NSW GOVERNMENT | Planning & Environment

Industry Assessments
Contact: John Booth
Phone: (02) 8275 1281
Email: john.booth@planning.nsw.gov.au

Mark Griese
F&F Properties
Suite 11.02, 205 Pacific Highway
St Leonards NSW 2065

SF18/29318
SEAR 1224

Dear Mr Griese

Proposed Soil Treatment Works - 30 Lot Industrial Subdivision
John Renshaw Drive, Black Hill (Lot 1151 DP 1057179)
Secretary's Environmental Assessment Requirements (SEAR) 1224

Thank you for your request for the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I have attached a copy of these requirements.

In support of your application, you indicated that your proposal is designated development under Part 4 of the *Environmental Planning and Assessment Act 1979*. In preparing the SEARs, the Department has consulted with the Mining Subsidence Board (MSB). Unfortunately, the MSB was unable to respond in time. You must undertake direct consultation with them and address their requirements in the EIS. The Department has also consulted with the Environment Protection Authority (EPA), Department of Primary Industries (DPI), the Office of Environment and Heritage (OEH), Roads and Maritime Services (RMS) and the Rural Fire Service (RFS).

If other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake direct consultation with the relevant agencies, and address their requirements in the EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of the Environment and Energy on (02) 6274 1111.

Should you have any further enquiries, please contact John Booth, Planning Services, at the Department on the details above.

Yours sincerely

C. Ritchie 28/5/18.

Chris Ritchie
Director
Industry Assessments
as delegate of the Secretary

Environmental Assessment Requirements

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

Designated Development

SEAR Number	1224
Proposal	30 lot Torrens Title subdivision, including the treatment of approximately 82,279m^3 of contaminated soil.
Location	John Renshaw Drive, Black Hill (Lot 1131 in DP 1057179) in the Cessnock LGA
Applicant	F&F Properties
Date of Issue	28/05/18
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.
Key Issues	The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed: • **strategic context** – including: – a detailed justification for the proposal and suitability of the site for the development; – a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies; and – a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. • **remediation action plan** – including: – a site audit statement from a site auditor accredit under the *Contaminated Land Management Act 1997* determining the appropriateness of and approving the Remediation Action Plan; – details of the nature and extent of the contaminated material; – comprehensive program of the works proposed, including estimation of the surface area to be disturbed and excavation of contaminated material proposed to be undertaken; – details of the proposed measures to manage any disturbance of contaminated material; – justification for the proposed remediation approach; – details of the proposed remediation process, including equipment to be used and measures to dispose of contaminated material; – justification of the remediation criteria and process for the cleaning/verification of all equipment leaving the site (including workers clothing); – a detailed site validation plan; and – details of the consistency of the Remediation Action Plan with the relevant NSW Government legislation, environmental planning instruments, guidelines and standards. • **waste management** – including: – details of waste handling including, transport, identification, receipt, stockpiling and quality control; and – the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the

	NSW Waste Avoidance and Resource Recovery Strategy 2014-21. • **hazards and risk** – including: – an assessment of the risk of bushfire, including addressing the requirements of *Planning for Bush Fire Protection 2006* (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers). Provision is to be made for their appropriate management into the future; and – any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this. • **air quality** – including: – a description of all potential sources of air and odour emissions; – an air quality impact assessment in accordance with relevant Environment Protection Authority guidelines; and – a description and appraisal of air quality impact mitigation, management and monitoring measures. • **noise and vibration** – including: – a description of all potential noise and vibration sources during construction, including road traffic noise; – a noise and vibration assessment in accordance with the relevant Environment Protection Authority guidelines; and – a description and appraisal of noise and vibration mitigation, management and monitoring measures. • **soil and water** – including: – a description of local soils, topography, drainage and landscapes; – details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the *Water Act 1912* and/or the *Water Management Act 2000*; – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment; – details of sediment and erosion controls; – a detailed site water balance; – an assessment of potential impacts on the quality and quantity of surface and groundwater resources; – details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts; – characterisation of the nature and extent of any contamination on the site and surrounding area; and – a description and appraisal of impact mitigation, management and monitoring measures. • **traffic and transport** – including: – details of road transport routes and access to the site; – road traffic predictions for the development during construction; and – an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. • **biodiversity** – including: – accurate predictions of any vegetation clearing on site or for any road upgrades; – an assessment of the proposal in accordance with the *Biodiversity Assessment Method* (BAM) including an assessment of any potential impacts on aquatic and riparian vegetation and groundwater dependent ecosystems; – a detailed assessment of the potential impacts on any threatened species, populations, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements; – details of weed management during construction and operation in accordance with existing State, regional or local weed management plans or strategies; and

	- a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts. • **contamination** – including: - conceptual site model detailing the potential risks to human health and the environmental receptors in the vicinity of the site; - the preparation of a Remedial Action Plan (RAP) for the site; and - a Part B Site Audit Statement and Report, prepared by an accredited NSW EPA Site Auditor, which details the site can be made suitable for a particular land use if remediated in accordance with the approved RAP. • **visual** – including an impact assessment at private receptors and public vantage points. • **heritage** – including Aboriginal and non-Aboriginal cultural heritage.
Environmental Planning Instruments and other policies	The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to: • *State Environmental Planning Policy (Infrastructure) 2007*; • *State Environmental Planning Policy (Rural Lands) 2008*; • *State Environmental Planning Policy No 33–Hazardous and Offensive Development*; • *State Environmental Planning Policy No 44–Koala Habitat Protection*; • *State Environmental Planning Policy No 55–Remediation of Land*; • *Cessnock City Council Local Environmental Plan 2011*; and • relevant development control plans and section 94 plans.
Guidelines	During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website at planning.nsw.gov.au under Development Proposals/Register of Development Assessment Guidelines. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.
Consultation	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: • Environment Protection Authority; • Office of Environment and Heritage; • Department of Primary Industries; • Roads and Maritime Services; • Rural Fire Service; • Mining Subsidence Board; • Cessnock City Council; and • the surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultation carried out and issues raised must be included in the EIS.
Further consultation after 2 years	If you do not lodge an application under Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to any further requirements for lodgement.

REQUEST FOR INPUT INTO SECRETARY'S ENVIRONMENTAL ASSESSSMENT REQUIREMENTS

Development Proposal: 30 Lot Industrial Subdivision

To:	**Hunter Region**	**File:**	SEAR
From:	Industry Assessment	**Date:**	20/04/18
Office of Sustainable Development Contact Officer: John Booth		**Name:**	John Booth
		Phone No:	8275 1281

Secretary's Environmental Assessment Requirements or relevant information has been requested for the preparation of the following (tick applicable):

X	Environmental Impact Statement		Statement of Environmental Effects		Review of Environmental Factors

Date Information Required By: **04/05/18**

[Note: Only fill out responses relevant to your section]

1. LEGISLATIVE FRAMEWORK

Please provide advice on whether the proposed development requires approval/concurrence under one or more of the following:

X	E P & A Act Part 4 Consent		Native Vegetation Conservation Act repealed
	E P & A Act Part 5 Approval		Heritage Act
	POEO Act	Y	EPBC Act (Cwth) see Pambalong below
	Water Management Act	Y	Roads Act
	Coastal Protection Act	Y	Mine Subsidence Act
N	Hunter Water (Special Areas) Regs	Y	Rural Fires Act
	NPWS Act		

2. PLANNING INSTRUMENTS, POLICIES & STRATEGIES

2.1. List applicable State, Regional & Local EPIs, DCPs, Policies, or Strategies (including drafts), Water Sharing Plans, Regional Vegetation Management Plans that apply and any particularly relevant provisions

Pambalong Lagoon RAMSAR wetlands (EPBC) - are less than 2km SSE of the site. Avian diseases may exist in contaminated material on the site and if disturbed may become airborne from the site toward the RAMSAR wetland under some quite common weather conditions.

See Appendix A for applicable Cessnock LEP, and other planning, provisions

Hunter Regional Environmental Plan (HREP) and Greater Newcastle Metropolitan Plan (GNMP)

PP- Proponent's report v.4 Nov 2011: (SF/FA224154)

Planning Team Report (PTR): PP_2012_CESSN_005_00- CLEP 2011 Amendment

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2.2. Is the proposal permissible? **Only on the IN2 zoned land**

[X] Yes [ ] No

Provide details on the relevant zoning provisions or permissibility. Also, where a project is not clearly in one category, please provide details: **see Appendix A**

Note: a zoning map showing the site should be attached **See Appendix B**

2.3. List any relevant concurrence / consultation requirements? (If yes, please identify the instrument and provisions):

2.4. List any relevant Planning Strategies / Studies or relevant current work items:

Hunter Economic Infrastructure Plan (RDA) Final Report, 16 Oct., 2013 (HEIP)

Hunter Regional Plan - Priority actions 2016-18:

Action 4.2: Work with stakeholders to upgrade transport network capacity in line with changing demands.

Action 4.3: Strengthen and leverage opportunities from the interconnections with other regions, particularly the Pacific Highway, the Golden Highway and the New England Highway.

Action 4.5: Plan for multimodal freight facilities that support economic development of the region and respond to the location of the proposed Freight Rail Bypass.

Action 4.8: Enable development that relies on access to the Hunter Expressway interchanges, provided it encourages efficiencies to the inter-regional transport network.

Action 4.9: Balance competing interests and deliver conservation, transport and land use planning objectives in the national pinch point area by a) identifying preferred habitat corridors and priorities for investment in conservation to sustain habitat connectivity; and b) developing an integrated management plan for the area.

Action: 4.10: Prepare a strategy for land along the Hunter Expressway that considers its region-shaping potential. (*immediate* priority)

Greater Newcastle Metropolitan Plan:

Strategy 4.1- Integrate land use and transport planning (p.62), and Action 2, p.63.

Strategy 4.3- Protect major freight corridors (p.64), and all actions (p.65)

Strategy 4.4- Prepare for technology-enhanced mobility changes that improve connectivity (p.66)

Beresfield-Black Hill narrative (p.72)

Local Government Area Narratives- Cessnock: Land around the Hunter Expressway.... (p.90)

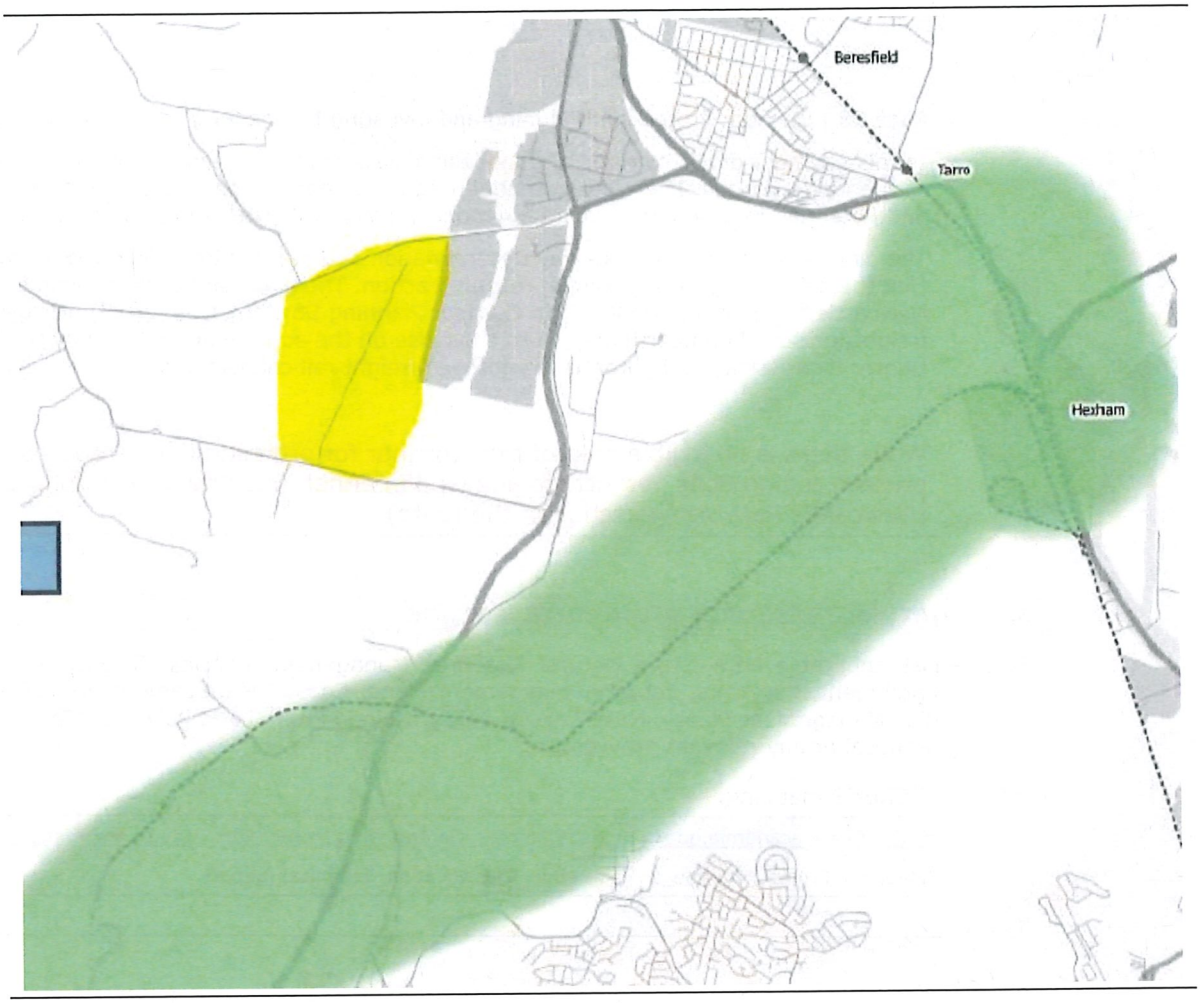
Local Government Area Narratives- Newcastle (p.93)

