GER

Greencoast Environmental Rehabilitation

CRESCENT HEAD ILMENITE STOCKPILE ECONOMIC REHABILITATION PROJECT

SCOPING REPORT

1 November 2021

PANDANUS ENVIRONMENTAL

NORTH STRADBROKE ISLAND

ABN: 23 160 863 892

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Document Title:	Crescent Head Ilmenite Stockpile Economic Rehabilitation Project Scoping Report
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Client Reference:	N/A

REVISION/CHECKING HISTORY

Revision Number	Date	Checked by		Issued by	
Draft One	21 October 2021	James Williams		Paul Smith	
Final	1 November 2021	Tracy Smith		Paul Smith	

Table of Contents

1. INTRODUCTION

This Scoping Report has been prepared by Pandanus Environmental on behalf of Greencoast Environmental Rehabilitation (the applicant) to describe the proposed Crescent Head Stockpile Economic Rehabilitation Project (the Proposal). The Project is located on Crown Land, lying entirely within the property boundaries of Lot 2281/DP 115793, and is bounded by:

- Goolawah National Park to the east (Lot 7302 / DP 1130597),
- Crown Land to the north (Lot 2281/DP 115793),
- freehold land to the south (Lot 291/DP 754441) and,
- Point Plomer Road to the west

The location is presented in ***Figure 1– Project Location and Zoning***

The Applicant is a100% Australian owned and operated company planning to undertake economic restoration of an abandoned ilmenite stockpile near the township of Crescent Head.

The project has two specific goals:

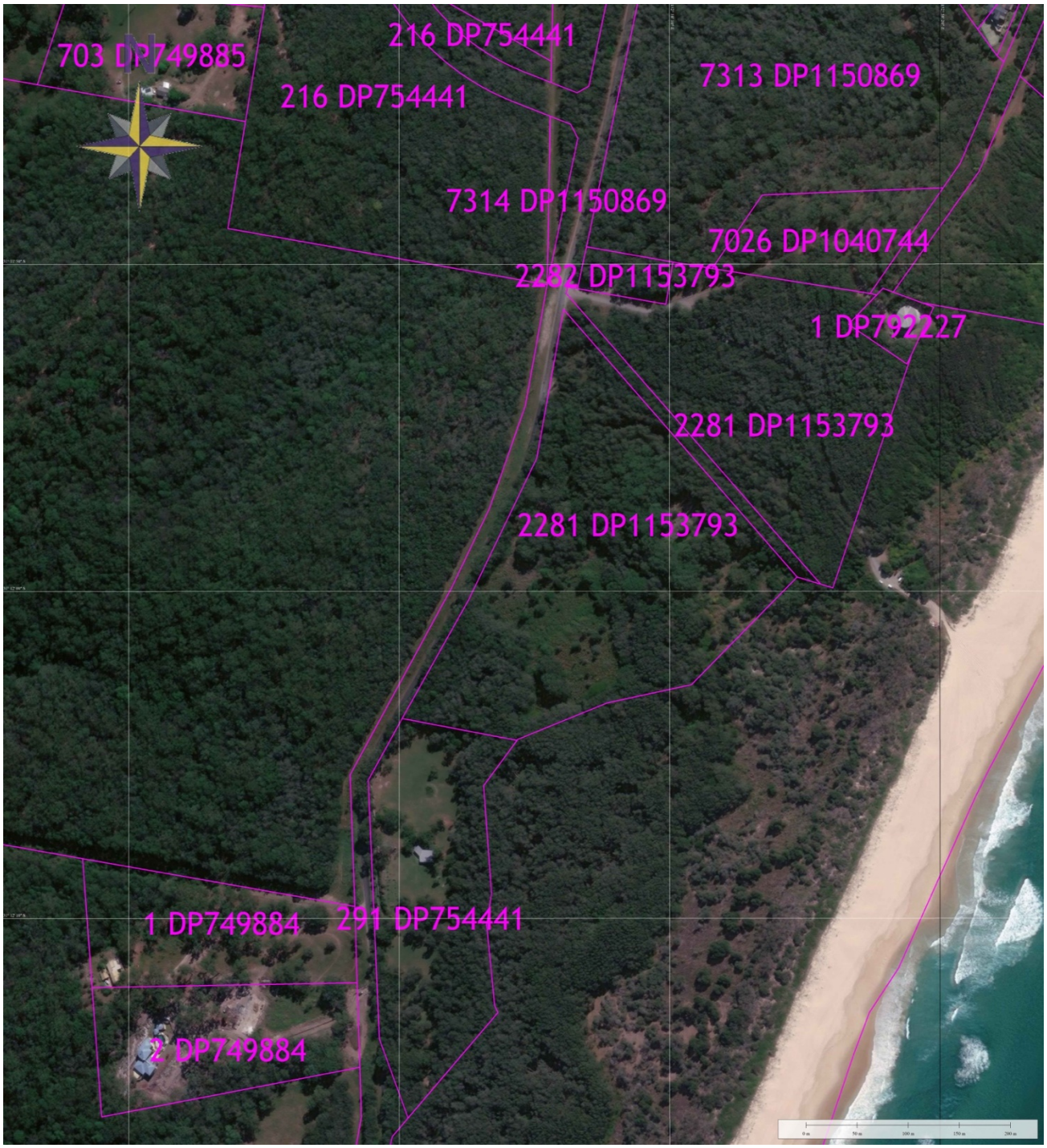
1. To recover an abandoned waste resource for sale into the export market.
2. Achieve site rehabilitation by removing invasive weeds, dumped rubbish, and the waste ilmenite pile and establishing a vegetation cover that will allow the natural development of coastal hind-dune forest typical of the region.

The Project is classified as a State Significant Development (SSD) under Clause 8 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)* as it a development that is:

- Permissible with consent under clause 7(1) (b) (i) of the *Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (**Mining SEPP**); and
- Specified in clause 5(1) (a) of Schedule 1 of the SRD SEPP because it is for mineral sands mining.

This document has been prepared in accordance with the State Significant Development Guidelines – Preparing a Scoping Report (July 2021).

