Department of Planning and Environment

Gary Peacock
Director
Outline Planning Consultants Pty Ltd
Suite 2301, Level 3, Quattro Building
No. 4 Daydream Street
Warriewood, NSW 2102

Via email: gpeacock@outline.com.au

30 August 2022

Planning Secretary's Environmental Assessment Requirements
Faheys Pit Project (EAR 1722)

Dear Mr Peacock

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

Please find attached a copy of the SEARs for the Environmental Impact Statement (EIS) for the development. These requirements have been prepared in consultation with relevant government agencies based on the information your company has provided to date. The Department is awaiting advice from several agencies. This advice will be forwarded for your consideration once it is received. You must have regard to this advice in the preparation of the EIS.

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

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

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

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

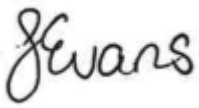
If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environmental Protection and*

Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of Climate Change, Energy, the Environment and Water to determine if an approval under the EPBC Act is required (http://www.environment.gov.au or 6274 111).

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

If you have any enquiries about these requirements, please contact James McDonough on 02 9585 65313 or email at james.mcdonough@dpie.nsw.gov.au.

Yours sincerely,



Jessie Evans

Director Resource Assessments
Energy, Resources and Industry
as delegate for the Planning Secretary

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* and Part 8 Division 5 of the *Environmental Planning and Assessment Regulation 2021.*

Designated Development

EAR Number	EAR 1722
Proposal	Continuation of an existing gravel quarry to extract up to 150,000 tonnes per annum for a period of approximately 20 years from an estimated resource of 1.3 Million tonnes.
Location	Faheys Pit – 9720 Armidale Road, Tyringham 2453 (Lot 31 DP 1203488)
Applicant	Outline Planning Consultants Pty Ltd
Date of Issue	30/08/2022
Date of Expiry	30/08/2024
General Requirements	The Environmental Impact Statement (EIS) for the development must comply with the requirements in in Clauses 190, 192 and 193 of Part 8 Division 5 of the *Environmental Planning and Assessment Regulation 2021*. In particular, the EIS must include: • an executive summary; • a comprehensive description of the development, including: - a detailed site description and history of any previous quarrying on the site, including a current survey plan; - identification of the resource, including the amount, type, composition; - the layout of the proposed works and components (including any existing infrastructure that would be used for the development); - an assessment of the potential impacts of the development, as well as any cumulative impacts, including the measures that would be used to minimise, manage or offset these impacts; - a detailed rehabilitation plan for the site; - any likely interactions between the development and any existing/approved developments and land uses in the area, paying particular attention to potential land use conflicts with nearby residential development; - a list of any other approvals that must be obtained before the development may commence; - the permissibility of the development, including identification of the land use zoning of the site; - identification of sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways; • a conclusion justifying why the development should be approved, taking into consideration: – alternatives; – the suitability of the site; – the biophysical, economic and social impacts of the project, having regard to the principles of ecologically sustainable development; and – whether the project is consistent with the objects of the Environmental Planning and Assessment Act 1979; and • a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.
Consultation	In preparing the EIS for the development, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners that may be impacted by the development.