Newcastle-Lake Macquarie Western corridor strategy plan- site adjoins.

Infrastructure Australia, Corridor Protection: Planning and investing for the long term – Detailed Appendices **| page 25** September 2017-

Figure 5: Lower Hunter Freight Rail Realignment investigation area- proximity only

(Hunter RO highlighting of the subject land)



Other (national) Strategic Rail Corridor:

East Coast High Speed Rail (Brisbane – Sydney), Brisbane to Sydney Alignment

Newcastle Urban/ Peri-Urban section

Page 38 | Corridor Protection: Planning and investing for the long term – Detailed Appendices

In this segment of the corridor, the modelling assumes some rezoning of land for industrial and residential purposes. There are potential urban development pressures due to an expanding Newcastle and potential development around Raymond Terrace, Gillieston Heights, Black Hill and Beresfield.

The plan also identifies a 'Gateway Determination site' west of Beresfield (near Black Hill), indicating that the site is subject to potential rezoning action. The plan (and earlier documents such as the Newcastle/Lake Macquarie Western Corridor Planning Strategy from 2010) proposes a large freight/logistics hub near Black Hill to capitalise on the accessibility offered by the Pacific Highway, Hunter Expressway and potentially improved freight rail connections.

While there is no legible map of this 'corridor for protection', the report's summary of present zoning does not include any land in either industrial or environmental zones (*Newcastle Peri-Urban* section of the route).

3. NATURAL RESOURCE STRATEGIES & PLANS

3.1. List applicable NSW State Natural Resource Management Policies, Strategies, & Plans (eg Catchment BluePrints, Estuary Management Plans, Coastal Management Plans & Flood Prone Risk Management Plans), NSW Coastal Policy & Flood Prone Land Policy that may apply to the proposal or any relevant provisions:

HCREMS mapping:

http://www.academia.edu/12036459/Hunter_Central_and_Lower_North_Coast_Vegetation_Classification_and_Mapping_Project_Volume_1_Vegetation_Classification_Technical_Report

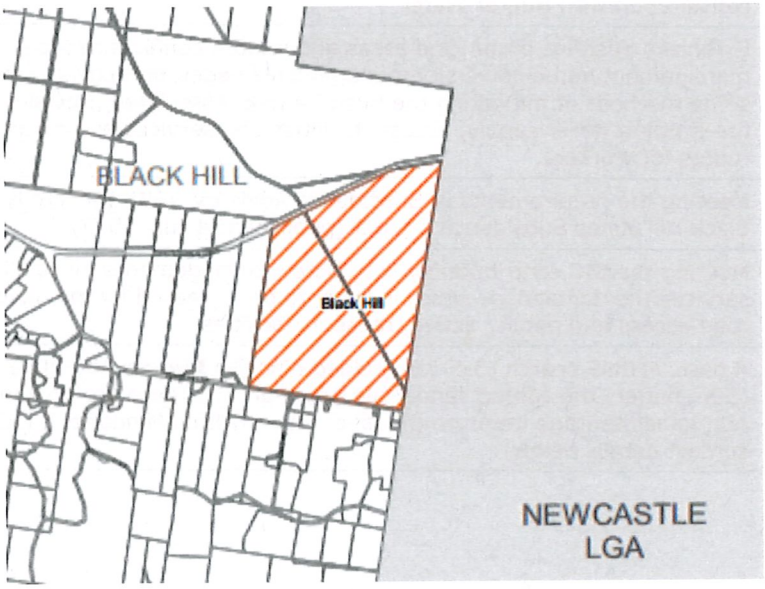
4. KEY ISSUES

4.1. What are likely to be the key issues? Prioritise – high, important, other, and list any specific information including modelling, maps, plans and data collection, that should be considered to address the issue. Information may be attached to this form.

Note: The Office of Sustainable Development has prepared a number of EIS Guidelines for certain types of proposals, activities and issues. A list of the current EIS Guidelines is provided at the end of this Form. If this Form relates to a type of proposal, activity or issue that has an EIS Guideline, it is not necessary for your requirements to duplicate the information covered in the Guideline. However you may still provide a list of the key issues you consider as being important for the proposal or activity to address.

1) The land adjoins Newcastle LGA boundary (LEPs' URA maps):

Cessnock LEP URA:



Newcastle LEP URA:

2) Some 82,000m3 of contaminated soil/ material and the need to satisfy SEPP 55 -former intensive agricultural use

3) Biodiversity and remaining extensive, connected/ reconnectable stands of native vegetation:

   3.1.4 Lower Hunter Spotted Gum Ironbark Forest (***Endangered Ecological Community*** TSC Act 1995)

   The Lower Hunter Spotted Gum Ironbark Forest is the dominant vegetation assemblage upon the study area,.... (source: PP 2011- F&F study (SF/FA224154)

4) Lot 119 DP 1154904, a (Hunter Water pipeline and corridor)- corridor owned by Hunter Water which bisects the subject site from NW to SE and which forms part of a strategically significant publicly-owned utility infrastructure corridor requiring consultation with Hunter Water.

5) Extensive bushfire-prone land areas and related conflicts between bushfire risk management and biodiversity management/ vegetation-cover retention inherent in some methods of mitigating the bushfire risk. Associated provision and funding of fire-fighting water supply, access, facilities and services as well as safe evacuation routes for workers.

6) Meeting the requirements of Subsidence Advisory NSW, the site lying within the Black Hill Mines Subsidence District (published: 4 July 2017)

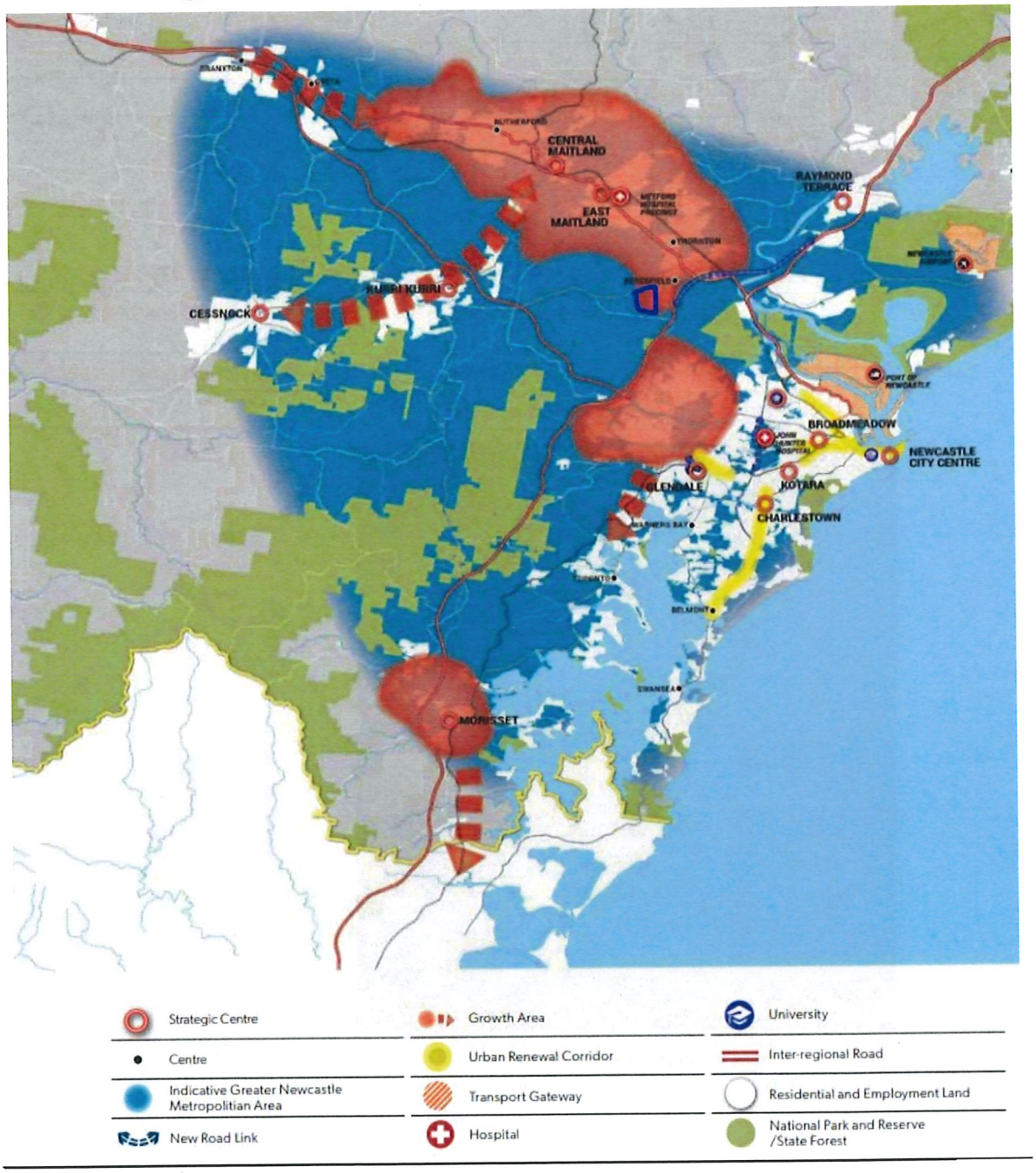
7) Meeting the SIC contributions/ satisfactory arrangements for public facilities and services the demand for which is likely to be increased by the development eg. road access and public/ active transport facilities

8) A basic AHIMS search (3-5-18) yielded nine (9) ***known*** Aboriginal sites on or near (50m buffer) the subject land. (see Appendix C). There are no known non-Aboriginal heritage items on the land. Site is within Mindaribba LALC area (see contact details below)

4.2. In your opinion, is the proposal likely to be of local, regional or State interest? Please provide details.

Regional interest: Within a mapped growth area – being an employment cluster (HRP, GNMP)

Hunter Regional Plan 2036-



4.3. For Part 5, where DPE is a determining authority, has it considered the need for an EIS

☐ Yes ☐ No **N/A**

If yes, please detail:

4.4. Does the site have a history that is of relevance to this proposal?

☒ Yes ☐ No

If yes, please detail:

PP_2012_CESSN_005_00 (SF/FA224154 and OBJ12/13190)