Figure 1. Project location and zoning



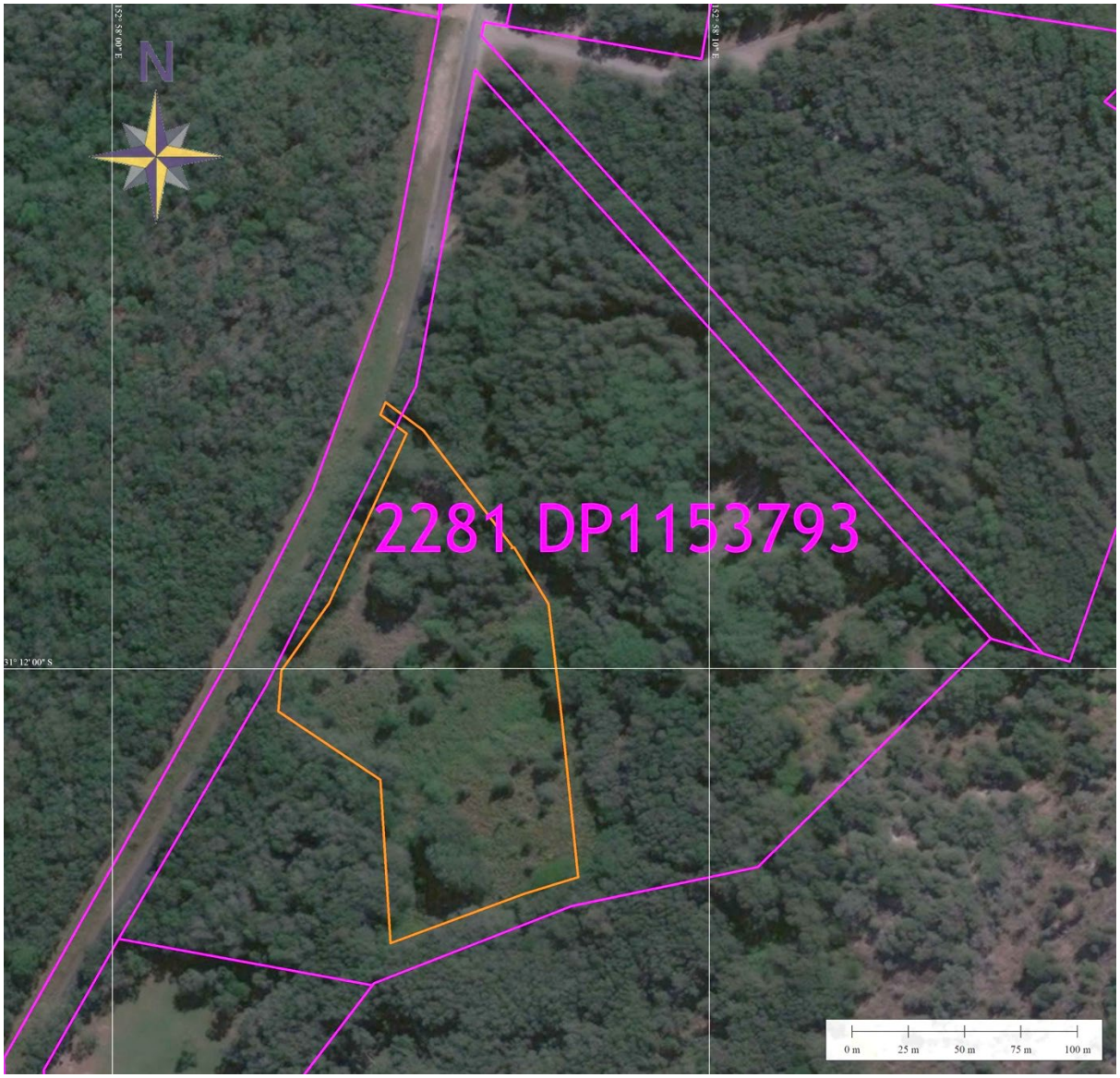
1.1. PROJECT SUMMARY

The Applicant is proposing to remove and rehabilitate an abandoned ilmenite stockpile near the township of Crescent Head. ***Table 1*** presents the status of the planning for the indicative key project components.

Table 1 Indicative Key Project Components

Project Component	Summary of the Project
Product Removal Method	Removal of the waste Ilmenite stockpile by either a front-end loader (FEL)or similar machine. No mineral processing will occur at the Crescent Head project area as the pile material is already processed, and the stockpile composition is generally uniform in composition.
Resource	Ilmenite (FeTiO3)
Total Recoverable Resource	100 000-tonne of waste Ilmenite
Disturbance Area	Two hectares of re-disturbance above natural ground on Lot 2281. No other disturbance will occur to surrounding vegetation and old growth trees will be preserved to avoid any potential issues with wetland species and environments present on other parts of the lot.
Project Life	Approximately 120 days.
Total Resource Recovered	100 000-tonne of waste Ilmenite
General Infrastructure	No infrastructure will be installed on site
Product Transportation	From site direct to port loading facilities in Newcastle. Haulage will be undertaken via truck and dog trailers.
Water Management	No requirements for water management
Operational Workforce	Employment of approximately 50 FTE for 120 days (based on 40 FTE truck drivers, maintenance, and service staff, 5 FTE at Port, and 5 FTE for site supervision).
Hours of Operation	Weekdays, Monday to Friday, excluding weekend and public holidays
Capital InvestmentValue	Due to the short duration of the project, there is no expected capital expenditure. All equipment is to be hired or provided by local contractors. There is up to $12,690,000.00 in anticipated operational expenditure which is to include stockpile recovery and rehabilitation, road haulage, port operations, shipping, sales and commissions, royalties to NSW Government, corporate and project expenditure, and site administration.

Figure 2. Stockpile Removal Zone



2. STRATEGIC CONTEXT

2.1. TITLES UNDER THE MINING ACT

The project site occupies a small section of Crown Land on Lot 2281 / DP 1153793 as shown in ***Figure 2***. The stockpile lies within Exploration Lease EL8085 (granted on 16th May 2013), and a mining lease application has been made (2nd June 2020) which is pending development approval.

2.2. MINERAL RESOURCES AND RESERVES

The stockpile consists of entirely ilmenite ore, originally the magnetic fraction rejected during early sand mining during the 1960-1980's.

Ilmenite ores are now economically mined and stockpiles such as the one present at Crescent Head have been recovered by other entities and sold direct to market as is proposed.

Table 2 presents a Joint Ore Reserve Committee (JORC) compliant Mineral Resource for the Crescent head stockpile, compiled by the company following hand drilling assessment.

Table 2 JORC Compliant Mineral Resource

Classification	Stockpile	Tonnes	Grade (%TiO2)
Probable Reserves	Northern	58,329	42.6
	Southern	47,400	27.6
Total		**105,729**	**35.9**

3. PROJECT DESCRIPTION

This section provides an overview of the Project in sufficient detail to enable the reader to understand the type and scale of activities proposed.

