28 January 2020

Ms. Emma Mason
Principal Town Planner
De Witt Consulting Pty Ltd
PO Box 850
CHARLESTOWN NSW 2290

File Number: EF19/30325
SEAR 1409

Dear Ms Mason,

Waste Management Facilities or Works
251 Adelaide Street, Raymond Terrace (Lot 232 DP 593512)
Planning Secretary's Environmental Assessment Requirements (SEAR) 1409

Thank you for your request for the Planning 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 both designated and integrated development under Part 4 of the *Environmental Planning and Assessment Act 1979* and requires an approval under the *Water Management Act 2000*. In preparing the SEARs, the Department of Planning, Industry and Environment (the Department) has consulted with the Natural Resource Access Regulator (NRAR). Unfortunately, NRAR 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 Transport for NSW as required by Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. A copy of their additional requirements for the EIS are attached.

The Department has also consulted with the Environment Protection Authority, NSW Rural Fire Service and the Environment, Energy and Science Division. A copy of their additional requirements for the EIS are attached.

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 Mary Ellen Trimble, Planning and Assessment, at the Department on (02) 9274 6213 or via maryellen.trimble@planning.nsw.gov.au.

Yours sincerely

C. Ritchie

Chris Ritchie
Director
Industry Assessments
as delegate of the Planning Secretary

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*. Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Designated Development

SEAR Number	1409
Proposal	The proposal involves the dewatering and filling in of the onsite dam by disposing approximately 3.5 million tonnes clean fill of ENM and VENM.
Location	251 Adelaide Street, Raymond Terrace (Lot 232 DP 593512), located in Port Stephens local government area.
Applicant	Phoenix Builders Pty Ltd
Date of Issue	28 January 2020
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 and statutory 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 – a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. • **biodiversity** – including: – accurate predictions of any vegetation clearing on site or for any road upgrades – a detailed assessment of the potential impacts on any threatened species, populations, endangered ecological communities or their habitats, including groundwater dependent ecosystems – characterisation of the waterbodies in relation to their ecological and hydrological function – details of weed management during construction and operation in accordance with existing State, regional or local weed management plans or strategies – a detailed description of the measures to avoid, minimise, mitigate or offset biodiversity impacts. • **soil and water** – including: – a description of local soils, topography, drainage and landscapes – a detailed assessment of the extent and nature of any contamination of the soil, groundwater and marine sediments – 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 in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures – an assessment of potential impacts on the quality and quantity of surface and groundwater resources – a description and appraisal of impact mitigation and monitoring measures. • **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 – a description and appraisal of air quality impact mitigation and monitoring measures. • **noise and vibration** – including: – a description of all potential noise and vibration sources during construction and operation, including road traffic noise – a noise and vibration assessment in accordance with the relevant Environment Protection Authority guidelines – a description and appraisal of noise and vibration mitigation and monitoring measures. • **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) – any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this – an assessment of flood risk on the site. The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, and the development's impact (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event • **traffic and transport** – including: – details of road transport routes and access to the site – road traffic predictions for the development during construction and operation – an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. • **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 No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • Port Stephens Local Environmental Plan 2013 • Hunter Regional Plan 2036 • relevant development control plans and section 7.11 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 https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Industries. 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:
	• Department of Planning, Industry and Environment, specifically the:
	  ○ Environment Protection Authority
	• Department of Transport, specifically:
	  ○ Roads and Maritime Services
	• NSW Rural Fire Service
	• Natural Resource Access Regulator
	• Environment, Energy and Science Division
	• Worimi Local Aboriginal Land Council
	• Hunter Water Corporation
	• Port Stephens Council
	• 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 Planning Secretary in relation to any further requirements for lodgement.

