Planning, Industry & Environment

Mr Mathew Hyde
General Manager
Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

EF20/21560
SEAR 1461

Dear Mr Hyde

Composting facilities or works
Lot 1 DP 197308 Killarney Road, Gilmore
Planning Secretary's Environmental Assessment Requirements (SEAR) 1461

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 *Protection of the Environment Operations Act 1997.* In preparing the SEARs, the Department of Planning, Industry and Environment (the Department) has consulted with the Environment Protection Authority. A copy of their requirements is attached.

The Department has also consulted with Transport for NSW, the Rural Fire Service (RFS) and the Biodiversity and Conservation Division. A copy of their additional requirements for the EIS are attached.

Unfortunately, RFS was unable to respond in time. You must undertake direct consultation with them and address their requirements in the EIS.

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 Agriculture, Water and the Environment on (02) 6274 1111.

Should you have any further enquiries, please contact Zoe Halpin, Planning and Assessment, at the Department on (02) 9995 6430 or via zoe.halpin@planning.nsw.gov.au

Yours sincerely

1 June 2020

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	1461
Proposal	Composting facility for up to 10,000 tonnes per annum of council collected food and garden organics waste and self-haul green waste including an internal access road, composting pad, leachate dam, shed and receival pad.
Location	Lot 1 DP 197308 Killarney Road, Gilmore in the Snowy Valleys LGA
Applicant	Snowy Valleys Council
Date of Issue	1 June 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. • **waste management** – including: – details of the type, quantity and classification of waste to be received at the site – details of the resource outputs and any additional processes for residual waste – details of waste handling including, transport, identification, receipt, stockpiling and quality control – the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*. • **hazards and risk** – including: – an assessment of the risk of bushfire, including addressing the requirements of *Planning for Bush Fire Protection 2019* (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 • **air quality and odour** – including: – a quantitative assessment of the potential air quality, dust and odour impacts of the development in accordance with relevant Environment Protection Authority guidelines – a description and appraisal of air quality and odour impact mitigation and monitoring measures. • **soil and water** – including: – a description of local soils, topography, drainage and landscapes – details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the *Water Act 1912* and/or the *Water Management Act 2000* – a detailed site water balance – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment – characterisation of the waterbodies in relation to their ecological and hydrological function – details of sediment and erosion controls to avoid impacts to water quality in the riparian corridor – details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts – an assessment of potential impacts on the quality and quantity of surface and groundwater resources. • **noise** – including: – a description of all potential noise 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. • **traffic and transport** – including: – details of road transport routes and access to the site – a Traffic Impact Assessment, including road traffic predictions for the development during construction and operation, particularly the access connection to the Snowy Mountains Highway – an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. • **biodiversity** – including: – accurate predictions of any vegetation clearing on site or for any off site infrastructure upgrades – an assessment of the proposal in accordance with the *Biodiversity Assessment Method* (BAM) including the potential impacts on any threatened species, populations, endangered ecological communities or their habitats and groundwater dependent ecosystems – measures that will be taken to protect, and where possible enhance the biophysical processes, hydrological processes and ecological integrity of the riparian corridor – a detailed description of the measures to avoid, minimise, mitigate and/or offset biodiversity impacts. • **infrastructure** – an assessment of the impacts of the development on existing utility infrastructure and service provider assets within and surrounding the site. • **visual** – including an impact assessment at private receptors and public vantage points. • **heritage** – including Aboriginal and non-Aboriginal cultural heritage.
Environmental Planning Instruments	The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to: • State Environmental Planning Policy (Infrastructure) 2007

and other policies	• State Environmental Planning Policy (Aboriginal Land) 2019 • State Environmental Planning Policy (Primary Production and Rural Development) 2019 • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy (Koala Habitat Protection) 2019 • State Environmental Planning Policy No. 55 – Remediation of Land • Tumut Local Environmental Plan 2012 • 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:
	  ○ Biodiversity and Conservation Division
	  ○ Water Group including the Natural Resources Access Regulator
	  ○ Environment Protection Authority
	  ○ National Parks and Wildlife Services
	• Essential Energy
	• Transport for NSW
	• Fire & Rescue NSW
	• NSW Rural Fire Service
	• WaterNSW
	• Brungle/Tumut Local Aboriginal Land Council
	• Snowy Valleys 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.