- Project establishment:
  - Re-instate short access track to site, no clearing of established trees (some pruning of limbs may be required)
  - Rock rubble will be placed on the existing access track to allow for all weather access
  - Silt traps installed.
  - Install boundary fence and gate, site office (demountable) and portable toilet.
  - Install traffic management signage and mirrors

- Clearing:
  - Demarcate works boundary and install flagging tape of trees to be retained
  - Undertake raking of pile vegetation, with supervision of spotter catcher, remove raked weeds offsite or burn with assistance from local fire brigade

- Operations:
  - Remove pile and truck to port

- Rehabilitation:
  - Once pile is removed, rake and scarify old soil surface
  - Undertake hydro mulching rehabilitation and supplementary planting as per the rehabilitation management plan
  - Maintenance and monitoring

3.1. DEVELOPMENT SCHEDULE

The Project would require approximately 120 days for site establishment and construction including, indicative timings are outlined in **Table 3** below:

Table 3 Expected site works timing

Project Component	Expected timings
Project Establishment: • Re-instate short access track to site, no clearing of established trees (some pruning of limbs may be required) • Rock rubble will be placed on the existing access track to allow for all weather access • Silt traps installed. • Install boundary fence and gate, site office (demountable) and portable toilet.	5 days
Clearing: • Demarcate works boundary and install flagging tape of trees to be retained • Undertake raking of pile vegetation, with supervision of spotter catcher, remove raked weeds offsite or burn with assistance from local fire brigade	5 days
Operations: • Remove pile by FEL or equivalent, and truck to port	120 days
Rehabilitation: • Once pile is removed, rake and scarify old soil surface • Undertake hydro mulching rehabilitation and supplementary planting as per the rehabilitation management plan • Maintenance and monitoring	2-3 days, plus inspections / monitoring

4. STATUTORY CONTEXT

4.1. PERMISSIBILITY – *Kempsey Local Environmental Plan (KLEP)*

Lot 2281/DP 115793 is currently zoned by the Kempsey Local Environmental Plan (2013) (KLEP) as Rural Landscape (RU2)(see **Figure 3**).

Rural Landscape (RU2) is defined under the Kempsey Local Environmental Plan 2013 (Current version for 14 Jul 2021 to date - accessed 1st Nov 2021 at 11:51).

GER believes that the project proposal is permissible with consent as per the permitted uses for this zoning.

4.2. STATE PLANNING MATTERS

A range of State legislation, regulation and policies apply to the Project. The following presents a brief overview of the principal State planning matters relevant to the Project.

State Environmental Planning Policy (State and Regional Development) 2011

This SEPP was gazetted on 28 September 2011 and applies to all projects satisfying nominated criteria made following that date. The purpose of this SEPP is to define those projects of State Significance or proposed on State Significant Sites and therefore requiring Ministerial approval under the provisions of the EP&A Act 1979.

The project satisfies two tests specified under clause 8 of the SEPP, being development that is:

1. permissible with consent under clause 7(1)(b)(i) of the Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP); and,
2. specified in clause 5(1)(a) of Schedule 1 of the SRD SEPP because it is for mineral sands mining.

The Mining SEPP (see clause 3) is applicable because it involves:

- the removal of material (ilmenite stockpiles)
- for the purpose of obtaining ilmenite (a prescribed mineral under clause 5 and schedule 1 of the Mining Regulation 2016); and
- the subsequent rehabilitation of the Land.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP was gazetted on 17 February 2007 in recognition of the importance to NSW of mining, petroleum production and extractive industries.

The SEPP specifies matters requiring consideration in the assessment of any mining development including:

- compatibility of the proposed mine with other land uses,
- compatibility of the proposed mine with other mining, petroleum, or extractive industries,
- natural resource management and environmental management,
- resource recovery,
- transportation, and
- rehabilitation

These matters have been considered during the previous EIS process undertaken and will be included in this EIS.

State legislation and other SEPPs to be addressed in the EIS include the following.

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy 33 – Hazardous and Offensive Development (1992) version 13 December 2019
- Mining Act 1992
- Protection of the Environment Operations Act 1997
- Water Act 1912
- Water Management Act 2000
- Roads Act 1993
- Heritage Act 1977
- Biodiversity Conservation Act 2016

4.3. NORTH COAST REGIONAL PLAN

The North Coast Regional Plan defines the natural environment of the region as panoramic coastal and rural landscapes, and one of the most biologically diverse regions in Australia, with natural resources that underpin industries, and which are the foundation upon which a significant tourism sector has been built. Key to the region is a desire to direct growth to locations that do not compromise the natural environment and will ensure that the region grows sustainably and in line with community aspirations.

The NSW Government's vision outlined in the North Coast Regional Plan is for the North Coast region to be:

"The best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities."

To achieve this vision, the Government has set four goals for the region:

1. The most stunning environment in NSW
2. A thriving, interconnected economy
3. Vibrant and engaged communities
4. Great housing choice and lifestyle options

The GER resource recovery and remediation project aligns with Goal One of the plan in the following ways:

- Removing an existing waste stockpile
- Removing two hectares of weed growth and replacing it with native vegetation
- Removing accumulated dumped hard waste
- Restoring the natural ground surface and re-establishing the natural amenity of the site
- Preserving the natural environment that has recolonised the area
- Minimising disturbance to the stockpile location only, and
- Minimising the temporary disruption to the amenity of the Crescent Head community

Key to the project is the protection of koalas and their habitat, which is a key foundation of the regional plan. GER propose to increase the Koala habitat in the project location by planting of additional koala favoured species during site rehabilitation.

4.4. COMMONWEALTH PLANNING MATTERS

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) covers 'matters of national environmental significance', which among other things, includes listed threatened species and communities. The Applicant will submit a referral to the Commonwealth Department of the Environment and Energy if required.

