

APPENDIX A: DIRECTOR GENERAL'S REQUIREMENTS



Department of
Infrastructure, Planning and Natural Resources

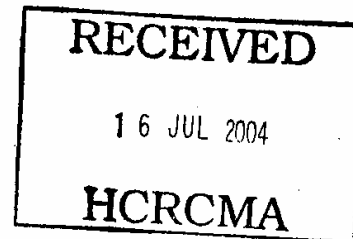
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Our Ref: N98/00140
Your Ref:

Major Development Assessment
Telephone: 9762 8130
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7 July 2004

Ms Sharon Vernon
Hunter-Central Rivers Catchment Management Authority
Private Bag 2010
PATERSON NSW 2421



Dear Ms Vernon

Proposed Hexham Swamp Rehabilitation Project – Newcastle Local Government Area

I refer to your request for Director-General's requirements for the preparation of an Environmental Impact Statement (EIS) for the above development proposal.

Attachment No. 1 outlines the statutory matters that must be included in any EIS under clauses 71 and 72 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation). You should note however, that if the Development Application (DA) to which these requirements relate is not made within two years of the date of this letter, Clause 73(6) of the Regulation requires you to re-consult with the Director-General prior to lodging the application.

Specific requirements

A number of key issues have been identified as being of particular relevance for the EIS to focus upon. Pursuant to clause 73(1) of the Regulation, the Director-General requires that the issues summarised below be addressed in the EIS for the proposed development. These issues have been ranked to generally indicate those matters the Department considers should form major components of the EIS. Ranking is aimed at assisting in the focussed preparation of the EIS and is not necessarily indicative of the actual magnitude of any of the impacts listed.

Issues of Key Environmental Planning Importance for EIS Preparation:

- Flora and fauna impacts, particularly the potential impacts on wetland flora and fauna as a result of the proposed change to the Hexham Swamp from a predominately freshwater system to estuarine system. The assessment must clearly assess the benefits of the restoration of the wetland to a more natural system against the likely impacts on the existing freshwater ecological system. The flora and fauna assessment must also assess the potential impacts of the proposal on critical habitats; threatened species, populations or ecological communities, or their habitats;
- Surface and ground water impacts associated with the proposed works. In particular, the management of surface water run-off to prevent the contamination of any nearby waterways, including the SEPP 14 wetland area;
- Soil quality, particularly with regards to the potential disturbance and subsequent management of Acid Sulfate Soils (ASS) or Potential ASS; potential erosion and sedimentation impacts, particularly on the wetland and nearby watercourses; and potential impacts associated with the stabilisation of the site;

- Hydrological, particularly with regards to potential flooding and local drainage regimes including, where relevant, details on any changes and/ or potential impacts on these as a result of the proposal;

Issues of Environmental Planning Importance for EIS Preparation:

- Noise impacts associated with the proposed works on any potential nearby noise receptors. The EIS must assess the predicted noise impact resulting from all noise sources, including road traffic noise. The noise assessment must be undertaken in accordance with the EPA's *Environmental Noise Control Manual, Industrial Noise Policy (2000)* and *Environmental Criteria for Road Traffic*;
- Air quality impacts associated with the proposed works, particularly in regards to potential dust impacts on any nearby potential receptors; and
- Heritage impacts associated with the proposed works, particularly with regards to any potential impacts on Aboriginal objects.

Other Important Issues:

- Traffic impacts, particularly the consideration of impacts associated with vehicular movements during construction activities;
- Visual impacts, in relation to the landscaping and minimising visual intrusion of embankments on private receptors;
- An assessment of the proposal against the relevant provisions in the following statutory instruments: *State Environmental Planning Policy No. 14 – Coastal Wetlands* and *Hunter Regional Environmental Plan 1989*, *Newcastle Local Environmental Plan 2003*; and any relevant Development Controls Plans prepared by Newcastle City Council; and
- Consideration of *Hexham Swamp Nature Reserve Plan of Management 1998* prepared by National Parks and Wildlife Service (now part of the Department of Environment and Conservation).

Environmental monitoring and management

- The EIS must indicate how the environmental performance of the proposal would be monitored and managed during construction and operation.