DOC20/346444-1

The Student Planner
Industry Assessments
Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

By email: zoe.halpin@planning.nsw.gov.au

Dear Ms Halpin

Re SEAR 1461

I refer to your electronic mail of 5 May 2020 to the Environment Protection Authority (EPA) requesting our requirements for the preparation of an Environmental Impact Statement (EIS) for the proposed composting facility at Lot 1 DP197308, 6 Kilarney Road, Gilmore.

We have considered the details of the proposal and have identified the information required for the environmental impact assessment as outlined at Attachment A. Our key information requirements for the project are as follows.

- A detailed environmental impact assessment of the proposal on the existing local ground and surface waters and details about the measures proposed to protect and monitor surface and ground waters.

- Details of the proposed operational management and mitigation measures that will be implemented to control all potential off-site impacts from the activity including potential amenity issues such as odour, dust and noise.

In carrying out the assessment the proponent should refer to the relevant guidelines identified at Attachment B.

To assist the EPA in assessing the EIS we request that the EIS follow the format of the former Department of Urban Affairs and Planning EIS Guideline for Composting and Related Facilities. The performance based requirements in the document *"Environmental Guidelines Composting and Related Organics Processing Facilities"* (DEC, 2004) should also be applied to the proposal.

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(from *outside* NSW)
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2680 Australia
www.epa.nsw.gov.au
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If you have any further enquiries about this matter please contact James Robinson by telephoning 02 6026 0620 or by electronic mail at riverina.farwest@epa.nsw.gov.au.

Yours sincerely

JESSICA CREED
Head Regional Operations Unit – Riverina Far West Region
Environment Protection Authority

13 May 2020

ATTACHMENT A

Potential environmental impacts of the project

1. The following potential environmental impacts of the project need to be assessed, quantified and reported on.

   - Air
   - Noise
   - Water
   - Land
   - Waste and chemicals.

   The Environmental Impact Statement (EIS) should address how the required environmental goals will be met for each potential impact.

2. Describe the management strategies for the treatment and processing/utilisation of all wastes proposed to be received at the facility.

3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified potential environmental 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.

Potential impacts on air quality

The goals of the project in relation to air quality should be to ensure sensitive receptors are protected from adverse impacts from odour and dust.

Details would need to be provided on the proposed measures to manage odour and dust from all sources. Measures to prevent or control the emission of odour from the composting activities must be detailed based on the outcome of an air quality impact assessment undertaken in accordance with the *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2016). All potentially impacted residential or sensitive premises likely to be impacted by the development must be identified and included in the assessment.

The EIS should identify any other existing impacts on air quality within the area and if necessary provide an assessment and commentary on the predicted cumulative impacts that may arise.

Emissions from any plant must meet the design criteria detailed in the Protection of the Environment Operations (Clean Air) Regulation 2010. Details need to be provided on the proposed air pollution control techniques from any air emission points, including proposed measures to manage and monitor efficiency and performance.

Potential impacts of noise

The goals of the project should include design, construction, operation and maintenance of the facility in accordance with relevant EPA policy, guidelines and criteria, and in order to minimise potential impacts from noise.

The EPA expects that potential noise sources are assessed in accordance with the *Noise Policy for Industry* (EPA 2017), and where required mitigation measures are proposed (eg appropriate equipment chosen to minimise noise levels). All residential or noise sensitive premises likely to be impacted by the development must be identified and included in the assessment.

The proposed development may result in an increase in traffic movements associated with the receival of materials. The number of traffic movements associated with the proposal should be quantified and the potential noise impacts associated with these traffic movements need to be assessed in accordance with the *NSW Road Noise Policy* (DECCW, 2011).

Potential impacts on water quality

The goals of the project should include the following.

- No pollution of waters (including surface and groundwater), except to the extent authorised by EPA (ie in accordance with an Environment Protection Licence);
- Polluted water (including effluent, process waters, wash down waters, leachate, polluted stormwater or sewage) is captured on the site and collected, treated and beneficially reused, where this is safe and practicable to do so; and
- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The EIS should document the measures that will achieve the above goals.

Details of the site drainage and any natural or artificial waters within or adjacent to the development must be identified and where applicable measures proposed to mitigate potential impacts of the development on these waters.

The EIS should provide details of any water management systems for the site to ensure surface and ground waters are protected from contaminants.

Potential impacts on land

The goals of the project should include the following.

- No pollution of land, except to the extent authorised by EPA (ie in accordance with an Environment Protection Licence); and
- The potential impact of land erosion from the development is mitigated.

The EIS should document the measures that will achieve the above goals.

Waste

The goals of the project should include the following.