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

Attention: Mary Ellen Trimble

Notice Number	1589851
File Number	DOC19/106484-3
Date	18-Dec-2019

SEAR 1409 – Dewatering and Filling of Dam at 251 Adelaide Street, Raymond Terrace

I am writing in response to your email on 5 December 2019 and attached scoping documents to the Environment Protection Authority (**EPA**) requesting input for the Secretary's Environmental Assessment Requirements (**SEARs**) for the above project. The proposal involves the dewatering and filling of the onsite dam with approximately 3.5 million tonnes of excavated natural material (**ENM**) and virgin excavated natural material (**VENM**).

The EPA has reviewed the proposal and supporting documentation and suspects the development will not require an environment protection licence as it does not trigger any activities in Schedule 1 of the *Protection of the Environment Operations Act* 1997 (**the Act**).

The land application of VENM is exempt from requiring an environment protection licence by clause 39(2)(e) in Schedule 1 of the Act. Comprehensive assessment and record keeping is required for any waste to be pre-classified as VENM. See the EPA's webpage for more information about these requirements at: https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material

The land application of ENM which meets all requirements of the excavated natural material exemption 2014 (**the Exemption**) is also exempt from requiring an environment protection licence as outlined in clause 92(2)(b) of the *Protection of the Environment (Waste) Regulation* 2014 (**the Regulation**). A copy of the Exemption is attached to this letter for reference as Attachment C.

If for any reason the proposal is varied and requires other materials to be used in filling activities, it may require an environment protection licence for the activity of waste disposal (application to land) as required by clause 39 in Schedule 1 of the Act. In this instance, the please find attached the EPA's key requirements as Attachment A. The requirements detailed in Attachment A must be assessed in accordance with any relevant guidelines/documents listed in Attachment B.

If you have questions regarding the above, please phone Grace Bell on (02) 4908 6845.

Yours faithfully

18/12/2019

STEVEN JAMES
Unit Head Waste Compliance
Environment Protection Authority

Attachment: Attachments A, B and C.

ATTACHMENT A: Key Environmental Impact Assessment Requirements

1. General Planning Matters

Details should be documented on the location of the proposed pipeline. This should include but not be limited to details of land ownership, maps and/or aerial photographs showing surrounding land uses, planning zonings, potential sensitive receptors and catchments. EPA is particularly interested in how construction will be managed through residential areas. Details should also be provided on the proposals' relationship to the Port Kembla Gas Terminal.

The Environmental Impact Statement (EIS) should describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts (including any cumulative impacts) associated with the project and 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. Appropriate Best Management Practices must be outlined.

2. Environment Protection Licence

Based on the preliminary information provided it appears the development will not need an environment protection licence. The regulatory framework, including the applicability of the Protection of the Environment Operations Act 1997, should be outlined in the EIS.

3. Air Quality

The environmental outcome for the project should ensure:

- emissions do not cause adverse impact upon human health or the environment
- no offensive odour beyond the boundary of the premises
- maintains or improves air quality to ensure National Environment Protection Measures for ambient air quality are not compromised
- all dust emissions from material handling, storage, processing, haul roads, transport and material transfer systems are prevented or minimised; and vehicular kilometres travelled are minimised.

The EIS must include an Air Quality Impact Assessment (AQIA). The AQIA must identify and describe in detail all possible sources of air pollution and activities/processes with the potential to cause air pollutants including odours and fugitive dust emissions beyond the boundary of any pipeline route. This should cover both the construction and operational phases of the development. The AQIA should include cumulative impacts associated with existing developments and any developments having been granted development consent but which have not commenced.

The EIS must describe in detail the measures proposed to mitigate the impacts and quantify the extent to which the mitigation measures are likely to be effective in achieving the relevant environmental outcomes.

4. Water Quality

The environmental outcome for the project should ensure:

- polluted water (including process waters, wash down waters, polluted stormwater or sewage) is captured on the site and directed to reticulated sewer where available or else collected, treated and beneficially reused, where this is safe and practicable to do so.
- Promote integrated water cycle management that optimises opportunities for sustainable water supply, wastewater and stormwater management and reuse initiatives where it is safe and practicable to do so.
- Appropriate stormwater management during construction
- bunding is designed in accordance with the EPA's Bunding and Spill Management guidelines.