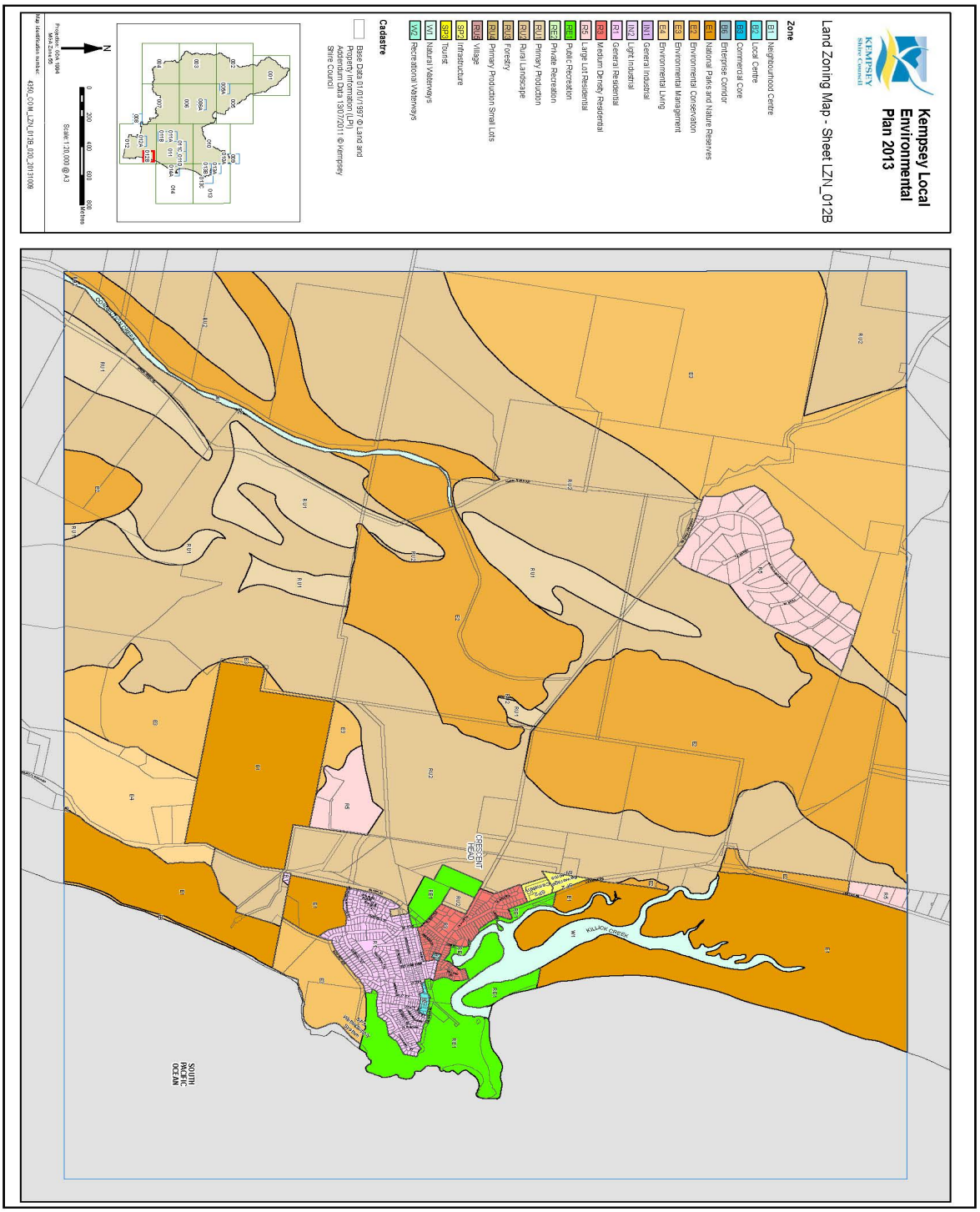
The Project does not trigger the water trigger under the EPBC Act as it is neither a coal seam gas nor a large coal mine.

No species or ecological community listed under the EPBC Act was found to be significantly impacted during previous SEAR's ecological assessments.

4.5. PREVIOUS SEARS ASSESSMENT

As described in the introduction, the Crescent Head Ilmenite Stockpile Economic Rehabilitation Project has applied previously for Environmental Assessment Requirements for the preparation of an Environmental Impact Statement (EIS), reference number ID1180 (see **APPENDIX 1** for previous SEAR's). A full EIS has already been prepared against SEAR's 1180, prior to the company being informed it was indeed state significant development. The previous EIS was then rejected by Kempsey Shire Council on the grounds that it was State Significant Development.

Figure 3. Tenure and zoning



5. REGIONAL CONTEXT

A summary of the principal local and regional sensitivities / constraints is provided as follows. A full review of the local and regional context and constraints was previously provided in the EIS.

5.1. LAND OWNERSHIP

The project impact area and proposed Ilmenite removal operation sits on Crown Lands on Lot 2281 along Point Plomer Road, adjacent to the township of Crescent Head. (***Figure 2***). Pending a successful EIS process, GER will convert the exploration tenure, EL8085 to mining lase tenure.

5.2. LAND USE CONSTRAINTS

Kempsey shire council has previously advised, through the previous SEAR's process, that, as minimum, the following site constraints were identified for Lot 2281 / DP 115793:

- Potential endangered ecological community
- Threatened fauna
- Wildlife corridor
- Koala Habitat - Comprehensive Koala plan of management: Class 1, 2A and Unknown
- SEPP 71 (note: repealed, replaced by SEPP Coastal Management 2018)
- SEPP 30 (note: repealed, replaced SEPP (Primary Production and Rural Development) 2019)
- SEPP 33
- Draft Contaminated Land
- Draft Coastal Management SEPP 2016 - Coastal Wetland and Coastal Wetlands 100m buffer

5.3. ECONOMIC CONSIDERATIONS

Whilst the project life is relatively short lived, there is potential for the project to contribute to both state and local economies, whilst providing an environmental benefit.

In addition to providing essentially free removal of a 100 000-tonne waste stockpile and invasive weeds on Crown Land, the project is expected to deliver the following economic benefits:

- Employment of 50 FTE for 120 Days, (based on 40 FTE for truck drivers, maintenance, and service staff, 5 FTE at Port and 5 FTE for site supervision) With the exception of Port personnel to be based in Newcastle, GER has committed to sourcing all other project personnel, where possible, from the Crescent Head and Kempsey Shire area.

- Up to $12 690 000 in Operating expenditure broken down as the following:

    - Stockpile recovery and rehabilitation activities - $100 000
    - Road Haulage - $3 500 000
    - Port Operations (preferred port is Newcastle) - $1100 000
    - Shipping - $4 500 000
    - Sales and commissions - $600 000
    - Royalties to NSW government - $590 000
    - Corporate and project expenditure - $1 900 000 and
    - Site administration - $100 000

- Due to the short project life (around 120 days) there is no Capex expenditure expected with all equipment to be hired or provided by local contractors

- An average sale price of USD $104.50 / tonne CFR China

- Total expected project revenue of $14 500 000

Unlike traditional mining projects, this resource recovery project will provide economic rehabilitation of an area that would previously have been the responsibility of the State or Local authority.

The economic rehabilitation model is founded in the genuine goal of economic return from a waste resource **AND** the rehabilitation of land as key parts of the same process.