- It is in accordance with the principles of the waste hierarchy and cleaner production;
- Where potential impacts associated with the handling, processing and storage of all waste materials generated at the premises are identified, these be satisfactorily mitigated;
- The beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so; and
- No waste disposal occurs on site except in accordance with an Environment Protection Licence.

The EIS needs to identify the proposed type, quantities and location of wastes to be stored and/or processed at the site. This should include a detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste under the *EPA's Waste Classification Guidelines*.

Spill management measures, including items such as bunding, and emergency procedures should be clearly outlined.

Monitoring

The EIS must outline the proposed monitoring regime to be implemented in relation to the following potential impacts, where relevant.

- odour and particulate matter,
- construction and operational noise,
- waste classification, and
- wastewater.

ATTACHMENT B

Title	Web address
Relevant Legislation	
Protection of the Environment Operations Act 1997	https://www.legislation.nsw.gov.au/#/view/act/1997/156/full
Licensing	
Guide to Licensing	http://www.epa.nsw.gov.au/licensing/licenceguide.htm
Composting Guidelines	
Environmental Guidelines Composting and Related Organics Processing Facilities	https://www.environment.nsw.gov.au/resources/waste/envguidlns/composting_guidelines.pdf
Air Issues	
POEO (Clean Air) Regulation 2010	https://www.legislation.nsw.gov.au/#/view/regulation/2010/428/historical2016-11-01/full
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf
Assessment and management of odour from stationary sources in NSW (DEC, 2006)	Technical framework: https://www.environment.nsw.gov.au/resources/air/20060440framework.pdf Technical notes: https://www.environment.nsw.gov.au/resources/air/20060441notes.pdf
Noise and Vibration	
Interim Construction Noise Guidelines (EPA, 2017)	https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline
Noise Policy for Industry (EPA, 2017)	https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
NSW Road Noise Policy (EPA, 2011)	https://www.epa.nsw.gov.au/publications/noise/2011236-nsw-road-noise-policy
Assessing Vibration: a technical guideline (DEC 2006)	https://www.epa.nsw.gov.au/noise/vibrationguide.htm
Australian and New Zealand Environment Council: Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZECC 1990)	https://www.epa.nsw.gov.au/resources/noise/ANZECBlasting.pdf

Soils	
Managing Urban Stormwater: Soils and Construction (Landcom, 2004)	https://www.environment.nsw.gov.au/stormwater/publications.htm
Waste	
Waste Classification Guidelines (EPA, 2014)	https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines
Protection of the Environment Operations (Waste) Regulation 2014	https://www.legislation.nsw.gov.au/regulations/2014-666.pdf
Environmental Guidelines: Solid Waste Landfills, Second edition (EPA, 2016)	https://www.epa.nsw.gov.au/~/media/EPA/Corporate%20Site/resources/waste/solid-waste-landfill-guidelines-160259.ashx
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
National Water Quality Management Strategy: Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ, 2000)	http://www.waterquality.gov.au/anz-guidelines/Documents/ANZECC-ARMCANZ-2000-guidelines-vol2.pdf
National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ, 2000)	http://www.waterquality.gov.au/anz-guidelines/Documents/ANZECC-ARMCANZ-monitoring-reporting.pdf
Using the ANZECC Guidelines and Water Quality Objectives in NSW (EPA, 2006)	https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/anzeccandwqos06290.pdf
Environmental Guidelines: Storage and Handling of Liquids (EPA, 2007)	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/compliance-audit-program/chemical-storage-handling-and-spill-management/storing-and-handling-liquids-trainers-manual
The NSW State Groundwater Policy Framework Document (DLWC, 1997)	http://www.water.nsw.gov.au/__data/assets/pdf_file/0008/547550/avail_ground_nsw_state_groundwater_policy_framework_document.pdf
The NSW State Groundwater Quality Protection Policy (DLWC, 1998)	http://www.water.nsw.gov.au/__data/assets/pdf_file/0006/548286/nsw_state_groundwater_quality_policy.pdf
National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)	https://www.water.wa.gov.au/__data/assets/pdf_file/0020/4925/8728.pdf

Our ref: DOC20/344729
Senders ref: SEAR 1461

Ms Zoe Halpin
Industry Assessments
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Via e-mail: zoe.halpin@planning.nsw.gov.au

19 May 2020

Dear Ms Halpin

Subject: **Request for Secretary's Environmental Assessment Requirements – Composting facilities or works – 6 Killarney Road, Gilmore (Lot 1 DP 197308) (SEAR 1461)**

Thank you for your email dated 5 May 2020 about the designated development application for a composting facility at Gilmore, seeking input from the Biodiversity and Conservation Division (BCD) into the Department of Planning, Industry and Environment (the Department) Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed development.