- Extensive, intensive chicken sheds and associated operations with land contamination
- Hunter Water's resumption of land corridor for regional water supply pipeline:
- Power transmission line easement

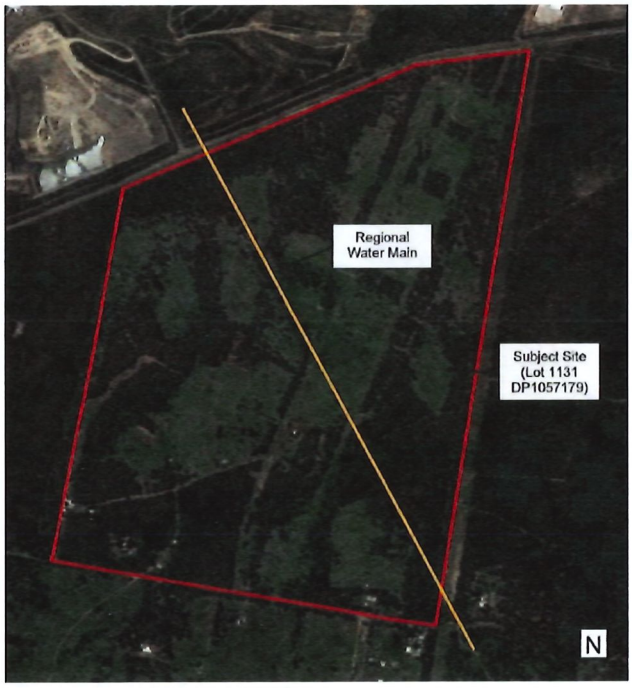
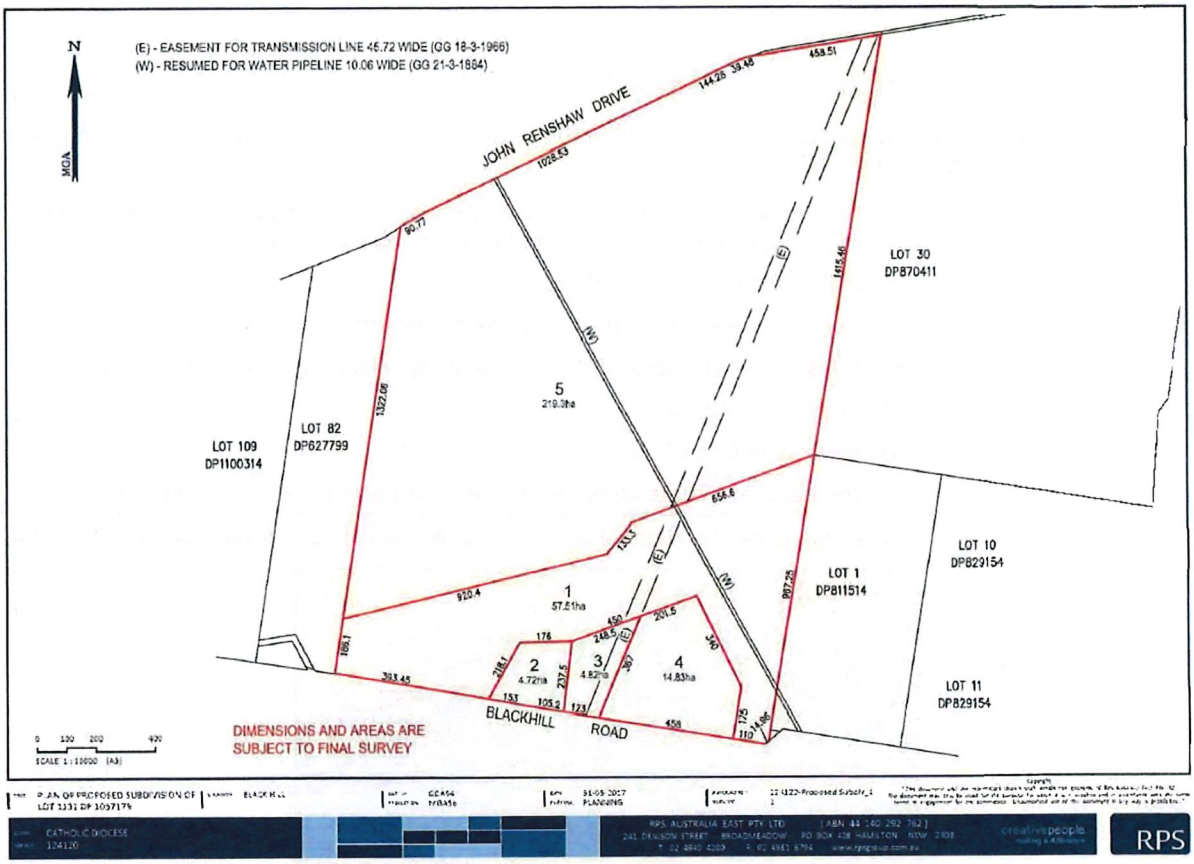


Figure 2 – Aerial photo (Source: Google Earth 2016)


N
MGA
(E) - EASEMENT FOR TRANSMISSION LINE 45.72 WIDE (GG 18-3-1966)
(W) - RESUMED FOR WATER PIPELINE 10.06 WIDE (GG 21-3-1884)
JOHN RENSHAW DRIVE
1028.53
144.25
38.48
458.51
90.71
1322.06
1415.46
LOT 30
DP870411
LOT 109
DP1100314
LOT 82
DP627799
5
219.3ha
656.8
1313.3
LOT 10
DP829154
LOT 1
DP811514
920.4
1
57.51ha
450
201.5
178
248.5
340
2
4.72ha
3
4.82ha
4
14.83ha
LOT 11
DP829154
393.45
133
105.2
173
458
178
110
BLACKHILL
ROAD
0 100 200 400
SCALE 1:10000 (A3)
DIMENSIONS AND AREAS ARE
SUBJECT TO FINAL SURVEY
CATHOLIC DIOCESE
124120
RPS AUSTRALIA EAST PTY LTD
creativepeople
RPS

5. CONSULTATION

5.1. Please list any agencies, councils, community group, or other interested parties with whom the proponent should consult.

1) Hunter Water- owner of land corridor and on water supply and sewerage infrastructure capacities as well as risks from the site to public supplies
2) RMS – fronts a classified road
3) Rural Fire Service on bush fire risk management
4) Subsidence Advisory NSW on possible special foundation/ building design
5) Cessnock City Council
6) Newcastle City Council
7) the LALC about management of the nine known Aboriginal heritage sites

Mindaribba Local Aboriginal Land Council: Administrative Area (source: NSW ALC)

expand to see the site

MLALC Address: 1A Chelmsford Dr, Metford NSW 2323

Phone: (02) 4934 8511

8) Black Hill Residents Group
9) Transport for NSW- Provision of public/ active transport facilities and services
10) TransGrid- Impacts on/ from power transmission line/ easement

6. CONTACT

6.1. Please provide the name and contact details of a nominated officer for ongoing liaison with your office.

Name	Ken Phelan	Contact No.	4904 2705
Position	Environmental Planner	Date	4 May 2018

EIS GUIDELINES

Section A: Chemical, Petroleum, Manufacturing and Materials Processing
- Chemical facilities
- Bitumen works
- Concrete works

Section B: Extractive Industries, Mining and Mineral Processing
- Extractive industries – Quarries
- Extractive industries – Dredging and other extraction in riparian and coastal areas
- Coal Mines and Associated Infrastructure

Section C: Livestock, Agriculture, Aquaculture and Forestry Industries
- Cattle feedlots
- Piggeries
- Poultry farms
- Large Scale Irrigation in the Murray, Murrumbidgee and Darling Basin (Draft)

Section D: Transport and Energy
- Roads and related facilities
- Marinas and related facilities
- NSW Wind Energy (Draft)
- Network Electricity Systems and Related Facilities
- Railway Facilities (Draft)

Section E: Water and Waste
- Landfilling
- Composting and related facilities
- Sewerage systems
- Irrigation of sewage effluent
- Aquatic Ecology
- Aquaculture in Natural Waterbodies
- Aquaculture in Land-based Activities

Appendix A- Cessnock LEP 2011 (provisions of the adjoining Newcastle LEP 2012 may also apply)

Planning Controls associated with this property

Land Zoning

- E2 - Environmental Conservation : (pub. 2017-04-13)
- E4 - Environmental Living : (pub. 2017-04-13)
- IN2 - Light Industrial : (pub. 2017-04-13)

Additional Permitted Uses

- Schedule 1 : Black Hill (pub. 2017-04-13)

Bushfire Prone Land

- Vegetation Category 1 (pub. 2018-04-12)
- Vegetation Category 3 (pub. 2018-04-12)

Contribution Plans (LGA-Based)

- Cessnock CP 2001- Car Parking in Cessnock CBD - as amended 25 Feb 2015
- Cessnock CP 2006 - Residential Development - as amended 25 Feb 2015 - Contribution Rates Indexed to 1 Dec 2014
- Cessnock CP 2007 - Tourist Development - as amended 25 February 2015 - Contribution Rates Indexed to 1 Dec 2014

Development Control Plans (LGA-Based)

- Cessnock DCP 2010 - as amended 4 Sept 2013

Land Application LEP

- Included : Cessnock Local Environmental Plan 2011 (pub. 2016-04-01)

Minimum Lot Size

- AB - 40.00 ha : Range [100000 - 499999 sqm (10 - 49.9 ha)] (pub. 2011-12-23)
- AC - 40.00 ha : Range [500000 - 999999 sqm (50 - 99.9 ha)] (pub. 2017-04-13)

Mining Subsidence

- BLACK HILL (pub. 2017-07-04)

Urban Release Area

- Urban Release Area (pub. 2017-04-13)

Other spatial data associated with this property

Local Government Area

- Cessnock

Suburbs

- Black Hill

State Environmental Planning Policies which apply at John Renshaw Drive, Black Hill, 2322

State Environmental Planning Policy (Affordable Rental Housing) 2009 : (pub. 2009-07-31)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 : (pub. 2004-06-25)
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 : (pub. 2008-12-12)
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 : (pub. 2004-03-31)
State Environmental Planning Policy (Infrastructure) 2007 : (pub. 2007-12-21)
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 : (pub. 2007-02-16)
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 : (pub. 2007-09-28)
State Environmental Planning Policy No 1-Development Standards : (pub. 1980-10-17)
State Environmental Planning Policy No 21-Caravan Parks : (pub. 1992-04-24)
State Environmental Planning Policy No 30-Intensive Agriculture : (pub. 1989-12-08)
State Environmental Planning Policy No 33-Hazardous and Offensive Development : (pub. 1992-03-13)
State Environmental Planning Policy No 36-Manufactured Home Estates : (pub. 1993-07-16)
State Environmental Planning Policy No 44-Koala Habitat Protection : (pub. 1995-01-06)
State Environmental Planning Policy No 50-Canal Estate Development : (pub. 1997-11-10)
State Environmental Planning Policy No 55-Remediation of Land : (pub. 1998-08-28)
State Environmental Planning Policy No 62-Sustainable Aquaculture : (pub. 2000-08-25)
State Environmental Planning Policy No 64-Advertising and Signage : (pub. 2001-03-16)
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development : (pub. 2002-07-26)
State Environmental Planning Policy No 70-Affordable Housing (Revised Schemes) : (pub. 2002-05-01)
State Environmental Planning Policy (Rural Lands) 2008 : (pub. 2008-05-09)
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 : Subject Land (pub. 2017-08-25)