It is also hoped that the project will potentially provide short term, direct employment to local people who may have experienced job losses and continue to have trouble obtaining work in the local area as a consequence of COVID-19.

6. ENGAGEMENT

Stakeholder consultation for this project has been ongoing since Exploration Licence applications were made in early 2012. GER has discussed the project extensively with all levels of government to determine the most appropriate process for approvals. A summary of this consultation is presented in the following sections.

6.1. PUBLIC NOTIFICATION – *Exploration Licence Application 4711 (Now EPM 8085)*

Exploration Licence Application 4711 (ELA 4711, subsequently granted as EPM 8085) was advertised locally (Macleay Argus) and throughout New South Wales (Sydney Morning Herald) in December 2012, in accordance with the Mining Act.

As a result of the advertising, GER received three telephone enquiries. Two enquiries were from callers identifying themselves as local residents. In both cases the enquiries related to the potential for 'new mineral sand mining'. The company clarified that the project did not involve mining but rather the removal of former sand mining waste from a site near Crescent Head.

A third query was received by Mr John Jeayes, the Secretary of the North Coast Environment Council. Mr Jeayes was also initially concerned that mineral sand mining could be undertaken near Crescent Head. However, Mr Jeayes concern was allayed once the details of the project were described. Mr Jeayes subsequently discussed the project with a number of local residents, and the stockpile removal was mentioned in an Opinion Piece he wrote for the Macleay Argus in April 2013.

ELA 4711 was subsequently granted by NSW Trade & Investment, Resources & Energy as Exploration Permit (EPM) 8085 effective from 16th May 2013. EPM 4711 can be viewed by the public online at https://minview.geoscience.nsw.gov.au/.

6.2. PUBLIC NOTIFICATION – *Mining Lease Application 588*

Mining Lease Application (MLA 588) was advertised locally in the 'Macleay Argus' and throughout New South Wales in The Land newspapers in July 2020, in accordance with the Mining Act. Copies of both advertisements are attached. No public queries were received. MLA 588 can be viewed by the public online at https://minview.geoscience.nsw.gov.au/

6.3. DEVELOPMENT APPLICATION – *T6-20-207*

GER's Development Application T6-20-207 was placed on the Kempsey Shire Development Application Public Register on 1 June 2020.

The DA was subsequently published in the local paper on two occasions. A notice of development sign was also erected on site for the advertisement periods.

No public enquiries to date have been received by the company as a result of the DA. One enquiry has been received in relation to the Mining Lease application.

6.4. TRADITIONAL LANDOWNERS – *Kempsey Land Aboriginal Council (KLAC)*

GER engaged the Kempsey Local Aboriginal Land Council to provide an Aboriginal Cultural Heritage Assessment. A site investigation was conducted by Mr Hill of Everick Heritage Consultants and Mr Wayne Sines, Site Officer, on 29th January 2018.

The Assessment Report described the stockpile site to be covered by regrowth trees and invasive weeds. The report stated that no aboriginal artifacts were detected, and none are expected in future, given the nature of the site.

6.5. DHUNGUTTI ELDERS IN COUNCIL

Separate to the formal inspection of the site by KLAC, GER has been contacted by Mr. Reg Wooderson of the Dhungutti Elders by telephone on several occasions in mid-late 2020 and 2021 to discuss the merits of the project.

Mr Wooderson was supportive of the project and its objectives and expressed his desire to see the site rehabilitated. GER intend to continue to liaise with Mr Wooderson and involve him and the elders in the rehabilitation phase of the project.

6.6. REPRESENTATIVES OF MINING, EXPLORATION AND GEOSCIENCE, DEPARTMENT OF REGIONAL NSW

GER has been liaising with Mining, Exploration & Geoscience since 2012, first during the granting of EL 8085, and up to the submission of MLA 588. Consultation has included numerous emails and phone calls, a video conference, and face to face meetings in Maitland NSW held on 17th August 2019 and 12th February 2020. GER has consulted with a number of people from the Department for more than eight years, most recently with Mr Peter Bower, Acting Senior Assessment Analyst – Resource Assessments in regard to MLA 588.

6.7. CROWN LANDS

GER has continued to liaise with Crown Lands since 2012. Crown Lands is the owner of the land (Lot No 2281 DP 1153793) that the Ilmenite currently sits on. GER have corresponded most recently through Mr David Baber, Projects Manager & Regional Projects, to negotiate a land access agreement as part of the MLA. Prior to Mr Baber, GER dealt with Mr Terrence Hemmingway, Group Leader Property Management, Mid North Coast Area Catchments and Lands, to approve land access to the stockpile during the exploration phase (now completed). A draft Landowners compensation agreement and site rehabilitation plan has been reached with Crown Lands and NPWS.

6.8. NATIONAL PARKS AND WILDLIFE SERVICE

NPWS manage Lot No 2281 DP 1153793 on behalf of Crown Lands. GER has been liaising with Ms Janet Cavanaugh regarding the land access agreement with Crown Lands required as part of the MLA. A draft Landowner's compensation agreement and site rehabilitation plan has been reached with Crown Lands and NPWS.

6.9. KEMPSEY SHIRE COUNCIL

GER has been liaising with successive planning officers at Kempsey Shire Council since October 2019. Due to delays in completing the BDAR assessment, an extension to the SEAR's was required. This occurred during February 2020 and extensive consultation occurred with council whilst the SEARs was reviewed. Once a new SEARs was issued, submission for adequacy of the draft EIS was made to Kempsey Shire Council on the 19 May 2020.

A formal response was received on the 3rd of June 2020, and DA processing fees were paid at this point in the timeline. Due presumably to COVID-19 lockdown disruptions, no further responses were received from council despite follow up contact being made by GER until the 19th of August 2020, when comments were received on the EIS. A further letter with additional SEAR's concerns was received on the 31st of August 2020.

GER responded to these comments and submitted the revised EIS on the 26th of October 2020.

On the 15th of April 2021, a request for further information was made from Kempsey Shire Council, which was resolved without further submissions being required. Kempsey Shire Council also requested a revised BDAR assessment.

GER responded to these requests on the 7th of May 2021.

On the 24th of May 2021, Kempsey Shire Council contacted GER with additional concerns from the EPA asking for GER to assess the project against State Environmental Planning Policy 33 – Hazardous and Offensive Development. GER had previously addressed the policy as the material is well below the levels of radiation indicated in the SEPP 33.

Kempsey Shire Council then subsequently contacted GER during the months of June – July 2021, discussing the approvals pathway issue. Representatives of the Department of Planning, Industry and Environment were also included in that discussion. It was noted by all representatives of government that the original approvals pathway, initially recommended by state government was not supported by the legislation.