BCD has reviewed the documents supplied and provides SEARs for the proposed development in **Attachment A**. Guidance material is listed in **Attachment B**.

BCD recommends that the EIS appropriately address the following:

1. Biodiversity
2. Aboriginal cultural heritage (ACH)
3. Flooding

The EIS should fully describe the proposal, the existing environment and impacts of the development including the location and extent of all proposed works that may impact on ACH and biodiversity. The scale and intensity of the proposed development should dictate the level of investigation. It is important that all conclusions are supported by adequate data.

The assessment must include all ancillary infrastructure associated with the project, such as the site entry and internal access road, water and power supplies, leachate dam, shed, receival and composting pads and Rural Fire Service requirements for asset protection. The EIS must also include threatened species impacts not associated with vegetation communities such as scattered paddock trees, planted native vegetation and increase in laden truck traffic.

The request for SEARs does not specify where construction is likely to occur on the subject land, nor if the proposal includes the clearing of native vegetation. The preferred approach under the *Biodiversity Conservation Act 2016* (BC Act) is to avoid impacting on biodiversity. Unless the vegetation can be avoided, the exact nature of the impact should be confirmed by applying the Biodiversity Offset Scheme Entry Thresholds tool (BOSET) and a Test of Significance. Any determined impacts must be managed in a Biodiversity Development Assessment Report (BDAR).

Recent aerial imagery shows that the riparian zone has been fenced and revegetated. If native, these plantings may provide habitat for threatened species. Threatened fauna that rely on tree hollows for nesting, such as Gang-gang Cockatoo (*Callocephalon fimbriatum*) and Turquoise Parrot (*Neophema pulchella*), and woodland birds such as Scarlet Robin (*Petroica boodang*) have been recorded in the vicinity. The site and adjacent roadside also support remnant native vegetation and mature, scattered trees that potentially provide habitat for hollow-dependent threatened fauna. If the BAM is applied, any widely-spaced trees with a native understorey (open-woodland/woodland) must be mapped and assessed as a patch of native vegetation, rather than being evaluated through the streamlined module for scattered trees.

There is no information relating to Aboriginal cultural heritage (ACH) and no detail on the potential impacts, or otherwise, that the proposed activity may have on Aboriginal sites or objects. According to our assessment the activity is proposed to occur within a landscape setting demonstrating archaeological potential and may harm any ACH values (including stone artefacts, hearths and burials) that may be present. Ground disturbance works are intended to occur in close proximity to landscape features considered indicative for the occurrence of ACH, including Gilmore Creek and associated drainage lines. A number of Aboriginal sites/objects registered with AHIMS also occur across the local area (within 5 km) in a similar landscape context and, while not at immediate risk of harm, do indicate potential for ACH to occur at the subject site.

The proposed activity site should be subject to a detailed Aboriginal cultural heritage assessment and comply with the *Guide to Investigation, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* and *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010). This is a standard requirement for designated development proposals and should be prepared by a qualified archaeologist with specialist skills in identifying and reporting on ACH. If, after this assessment, it is decided that harm to Aboriginal objects cannot be avoided, an AHIP application will need to be made using the *Applying for an Aboriginal Heritage Impact Permit*: *Guide for Applicants* www.environment.nsw.gov.au/licences/applyforahip.htm.

It is important that the EIS confirms all statements and conclusions in relation to ACH with appropriate supporting material. Further details on assessment requirements for ACH are provided in **Attachment A**.

Regarding the assessment of flooding impacts, BCD consider that the site is unlikely to be subject to mainstream flooding. However, it appears from aerial imagery that the site contains an overland ephemeral flow path that activates during intense, local rainfall events. The preparation of a simple flood model to identify the major flow paths that activate during intense rainfall events is recommended to assist with avoiding these areas and appropriately locating infrastructure. The model will also contribute to assessing post-development off-site impacts. We recommend that the EIS specifically address each item listed under 'Flooding' in **Attachment A**, including justification for any items that are not being addressed by the proponent for this proposal.

If you have any questions about this advice, please contact Miranda Kerr, Senior Biodiversity Conservation Officer, via rog.southwest@environment.nsw.gov.au or 02 6022 0607.