The EIS should document how the above outcomes will be achieved. The EIS should also demonstrate how the stormwater management system will satisfy relevant contemporary guidelines such as *Managing Urban Stormwater - Soils and Construction - Volume 2E Mines and Quarries* (DECC June 2008).

5. Noise Impact

The environmental outcome of the project should be to minimise adverse impacts due to noise from the project. The EIS must clearly outline the noise mitigation, monitoring and management measures the proponent intends to apply to the project to minimise noise pollution.

A noise assessment should be undertaken in accordance with the *New South Wales Noise Policy for Industry (EPA 2017)*.

The assessment should also consider vibration from the proposed project in accordance with NSW *Noise Policy for Industry* and *Assessing Vibration: a technical guideline* (DEC, 2006) for assessing vibration as well as *The Interim Construction Noise Guideline* (DECC 2009)

The EIS must identify the transport route(s) to be used, the hours of operation and assess any potential road traffic noise impacts in accordance with the "*NSW Road Noise Policy*".

6. Waste Management

The goal of the development should be to ensure:

- All waste is managed in accordance with the principles of the waste hierarchy and cleaner production.
- the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.
- land pollution is prevented.
- the beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so.
- no waste disposal occurs on site except in accordance with any EPA Licence conditions.

Any waste generated at the site should be assessed and classified in accordance with the *Waste Classification Guidelines* and documented in the EIS. Detail on this guideline is available in Attachment B.

The EIS should also detail the type and quantity of any chemical substances to be used or stored at the site and describe arrangements for their safe use and storage in accordance with any legislative or EPA policy requirements.

7. Contaminated Land Management

The environmental outcome of the project should ensure any contaminated land is identified and appropriately managed for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The requirements of *State Environmental Planning Policy (SEPP) 55* will need to be satisfied and documented in the EIS. SEPP 55 states that as part of the development process, the following key considerations should be addressed:

- Whether the land is contaminated.
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used.
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

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

ATTACHMENT B: Guidelines

Title	Web address
Licensing	
Guide to Licensing	www.environment.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for modelling and assessment of air pollutants in NSW (2005)	http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf
Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (DEC 2007)	http://www.environment.nsw.gov.au/resources/air/07001amsaap.pdf
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N
The Assessment and Management of Odour from Stationary Sources in NSW: Technical Framework	http://www.environment.nsw.gov.au/resources/air/20060440framework.pdf
The Assessment and Management of Odour from Stationary Sources in NSW: Technical Notes	http://www.environment.nsw.gov.au/resources/air/20060441notes.pdf
NSW Government Resource Efficiency Policy, (OEH 2014)	http://www.environment.nsw.gov.au/resources/government/140567NSWGREP.pdf
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
Noise Policy for Industry (EPA, 2017)	http://www.environment.nsw.gov.au/noise/industrial.htm
NSW Road Noise Policy (EPA, 2011)	http://www.epa.nsw.gov.au/resources/noise/2011236nswroadnoisepolicy.pdf
Waste, Chemicals and Hazardous Materials and Radiation	
Waste Classification Guidelines (DECC, 2008)	http://www.environment.nsw.gov.au/waste/envguidlns/index.htm
Resource Recovery Exemptions	http://www.epa.nsw.gov.au/waste/RRecoveryExemptions.htm
EPA's Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (Dec 2012)	http://www.epa.nsw.gov.au/warr/BPGuideCIFacilities.htm
EPA's Standards for Managing Construction Waste in NSW (2019)	https://www.epa.nsw.gov.au/your-environment/waste/industrial-waste/construction-demolition/construction-and-demolition-waste