On the 6th of September 2021 Kempsey Shire Council issued a decision to refuse the current development application as it deemed to proposal to be mining under the Kempsey Local Environment Plan 2013, which is declared to be a State Significant Development, and thus cannot be approved by council.

6.10. ENGAGEMENT STRATEGY

GER has been engaging with local council and stakeholders regarding this project since early 2012.

The project exploration tenure and DA has been advertised in the local paper at least three times with minimal response. The MLA was also advertised both locally and across NSW with no response. The project has a community Facebook page with the only response from to date from an individual asking about employment as a tree planter.

Engagement has been and continues to be undertaken to the extent practicable (with COVID-19 restrictions) in accordance with GER's Community Engagement Strategy. The Strategy is consistent with the engagement in EIA guideline*, Undertaking Engagement Guidelines for State Significant Projects* (DPIE 2021).

All of GER's personnel's responsibilities include stakeholder engagement responsibilities.

The key principles of GER's Community Engagement Strategy are as follows.

- Openness and honesty – GER have at all times sought to provide open and honest information about the Project as it grew from exploration prospect to mineral resource to an SSD Project.
- Approachable – GER has at all times sought to make its personnel available to the local community to answer question or provide information. This has included conversations during site investigations and interactions typical of a small, close-knit community (e.g., local coffee shops).
- Meaningful, relevant, and respectful – GER has at all times sought to provide information in a manner that is meaningful and relevant to the community and respectful of community concerns. This has resulted in the consultation being focused on those aspects that are important to the community (site access, truck operations, potential radiation and jobs, timing of the Project, business opportunities (wider community), as examples) and less on those aspects that are of less concern (biodiversity, groundwater, and air quality, as examples). GER has received support from the local progress association and aboriginal elders, who wish to see the site remediated.

GER identified the following broad groups with particular interest in the Project:

- Landholders along the Haulage route (direct impacts).
- Landholders in the vicinity of the proposed Mine Site and Haulage route (near neighbours).
- Residents of Crescent Head and Point Plomer Road.
- Businesses within Crescent Head and Point Plomer Road.
- Community groups, including clubs, service organisations and special interest groups.
- Local Aboriginal Community.
- Local Council.
- Government regulators and landowner representatives (NSW Parks and Wildlife Service and Crown Lands).

7. PROPOSED ASSESSMENT OF IMPACTS

7.1. EXISTING ENVIRONMENTAL VALUES

A range of environmental investigations have already been undertaken by specialist consultancies, initially to identify the environmental constraints that needed to be taken into account by GER during the design of the Project and subsequently, to assess the impacts of the original project as it was described in the original SEAR's (ID1180).

The fields of study and the specialist consultants and consultancies managed either directly by GER or by Pandanus on behalf of GER for the original SEAR's were as follows:

- Water (surface, groundwater, and sediment) – Bravo Resource Solutions Pty Ltd
- Biodiversity (BDAR) – Greenloaning Biostudies
- Initial Flora and Fauna Assessment – Pandanus Solutions
- Rehabilitation – Pandanus Solutions
- Aboriginal and Historic Heritage – Everick Heritage Consultants Pty Ltd
- Cultural Heritage – Kempsey Local Aboriginal Land Council
- Radiation – Calytrix Consulting Pty Ltd
- Traffic and Transport – Street Wise Road Safety and Traffic Services Pty Ltd
- Noise – Bravo Resource Solutions Pty Ltd
- Air Quality– Bravo Resource Solutions Pty Ltd

The results of the studies from each of the above consultancies have been summarised into the environmental values descriptions below.

Additional consultancies and subject matter experts will be engaged where required if recommended in the new SEAR's.

7.2. Existing environmental values

Significant environmental assessment efforts have already been undertaken across the entire project area. This work forms the basis of GER's understanding of the local environment and risks and will guide any additional work that will be required to complete assessment of the of the new SEAR's.

The existing environment is summarised in **Table 5** below.