Yours sincerely

Andrew Fisher
Senior Team Leader Planning
South West Branch
Biodiversity and Conservation Division
Department of Planning, Industry and Environment

ATTACHMENT A	Recommended Secretary's Environmental Assessment Requirements for Gilmore Composting Facility (SEAR 1461)
ATTACHMENT B	Guidance material

ATTACHMENT A Recommended Secretary's Environmental Assessment Requirements for Gilmore Composting Facility (SEAR 1461)

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 impacts, 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
- Biodiversity
- Flooding

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 B**. Appropriate justification should be provided in instances where the below matters are not addressed.

3. Aboriginal Cultural Heritage

a. The Environmental Impact Statement (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 must be conducted in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (OEH 2010), and should be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW 2011) and consultation with BCD regional branch officers. **The Due Diligence process is not appropriate to use as an assessment for this proposal**.

b. Where Aboriginal cultural heritage values are identified, 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 EIS.

c. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to the Department.

d. 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 EIS.

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

f. The EIS 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.

g. The EIS 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.

4. Biodiversity

Negative impacts on native vegetation should be avoided where possible using prevention and mitigation measures. Where impacts cannot be avoided, the EIS should detail how they will be remedied through biodiversity offsetting, including quantification of impacts and assessment of the value of offset areas, protection mechanisms and associated management regimes for those areas.

a. We recommend that the applicant provide evidence that any clearing associated with or ancillary to the activity is not likely to significantly affect threatened species, threatened ecological communities or their habitats. At a minimum that evidence should take the form of a Test of Significance according to the Minister's Guidelines: www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-test-of-significance-guidelines.

   The threatened species website (www.environment.nsw.gov.au/threatenedspecies/) and Atlas of NSW Wildlife (www.bionet.nsw.gov.au/) can be used to generate a list of threatened species, populations and ecological communities predicted or known to occur in the area. Vegetation map datasets can be accessed through the NSW SEED portal (www.seed.nsw.gov.au/).

   Habitat preferences can then be used to determine the likelihood of these species occurring in the study area. Appropriate measures to avoid, minimise and mitigate any impacts on vegetation and threatened species habitat should be set out in the EIS. If impacts on biodiversity are likely to be significant, then the applicant must mitigate these impacts through the Biodiversity Offset Scheme according to the *Biodiversity Conservation Act 2016* (BC Act), namely a Biodiversity Development Assessment Report (BDAR).

b. The applicant should also apply the Biodiversity Offset Scheme Entry Threshold tool (BOSET) and submit the report with the application. The tool will determine whether the activity exceeds the entry thresholds and triggers the Biodiversity Offset Scheme. The tool and a user guide can be found at www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap.

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

   i. 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 BC Act (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and Biodiversity Assessment Method.

   ii. 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.

   iii. 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.

iv. 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.

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

Please note that because the Gilmore composting facility is a matter which requires consent under the *Environmental Planning and Assessment Act 1979*, the clearing provisions of the *Local Land Services Act 2013* do not permit clearing associated with or ancillary to the activity, regardless of zone.

5. Matters of National Environmental Significance

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

6. Flooding

a. 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 (floodways and flood storage areas).
   - Flood hazard.

b. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP flood levels and the probable maximum flood, or an equivalent extreme event.

c. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
   - Current flood behaviour for a range of design events as identified above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

d. 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.
   - Impacts of the development 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, hazards and hydraulic categories.
   - Relevant provisions of the NSW Floodplain Development Manual 2005.

e. The EIS must assess the impacts on the proposed development on flood behaviour, including:

i. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.

ii. Consistency with Council Floodplain Risk Management Plans.

iii. Consistency with any Rural Floodplain Management Plans.

iv. Compatibility with the flood hazard of the land.

v. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.

vi. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.

vii. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

viii. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.

ix. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.

x. Emergency management, evacuation and access, and contingency measures for the development considering the full range or 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 SES.