Planning Controls contained in the Cessnock Local Environmental Plan 2011

Land Zoning

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

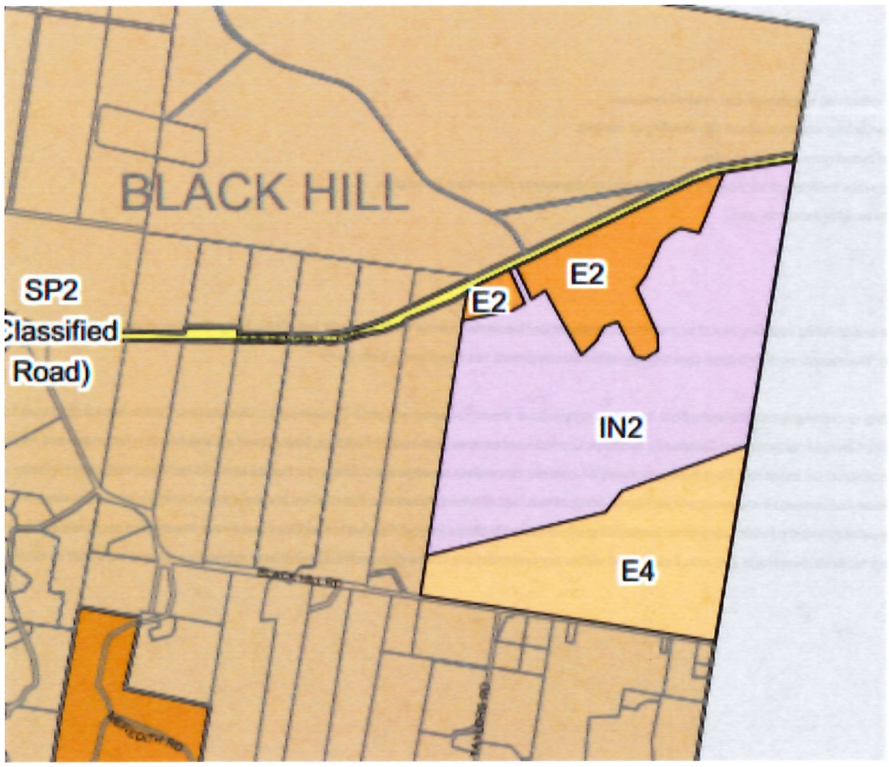
Depots; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial training facilities; Light industries; Neighbourhood shops; Places of public worship; Pubs; Roads; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Hazardous storage establishments; Health services facilities; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Offensive storage establishments; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Resource recovery facilities; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

Appendix B- Land ID map, CLEP 2011 and NLEP 2012 Zoning Maps

CLEP 2011 Zoning Map:



Appendix C

Office of Environment & Heritage

AHIMS Web Services (AWS)
Search Result

Purchase Order/Reference : KPhelan, Hunter R
Client Service ID : 3426

NSW Department of Planning - Newcastle

Date: 03 May 20

Attention: Ken Phelan

Email: ken.phelan@planning.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1131, DP:DP1057179 with a Buffer of 50 meters, conducted by Ken Phelan on 03 May 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

9	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

DOC18/328601; EF14/489

Department of Planning & Environment
Resource Assessment, Planning Services
GPO Box 39
SYDNEY NSW 2001

Attention: John Booth
Email: john.booth@planning.nsw.gov.au

23 May 2018

Dear Mr Booth

30 Lot Industrial Subdivision at John Renshaw Drive, Black Hill (SEAR 1224)

SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

I refer to your email to the Environment Protection Authority (EPA) dated 23 April 2018, seeking the EPA's recommended Secretary Environmental Assessment Requirements (SEARS) for the proposed 30 Lot Industrial Subdivision at John Renshaw Drive, Black Hill. The EPA understands that the proponent intends to treat pre-existing contaminated soils on the site.

The EPA has considered the proposal and has identified in **Attachment A** the information it requires to assess the project. In summary, the EPA's key information requirements for the project include an adequate description and assessment of:

1. Assessment of site contamination
2. Details of the contaminated soil treatment methods
3. Potential impacts on water quality and site water management
4. Waste management and disposal
5. Impacts on air quality and any potential odour emissions
6. Potential noise impacts.

In carrying out the assessment, the proponent should refer to the relevant guidelines listed in **Attachment B** and any relevant industry codes of practice and best practice management guidelines.

The proponent should also be aware that any commitments made in the Environmental Impact Statement may be formalised as approval conditions and subsequently environment protection licence conditions. Pollution control measures should not be proposed if they are impractical, unrealistic or beyond the financial viability of the development. It is important that all conclusions are supported by adequate data.

If you require any further information regarding this matter please contact Bill George on 4908 6821 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely

MITCHELL BENNETT
Head Strategic Programs Unit - Hunter
Environment Protection Authority

Encl: **Attachment A** – EPA's Recommended Secretary's Environmental Assessment Requirements – 30 Lot Industrial Subdivision at John Renshaw Drive, Black Hill (SEAR 1224)

Attachment B – Guidance Material

ATTACHMENT A

EPA's Recommended Secretary's Environmental Assessment Requirements – 30 Lot Industrial Subdivision at John Renshaw Drive, Black Hill (SEAR 1224)

1 Environmental impacts of the project

Impacts related to the following environmental issues need to be assessed, quantified and reported on:

- Air Quality
- Noise and Vibration
- Water and Soil Quality and Management
- Waste Management
- Dangerous Goods, Chemical Storage and Bunding

The Environmental Impact Statement (EIS) should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines is at Attachment B.

2 Licensing requirements

On review of the limited activities outlined within the proposal, it is likely the site will require an Environmental Protection Licence under s48 Protection of the *Environment Operations Act ("POEO Act")* Schedule 1, in particular licensing for *Contaminated Soil Treatment* and *Extractive Activities.*

Should project approval be granted, the proponent will need to make a separate application to EPA for an Environment Protection Licence. The NSW EPA will be the Appropriate Regulatory Authority for the premises if a licence is required.

General information on licence requirements can also be obtained from EPA's Environment Line on 131 555 during office hours, or can be found at the EPA web site at:
http://www.epa.nsw.gov.au/licensing/

3 The Proposal and Premises

The objectives of the proposal should be clearly stated and refer to:

- The size and type of the operation;
- The nature of the processes and the products, by-products and wastes produced;
- The types and quantities of any chemicals to be used and stored onsite;
- Proposed operational hours, including any heavy vehicle movements;
- Proposed maximum and average annual production rates that will occur at the premises; and
- Proposed staging and timing of the proposal.

The EIS will need to fully identify all the processes and activities intended for the site over the life of the development. This will include details of:

- The location of the proposed facility and details of the surrounding environment;
- The proposed layout of the site;
- Appropriate land use zoning;
- Ownership details of any residence and/or land likely to be affected by the proposed operations;
- Maps/diagrams showing the location of residences and properties likely to be affected and other industrial developments, conservation areas, wetlands, etc. in the locality that may be affected by the facility;
- All equipment proposed for use at the site;
- All chemicals, including fuel, used on the site and proposed methods for their transportation, storage, use and emergency management;
- Clearly detail the boundary of the premises; and

- Methods to mitigate any expected environmental impacts of the development.

4 Contamination and Remediation

The proponent must demonstrate that any potential land or groundwater contamination can be remediated to a level that preserves and protects the human health and the ecological value of the site. The site investigation must be conducted to adequately characterise all areas of the site. The detailed site investigation must provide certainty in relation to the suitability of the site for the intended purpose.

A site auditor, accredited under the CLM Act, be a requirement for the remediation and validation works. This auditor would be required to verify the adequacy and appropriateness of the proposed remediation strategy, the effectiveness of the remedial works in preventing the migration of contamination from the site, and the suitability of the site for the proposed land use.

Site remediation and validation work should be undertaken in accordance with the following:

- *Contaminated Land Management Act 1997;*
- *Contaminated Land Management Regulation 2013*; and
- *SEPP 55 – Remediation of Land*

Works should also be in accordance with any guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* including;

- *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 2011);
- *Guidelines for the MSW Site Auditor Scheme – 2nd Edition* (DEC, 2006);
- *Sampling Design Guidelines* (EPA, 1995); and
- *National Environment Protection (Assessment of Site Contamination) Measure 1999* (April 2013)

5 Air Issues

5.1 Air quality

The EIS should include an air quality impact assessment (AQIA) in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW, including, as a minimum the following components:

Assessment Objective

1. Demonstrate the proposed project will incorporate and apply best management practice emission controls; and
2. Demonstrate that the project will not cause violation of the project adopted air quality impact assessment criteria at any residential dwelling or other sensitive receptor.

Assessment Criteria

- Define applicable assessment criteria for the proposed development referencing the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW, including appendices and updates
- Demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations* (POEO) *Act* (1997) and the POEO (Clean Air) Regulation (2010).

Existing Environment

- Provide a detailed description of the existing environment within the assessment domain, including:

  - geophysical form and land-uses;
  - location of all sensitive receptors;
  - existing air quality; and
  - local and regional prevailing meteorology.
- Justify all data used in the assessment, specifically including analysis of inter-annual trends (preferably five consecutive years of data), availability of monitoring data, and local topographical features.
- Meteorological modelling must be verified against monitored data. Verification should involve comparative analysis of wind speed, wind direction and temperature, at a minimum.
- A review of all existing, recently approved and planned developments likely to contribute to cumulative air quality impacts must be completed.

Emissions Inventory

- Provide a detailed description of the project and identify the key stages with regards to the potential for air emissions and impacts on the surrounding environment.
- Identify all sources of air emissions, including mechanically generated, combustion and transport related emissions likely to be associated with the proposed development.
- Estimate emissions of TSP, PM10, PM2.5, NOx, (tonnes per year), at a minimum, for all identified sources during each key development stage. The emissions inventory should:
  - utilise USEPA (1995) (and updates) emission estimation techniques, direct measurement or other method approved in writing by EPA;
  - calculate uncontrolled emissions (with no particulate matter controls in place); and
  - calculate controlled emissions (with proposed particulate matter controls in place).
- The emissions inventory must be explicitly coupled with the project description.
- Provide a detailed summary and justification of all parameters adopted within all emission estimation calculations, including site specific measurements, proponent recommended values or published literature.
- Document, including quantification and justification, all air quality emission control techniques/practices proposed for implementation during the project. As a minimum, consideration must be given to source control techniques, emission control through mine planning and reactive/predictive management techniques.
- Blasting emission estimation should provide specific details on likely activities, including the frequency of blasts, area per blast, amount and type of explosives used and blasting hours.

Best Practice Determination

- Based on the TSP, PM10 and PM2.5 emissions inventories calculated for the proposed development, undertake a site-specific best practice determination, in accordance with the document Coal Mine Particulate Matter Control Best Practice – Site specific determination guideline.
- Demonstrate that the proposed control techniques/practices are consistent with best management practice.

Dispersion Modelling and Interpretation of Results

- Atmospheric dispersion modelling should be undertaken in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW, including appendices and updates.
- Modelling must implement fit for purpose modelling techniques that:

  - have regard for the most up to date and scientifically accepted dispersion modelling techniques;
  - contextualise all assumptions based on current scientific understanding and available data; and
  - include a thorough validation of adopted methods and model performance.
- Use an appropriate atmospheric dispersion model to predict, at a minimum, incremental ground level concentrations/levels of the following:
  - 24-hour and annual average PM10 concentrations;
  - 24-hour and annual average PM2.5 concentrations; and
  - 1-hour and annual average NO2 concentrations. NO2 concentrations should be assessed using a well justified approach for the transformation of NOx to NO2.
- Ground level concentrations of pollutants should be presented for surrounding privately-owned properties, mine-owned properties and other sensitive receptors (as applicable).
- Undertake a cumulative assessment of predicted impacts. The contribution of all identified existing and recently approved developments should be accounted for in the cumulative assessment.
- Cumulative 24-hour PM10 and PM2.5 concentrations must be assessed in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW, including appendices and updates, and/or a suitably justified probabilistic methodology.
- Cumulative annual average PM10, PM2.5, and NO2 should be assessed using a sufficiently justified background concentration(s);
- Results of dispersion modelling should be presented as follows:
  - isopleth plots showing the geographic extent of maximum pollutant concentrations (incremental and cumulative);
  - tables presenting the maximum predicted pollutant concentrations (increment and cumulative) and the frequency of any predicted exceedances at each surrounding privately-owned properties, mine-owned properties and other sensitive receptors (as applicable); and
  - time series and frequency distribution plots of pollutant concentrations at each private receptor location at which an exceedance is predicted to occur. Where no exceedances are predicted, the analysis must be performed for the most impacted off site sensitive receptor.