	The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.
Key Issues	The EIS must assess the potential impacts of the proposal at all stages of the development, including the establishment, operation and decommissioning of the development. The EIS must address the following specific issues: • **Noise** – including a quantitative assessment of potential: - construction and operational noise and off-site transport noise impacts of the development in accordance with the *Interim Construction Noise Guideline, NSW Noise Policy for Industry and NSW Road Noise Policy* respectively; - reasonable and feasible mitigation measures to minimise noise emissions; and - monitoring and management measures; • **Blasting & Vibration** – including: - proposed hours, frequency, methods and impacts; and - an assessment of the likely blasting and vibration impacts of the development, having regard to the relevant ANZECC guidelines and paying particular attention to impacts on people, buildings, livestock, infrastructure and significant natural features; • **Air** – including an assessment of the likely air quality impacts of the development in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*. The assessment is to give particular attention to potential dust impacts on any nearby private receivers due to construction activities, the operation of the quarry and/or road haulage; • **Water** – including: - a detailed site water balance and an assessment of any water licensing requirements or other approvals required under the *Water Act 1912* and/or *Water Management Act 2000*, including a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan or water source embargo - an assessment of potential impacts on the quality and quantity of existing surface and ground water resources, including a detailed assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; and - a detailed description of the proposed water management system, water monitoring program and other measures to mitigate surface and groundwater impacts; • **Biodiversity** – including: - accurate predictions of any vegetation clearing on site; - a detailed assessment of the potential biodiversity impacts of the development, paying particular attention to threatened species, populations and ecological communities and groundwater dependent ecosystems undertaken in accordance with Sections 7.2 and 7.7 of the *Biodiversity Conservation Act 2016*; and - a detailed description of the proposed measures to maintain or improve the biodiversity values of the site in the medium to long term, as relevant. • **Heritage** – including: - an assessment of the potential impacts on Aboriginal heritage (cultural and archaeological), including evidence of appropriate consultation with relevant Aboriginal communities/parties and documentation of the views of these stakeholders regarding the likely impact of the development on their cultural heritage; and - identification of Historic heritage in the vicinity of the development and an assessment of the likelihood and significance of impacts on heritage items, having regard to the relevant policies and guidelines listed in Attachment 1; • **Traffic & Transport** – including: - accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products; - an assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road networks, detailing the nature of the traffic generated, transport routes, traffic volumes and potential impacts on local and regional roads; - a description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network (particularly the proposed transport routes) over the life of the development;

	- evidence of any consultation with relevant roads authorities, regarding the establishment of agreed contributions towards road upgrades or maintenance; and - a description of access roads, specifically in relation to nearby Crown roads and fire trails; • **Land Resources**– including an assessment of: - potential impacts on soils and land capability (including potential erosion and land contamination) and the proposed mitigation, management and remedial measures (as appropriate); and - an assessment of activities that could cause erosion or sedimentation issues, and the proposed measures to prevent or control these impacts; • **Waste** – including estimates of the quantity and nature of the waste streams that would be generated or received by the development and any measures that would be implemented to minimise, manage or dispose of these waste streams; • **Hazards** – including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, storage, handling and use of any hazardous or dangerous goods; • **Visual** – including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain, including with respect to any new landforms; • **Social & Economic** – an assessment of the likely social and economic impacts of the development, including consideration of both the significance of the resource and the costs and benefits of the project; and • **Rehabilitation** – including: - a detailed description of the proposed rehabilitation measures that would be undertaken throughout the development and during quarry closure; - a detailed rehabilitation strategy, including justification for the proposed final landform and consideration of the objectives of any relevant strategic land use plans or policies; and - potential impacts on landforms (topography), paying particular attention to the long-term geotechnical stability of any new landforms (such as overburden dumps, bunds etc).
Environmental Planning Instruments	The EIS must take into account all relevant State Government environmental planning instruments, guidelines, policies, and plans. While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies and plans that may be relevant to the environmental assessment of this development. During the preparation of the EIS you must also consult the Department's EIS Guideline – Extractive Industries – Quarries. This guideline is available at http://www.planning.nsw.gov.au/~/media/Files/DPE/Guidelines/extractive-industries-quarries-eis-guideline-1996-10.ashx. In addition, the EIS must assess the development against Gunnedah Local Environmental Plan 2012 and any relevant development control plans/strategies.

ATTACHMENT 1

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

Environmental Planning Instruments, Policies, Guidelines & Plans

Environmental Planning Instruments - General	
	State Environmental Planning Policy (Resources and Energy) 2021
	State Environmental Planning Policy (Planning Systems) 2021
	State Environmental Planning Policy (Transport and Infrastructure) 2021
	Clarence Valley Local Environmental Plan 2011
Risk Assessment	
	AS/NZS 4360:2004 Risk Management (Standards Australia)
	HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Land	
	State Environmental Planning Policy No. 55 – Remediation of Land
	Agricultural Land Classification (DPI)
	Rural Land Capability Mapping (OEH)
	Soil and Landscape Issues in Environmental Impact Assessment (NOW)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Guidelines for Consultants Reporting on Contaminated Sites (EPA)
	Agricultural Issues for Extractive Industry Development (DPI)
Water	
Groundwater	NSW Aquifer Interference Policy 2012 (NOW)
	NSW State Groundwater Policy Framework Document (NOW)
	NSW State Groundwater Quality Protection Policy (NOW)
	NSW State Groundwater Quantity Management Policy (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
Surface Water	NSW State Rivers and Estuary Policy (NOW)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (DECC)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities (NOW)
Flooding	Floodplain Development Manual (OEH)
	Floodplain Risk Management Guideline (OEH)
Biodiversity	
	Biodiversity Assessment Method (DPIE 2020)
	Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (DPIE 2019)

	Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (Fisheries NSW)
	NSW State Groundwater Dependent Ecosystem Policy (NOW)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW)
Heritage	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW (OEH) 2011
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)
	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH)
	NSW Heritage Manual (OEH)
	Statements of Heritage Impact (OEH)
Noise	
	NSW Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA)
	NSW Road Noise Policy (EPA)
Air	
	Protection of the Environment Operations (Clean Air) Regulation 2010
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	Assessment and Management of Odour from Stationary Sources in NSW (DEC)
	National Greenhouse Accounts Factors (Commonwealth)
Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RMS) & relevant Austroads Standards
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Planning for Bushfire Protection 2019 (RFS)
Resource	
	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
Waste	
	Waste Classification Guidelines (EPA)
	Protection of the Environmental Operations (Waste) Regulation 2014
	Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 (EPA)
Rehabilitation	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Strategic Framework for Mine Closure (ANZMEC-MCA)

ATTACHMENT 2

AGENCY CORRESPONDENCE

James McDonough
Team Leader - Resource Assessments
NSW Department of Planning & Environment
12 Darcy St
Parramatta NSW 2150

Emailed: james.mcdonough@dpie.nsw.gov.au

Our ref: RDOC22/177394
Your ref: EARs 1722

6 September 2022

Dear Mr McDonough

Subject: Faheys Pit – Request for Assessment Requirements - EARs 1722.

Thank you for the opportunity to provide advice on the above matter. This is a response from the Department of Regional NSW – Mining, Exploration & Geoscience (MEG) – Geological Survey of NSW (GSNSW).

Hard rock material (including material used for construction and building purposes eg aggregates, road base, fill etc) are not prescribed minerals under the *Mining Act 1992*. Therefore, MEG has no statutory role in authorising or regulating the extraction of this commodity. MEG however is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

All environmental reports (EIS, EA, SoEE or similar) accompanying development applications for extractive industry lodged under the *Environmental Planning & Assessment Act 1979* should include a resource assessment which:

- Documents the size and quality of the resource and demonstrates that both have been adequately assessed; and
- Documents the methods used to assess the resource and its suitability for the intended applications.

If deemed commercial-in-confidence, the resource assessment summary included in the EIS should commit to providing MEG-GSNSW with full resource assessment documentation separately.

MEG collects data on the quantity of construction materials produced annually throughout the state. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to MEG as a condition of any new or amended development consent. MEG sends forms (to operators) at the end of each financial year for this purpose.

Queries regarding the above information should be directed to the MEG-GSNSW Land Use team at: landuse.minerals@regional.nsw.gov.au.

Yours sincerely,

Malcolm Drummond
Senior Geoscientist, Land Use
for
Steven Palmer
Manager, Land Use
Geological Survey of NSW – Mining, Exploration & Geoscience

Your ref: EAR 1722
Our ref: DOC22/761370-4

Department of Planning and Environment
Planning and Assessment Group - Resource Assessments
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Mr James McDonough

Dear Mr McDonough

Re: Request for Biodiversity and Conservation Division's Environmental Impact Statement Environmental Assessment Requirements – the continued operation of an existing gravel quarry EARs 1722

Thank you for your e-mail dated 29 August 2022 about the continued operation of an existing gravel quarry at 9720 Armidale Road Tyringham, seeking Environmental Assessment Requirements (EARs) from the Biodiversity and Conservation Division (BCD) of the Environment and Heritage Group in the Department of Planning and Environment. I appreciate the opportunity to provide input.

We note that the project will be assessed in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Environmental Impact Statement (EIS) EARs provided by the BCD are limited to biodiversity, flooding and associated hazards, and cumulative impacts.

The proponent should ensure that the EIS will be sufficiently comprehensive to enable unambiguous assessment of all direct and indirect impacts of the proposed development.

