



# Appendix A

Secretary's environmental assessment requirements and checklist

# Secretary's Environmental Assessment Requirements and checklist

## General requirements

Secretary's Requirement	Where addressed in the EIS
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.	<b>Appendix B</b>
The Secretary requires the matters detailed below to be addressed as part of the EIS. The Department of Planning, Industry and Environment (the Department) advocates the preparation of concise, accessible and justified EISs, focusing on the proposed development, its likely environmental impacts and the mitigation of those impacts. All EISs should be prepared to allow government agencies and the public to fully comprehend the environmental implications of the proposed development. The EIS must clearly outline the statutory planning provisions that apply to the proposal.	<b>Chapter 3</b>

## Key issues

Secretary's Requirement	Where addressed in the EIS
The EIS must include an assessment of potential impacts of the proposed development on the existing environment, during construction and operation (including cumulative impacts if necessary), and develop appropriate measures to avoid, minimise, mitigate offset, manage and/or monitor these potential impacts.	<b>Chapter 8</b> (Assessment of key issues) and <b>Chapter 9</b> (Other issues)
<b>Project justification</b> – including: <ul style="list-style-type: none"> <li>The need for the proposal, the suitability of the site for the development, a demonstration that the proposal is consistent with relevant strategic planning documents, a consideration of impacts of 'no action' and a consideration of alternative options and operation technologies.</li> </ul>	<b>Chapter 4</b> (Strategic justification and proposal need) and <b>Section 11.1</b> (Justification)
<b>Biodiversity</b> – including: <ul style="list-style-type: none"> <li>a detailed assessment of the ecological value and potential impacts of biodiversity values to determine if the proposed development is "likely to significantly affect threatened species" for the purposes of Section 7.2 of the <i>Biodiversity Conservation Act 2016</i> (BC Act). If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared in accordance with Part 6 of the BC Act, and</li> <li>a detailed assessment of the potential impacts (direct and indirect) to coastal wetlands and aquatic species/habitats listed under the <i>Fisheries Management Act 1994</i>.</li> </ul>	<b>Section 8.1</b>

Secretary's Requirement	Where addressed in the EIS
<p><b>Heritage</b> – including:</p> <ul style="list-style-type: none"> <li>impacts on Aboriginal and non-Aboriginal heritage items (National, State and local) within and near the site, including built heritage and landscapes, and</li> <li>an assessment of any other heritage items or issues not yet identified that may need to be considered during design development.</li> </ul>	<p><b>Section 8.1.4</b> (Non-Aboriginal heritage) and <b>Section 8.3</b> (Aboriginal heritage)</p>
<p><b>Contamination and soil quality</b> – including:</p> <ul style="list-style-type: none"> <li>investigations to identify the extent and type of any contaminated materials or acid sulfate soils that may be encountered during construction of the proposal, and associated impacts, including those from uncontrolled historic filling.</li> </ul>	<p><b>Section 8.4</b></p>
<p><b>Coastal Processes</b> – including:</p> <ul style="list-style-type: none"> <li>the effects of coastal processes and coastal hazards including the effects of sea level rise and climate change, and</li> <li>consistency with coastal zone management plans, floodplain risk management plans and flood hazards associated with the land.</li> </ul>	<p><b>Section 8.5</b></p>
<p><b>Land-use and development</b> – including:</p> <ul style="list-style-type: none"> <li>the assessment for impacts of construction and operation on and from surrounding land uses,</li> <li>an assessment of safety and access to intersections and properties during construction, and</li> <li>consideration and details to whether the proposed development is within, adjacent, or in proximity to a watercourse that flows directly into DPIE-managed conservation estate (e.g. a national park, nature reserve, state conservation area, land which is declared wilderness under the Wilderness Act 1987), consultation with DPIE (EES) and consistency with relevant guidelines.</li> </ul>	<p><b>Section 8.6</b></p>
<p><b>Hydrology</b> – including:</p> <ul style="list-style-type: none"> <li>an assessment of hydrology, and potential impacts on the quality and quantity of surface and groundwater resources with reference to the ANZECC (2000) Guidelines for Fresh and Marine Water Quality or equivalent water quality guidelines,</li> <li>details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i>,</li> <li>flooding – consideration of the impacts of the proposal on the hydraulic and hydrologic regime of the area, and</li> <li>Details around maintaining or improving water flows under the highway to Hexham Swamp.</li> </ul>	<p><b>Section 8.7</b> (Hydrology and flooding), <b>Section 8.8</b> (Surface water) and <b>Section 8.9</b> (Groundwater)</p>
<p><b>Visual</b> – including:</p> <ul style="list-style-type: none"> <li>an impact assessment at private receptors and public vantage points.</li> </ul>	<p><b>Section 8.10</b></p>