Table 5 Existing environment

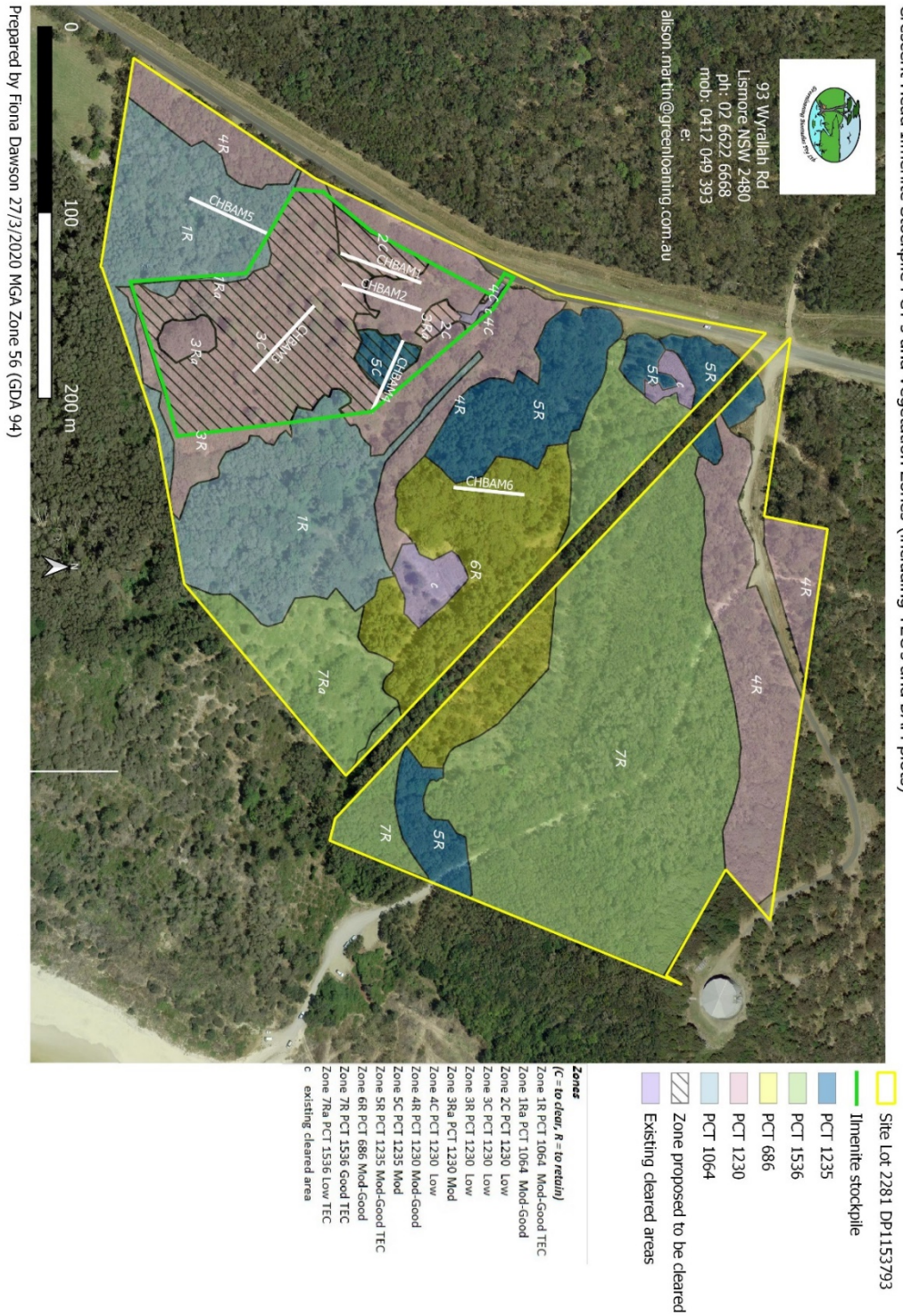
Group	Specific matters of relevance to the project	Existing environmental assessment
Access	Access to property Traffic Road and rail facilities	StreetWise Road Safety and Traffic Service Pty Ltd undertook an assessment of the haulage routes and associated traffic and roads network. To remove the Ilmenite, it was modelled that, using 3 truck and dog trailers per day, would equate to 20 laden trips a day on weekdays, or a maximum of 100 laden trips a day. This equates to a maximum of 2 laden trips or 4 return trips per hour, five days a week (excluding weekends and public holidays). All local roads and state roads currently cater for relatively low volumes of traffic and have adequate capacity to accommodate the additional loads. All product will be trucked direct to port facilities at either Brisbane or Newcastle. All assessments have been undertaken using the NSW Government – Transport for NSW guidelines
Air	Atmospheric emissions Gases Particulate matter	As the project is a simple truck and shovel / haulage proposal of an existing ilmenite product. Any risk of fugitive emissions is considered to be extremely low.
Amenity	Noise	Bravo Resources Solutions undertook a baseline environmental noise study and found that vehicle noise from the Point Plomer Road is the dominant noise source for the area and any noise sensitive location in the vicinity of the project. It is estimated that the Average Daily Traffic (ADT) for the Point Plomer Road is 4948 considering peak holiday periods where the road averages 90-100 vehicles and hour during peak times. The nearest noise sensitive receptor to the project is approximately 50m from the Point Plomer Road, but approximately 205m to the southwest of the project site. Based on machinery proposed, it is expected that project noise would be less than that experienced from the Point Plomer Road.

Group	Specific matters of relevance to the project	Existing environmental assessment
Biodiversity	Terrestrial flora and fauna	The biodiversity assessment completed by Greenloaning Biostudies (2020) in accordance with the Biodiversity Assessment Methodology (BAM)for the original project area identified the following within the Biodiversity Study Area: • The project will involve the clearing of a total of approximately 1.37 ha of previously cleared and regenerating land, some of which has substantial HTE infestations. • No species of significance were located at the project area, nor are expected to be impacted by the project • None of the trees to be removed within the Impact Area are in the large mature class, based on benchmark conditions for PCT 1230 and PCT 1235, and the majority are less than 20 cm dbh. • There will be some minor increases in habitat fragmentation within the ilmenite stockpile footprint for the duration of the resource recovery process and subsequent early stages of regeneration/rehabilitation of the Impact Area. There will also be some short term (approximately 36 weeks) increase in diurnal noise levels during weekdays, when machinery and trucks will be operating. However, no threatened flora or fauna species with potential to occur either within the Impact Area on the subject property, is considered likely to be significantly adversely affected by the clearing activities and subsequent works within the resource recovery area. • There is very low potential for physical damage to KFTs and key habitat to be retained outside of the project area. **Figure 4** illustrates the BDAR assessment done for the project site
Built environment	Private property Public infrastructure	The entire project is situated on crown land. No Public infrastructure, other than existing shire and state roads will be utilised as part of the project.
Economic	Natural Resources use Livelihood Opportunity cost	Whilst the project life is relatively short lived, there is potential for the project to contribute to both state and local economies, whilst providing an environmental benefit. As well as providing essentially free removal of a 100 000-tonne waste stockpile and invasive weeds on Crown Land, the project is expected to deliver the following economic benefits: Employment of 50 FTE for 120 Days, (based on 40 FTE for truck drivers, maintenance, and service staff, 5FTE at Port and 5 FTE for site supervision) Up to $12 690 000 in Operating expenditure broken down as the following: • Stockpile recovery and rehabilitation activities - $100 000 • Road Haulage - $3 500 000 • Port Operations (preferred port is Newcastle) - $1 100 000 • Shipping - $4 500 000 • Sales and commissions - $600 000 • Royalties to NSW government - $590 000 • Corporate and project expenditure - $1 900 000 and • Site administration - $100 000 Due to the short project life (around 120 days) there is no Capex expenditure expected with all equipment to be hired or provided by local contractors An average sale price of USD $104.50 / tonne CFR China Total expected project revenue of $14 500 000

Group	Specific matters of relevance to the project	Existing environmental assessment
Heritage	Aboriginal Historic	Everick Heritage Consultants was commissioned by GER to undertake an assessment of Aboriginal and European cultural heritage. In accordance with the relevant administrative and legislative standards for New South Wales, the methods employed in this assessment included: • A search of relevant heritage registers including the Aboriginal Heritage Information Management System ('AHIMS'), • A site inspection undertaken by Everick senior archaeologist Tim Hill, and Wayne Sime from Kempsey Local Aboriginal Land Council ('KLALC') on 25 January 2018, • Consultation with the Board of KLALC regarding the project and its impact on Aboriginal Land Claims, • Notification and ongoing consultation of the Dhungutti Elders Aboriginal Corporation, and • Assessment of the potential for the Project Area to contain significant Aboriginal heritage and the impact on the Project may have on said heritage. The methods used for the assessment were in compliance with the OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010 and all relevant legislation. As a result of the desktop study, field inspection, Aboriginal community consultation, and archaeological investigation of the Project Area, the following was found: • No artefacts were observed within the soil stockpile or surrounding sand plain. • It is considered that the stockpile and sand plain have a low potential to contain Aboriginal sites based on the history of disturbance across the Project Area, and proximity to other natural features that would provide better access to resources. These include the headland and hills to the north and Goolawah Beach. • Should shell midden material have occurred within the sand dune deposits subjected to sand mining, it is expected that the shell specimens would be highly fragmented because of the mining process. Likewise, it is expected that stone artefacts would be separated and either stockpiled or reused. It is not expected that organic material would survive in such a disturbed environment. • No items or relics of European heritage were identified during the assessment. The old concrete loading facilities are intact; however, these are not listed as being of local heritage significance.
Land	Soil Chemistry Land capability Topography	No analysis of soil chemistry or land capability is required due to the presence of natural ground surface below the stockpile. This natural ground surface is confirmed by hand auger results. The project will remove material only to the natural ground surface, restoring local topography