Integrated Development

As the proposal constitutes crown development under section 5A of the *Environmental Planning and Assessment Act 1979* (the Act), integrated development under section 91 of the Act does not apply to the proposal. However, should any approvals be required by another government agency before the proposal could proceed, it is recommended that you consult with these agencies now and take into account any requirements these agencies may have during the preparation of the EIS.

Consultation

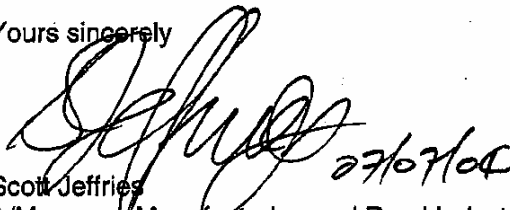
You should consult with the Newcastle City Council, the Department of Environment and Conservation (former National Parks and Wildlife Service), Department of Infrastructure, Planning and Natural Resources (Natural Resources Newcastle regional branch, (Peter Johns, Environmental Review Coordinator, ph 4929 9827)), NSW Fisheries, the relevant Local Aboriginal Land Council (or other similar groups) and any other relevant State and Commonwealth government authorities, service providers and community groups, and take into account any comments these agencies may have in the preparation of the EIS.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

If your proposal contains any actions that may have significant impact on matters of National Environmental Significance, then it may require additional approvals under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These approvals are in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to this proposal, you should contact the Commonwealth Department of the Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

Please contact Caitlin Bennett on (02) 9762 8130, if you require any further information regarding the Director-General's requirements for the EIS.

Yours sincerely



Scott Jeffries
A/Manager/ Manufacturing and Rural Industries
Major Development Assessment
As Delegate for the Director-General

Note: Matters of National Environmental Significance under the EPBC Act are:

- i. World Heritage properties;
- ii. RAMSAR wetlands;
- iii. threatened species or ecological communities listed in the EPBC Act;
- iv. migratory species listed in the EPBC Act;
- v. the environment in a Commonwealth marine area; and
- vi. nuclear actions.

ATTACHMENT NO. 1

**STATUTORY REQUIREMENTS FOR THE PREPARATION
OF AN ENVIRONMENTAL IMPACT STATEMENT UNDER PART 4 OF
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

In accordance with the *Environmental Planning and Assessment Act 1979* (the Act), an environmental impact statement (EIS) must meet the following requirements.

Content of EIS

Pursuant to Schedule 2 and clause 72 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), an EIS must include:

1. A summary of the environmental impact statement.
2. A statement of the objectives of the development or activity.
3. An analysis of any feasible alternatives to the carrying out of the development or activity, having regard to its objectives, including the consequences of not carrying out the development or activity.
4. An analysis of the development or activity, including:
 - (a) a full description of the development or activity; and
 - (b) a general description of the environment likely to be affected by the development or activity, together with a detailed description of those aspects of the environment that are likely to be significantly affected; and
 - (c) the likely impact on the environment of the development or activity, and
 - (d) a full description of the measures proposed to mitigate any adverse effects of the development or activity on the environment, and
 - (e) a list of any approvals that must be obtained under any Act or law before the development or activity may be lawfully carried out.
5. A compilation, (in a single section of the environmental impact statement) of the measures referred to in item 4(d).
6. The reasons justifying the carrying out of the development or activity in the manner proposed, having regard to biophysical, economic and social considerations, including the following principles of ecologically sustainable development:
 - (a) The precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
 - (b) Inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
 - (c) Conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
 - (d) Improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:
 - (i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

An environmental impact statement referred to in Section 78A(8) of the Act shall be prepared in written form. The prescribed form to accompany the environmental impact statement must comply with the requirements of clause 71 of the Regulation and be signed by the person who has prepared it.

Procedures for public exhibition of the EIS are set down in clauses 77 to 81 of the Regulation.

Attention is also drawn to clause 283 of the Regulation regarding false or misleading statements in EISs.

Note

If the development application to which the EIS relates is not made within 2 years from the date of issue of the Director-General's requirements, under clause 73(6) of the Regulation the proponent is required to re-consult with the Director-General.

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