xi. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

ATTACHMENT B – Guidance material

Title	Web address
Relevant Legislation	
Biodiversity Conservation Act 2016	www.legislation.nsw.gov.au/#/view/act/2016/63/full
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
National Parks and Wildlife Act 1974	www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
Environmental Planning and Assessment Act 1979	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
Biodiversity	
Biodiversity Assessment Method (OEH, 2017)	www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Biodiversity Offsets Scheme Entry Threshold Tool	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap
BAM Assessor Resources (including links to Survey Guidelines, Registers and Databases)	www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-resources
BAM Assessor FAQ	https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-questions-and-answers
Biodiversity Values Map	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf
Surveying threatened plants and their habitats: NSW survey guide for the BAM (DPIE 2020)	www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method
Threatened Species Test of Significance Guidelines	www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-test-of-significance-guidelines
Ancillary rules: biodiversity conservation actions	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	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
DPIE Threatened Species Profiles	www.environment.nsw.gov.au/threatenedspeciesapp/
BioNet Atlas	www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification – see **NSW Plant Community Type (PCT) classification** link for PCT database login page	www.environment.nsw.gov.au/research/Visclassification.htm
NSW SEED Data Portal (access to online spatial data)	www.seed.nsw.gov.au/
Fisheries NSW policies and guidelines	www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation

Title	Web address
Aboriginal Cultural Heritage	
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Aboriginal Site Recording Form	www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	www.environment.nsw.gov.au/resources/cultureheritage/aboriginal-site-impact-recording-form-120558.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
Flooding	
Floodplain development manual	www.environment.nsw.gov.au/floodplains/manual.htm
NSW Climate Impact Profile	climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management: A Guide for Business and Government	www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management

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19 May 2020

The Manager
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Zoe Halpin

SEAR-1461 - REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR A PROPOSED COMPOSTING FACILITIES OR WORKS, LOT 1 DP 197308, KILARNEY ROAD, GILMORE.

I refer to correspondence forwarded to Transport for NSW (TfNSW) requesting the provision of key issues and assessment requirements to be included in the Secretary's Environmental Assessment Requirements to be addressed in the supporting documentation to be submitted for the subject development.

From review of the information provided it is understood that the proposal is for the construction of a composting facility with associated infrastructure. The subject site is located with frontage to the Snowy Mountains Highway, which is a classified road and to Killarney Road, which is classed as a local road.

The information supplied does not provide any preliminary detail in relation to potential traffic generation or regarding the proposed access arrangements from the public road network to the proposed development. In addition to the potential traffic generation during operation of the facility, an assessment of construction activity traffic shall also be addressed. The frontage of the site to the Snowy Mountains Highway is located within a 100 km/h speed zone. As the subject site has frontage to Killarney Road the provisions of Clause 101 of SEPP (Infrastructure) apply to the proposed development.

TfNSW is interested in the characteristics of the traffic generated by the development and the potential impact of the development on the safety and efficiency of the road network, particularly the interaction of the development with the Snowy Mountains Highway. Given the scale of the development a Traffic Impact Assessment (TIA) is to be submitted with the Development Application. In particular the TIA shall address the impacts of traffic generated upon the surrounding road network, particularly the access connection to the Snowy Mountains Highway, during the lifetime of the project.

As a minimum the TIA is to address the existing and anticipated additional traffic generation on the surrounding road network, vehicle types and volumes, peak traffic volumes, travel routes for vehicles accessing the development site. The TIA should therefore consider the cumulative traffic generation of all activities on the subject site. Consideration of the cumulative impacts of the potential traffic generation when added to existing traffic volumes upon the surrounding road network shall be undertaken. In particular the TIA shall address, and provide recommendations for

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W transport.nsw.gov.au | ABN 18 804 239 602

any mitigation measures necessary to address traffic related impacts generated by this development upon the surrounding road network during the lifetime of the project.

From the information available it is considered that the establishment and operational phases of the development have the potential to impact on the transport infrastructure required to service the development. TfNSW advises that in relation to traffic related issues the development should be considered and addressed in 2 distinct stages as follows;

- Establishment phase – the transport of materials and equipment/components for the establishment of the facility and ancillary infrastructure, the movement and parking of construction related vehicles, including personal vehicles, during the construction period.
- Operational phase – the ongoing traffic generation due to the operation, maintenance and servicing of the various elements of the project.

For guidance in the preparation of the TIA the applicant is referred to the Austroads publications, particularly the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and Part 3: Traffic Studies and Analysis, and the "Guide to Traffic Generating Developments" prepared by the former RTA and similar documentation.

TfNSW emphasises the need to appropriately consider and minimise the impacts of the total traffic generation due to the development on the existing road infrastructure and maintain the safety, efficiency and standard of maintenance along the existing road network through the design, construction and operation of the development and any road works required to support the operation of the development.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Transport for NSW (South West Region), Maurice Morgan, phone (02) 69236611.

Yours faithfully

Per:
Lindsay Tanner
Director South West