<u>Air Quality Emission Control Measures</u>

- Provide a detailed discussion of all proposed air quality emission control measures, including details of a reactive/predictive management system. The information provided must include:
  - explicit linkage of proposed emission controls to the site specific best practice determination assessment
  - timeframe for implementation of all identified emission controls;
  - key performance indicators for emission controls;
  - monitoring methods (location, frequency, duration);
  - response mechanisms;
  - responsibilities for demonstrating and reporting achievement of KPIs;
  - record keeping and complaints response register; and
  - compliance reporting.

6 Noise and Vibration

The following matters should be addressed in relation to noise and vibration impacts associated with the proposal. This includes identification of the hours of operations, assessment of all activities where proposed, and impacts on sensitive receivers associated with the proposed hours of operation. The following matters should be addressed as part of the EIS.

General

- Construction noise associated with the proposed development should be assessed using the Interim Construction Noise Guideline (DECC, 2009).
- Vibration from all activities (including construction and operation) to be undertaken on the premises should be assessed using the guidelines contained in the Assessing Vibration: A Technical Guideline (DEC, 2006).
- Blast impacts should be demonstrated to can comply with the guidelines contained in Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC, 1990).

Industry

- Operational noise from all industrial activities (including private haul roads) to be undertaken on the premises should be assessed using the EPA's "A Guide to the Noise Policy for Industry". (EPA October 2017)

Road

- Noise on public roads from increased road traffic generated by land use developments should be assessed using the guidelines contained in the NSW Road Noise Policy (DECCW, 2011).
- Noise from new or upgraded public roads should be assessed using the NSW Road Noise Policy (DECCW, 2011).

Monitoring

- Detail monitoring that will be conducted to assess the impacts of the proposal.

7 Water and Soils

7.1 Water Quality

Describe Proposal

- Describe the proposal including position of any intakes and discharges, volumes, water quality and frequency of all water discharges.
- Demonstrate that all practical options to avoid discharges have been implemented and environmental impact minimised where discharge is necessary.
- Where relevant include a water balance for the development including water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

Background Conditions

- Describe existing surface and groundwater quality. An assessment needs to be undertaken for any water resource likely to be affected by the proposal. Issues to be discussed should include but are not limited to:
  - a description of any impacts from existing industry or activities on water quality

- a description of the condition of the local catchment e.g. erosion, soils, vegetation cover, etc.
- an outline of baseline groundwater information, including, for example, depth to water table, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment
- historic river flow data

- State the Water Quality Objectives for the receiving waters relevant to the proposal. These refer to the community's agreed environmental values and human uses endorsed by the NSW Government as goals for ambient waters (http://www.environment.nsw.gov.au/ieo/index.htm). Where groundwater may be impacted the assessment should identify appropriate groundwater environmental values.

- State the indicators and associated trigger values or criteria for the identified environmental values. This information should be based on the ANZECC (2000) Guidelines for Fresh and Marine Water Quality as a minimum but should also be based on advice from Hunter Water Corporation given the sensitive receiving environment of Grahamstown Dam water supply.

- State any locally specific objectives, criteria or targets which have been endorsed by the NSW Government.

Impact Assessment

- Describe the nature and degree of impact that any proposed discharges will have on the receiving environment, both surface water and groundwater.
- Detail contractual and other arrangements that will be put in place to prevent pollution from haul roads and unsealed roads per se, particularly rights of carriageways not owned by the proponent.
- Assess impacts against the relevant ambient water quality outcomes. Demonstrate how the proposal will be designed and operated to:
  - protect the Water Quality Objectives for receiving waters where they are currently being achieved; and
  - contribute towards achievement of the Water Quality Objectives over time where they are not currently being achieved.
- Where a discharge is proposed that includes a mixing zone, the proposal should demonstrate how wastewater discharged to waterways will ensure the ANZECC (2000) water quality criteria for relevant chemical and non-chemical parameters are met at the edge of the initial mixing zone of the discharge, and that any impacts in the initial mixing zone are demonstrated to be reversible.
- Propose water quality limits for any discharge(s) that adequately protects the receiving environment.
- Assess impacts on groundwater and groundwater dependent ecosystems.
- Describe how stormwater will be managed both during and after construction.

Monitoring

- Describe how predicted impacts will be monitored and assessed over time.

7.2 Soil

The EIS should include:

- An assessment of potential impacts on soil and land resources should be undertaken, being guided by Soil and Landscape Issues in Environmental Impact Assessment (DLWC 2000). The nature and extent of any significant impacts should be identified. Particular attention should be given to:

- Soil erosion and sediment transport - in accordance with Managing urban stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC 2008).
- Mass movement (landslides) – in accordance with Landslide risk management guidelines presented in Australian Geomechanics Society (2007).
- Urban and regional salinity – guidance given in the Local Government Salinity Initiative booklets which includes Site Investigations for Urban Salinity (DLWC, 2002).

- A description of the mitigation and management options that will be used to prevent, control, abate or minimise identified soil and land resource impacts associated with the project. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

8 Waste

The EIS should:

- Include a detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste, particularly with regards to the identification of contamination hotspots.

- Identify, quantify, characterise and classify all waste that currently exists at the site. Identify the intended end use, for example reuse or disposal, and the end use location(s) for the waste. Also, specify the mechanism under which waste will be reused or disposed, such as a Resource Recovery Exemption. Note: All waste must be classified in accordance with EPA's Classification Guidelines.

- Identify, characterise and classify all waste that will be generated onsite through excavation, demolition or construction activities, including proposed quantities of the waste.
  Note: All waste must be classified in accordance with EPA's Waste Classification Guidelines.

- Identify, characterise and classify all waste that is proposed to be disposed of to an offsite location, including proposed quantities of the waste and the disposal locations for the waste. This includes waste that is intended for re-use or recycling.
  Note: All waste must be classified in accordance with EPA's Classification Guidelines.

- Include a commitment to retaining all sampling and classification results for the life of the project to demonstrate compliance with EPA's Waste Classification Guidelines.

- Provide details of how waste will be handled and managed onsite to minimise pollution, including:

  a) Stockpile location and management
     - Labelling of stockpiles for identification, ensuring that all waste is clearly identified and stockpiled separately from other types of material (especially the separation of any contaminated and non-contaminated waste).
     - Proposed height limits for all waste to reduce the potential for dust and odour.
     - Procedures for minimising the movement of waste around the site and double handling.
     - Measures to minimise leaching from stockpiles into the surrounding environment, such as sediment fencing, geofabric liners etc.

  b) Erosion, sediment and leachate control including measures to be implemented to minimise erosion, leachate and sediment mobilisation at the site during works. The EIS should show the location of each measure to be implemented. The Proponent should consider measures such as:
     - Sediment traps
     - Diversion banks
     - Sediment fences

- Bunds (earth, hay, mulch)
- Geofabric liners
- Other control measures as appropriate

The Proponent should also provide details of:

- how leachate from stockpiled waste material will be kept separate from stormwater runoff;
- treatment of leachate through a wastewater treatment plant (if applicable); and
- any proposed transport and disposal of leachate off-site.

- Provide details of how the waste will be handled and managed during transport to a lawful facility. If the waste possesses hazardous characteristics, the Proponent must provide details of how the waste will be treated or immobilised to render it suitable for transport and disposal.

- Include details of all procedures and protocols to be implemented to ensure that any waste leaving the site is transported and disposed of lawfully and does not pose a risk to human health or the environment.

- Include a statement demonstrating that the Proponent is aware of EPA's requirements with respect to notification and tracking of waste.

- Include a statement demonstrating that the Proponent is aware of the relevant legislative requirements for disposal of the waste, including any relevant Resource Recovery Exemptions, as gazetted by EPA from time to time.

- Outline contingency plans for any event that affects operations at the site that may result in environmental harm, including: excessive stockpiling of waste, volume of leachate generated exceeds the storage capacity available on-site etc.

- Assess Environment Protection Licensing requirements for all waste activities associated with the proposal.

9 Dangerous Goods, Chemical storage and Bunding

- The EIS must outline all details regarding the transport, handling, storage and use of dangerous goods, chemicals and products, including fuel, both on site and with ancillary activities and describe the measures proposed to minimise the potential for leakage or the migration of pollutants into the soil/waters or from the site.

- The EIS should identify any fuel or chemical storage areas proposed for the site.

- The EIS should consider compliance with the following legislation, standards and guidelines where relevant:
  - Australian Standard AS1692:1989 Tanks for Flammable and combustible liquids;
  - The DECC's "Bunding and Spill Management" Technical Guideline (November 1997)
  - Australian Standard AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids
  - Australia Standard AS 4452-1997: The Storage and Handling of Toxic Substances;
  - Australian/New Zealand Standard AS/NZS 4452:1997: The Storage and Handling of Mixed Classes of Dangerous Goods in Packages and Intermediate Bulk Containers; and
  - Road and Rail Transport (Dangerous Goods) Act 1997

10 Monitoring Programs

The EIS should include a detailed assessment of any noise, air quality, weather, water or waste monitoring required during the remediation of the site to ensure that the works achieve a satisfactory level of environmental performance. The evaluation should include a detailed description of the monitoring locations, sample analysis methods and the level of reporting proposed.

ATTACHMENT B

Guidance Material

Title	Web address
Relevant Legislation	
Environmentally Hazardous Chemicals Act 1985	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+14+1985+cd+0+N
Environmental Planning and Assessment Act 1979	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
Protection of the Environment Operations Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
Water Management Act 2000	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
Contaminated Land Management Act 1997	http://www.legislation.nsw.gov.au/#/view/act/1997/140
Licensing	
Guide to Licensing	www.environment.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for the Modelling and Assessment of Air Pollutants in NSW (2016)	http://www.epa.nsw.gov.au/resources/epa/approved-methods-for-modelling-and-assessment-of-air-pollutants-in-NSW-160666.pdf
Approved methods for the Sampling and Analysis of Air Pollutants in NSW (2016)	http://www.epa.nsw.gov.au/resources/air/07001amsaap.pdf
Coal Mine Particulate Matter Control Best Practice – Site specific determination guide	www.epa.nsw.gov.au/resources/air/20110813coalmineparticulate.pdf
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N
Noise and Vibration	
Interim Construction Noise Guideline (DECC, 2009)	http://www.environment.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (DEC, 2006)	http://www.environment.nsw.gov.au/noise/vibrationguide.htm
Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC, 1990)	http://www.environment.nsw.gov.au/noise/blasting.htm
NSW Industrial Noise Policy, Noise Policy for Industry (2017), Implementation and Transitional arrangements for the Noise Policy for Industry (2017).	http://www.epa.nsw.gov.au/resources/noise/ind_noise.pdf https://www.epa.nsw.gov.au/publications/noise/17p0524-noise-policy-for-industry https://www.epa.nsw.gov.au/publications/noise/17p0293-implement-transition-arrange-noise-pol-industry
NSW Road Noise Policy (DECCW, 2011)	http://www.epa.nsw.gov.au/resources/noise/2011236nswroadnoisepolicy.pdf

Waste	
Waste Classification Guidelines (EPA, 2014)	http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm
Resource recovery exemptions	http://www.epa.nsw.gov.au/wasteregulation/recovery-exemptions.htm
Resource recovery orders and exemptions	http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Contaminated Sites Assessment and Remediation	
Contaminated Land – EPA website	https://www.epa.nsw.gov.au/your-environment/contaminated-land
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	http://www.epa.nsw.gov.au/clm/planning.htm
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	http://www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	http://www.epa.nsw.gov.au/resources/clm/auditorglines06121.pdf
Sampling Design Guidelines (EPA, 1995)	http://www.epa.nsw.gov.au/resources/clm/95059sampgdlne.pdf
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	http://www.scew.gov.au/nepms/assessment-site-contamination
Water and Soils	
Soils – general	
Soil and Landscape Issues in Environmental Impact Assessment (DLWC 2000)	http://www.dnr.nsw.gov.au/care/soil/soil_pubs/pdfs/tech_rep_34_new.pdf
Managing urban stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC 2008)	Vol 1 - Available for purchase at http://www.landcom.com.au/whats-new/publications-reports/the-blue-book.aspx Vol 2 - http://www.environment.nsw.gov.au/stormwater/publications.htm
Landslide risk management guidelines	http://www.australiangeomechanics.org/resources/downloads/
Site Investigations for Urban Salinity (DLWC, 2002)	http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf
Local Government Salinity Initiative Booklets	http://www.environment.nsw.gov.au/salinity/solutions/urban.htm
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf
Water Pollution and Treatment (EPA)	http://www.environment.nsw.gov.au/water/polltreatment.htm

NSW GOVERNMENT | Office of Environment & Heritage

DOC18/246547-1

SEAR 1224

John Booth
Para-Planner, Industry Assessments
Department of Planning and Environment
john.booth@planning.nsw.gov.au

Dear Mr Booth

Input into Secretary's Environmental Assessment Requirements (SEARs) – 30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179) – SEAR 1224

I refer to your email dated 23 April 2018 seeking input into the Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for a local designated development.