Water and Soils	
Stormwater Management	
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.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf Vol 2- http://www.environment.nsw.gov.au/resources/stormwater/0801soilsconststorm2a.pdf
Wastewater	
National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)	http://www.environment.gov.au/water/policy-programs/nwqms/
National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)	http://www.environment.gov.au/water/policy-programs/nwqms
Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)	http://www.environment.nsw.gov.au/resources/water/effguide.pdf
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf
NSW Government Water Quality and River Flow Environmental Objectives	http://www.environment.nsw.gov.au/ieo/
Groundwater	
State Groundwater Policy Framework Document (DLWC 1997)	
The NSW State Groundwater Quality Protection Policy (DLWC 1998)	
NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)	
National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)	
Metropolitan Water Sharing Plan	http://www.water.nsw.gov.au/Water-management/Water-sharing-plans/Water-sharing
Bunding and Spill Management	
Storing and Handling Liquids: Environmental Protection - Participants Manual	http://www.environment.nsw.gov.au/resources/licensing/2007210liquidsManual.pdf

Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation	http://www.environment.nsw.gov.au/resources/licensing/ecrchemicalsb05590.pdf

ATTACHMENT C: Excavated Natural Material Exemption 2014

Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The excavated natural material exemption 2014

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of excavated natural material from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the excavated natural material order 2014'.

1. Waste to which this exemption applies

1.1. This exemption applies to excavated natural material that is, or is intended to be, applied to land as engineering fill or for use in earthworks.

1.2. Excavated natural material is naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:

a) been excavated from the ground, and
b) contains at least 98% (by weight) natural material, and
c) does not meet the definition of Virgin Excavated Natural Material in the Act.

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

2.1. This exemption applies to any person who applies or intends to apply excavated natural material to land as set out in 1.1.

3. Duration

3.1. This exemption commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

4. Premises to which this exemption applies

4.1. This exemption applies to the premises at which the consumer's actual or intended application of excavated natural material is carried out.

5. Revocation

5.1. 'The excavated natural material exemption 2012' which commenced 19 October 2012 is revoked from 24 November 2014.

6. Exemption

6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of excavated natural material to land as engineering fill or for use in earthworks at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

6.2. The exemption does not apply in circumstances where excavated natural material is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land) or clause 40 'waste disposal' (thermal treatment) of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

7.1. At the time the excavated natural material is received at the premises, the material must meet all chemical and other material requirements for excavated natural material which are required on or before the supply of excavated natural material under 'the excavated natural material order 2014'.

7.2. The excavated natural material can only be applied to land as engineering fill or for use in earthworks.

7.3. The consumer must keep a written record of the following for a period of six years:

- the quantity of any excavated natural material received; and
- the name and address of the supplier of the excavated natural material received.

7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

7.5. The consumer must ensure that any application of excavated natural material to land must occur within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply excavated natural material to land.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the excavated natural material is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of excavated natural material remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.

CR2019/005470
SF2019/210689
KML

13 January 2020

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

Attention: Mary Ellen Trimble

SEAR 1409 - WASTE MANAGEMENT FACILITIES OR WORKS, 251 ADELAIDE STREET RAYMOND TERRACE

Transport for NSW (Transport) advises that legislation to bring Roads and Maritime Services and Transport together as one organisation came into effect on 1 December 2019 so we can deliver more integrated transport services across modes and better outcomes to customers and communities across NSW. Other than a name change from Roads and Maritime to Transport, it's business as usual and you can continue to enjoy the same service you do today.

Reference is made to Department of Planning, Industry and Environment's email dated 05 December 2019, requesting Transport requirements under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000.*

Transport'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.

Transport have reviewed the Request for Secretary's Environmental Assessment Requirements prepared by de Witt Consulting and dated November 2019. It is understood that the proposal be for rehabilitation of a disused quarry, including the importation of Excavated Natural Material (ENM) and Virgin Excavated Natural Material (VENM) and reshaping of the site.

Transport for NSW response & requirements

Transport recommends that the Environmental Impact Statement (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 of Planning EIS Guidelines, and,

- Section 2 Traffic Impact Studies of Transport for NSW's *Guide to Traffic Generating Developments 2002*.

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

- Assessment of all relevant vehicular traffic routes and intersections for access to / from the subject properties.

