including:</p> <ul style="list-style-type: none"> <li>○ any flood risk having regard to adopted flood studies, the potential effects of climate change and relevant provisions of the <i>NSW Floodplain Development Manual</i>;</li> <li>○ impacts of the proposed development, including any changes to flood risks on site and off-site and details of design and/or other mitigation measures to mitigate flood risks; and</li> <li>○ details of potential impacts to existing community flood emergency management and evacuation arrangements.</li> </ul> <p><b>Hazards and Risk</b> – including:</p> <ul style="list-style-type: none"> <li>○ the effects of coastal processes and coastal hazards including the effects of sea level rise and climate change on the, and arising from, the proposed development.</li> </ul> <p><b>Heritage</b> – including:</p> <ul style="list-style-type: none"> <li>○ the preparation of 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.</li> <li>○ The ACHAR must be prepared in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) and the <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010), including results of thorough archaeological survey and test excavations (where required).</li> <li>○ The ACHAR must 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 <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW, 2010).</li> <li>○ an assessment of direct and indirect impacts on environmental heritage (within the project site and in the vicinity of the project site) and archaeological significance prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated;</li> </ul> <p><b>Noise and Vibration</b> – including:</p> <ul style="list-style-type: none"> <li>○ an assessment of construction noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.</li> </ul> <p><b>Soil and water</b> – including:</p> <ul style="list-style-type: none"> <li>○ an assessment of potential impacts on soil resources and riparian lands on and near the site, including soil erosion, salinity and acid sulfate soils; and</li> <li>○ a surface and groundwater impact assessment, including surface water resources (quality and quantity), including related infrastructure, hydrology, dependent ecosystems, drainage lines, downstream assets and watercourses, and groundwater resources in accordance with the relevant groundwater guidelines.</li> </ul>
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<b>Environmental Planning Instruments and other policies</b>	<p>The EIS must assess the proposed development against the relevant environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>○ Hunter Regional Plan 2041;</li> <li>○ Port Stephens Local Environmental Plan 2013; and</li> <li>○ Relevant development control plans and section 7.11 plans (under the <i>Environmental Planning and Assessment Act 1979</i>).</li> </ul>
<b>Guidelines and Agency Issues</b>	<p>During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines available on the Department's website at <a href="http://planning.nsw.gov.au">planning.nsw.gov.au</a>. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans to take into account in the environmental assessment of the proposed development.</p> <p>Matters to be considered and guidelines identified in consultation with agencies in the preparation of these requirements should also be addressed.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> <li>• Environment Protection Authority;</li> <li>• NSW Rural Fire Service;</li> <li>• Department of Climate Change, Energy, the Environment and Water;</li> <li>• Department of Primary Industries (Fisheries);</li> <li>• DPE Water Group;</li> <li>• Heritage NSW; and</li> <li>• NSW National Parks and Wildlife Service.</li> </ul> <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>
<b>Further Consultation After Two Years</b>	<p>If you do not lodge an application under Section 4.12(8) of the <i>Environmental Planning and Assessment Act 1979</i> within 2 years of the issue date of these SEARs, you must consult with the Planning Secretary in relation to any further requirements for lodgement.</p>