We note that native vegetation clearing will need to occur for the proposed development. The BCD is also aware that there have been threatened species recorded in the vicinity of the subject land.

The EIS must assess the direct and indirect impacts of the proposal on biodiversity and must consider the Biodiversity Offset Scheme (BOS) threshold and the test of significance to determine whether the proposal triggers the BOS.

We consider this information is necessary for a comprehensive EIS for the proposed development.

The full list of our requirements that may need to be addressed in the EIS is provided in **Attachment 1**. In preparing the EIS, the proponent should refer to the relevant guidance material listed in **Attachment 2.**

If you have any questions about this advice, please do not hesitate to contact Mr Krister Waern, Senior Operations Officer, at krister.waern@environment.nsw.gov.au or 6640 2503.

Yours sincerely

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Enclosures:
Attachment 1 - BCD Recommended EARs – EIS – Faheys Pit EAR 1722
Attachment 2 - EIS Guidance Material

Attachment 1

Biodiversity and Conservation Division's Recommended Secretary's Environmental Assessment Requirements (SEARs) for Preparation of an Environmental Impact Statement

for the

Faheys Pit

SEAR ID Number 1722

TABLE OF CONTENTS

A. The Proposed Development

The Environmental Impact Statement (EIS) should fully and clearly describe the proposed development, including any environmental impact mitigation measures, and identify all the processes and activities intended for the site during the life of the proposed development.

The description of the proposed development in the EIS should, where relevant, include:

1. the location of the proposal and details of the surrounding environment;
2. the land use zoning;
3. the size and type of the proposal and its operation;
4. the proposed layout of the site;
5. the staging and timing of the proposal;
6. the proposal's relationship to any other proposal.
7. all equipment proposed for use at the site;
8. chemicals, including fuel, used on the site and proposed methods for the transportation, storage, use and emergency management;
9. waste generation, storage and disposal;
10. the anticipated environment impacts of the proposal, both direct and indirect,
11. a plan showing the distribution of any threatened flora or fauna species and the vegetation communities on or adjacent to the subject site, and the extent of vegetation proposed to be cleared; and
12. ownership details of any residence and/or land likely to be affected by the proposal;
13. 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 proposal;
14. methods to mitigate any expected environmental impacts of the proposal; and
15. the anticipated level of performance in meeting required environmental standards.

B. Environmental Impacts of the Proposed Development

Impacts related to Biodiversity, Flooding and Associated Hazards, and Cumulative Impacts, should be assessed, quantified, and reported on in the EIS, as required.

The EIS should address the specific requirements outlined under each heading below, where necessary, and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines is at **Attachment 2**.

C. Biodiversity

1. The EIS must assess the impacts 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 whether the proposed development is to be carried out in a declared area of outstanding biodiversity value.

   B. If the proposed development is not carried out in a declared area of outstanding biodiversity value, then the EIS must demonstrate and document whether the proposed development exceeds the biodiversity offset scheme threshold, as set out in section 7.4 of the BC Act 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 of an area declared by clause 7.23 of the BC Regulation as exceeding the threshold, or

      II. The clearing of native vegetation, or other action prescribed by clause 6.1 of the BC Regulation, on land included on the Biodiversity Values Map published under clause 7.3 of the BC Regulation.

   C. If the biodiversity offset scheme threshold is not exceeded, then the EIS must document *the test for determining whether proposed development is likely to significantly affect threatened species or ecological communities* as outlined in Section 7.3 of the BC Act, by preparing an ecological assessment that should include:

      I. A field survey of the site conducted and documented in accordance with relevant guidelines, including:

         a. *Field survey methods for environmental consultants and surveyors when assessing proposed developments or other activities on sites containing threatened species* (OEH undated) https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf

         b. *NSW Survey Guide for Threatened Frogs* (DPIE 2020) https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs

         c. *Surveying threatened plants and their habitats: NSW survey guide for the Biodiversity Assessment Method* (DPIE 2020) https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method

         d. *Species credit' threatened bats and their habitats (OEH 2018)* https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/species-credit-threatened-bats-survey-guide-180466.pdf

e. *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC 2004), https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/draft-threatened-biodiversity-survey-guide.pdf.