- 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 project.

- The distribution on the road network of the trips generated by the proposed development. 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, in particular, the intersection of Adelaide Street and the Pacific Highway, 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 that are 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 Transport for NSW 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
  - 95^{th} percentile back of queue lengths
  - Delays and level of service on all legs for the relevant intersections
  - Electronic data for Transport for NSW 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 Transport for record and / or action purposes. Should you require further information please contact Kate Leonard, Development Assessment Officer, on 0428 260 461 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Peter Marler
Manager Land Use Assessment
Hunter Region

Our ref: DOC20/20484-1
Your ref: SEAR 1409

Mary Ellen Trimble

Student Para Planner
Planning and Assessment Group
Department of Planning Industry and Environment
Maryellen.trimble@planning.nsw.gov.au

Dear Ms Trimble

Input into Secretary's Environmental Assessment Requirements – Designated Development – Environmental Protection Works – 251 Adelaide Street, Raymond Terrace – SEAR 1193

I refer to your e-mail dated 10 January 2020 seeking input into the Department of Planning, Industry and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for a local designated development.

Biodiversity and Conservation Division (BCD) understands that the development involves the dewatering and filling in of the onsite dam with approximately 3.5 million tonnes of Excavated Natural Material and Virgin Excavated Natural Material. BCD understands that this proposed development is a designated development under multiple clauses of Schedule 3, including 32(1)(a)(iv) & 32 (1)(d)(i), (ii), (v) and (vi). BCD has considered your request and provides input to SEARs for the proposed development in **Attachment A**. BCD acknowledges that the attached information is generic and some sections may not be relevant to the proposal.

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

1. Aboriginal cultural heritage
2. threatened biodiversity and offsetting
3. impacts to National Parks and Wildlife estate
4. coastal wetlands and littoral rainforests
5. soils and water
6. flooding, floodplain management and coastal erosion.

If you require any further information regarding this matter please contact Brendan Mee, Senior Conservation Planning Officer, on 4904 2730.

Yours sincerely

28 January 2020

STEVEN COX

Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

Attachment A – Biodiversity and Conservation Division'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
- National Parks and Wildlife 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 Biodiversity and Conservation Division (BCD) 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 BCD.
- 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 BCD under the *National Parks and Wildlife Act 1974*. You must apply to BCD 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

Biodiversity Assessment Methodology for the Biodiversity Offsets Scheme (BOS)

The EIS should include an assessment of the following:

a. The EIS must assess the impact of the proposed development on biodiversity values to determine if the proposed development is “likely to significantly affect threatened species” for the purposes of Section 7.2 of the Biodiversity Conservation Act 2016 (BC Act), as follows:

   a. The EIS must demonstrate and document how the proposed development exceeds, or does not exceed, the biodiversity offsets scheme threshold as set out in Section 7.4 of the BC Act 2016 and Clause 7.1 of the Biodiversity Conservation

Regulation 2017 (BC Regulation) by determining whether the proposed development involves:

i. **The clearing of native vegetation exceeds the thresholds** listed under Clause 7.23 of the BC Regulation, **or**

ii. The clearing of native vegetation, or other action, **on land included on the Biodiversity Values Map** published under Clause 7.23 of the BC Regulation (this map includes areas of outstanding biodiversity value, as declared under Section 3.1 of the BC Act).

b. If the proposal does not trigger any of the criteria in (a) above, then the EIS must determine whether the proposed development is likely to have a significant impact based on '*the test for determining whether proposed development likely to significant affect threatened species or ecological communities'* in Section 7.3 of the BC Act.

c. Where there is reasonable doubt regarding potential impacts, or where information is not available, then a significant impact upon biodiversity should be considered likely when applying the test in Section 7.3 of the BC Act. Where it is concluded that there is no significant impact, the EIS must justify how the conclusion has been reached.

d. If the development exceeds the thresholds in (a) or (b), then the EIS must be accompanied by a biodiversity development assessment report (BDAR) prepared in accordance with Part 6 of the BC Act. That is, the Biodiversity Assessment Methodology applies.