The Office of Environment and Heritage (OEH) understands that the development is the establishment of a 30 Lot industrial subdivision on John Renshaw Drive at Black Hill (Lot 1131 DP 1057179); in the Cessnock local government area. OEH understands that this proposed development is a designated development as per Schedule 3 of the Environmental Planning and Assessment Regulation 2000. OEH has considered your request and provides input to SEARs for the proposed development in **Attachment 1**. OEH acknowledges that the attached information is generic and some sections may not be relevant to the proposal.

OEH has conducted a desk-top review of the proposed development site and from this the proposal may impact on the following matters that OEH administers. OEH recommends the EIS needs to appropriately address the following, if applicable:

1. Aboriginal cultural heritage
2. threatened biodiversity and offsetting
3. impacts to OEH estate
4. soils and water
5. flooding, floodplain management and coastal erosion.

Please note that OEH is currently assessing a BioBanking Statement (submitted prior to 27 August 2017) for the same location (Lot 1131 DP 1057179, John Renshaw Drive, Black Hill) under the savings and transitional provisions of the *Biodiversity Conservation Act 2016*.

Locked Bag 1002 Dangar NSW 2309
Level 4/26 Honeysuckle Drive Newcastle NSW 2300
rog.hcc@environment.nsw.gov.au
ABN 30 841 387 271
www.environment.nsw.gov.au

If you require any further information regarding this matter please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4927 3158.

Yours sincerely

STEVEN COX

Senior Team Leader – Planning
Hunter Central Coast Branch
Regional Operations Division

8 May 2018

Contact officer: STEVE LEWER
02 4927 3158

Enclosure: Attachments 1 and 2

Attachment 1 – OEH's recommended Secretary's environmental assessment requirements (SEARs) for designated development

TABLE OF CONTENTS

1. The proposal

The objectives of the proposal should be clearly stated and identify:

- the size, scale and type of the proposed activity / development
- all anticipated environmental impacts including: direct and indirect; construction and operational; and extent of vegetation / habitat clearing or disturbance
- threatened species, populations, ecological communities or habitats impacted upon
- the staging and timing of the proposal
- the proposal's relationship to any other proposals and developments.

2. Environmental impacts of the proposal

The proponent must consider, assess, quantify and report on the likely environmental impacts of the proposal if applicable, particularly:

- Aboriginal cultural heritage
- threatened biodiversity
- OEH estate: land reserved or acquired under the *National Parks and Wildlife Act 1974*
- flooding, floodplain issues and coastal erosion
- acid sulfate soils
- historic heritage.

The Secretary's Environmental Assessment Requirements should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines and reference material is presented in **Attachment 2**. Appropriate justification should be provided in instances where the below matters are not addressed.

3. Aboriginal cultural heritage

- The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the proposal. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW, 2011) and consultation with OEH regional branch officers. The Due Diligence process is not appropriate to use as an assessment here.

- Impacts on Aboriginal cultural heritage values are to be assessed and documented in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

- Consultation with Aboriginal people must be undertaken and documented in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

- Where harm to an Aboriginal object or declared Aboriginal place cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will be required from OEH under the *National Parks and Wildlife Act 1974*. You must apply to OEH for an AHIP prior to commencing works that will directly or indirectly harm an Aboriginal object or a declared Aboriginal place.

Project specific requirements

- The assessment of cultural heritage values must include a surface survey undertaken by a qualified archaeologist in areas with potential for subsurface Aboriginal deposits. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.

- The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the development to formulate appropriate measures to manage unforeseen impacts.

- The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

4. Biodiversity

OEH notes that the proposal is located within the Cessnock local government area, which is an 'interim designated area' under the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. As such this means that Part 4 matters under the *Environmental Planning and Assessment Act 1979* are assessed in accordance with the provisions of Section 79D of this Act and the repealed *Threatened Species Conservation Act 1995* until 24 November 2018. If the application is submitted after 24 November 2018 then the proposal will be assessed under the *Biodiversity Conservation Act 2016*.

(i) Pre- 24 November 2018 (Biodiversity Conservation (Savings and Transitional) Amendment Regulation 2018)

Concurrence

OEH understands from your correspondence that the proposed development is a Part 4 application being considered by Cessnock Council in accordance with the EP&A Act. As such, OEH has a statutory role only if council as the consent authority determines that the development is likely to significantly affect a threatened species, population, ecological community, or its habitat, as listed under the *Threatened Species Conservation Act 1995* (TSC Act).

As the consent authority, council will need to assess whether or not the proposal will have a significant impact on threatened species, populations, or ecological communities, or their habitat. Assessment of significance should be determined in accordance with the procedures and assessment approaches contained within the *Threatened Species Assessment Guidelines: The Assessment of Significance* (DECC 2007). If council determines a significant impact is likely, then pursuant to Section 79B of the EP&A Act, council must seek the concurrence of the Chief Executive of OEH or the Minister administering the TSC Act.

Under this scenario OEH will have a concurrence role, which will include the likely provision of Chief Executive Requirements for a Species Impact Statement (SIS) and assessment of the SIS.

If concurrence is required, then council will need to advise the proponent that they need to obtain a SIS to assess the impact. If the proponent decides to proceed with a SIS they will need to write to OEH for SIS Chief Executive Requirements.

If OEH is required to provide concurrence (including the review of the SIS), council will need to ensure the following documents are supplied so that the concurrence requirements of clause 59(a) of the Environmental Planning and Assessment Regulation 2000 are satisfied through a:

Species Impact Statement:

a. A copy of the development application.

b. One hard copy and one digital copy of the following:
   - the species impact statement and any document upon which the SIS relies
   - any preliminary fauna and flora assessment (i.e. the report addressing the assessment of significance) undertaken prior to preparation of the SIS
   - any council assessment report
   - any submissions or objections received by council concerning the development application
   - any social and economic impact assessments that have been undertaken in relation to the development application.

c. Confirmation that the SIS has been publicly exhibited in accordance with clauses 86–91 of the Environmental Planning and Assessment Regulation 2000, and all public submissions received by council are forwarded to OEH for their consideration (including any objections regarding the proposed activity). If no comments were received please advise OEH accordingly.

d. $320 administration fee – in accordance with clause 252A of the Environmental Planning and Assessment Regulation 2000; made payable to OEH.

Impact assessment

All direct and indirect impacts (offsite) must be considered in any environmental assessment of the proposal and must be conducted in accordance with the following recommendations:

1. The EIS should include a detailed biodiversity assessment, including assessment of impacts on threatened biodiversity, native vegetation and habitat. This assessment should address the matters included in the following sections.

2. A field survey of the surrounding site should be conducted and documented in accordance with relevant guidelines, including:
   - the *NSW Guide to Surveying Threatened Plants* (OEH 2016)
   - the *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), and
   - Threatened species survey and assessment guideline information on www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm.

   It is preferable for proponents to use the *BioBanking Assessment Methodology 2014* (OEH 2014) to collect the vegetation plot data for the project site, and any offset site associated with the project (even when the proponent does not intend to use the BBAM credit calculator).

   If a proposed survey methodology is likely to vary significantly from the above methods, the proponent should discuss the proposed methodology with OEH prior to undertaking the EIS, to determine whether OEH considers that it is appropriate.

   Recent (less than five years old) surveys and assessments may be used. However, previous surveys should not be used if they have:

   - been undertaken in seasons, weather conditions or following extensive disturbance events when the subject species are unlikely to be detected or present, or
   - utilised methodologies, survey sampling intensities, timeframes or baits that are not the most appropriate for detecting the target subject species, unless these differences can be clearly demonstrated to have had an insignificant impact upon the outcomes of the surveys. If a previous survey is used, any additional species listed under the TSC Act since the previous survey took place, must be surveyed for.

   For targeted surveys, particularly some flora, they must be undertaken during the known flowering / fruiting times of each likely species. Surveying at these times is required for species that are not readily detectable (i.e. are cryptic), where flowers or fruits (or both) are necessary for their positive identification. If targeted flora surveys for these species are conducted outside a species known phenology then justification must be provided as to why; if this is not provided or considered inappropriate, then all such species will be considered to be present on all available habitats and in viable numbers. For species which do not require flowers / fruits for positive identification (e.g. large trees / shrubs), then survey as appropriate (though please provide justification).

   Determining the list of potential threatened species for the site must be done in accordance with the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC 2004 & DECC 2009). The OEH Threatened Species website www.environment.nsw.gov.au/threatenedspecies/ and the Atlas of NSW Wildlife database must be the primary information sources for the list of threatened species present. The BioBanking Threatened Species Database, the Vegetation Types databases (available on OEH website at www.environment.nsw.gov.au/biobanking/VegTypeDatabase.htm) and other data sources (e.g. PlantNET, Online Zoological Collections of Australian Museums (http://australianmuseum.net.au/Australian-Museum-Collection-Search), previous or nearby surveys etc.) may also be used to compile the list.

3. The EIS should contain the following information as a minimum:

   a. The requirements set out in the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC 2004 & DECC 2009).

b. Description and geo-referenced mapping of study area (and spatial data files), for example overlays on topographic maps, satellite images or aerial photos (or both), including details of map datum, projection and zone, all survey locations, all vegetation communities (including classification and methodology used to classify), key habitat features and reported locations of threatened species, populations and ecological communities present in the subject site and study area. Separate spatial files (*.shp format) to be provided to OEH should include, at a minimum, shapefiles of the project site, impact footprint, vegetation mapping and classification for both the impact and any offset site(s).

c. Description of survey methodologies used, including timing, location and weather conditions.

d. Details, including qualifications and experience of all staff undertaking the surveys, mapping and assessment of impacts as part of the EIS.

e. Detailed description of all vegetation communities (both forested and non-woody [e.g. derived grasslands], including classification and methodology used to classify) and including all plot data. Plot data should be supplied to the OEH in electronic format (e.g. MS-Excel) and organised by vegetation community.

f. Identification of national and state listed threatened biota known or likely to occur in the study area and their conservation status.

g. Description of the likely impacts of the proposal on biodiversity and wildlife corridors, including direct and indirect and construction and operation impacts. Wherever possible, quantify these impacts such as the amount of each vegetation community or species habitat to be cleared or impacted, or any fragmentation of a wildlife corridor. The proposal should provide an assessment of the cumulative impacts of the proposal in relation to other nearby developments.

h. Identification of the avoidance, mitigation, offsetting / compensatory habitat and management measures that will be put in place as part of the proposal to avoid or minimise impacts, including details about alternative options considered and how long term management arrangements will be guaranteed.

i. Description of the residual impacts of the proposal. If the proposal cannot adequately avoid or mitigate impacts on biodiversity, then a biodiversity offset package is expected (see the requirements for this at point 6 below).

j. Provision of specific Statement of Commitments relating to biodiversity.

Appropriate justification should be provided in instances where the above issues are not addressed.