If a proposed field survey methodology is likely to vary significantly from the methods in the guidelines above, then the proponent should discuss the proposed methodology with the Biodiversity and Conservation Division prior to undertaking surveys for the EIS, to determine whether the Biodiversity and Conservation Division considers the proposed methodology appropriate.

The results of recent (less than five years old) field surveys may be used. However, the results of previous field 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 field surveys.

If the results of previous field surveys are used, then field surveys for any additional threatened entities listed under the BC Act since the previous field surveys took place, must be undertaken and documented.

The list of potential threatened species, populations, ecological communities, or their habitats for the site should be determined in accordance with:

- the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC 2004) https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-biodiversity-survey-and-assessment, and
- the Department's Threatened Species website http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species ,and
- the *Bionet Atlas of NSW* http://www.environment.nsw.gov.au/wildlifeatlas/about.htm , and
- the Vegetation Information System (BioNet Vegetation Classification) http://www.environment.nsw.gov.au/research/Visclassification.htm , and
- other data sources (e.g. PlantNET, Online Zoological Collections of Australian Museums (http://www.ozcam.org/), previous or nearby surveys etc.) may also be used to compile the list.

II. The following information as a minimum:

a. A description, spatial data files, and geo-referenced mapping of the study area, (overlays on topographic maps, satellite images and /or aerial photos, including details of map datum, projection and zone), showing all field survey locations, vegetation communities classified in accordance with the BioNet Vegetation Classification (http://www.environment.nsw.gov.au/research/Visclassification.htm), key

habitat features and reported locations of threatened species and ecological communities present in the subject site and study area.

b. A description of survey methodologies used, including timing, location and weather conditions.

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

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

e. A description of the likely impacts of the proposed development on biodiversity values, including direct and indirect impacts and construction and operation impacts, with impacts quantified, wherever possible, such as the amount of each vegetation community or species habitat to be cleared or impacted, and/or the degree of fragmentation of a habitat connectivity.

f. Identification of the avoidance, mitigation and management measures that will be put in place as part of the proposed development to avoid or minimise biodiversity impacts, including details about alternative options considered and how long-term management arrangements will be guaranteed.

g. A description of the residual impacts of the proposed development.

III. The '*test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats'* as outlined in Section 7.3 of the BC Act undertaken in accordance with the gazetted *Threatened Species Test of Significance Guidelines* (OEH 2018) available at: https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf.

2. If the EIS determines under 1 above that the proposed development is likely to significantly affect threatened species, then in accordance with Section 7.7 of the BC Act the EIS must be accompanied by a Biodiversity Development Assessment Report prepared in accordance with Part 6, Division 3 of the BC Act.

3. If the EIS determines under 1 above that the proposed development is unlikely to significantly affect threatened species, then the proposed development should:

   a. be designed to avoid and minimise impacts on biodiversity values to the fullest extent possible, and

   b. include a biodiversity offset package to offset remaining direct and indirect impacts on biodiversity values, prepared in accordance with the Department's 13 offsetting principles available at http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm:

Note:

For the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999,* the EIS should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.

D. Flooding and Associated Hazards

The EIS should include an assessment of the following referring to the relevant guidelines in Attachment 2:

1. Whether the proposed development is consistent with any floodplain risk management plans.

2. Whether the proposed development is compatible with the flood hazard of the land.

3. Whether the proposed development will significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

4. Whether the proposed development will significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

5. Whether the proposed development incorporates appropriate measures to manage risk to life from flood.

6. Whether the proposed development is likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

7. The implications of flooding over the full range of potential flooding, including the probable maximum flood, should be considered as set out in the NSW Government Floodplain Development Manual. This should include the provision of:

    a. Full details of the flood assessment and modelling undertaken in determining any design flood levels (if applicable), including the 1 in 100 year flood levels.

    b. A sensitivity assessment of the potential impacts of an increase in rainfall intensity and runoff (10%, 20% and 30%) and sea level rise on the flood behaviour for the 1 in 100 year design flood if applicable.

8. All site drainage, stormwater quality devices and erosion / sedimentation control measures should be identified and the onsite treatment of stormwater and effluent runoff and predicted stormwater discharge quality from the proposed development should be detailed.