Required Information

Where development is considered "likely to significantly impact on threatened species" and a Biodiversity Development Assessment Report is required, 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 to apply the Biodiversity Assessment Method under s6.10 of the *Biodiversity Conservation Act 2016*.

Where a BDAR is not required and a threatened species assessment is prepared to support a conclusion of "no significant impact", the EIS must include a field survey of the site, conducted

and documented in accordance with the relevant guidelines including the Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians (DECCW, 2009), Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft (DEC, 2004) and Guidelines for Threatened Species Assessment (Dept Planning, July 2005). The approach should also reference the field survey methods and assessment information on BCD website including the Bionet Atlas, Threatened Species Profile and Bionet Vegetation Classification (see Attachment 2).

5. National Parks and Wildlife Service 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 a watercourse that flows directly into National Parks and Wildlife Service (NPSW)-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 NPWS 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 NPWS 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 NPWS 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 BCD *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 NPWS estate, or is upstream of NPWS 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 on the coastal zone and management objectives for coastal management areas (within the meaning of the *Coastal Management Act 2016*, including the effects of coastal hazards, 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 described in the *Coastal Management Act 2016* and mapped under State Environmental Planning Policy Coastal Management 2018.
  - Consistency with any existing entrance management strategies for coastal lagoons.

9. Coastal Wetlands and Littoral Rainforest

The EIS must assess the impacts on coastal wetlands and littoral rainforest areas in accordance with the State Environmental Planning Policy (Coastal Management) 2018.

The EIS must identify measures that will be taken to protect, and where possible enhance, the:

- Biophysical processes of the coastal wetland or littoral rainforest.
- Hydrological process of the coastal wetland or littoral rainforest.
- Ecological integrity of the coastal wetland or littoral rainforest.

Where the proposed development is on land mapped in proximity to coastal wetlands or littoral rainforest, the EIS must identify whether the proposed development will have a significant impact on:

- The biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- The quantity and quality or surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

10. 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 B – 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	
Threatened Biodiversity Survey and Assessment: Guidelines for	www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf

Title	Web address
Developments and Activities - Working Draft (DEC 2004)	
BCD Threatened Species website	www.environment.nsw.gov.au/Threatenedspecies/
Atlas of NSW Wildlife	www.environment.nsw.gov.au/wildlifeatlas/about.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
BCD 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
BCD 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.
Fisheries NSW policies and guidelines	http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
NPWS 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

Title	Web address
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
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

Title	Web address
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

NSW RURAL FIRE SERVICE

The Secretary
NSW Planning & Environment
GPO Box 39
Sydney NSW 2001

Your Ref: SEAR 1409
Our Ref: DA20191206001354

ATTENTION: Mary Ellen Trimble **20 January 2020**

Dear Ms Trimble

Agency Comment:- Request for SEARs - Waste Landfill; Part Lot 232 DP 593512; 251 Adelaide Street Raymond Terrace

I refer to NSW Planning and Environment correspondence dated 5 December 2019 seeking comment from the NSW Rural Fire Service (NSW RFS) on bush fire matters included in the Environmental Impact Statement (EIS) for the above Designated Development proposal.

The subject land is mapped bush fire prone land by Port Stephens Shire Council. The NSW RFS has reviewed the supporting document and understands the application is for environmental protection works to rehabilitate a former quarry. The proposed works will include:

- *earthworks including the importation of Excavated Natural Material (ENM) and Virgin Excavated Natural Material (VENM); and*
- *reshaping of the site.*

The NSW RFS recommends the SEARs include the following requirements:

Bush fire: the EIS shall include how the development will achieve the aims and objectives of Planning for Bush Fire Protection 2019.

For any enquiries regarding this correspondence, please contact Alan Bawden on 6691 0400.

Yours sincerely

Tim Carroll
Manager – Planning and Environment Services North
The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Postal address
Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
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