4. An assessment of the significance of direct and indirect impacts of the proposal must be undertaken for threatened biodiversity known or considered likely to occur in the study area based on the presence of suitable habitat. This assessment must consider:

   a. the factors identified in s.5A of the EP&A Act, and

   b. the guidance provided by *The Threatened Species Assessment Guideline – The Assessment of Significance* (DECC 2007) which is available at: www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf

Offsets

5. Where an offsets package is proposed by a proponent for impacts to biodiversity this package should:

   a. Meet either the requirements of the (i) BioBanking Assessment Methodology 2014 (OEH 2014). For additional assistance please contact your nearest OEH office or the BioBanking Team on 131 555.

   b. Identify the conservation mechanisms to be used to ensure the long term protection and management of the offset sites.

   c. Include an appropriate Management Plan (such as vegetation or habitat) that has been developed as a key amelioration measure to ensure any proposed compensatory offsets, retained habitat enhancement features within the development footprint, and impact mitigation measures (including proposed rehabilitation or monitoring programs, or both) are appropriately managed and funded.

Please Note: The BioBanking Assessment Methodology 2014 can be used to assess impacts of a proposal and to determine required offsets. In the latter instances, if the required credits are not available for offsetting, appropriate alternative options may be developed in consultation with the OEH and in accordance with OEH policy.

With respect to managing and conserving a proposed offset in perpetuity, OEH considers and supports the following as appropriate conservation mechanisms:

- the establishment of BioBanking sites with BioBanking agreements under the TSC Act
- the dedication of land under the NPW Act
- a Conservation Agreement under the NPW Act
- a Trust Agreement under the *Nature Conservation Trust Act 2001*
- a Planning Agreement under s 93F of the EP&A Act.

Note:

- OEH preferred method of securing an offset is under the BioBanking provisions of the *Threatened Species Conservation Act 1995* (i.e. a registered BioBanking Agreement site).
- OEH no longer supports public positive covenant under s88E of the *Conveyancing Act 1919* as an appropriate conservation mechanism to secure and manage biodiversity offsets.
- Although OEH supports the use of conservation agreements under the NPW Act as one of the acceptable offsetting mechanisms, we are reviewing this approach and it is advisable that if you are considering this mechanism you contact OEH's Conservation Partners Program (ph: 9995 6761) about its applicability.

6. Where appropriate, likely impacts (both direct and indirect) on any adjoining or nearby National Parks and Wildlife Service estate (or both) reserved under the NPW Act or any marine and estuarine protected areas under the *Fisheries Management Act 1994* or the *Marine Parks Act 1997* should be considered. Refer to the *Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water* (DECCW 2010).

7. With regard to the Australian Government *Environment Protection and Biodiversity Conservation Act 1999*, the assessment should identify any relevant 'Matters of National Environmental Significance' and whether the proposal has been referred to the Australian Government or already determined to be a controlled action.

References

DEC (2004) *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*. Draft, Department of Environment and Conservation, Hurstville; available at: www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf.

DECC (2007) *Threatened Species Assessment Guidelines: The Assessment of Significance*. August 2007. Department of Environment and Climate Change (NSW).

OEH (2014) *BioBanking Assessment Methodology*. Office of Environment and Heritage, detailed at: www.environment.nsw.gov.au/biobanking/bbreview.htm.

OEH (2016) *NSW Guide to Surveying Threatened Plants*. February 2016. Office of Environment and Heritage, Goulburn Street, Sydney.

DECC (2009) *Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians*. April 2009. Department of Environment and Climate Change (NSW), Goulburn Street, Sydney.

DECCW (2010) *Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water*. DECCW, Sydney.

(ii) Post – 24 November 2018 (*Biodiversity Conservation Act 2016*)

Where the proposal is likely to significantly affect threatened species within the meaning of Section 7.2 of the *Biodiversity Conservation Act 2016*, the application for development consent is to be accompanied by a Biodiversity Development Assessment Report, and the following requirements apply:

- Biodiversity impacts related to the proposal are to be assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method.

- The BDAR must document the application of the avoid, minimise and offset hierarchy including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.

- The BDAR must include details of the measures proposed to address the offset obligation as follows:

  - The total number and classes of biodiversity credits required to be retired for the proposal.
  - The number and classes of like-for-like biodiversity credits proposed to be retired.
  - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules.
  - Any proposal to fund a biodiversity conservation action.
  - Any proposal to make a payment to the Biodiversity Conservation Fund.

  If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.

- The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.

5. OEH estate

Land reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act)

If the proposed development is within, adjacent to, or in proximity to, or in proximity to a watercourse that flows directly into OEH-managed conservation estate (e.g. a national park, nature reserve, state conservation area, land which is declared wilderness under the *Wilderness Act 1987*) then the EIS should include:

- The following (as appropriate):

- Evidence that the proponent has consulted with OEH on the legal permissibility of the proposal under the NPW Act and its appropriateness.
- In the case of proposals on land declared as wilderness under the *Wilderness Act 1987*, evidence that the proponent has consulted with OEH on the appropriateness of the proposal. That is, whether it is consistent with the objects of the *Wilderness Act 1987* (section 3) and the management principles for wilderness areas (section 9).
- Alternative options that have been explored to avoid the OEH estate (on-park) and a clear justification of any on-park components of the proposal.
- If on-park impacts are considered unavoidable, consideration of the issues, including details of any compensation proposal, consistent with the OEH *Revocation, Recategorisation and Road Adjustment Policy* (2012) for proposals that are located wholly or partly in a National Park or other land acquired or reserved under the *National Parks and Wildlife Act 1974*.

- Consideration of the matters identified in the *Guidelines for developments adjoining land and water managed by the OEH* (DECCW 2010) where a proposal adjoins or is immediate vicinity of OEH estate, or is upstream of OEH estate.

- A description of the mitigation and management options that will be used to prevent, control, abate or minimise identified impacts associated with the proposal. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

6. Water and soils

- The EIS must map the following features relevant to water and soils including:

  - Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map)
  - Rivers, streams, estuaries (as described in s4.2 of the Biodiversity Assessment Method)
  - Wetlands (as described in s4.2 of the Biodiversity Assessment Method)
  - Groundwater
  - Groundwater dependent ecosystems
  - Proposed intake and discharge locations.

- The EIS must describe background conditions for any water resource likely to be affected by the proposal, including:

  - Existing surface and groundwater.
  - Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
  - Water Quality Objectives (as endorsed by the NSW Government) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
  - Indicators and trigger values/criteria for the identified environmental values in accordance with the ANZECC (2000) *Guidelines for Fresh and Marine Water Quality* and / or local objectives, criteria or targets endorsed by the NSW Government.
  - *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions.*

- The EIS must assess the impacts of the proposal on water quality, including:

  - The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the proposal protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction.
  - Identification of proposed monitoring of water quality.

- Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan).

- The EIS must assess the impact of the proposal on hydrology, including:
  - Water balance including quantity, quality and source.
  - Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
  - Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
  - Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
  - Changes to environmental water availability, both regulated / licensed and unregulated / rules-based sources of such water.
  - Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
  - Identification of proposed monitoring of hydrological attributes.

Project specific requirements

Where the proposal (or part thereof) is located on land marked Class 1, 2, 3 or 4 on the relevant Acid Sulfate Soil Planning Map OR within 500 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD) and likely to lower the water table in this adjacent land below 1 metre AHD, the EIS should include the following:

- An assessment of the potential impacts of the proposal on acid sulfate soils in accordance with the relevant guidelines in the Acid Sulfate Soils Manual (Stone *et al.* 1998) and the Acid Sulfate Soils Laboratory Methods Guidelines (Ahern *et al.* 2004).

- Mitigation and management options that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

Where the proposal is large or high risk with a heightened potential to impact on water quality and hydrology, the EIS should include the following:

- A description of existing water quality / hydrology based on suitable data (meaning data collection may be required) and must include:
  - Water chemistry.
  - A description of receiving water processes, circulation and mixing characteristics and hydrodynamic regimes.
  - Lake or estuary flushing characteristics.
  - Sensitive ecosystems or species conservation values.
  - Specific human uses and values (e.g. fishing, proximity to recreation areas).
  - A description of any impacts from existing industry or activities on water quality.
  - A description of the condition of the local catchment e.g. erosion, soils, vegetation cover.
  - An outline of baseline groundwater information, including, for example, depth to watertable, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment.
  - Historic river flow data.

- An assessment of the impacts of the proposal on water quality and hydrology including:

- Water circulation, current patterns, water chemistry and other appropriate characteristics such as clarity, temperature, nutrient and toxicants, and potential for erosion.
- Changes to hydrology (including drainage patterns, surface runoff yield, flow regimes, and groundwater).
- Disturbance of acid sulfate soils and potential acid sulfate soils.
- Stream bank stability and impacts on macro invertebrates.
- Water quality and hydrology modelling and / or monitoring, where necessary.

- Proposed water quality monitoring in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004). The water quality and aquatic ecosystem monitoring program must include:

  - Adequate data for evaluating maintenance, or progress towards achieving, the relevant Water Quality Objectives.
  - Measurement of pollutants identified or expected to be present.

7. Flooding

- The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:

  - Flood prone land.
  - Flood planning area, the area below the flood planning level.
  - Hydraulic categorisation (floodway and flood storage areas).
  - Flood hazard.

- The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.

- The EIS must model the effect of the proposal (including fill) on the current flood behaviour for a range of design events as identified above, and the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

- All site drainage, stormwater quality devices and erosion / sedimentation control measures should be identified in the EIS and the onsite treatment of stormwater and effluent runoff and predicted stormwater discharge quality from the proposal should be detailed.

- Modelling in the EIS must consider and document:

  - Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
  - The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood (PMF), or an equivalent extreme flood.
  - Impacts of the proposal on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories.
  - Impacts of earthworks and stockpiles within the flood prone land up to the PMF level. The assessment should be based on understanding of cumulative flood impacts of construction and operational phases.
  - Relevant provisions of the NSW Floodplain Development Manual 2005.

- The EIS must assess the impacts on the proposal on flood behaviour, including:

  - Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
  - Consistency with Council floodplain risk management plans.

- Compatibility with the flood hazard of the land.
- Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- Whether there will be a direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- Appropriate mitigation measures to offset potential flood risk arising from the proposal. Any proposed mitigation work should be modelled and assessed on the overall catchment basis in order to ensure it fits its purpose and meets the criteria of the Council where it is located, and to ensure it has no adverse impact to surrounding areas.
- Any impacts the proposal may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
- Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
- Emergency management, evacuation and access, and contingency measures for the proposal during both construction and operational phases considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES.
- Any impacts the proposal may have on the social and economic costs to the community as a consequence of flooding.

8. Coastal hazards

- The EIS must describe the potential effects of coastal processes and coastal hazards (within the meaning of the *Coastal Protection Act 1979*, including sea level rise and climate change:
  - On the proposal.
  - Arising from the proposal.
- The EIS must consider the effects of coastal hazards impacting the site under the following scenarios:
  - Current sea level.
  - Projected future climate change (including sea level rise).
- The EIS must have regard to and document:
  - Consistency with any certified Coastal Management Program (or Coastal Zone Management Plan).
  - Consistency with the objectives of coastal management areas mapped under the SEPP 71 Coastal Protection.
  - Consistency with any existing entrance management strategies for coastal lagoons.

9. Historic heritage

The EIS must provide a heritage assessment including but not limited to an assessment of impacts to State and local heritage including conservation areas, natural heritage areas, places of Aboriginal heritage value, buildings, works, relics, gardens, landscapes, views, and trees. Where impacts to State or locally significant heritage items are identified, the assessment shall:

- outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the mitigation measures) generally consistent with the NSW Heritage Manual (1996)

- be undertaken by a suitably qualified heritage consultant(s) (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria)

- include a statement of heritage impact for all heritage items (including significance assessment)

- consider impacts including, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, landscape and vistas, and architectural noise treatment (as relevant)

- where potential archaeological impacts have been identified develop an appropriate archaeological assessment methodology, including research design, to guide physical archaeological test excavations (terrestrial and maritime as relevant) and include the results of these test excavations.