E. Cumulative Impacts

The EIS should include an assessment of the following:

1. The cumulative impacts, including both construction and operational impacts, from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage, biodiversity and NPWS Estate in accordance with the *Environmental Planning and Assessment Act 1979*.

2. The cumulative impacts, including both construction and operational impacts, of the proponent's existing proposals and other proposals and associated infrastructure (such as access tracks etc.) as well as the cumulative impact of the proposed development in the context of other proposals located in the vicinity.

Attachment 2 – EIS 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
Biodiversity	
Biodiversity Assessment Method (DPIE, 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020
Biodiversity Development Assessment Report	https://www.legislation.nsw.gov.au/#/view/act/2016/63/part6/div3/sec6.12
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
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	https://www.legislation.nsw.gov.au/regulations/2017-471.pdf

Title	Web address
Biodiversity conservation actions	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf
Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
Threatened Species Website	www.environment.nsw.gov.au/threatenedspecies/
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method (DPIE 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method
Threatened biodiversity survey and assessment - Guidelines for developments and activities (2004 working draft)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-biodiversity-survey-and-assessment
Field survey methods for environmental consultants and surveyors when assessing proposed developments or other activities on sites containing threatened species (OEH undated)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf
NSW Survey Guide for Threatened Frogs (DPIE 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs
'Species credit' threatened bats and their habitats (OEH 2018)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/species-credit-threatened-bats-survey-guide-180466.pdf
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
SEED Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/
Department of Primary Industry Policy and guidelines for fish habitat conservation and management (update 2013)	https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation

Title	Web address
NPWS Estate	
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment
Developments adjacent to National Parks and Wildlife Service lands Guidelines for consent and planning authorities (DPIE 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands
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
National Acid Sulfate Soils Guidance: National acid sulfate soils identification and laboratory methods manual, Department of Agriculture and Water Resources, Canberra, ACT. (Sullivan, L, Ward, N, Toppler, N and Lancaster, G. 2018a)	https://www.waterquality.gov.au/sites/default/files/documents/dewatering-acid-sulfate-soils.pdf
National Acid Sulfate Soils guidance: National acid sulfate soils sampling and identification methods manual, Department of Agriculture and Water Resources, Canberra ACT. (Sullivan, L, Ward, N, Toppler, N and Lancaster, G. 2018b)	https://www.waterquality.gov.au/issues/acid-sulfate-soils/sampling-and-identification-methods-manual.pdf
National Acid Sulfate soils Guidance: Overview and management of monosulfidic black ooze (MBO) accumulations in waterways and wetlands, Department of Agriculture and Water Resources, Canberra ACT.	https://www.waterquality.gov.au/issues/acid-sulfate-soils/monosulfidic-black-ooze-accumulation.pdf

Title	Web address
(Sullivan, LA, Ward, NJ, Bush, RT, Toppler, NR, Choppala, G. 2018c)	
National Acid sulfate soils guidance: Guidelines for the dredging of acid sulfate soil sediments and associated dredge spoil management, Department of Agriculture and Water Resources, Canberra, ACT (Simpson, SL, Mosley, L, Batley, GE and Shand P. 2018)	https://www.waterquality.gov.au/sites/default/files/documents/dredging-sediments-spoil.pdf
National Acid Sulfate Soils Guidance: Guidance for the dewatering of acid sulfate soils in shallow groundwater environments, Department of Agriculture and Water Resources, Canberra, ACT. (Shand, P, Appleyard, S, Simpson, SL, Degens, B, Mosley, LM 2018)	https://www.waterquality.gov.au/issues/acid-sulfate-soils/dewatering-groundwater-environments.pdf
Flooding, Coastal Processes and Associated Hazards	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Guidelines for Preparing Coastal Zone Management Plans	http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
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

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James McDonough
Department of Planning and Environment
Via Email to: james.mcdonough@dpie.nsw.gov.au

Dear James,

Re: EAR 1722 – Faheys Pit

I refer to your request of 30th August 2022 for advice regarding the Proposed Continuation and Expansion of Existing Extractive Industry: Faheys Pit.

The Resources Regulator has reviewed the request and has not identified any specific concerns regarding mine safety in relation to the proposals.

Regulatory requirements if approved

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

Background

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Yours sincerely,

Garvin Burns
Chief Inspector of Mines
Resources Regulator

7 September 2022