Secretary's Requirement	Where addressed in the EIS
<b>Environmental Monitoring and Management</b> – including: <ul style="list-style-type: none"> <li>a detailed description of what measures would be implemented to manage, mitigate or offset the potential impacts (including cumulative impacts) of the proposal (as identified above) during construction and operation as relevant, and where required, and</li> <li>describe how the environmental performance of the proposal would be monitored and managed over time. Where possible, reasonable and feasible mitigation measures should be developed in consultation with surrounding affected landowners and relevant public authorities.</li> </ul>	<b>Section 10.2</b>

### Environmental Planning Instruments and other policies

Secretary's Requirement	Where addressed in the EIS
<p>The EIS must assess the proposal against the relevant environmental planning instruments and other policies, including but not limited to:</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>Greater Newcastle Metropolitan Plan 2036</li> <li>Hunter Regional Plan 2036</li> <li>Newcastle Local Environmental Plan 2012</li> <li>Newcastle Development Control Plan 2012</li> <li>Hunter Estuary Coastal Zone Management Plan (2017) and</li> <li>Hunter Estuary Management Study (2009)</li> </ul>	<b>Chapter 3</b>

### Agency issues and guidelines

Secretary's Requirement	Where addressed in the EIS
<p>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 <a href="http://planning.nsw.gov.au">planning.nsw.gov.au</a>. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.</p> <p>Matters to be considered and guidelines identified in consultation with agencies in the preparation of these requirements should also be addressed.</p>	<b>Section 4.1</b>

### Plans and documents

Secretary's Requirement	Where addressed in the EIS
<p>The EIS must include all relevant plans, diagrams and relevant documentation required under Schedule 1 of the Regulation. These</p>	<b>Appendix C</b>

Secretary's Requirement	Where addressed in the EIS
items are to be provided as part of the EIS rather than as separate documents.	

### Consultation

Secretary's Requirement	Where addressed in the EIS
<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> <li>• Environment, Energy and Science Group (former Office of Environment and Heritage) and Regions, Industry, Agriculture and Resources Group (former Department of Industry) of the Department Planning, Industry and Environment;</li> <li>• Environment Protection Authority</li> <li>• Rural Fire Service;</li> <li>• Fire &amp; Rescue NSW;</li> <li>• Newcastle City Council;</li> <li>• NSW SES;</li> <li>• Hunter Water;</li> <li>• Special interest groups, including the Awabakal Local Aboriginal Land Council and Registered Aboriginal Parties, and;</li> <li>• the surrounding landowners and occupiers that are likely to be impacted by the proposal.</li> <li>• TfNSW (regarding Hexham Station operations)</li> <li>• Subsidence Advisory NSW (for mine affected areas)</li> </ul> <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>	<b>Chapter 7 and Appendix I</b>

### Further consultation after two years

Secretary's Requirement	Where addressed in the EIS
If you do not lodge an application under Section 4.12(8) of the <i>Environmental Planning and Assessment Act 1979</i> within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to any further requirements for lodgement.	N/A