Attachment 2 – Guidance material

Title	Web address
Relevant legislation	
Biodiversity Conservation Act 2016	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
Coastal Management Act 2016	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
Environmental Planning and Assessment Act 1979	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
Fisheries Management Act 1994	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
Marine Parks Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
National Parks and Wildlife Act 1974	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
Protection of the Environment Operations Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
Water Management Act 2000	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
Wilderness Act 1987	http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
Aboriginal cultural heritage	
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	http://www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	http://www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	http://www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
Biodiversity	
BioBanking Assessment Methodology 2014 (OEH 2014)	www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm
BioBanking Assessment Methodology and Credit Calculator Operational Manual.	Pending - To be advised (check website for regular updates)

Title	Web address
Assessors' Guide To Using The BioBanking Credit Calculator 2014	Pending - To be advised (check website for regular updates)
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians (DECC, 2009)	www.environment.nsw.gov.au/resources/Threatenedspecies/09213amphibians.pdf
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft (DEC 2004)	www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf
OEH Threatened Species website	www.environment.nsw.gov.au/Threatenedspecies/
Atlas of NSW Wildlife	www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioBanking Threatened Species Database	www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm
Vegetation Types databases	www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm
PlantNET	http://plantnet.rbgsyd.nsw.gov.au/floraonline.htm
Online Zoological Collections of Australian Museums	http://australianmuseum.net.au/Australian-Museum-Collection-Search
Threatened Species Assessment Guideline - The Assessment of Significance (DECC 2007)	www.environment.nsw.gov.au/resources/Threatenedspecies/tsaguide07393.pdf
OEH principles for the use of biodiversity offsets in NSW	www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm
Biodiversity Values Map	https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap
Biodiversity Assessment Method (OEH, 2017)	http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	http://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf
Ancillary rules: Biodiversity conservation actions	http://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf
Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	http://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
OEH Threatened Species Profiles	http://www.environment.nsw.gov.au/threatenedspeciesapp/
BioNet Atlas	http://www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification	http://www.environment.nsw.gov.au/NSWVCA20PRapp/LoginPR.aspx
NSW Guide to Surveying Threatened Plants (OEH, 2016)	http://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-guide-to-surveying-threatened-plants
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians (DECC, 2009)	www.environment.nsw.gov.au/resources/Threatenedspecies/09213amphibians.pdf
Threatened Species Assessment Guideline - The Assessment of Significance (DECC 2007)	www.environment.nsw.gov.au/resources/Threatenedspecies/tsaguide07393.pdf - to be replaced with new 5-part-test guidelines when available.

Title	Web address
Fisheries NSW policies and guidelines	http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
OEH estate	
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
List of aquatic reserves	www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/mpa
List of marine parks	www.mpa.nsw.gov.au/contact.html
Water and soils	
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions	http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales (DEC 2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf
Acid sulfate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone *et al.* 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern *et al.* 2004)	http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding	
Floodplain Development Manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Floodplain Risk Management Guidelines	http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation

Title	Web address
Coastal erosion	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Guidelines for Preparing Coastal Zone Management Plans	http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
Historic heritage	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf
Statements of Heritage Impact 2002 (HO & DUAP)	http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	http://www.environment.nsw.gov.au/Heritage/publications/
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

Transport
Roads & Maritime
Services

CR2018/001743
SF2013/183729
MJD

7 May 2018

Department of Planning & Environment
Industry Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: John Booth

REQUEST FOR INPUT: 30 LOT INDUSTRIAL SUBDIVISION – JOHN RENSHAW DRIVE, BLACK HILL, CESSNOCK LGA (LOT 1131 DP 1057179) – SEAR 1224

Reference is made to Department of Planning and Environment's (the Department) email dated 23 April 2018, requesting Roads and Maritime Services' (Roads and Maritime) requirements under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* for the Environmental Impact Statement (EIS). The proposal is designated development Schedule 3, Part 1, Item 15, as it involves the treatment of more than 30,000 cubic metres or disturbs more than an aggregate area of 3 hectares of contaminated soil.

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Roads and Maritime understands the proposal to be for a 30 lot industrial subdivision.

Roads and Maritime response & requirements

Roads and Maritime have reviewed the 'Request for SEARs, Development Application, Industrial Subdivision and Site remediation', *prepared by Barr Property and Planning, dated 13 April 2018*. Roads and Maritime make the following comment:

- Roads and Maritime were requested to provide input on the Black Hill Urban Design Guidelines for MP10_0093, specifically the location of the future intersection accessing Lot 30 DP 870411, which is the neighbouring site east.
- Roads and Maritime provided written comment to the Department on 13 February 2018, regarding the Black Hill Urban Design Guidelines for MP10_0093, and provided subsequent comment to the Department on 3 May 2018. Roads and Maritime understand that the Department is yet to make a determination regarding the intersection location for the Black Hill Urban Design Guidelines.
- The lot layout for this site is provided in the submitted documentation. The lot layout cannot be considered nor the proposed access from John Renshaw Drive until the location of the eastern intersection is first determined by the Department.

The EIS should refer to the following guidelines with regard to the traffic and transport impacts of the proposed development:

- Road and Related Facilities within the Department's EIS Guidelines, and,
- Section 2 Traffic Impact Studies of Roads and Maritime's *Guide to Traffic Generating Developments 2002*.

Furthermore, a traffic and transport study shall be prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002* and is to include (but not be limited to) the following:

- Roads and Maritime recommend that the two sites be assessed as one release area, with limited intersections from John Renshaw Drive required for site access to the release area being nominated. The intersections will allow for the internal road design and lot layout to be created.
- Assessment of all relevant vehicular traffic routes and intersections for access to / from the release area.
- Current traffic counts for all of the traffic routes and intersections.
- The anticipated additional vehicular traffic generated from both the construction and operational stages of the release area.
- The distribution on the road network of the trips generated by the release area. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
- Consideration of the traffic impacts on existing and proposed intersections, and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area.
- Identify the necessary road network infrastructure upgrades required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Roads and Maritime and Council.
- Traffic analysis of any major / relevant intersections impacted, using SIDRA or similar traffic model, including:
    - Current traffic counts and 10 year traffic growth projections
    - With and without development scenarios
    - 95th percentile back of queue lengths
    - Delays and level of service on all legs for the relevant intersections
    - Data files for Roads and Maritime review.
- Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles.

On determination of this matter, please forward a copy of the SEARs to Roads and Maritime for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Peter Marler
Manager Land Use Assessment
Hunter Region

NSW RURAL FIRE SERVICE

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Your reference: SEAR 1224
Our reference: D18/5326

8th May 2018

Attention: John Booth

Dear Sir,

30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179)

Reference is made to correspondence dated 23rd April 2018 seeking input regarding the preparation of Secretary's environmental assessment requirements for the above State Significant Development in accordance with the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises that a bush fire assessment report needs to be undertaken by suitably qualified bush fire consultant. The report shall identify the extent to which the proposed development conforms with or deviates from the relevant provisions of *Planning for Bush Fire Protection 2006*.

Any such report shall demonstrate that the proposal complies with the asset protection zones requirements of Appendix 2, as well as water/utilities and access requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*.

If you have any queries regarding this advice, please contact Matthew Apps, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager, Planning and Environment Services (East)

Postal address
NSW Rural Fire Service
Planning and Environment Services
Locked Bag 17
GRANVILLE NSW 2141

T 1300 NSW RFS
F (02) 8741 5433
E records@rfs.nsw.gov.au
www.rfs.nsw.gov.au

John Booth

From:	lilian.parker@dpi.nsw.gov.au on behalf of Landuse Ag <landuse.ag@dpi.nsw.gov.au>
Sent:	Tuesday, 24 April 2018 10:21 AM
To:	John Booth
Cc:	Landuse Ag
Subject:	HPE CM: Fwd: Request for Input: 30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179) – SEAR 1224
Attachments:	SEARs Request.pdf; 239590-CON-001(A)-A3PLAN-2018-02-20.pdf

Hi John

as this land is already zoned Industrial DPI Agriculture has no comments for the SEARs

Lilian

Agriculture
Landuse Planning | Education and Regional Services
DPI Agriculture | Department of Primary Industries
C/- 161 Kite Street | Locked Bag 21 | Orange NSW 2800
T: 02 6391 3391 | F: 02 6391 3543 | E: landuse.ag@dpi.nsw.gov.au
www.trade.nsw.gov.au | www.dpi.nsw.gov.au

Primary Contact: Lilian Parker
E
mail
: lilian.parker@dpi.nsw.gov.au

---------- Forwarded message ----------
From: **Landuse Enquiries** <landuse.enquiries@dpi.nsw.gov.au>
Date: Mon, Apr 23, 2018 at 4:02 PM
Subject: Fwd: Request for Input: 30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179) – SEAR 1224
To: Water Referrals <water.referrals@dpi.nsw.gov.au>, Landuse Ag <landuse.ag@dpi.nsw.gov.au>, Lands Ministerials <lands.ministerials@industry.nsw.gov.au>, AHP Central <ahp.central@dpi.nsw.gov.au>

Hi all

CM9 Ref: V18/314#34

Please find below correspondence requesting SEAR's for the above Local Designated Development application for your direct response to the Department of Planning and Environment, if relevant (**due date 07/05/18**).

Regards,
Rohan

Rohan Macdonald | Senior Policy Officer
Cabinet and Legislation Services | Lands & Water - Strategy and Policy
Department of Industry
161 Kite St | Orange NSW 2800
Locked Bag 21 ORANGE NSW 2800
T: 02 6391 3788

E: rohan.macdonald@dpi.nsw.gov.au

---------- Forwarded message ----------
From: **Water Referrals** <water.referrals@dpi.nsw.gov.au>
Date: 23 April 2018 at 11:06
Subject: Fwd: Request for Input: 30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179) – SEAR 1224
To: Landuse Enquiries <landuse.enquiries@dpi.nsw.gov.au>

Hi - FYI, we have received below request for input into SEARs for the below Designated Development and will respond directly to Planning, Joanna

Water Referrals

Lands & Water Division | Department of Industry
10 Valentine Avenue | Parramatta NSW 2150 | Locked Bag 5123 | Parramatta NSW 2124
P: 1800 353 104 E: water.referrals@dpi.nsw.gov.au
W: www.water.nsw gov.au | www.industry.nsw.gov.au

Requests for review or comment on reports or specific projects can be sent directly to water.referrals@dpi.nsw.gov.au for action.

---------- Forwarded message ----------
From: **John Booth** <John.Booth@planning.nsw.gov.au>
Date: 23 April 2018 at 10:58
Subject: Request for Input: 30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179) – SEAR 1224
To: "development.hunter@rms.nsw.gov.au" <development.hunter@rms.nsw.gov.au>, "records@rfs.nsw.gov.au" <records@rfs.nsw.gov.au>, "water.referrals@dpi.nsw.gov.au" <water.referrals@dpi.nsw.gov.au>, Planning Matters Mailbox <planning.matters@environment.nsw.gov.au>, "sa-mail@finance.nsw.gov.au" <sa-mail@finance.nsw.gov.au>

Dear All,

Request for Input: 30 Lot Industrial Subdivision – John Renshaw Drive, Black Hill, Cessnock LGA (Lot 1131 DP 1057179) – SEAR 1224

F&F Properties (the Applicant) has requested Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above designated development located in the Cessnock local government area. The proposal seeks the approval of a 30 lot industrial subdivision.

The proposal is designated development Schedule 3, Part 1, Item 15, as it involves the treatment of more than 30,000 cubic metres or disturbs more than an aggregate area of 3 hectares of contaminated soil. Under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary is requesting your requirements for the EIS.

It would be greatly appreciated if we could receive your advice by **COB Monday 7 May 2018**, otherwise the Secretary (or Delegate) will advise the Applicant to consult you directly for your requirements. If this occurs, it would be appreciated if you would forward a copy of any requirements to us for our records.

I have attached a copy of the applicant's request for your reference. If you have any questions regarding the proposal, please do not hesitate to contact me on the details below.

Kind regards,

John Booth

Para-Planner

Industry Assessments

320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8275 1281 E john.booth@planning.nsw.gov.au

NSW GOVERNMENT | Planning & Environment

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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

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Cabinet & Legislation Services

NSW Department of Industry | Lands & Water

E: landuse.enquiries@dpi.nsw.gov.au

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