Group	Specific matters of relevance to the project	Existing environmental assessment
Hazards and Risks	Environmental Hazards	GER have commissioned an assessment of the potential radioactivity of the stockpile by Calytrix Consulting PTY LTD. Based on third party laboratory analyses (ALS laboratory services) of surface and drilling samples and a surface gamma radiation survey by Pandanus Solutions, the assessment found that the ilmenite stockpile contains very low concentrations of thorium and uranium and is not classified as 'radioactive ore' in NSW. State Environmental Planning Policy 33 – Hazardous and Offensive Development does not apply to this material either in-situ or during transport to market GER acknowledge that there may be a historical perception by some members of the community that the area may contain "radioactive" material. GER will manage this perception through the community engagement plan, and through physical reduction in potential for stockpile material to leave the site through wind or falling from machinery leaving site.
Social	Way of life Community Accessibility Culture Livelihoods	Due to the short-term nature of the project, the removal of the ilmenite is not expected to create any full-time permanent employment. However, up to 50 FTE will be required for a period of 120 days during haulage. During the current economic climate, sources of employment within the Crescent Head area and the greater Kempsey Shire local government area are reducing due to the current economic recession and the effects of COVID-19 shutdowns and business closures. Of those affected most, casual, contract and part time employees are believed to be the most affected. This project has the potential benefit of providing a short term, direct employment benefit to the local area and assist with providing more opportunities for local people seeking work.
Water	Hydrology Water quality Water availability	There are no surface water features on the ilmenite stockpile. The main surface water feature in the vicinity of the Project Site is an existing shallow drainage trench, which is believed to have been cut when the previous operator managed the site. The drainage trench runs for about 230m on the eastern boundary of the stockpile. The southern end of the trench contains standing water, which is likely at a similar elevation as the local water table, while the remainder of the trench is normally dry. It is understood that GER's activities are restricted to removing and rehabilitating the stockpile and will not affect the drainage trench. Based on the soil type and meteorological data it is expected that for rainfall events up to a 1:10 year ARI rainfall will infiltrate directly through the ground, rather than leave the Project Site as runoff. Surface water runoff is therefore unlikely to leave the Project Site. However, sediment erosion control measures should be installed by GER if required and checked and maintained for duration of the site works and subsequent revegetation. Surface water related erosion, sediment runoff or off-site water impacts are also considered unlikely to occur, due both to the nature of the project (i.e., site rehabilitation to near-natural conditions) and the high soil infiltration capacity.

Figure 4 BDAR assessment completed for the project site under the previous SEAR's



7.3. Proposed impact assessment

Building on work undertaken to date, **Table 6** below illustrates GER's proposed impact assessment of the matters for assessment within the project area. **Table 7** details matters which GER believes require no further assessment in the EIS. **Table 8** is a Scoping Summary Table, outlining the relevant government plans, policies and guidelines that will be used in the assessment.

Table 6 Proposed matters for impact assessment

Specific matters of relevance to the project	**Investigations required**	**Potential Impacts**	**Proposed assessment**
Traffic and parking, Road and rail facilities	A full traffic impact assessment based on the modelled truck movements has been completed in line with NSW Transport guidelines	Potential impacts are interaction with local vehicles, increased traffic volumes and vehicle passing a school zone	A traffic assessment will be undertaken to assess the proposed Project-related Road transport infrastructure in relation to existing transport infrastructure and traffic conditions. A traffic management plan will propose the best way to mitigate any potential risks and mitigate impacts on the community
Noise	A noise assessment of the project has been complete in line with local laws and state guidelines	There is low potential for additional traffic noise and general noise emissions form the project at sensitive receptors	A noise assessment will be undertaken to predict the received noise levels under different operational scenarios and under predominant meteorological conditions. A range of design and operational safeguards will be incorporated into the Project in order to achieve compliance with applicable noise criteria.
Visual	No investigations are proposed	Removal of the ilmenite pile is expected to create a short-term visual impact. Impact will diminish once revegetation has occurred	Given the distances to surrounding residences, no formal visibility assessment is proposed. Barrier fencing with shade cloth will be erected to shield the site from the roadside
Biodiversity - Terrestrial flora and fauna	Seasonal ecological surveys are proposed for the entire project area. These include vegetation surveys, targeted threatened flora surveys, fauna surveys including targeted threatened fauna. Surveys undertaken to date will be updated to include the most recent version of the BDAR assessment tool.	The Project may have temporary impacts on native vegetation and threatened species. As no native regrowth is proposed to be disturbed, impacts on biodiversity are expected to be very low. All Koala trees will be retained, some temporary interruption to the movement of Koalas may occur due to site noise	A comprehensive Biodiversity Impact Assessment is being undertaken to identify the presence and status of the EECs and individual species within the area to be disturbed. Appropriate design and operational safeguards will also be investigated, including rehabilitation goals of disturbed lands, as well as effective management of lands not to be disturbed.
Biodiversity – Conservation area	The project is adjacent to a conservation area and, once completed, the project area will be incorporated into a conservation area	Impact on the character and values of the conservation area	Following the BDAR assessment, a risk analysis will be performed for any expected risks to the adjacent conservation area

Specific matters of relevance to the project	**Investigations required**	**Potential Impacts**	**Proposed assessment**
Built environment - Public Land	The project is situated on Crown Land	Potential impacts on Crown Land values	The BDAR assessment and proposed rehabilitation of the site will address any lessening of crown land values. A rehabilitation management plan will be prepared for the site
Public infrastructure	Traffic investigation of the public road system	Potential impacts are interaction with local vehicles, increased traffic volumes and vehicle passing a school zone	A traffic assessment will be undertaken to assess the proposed project-related road transport infrastructure in relation to existing transport infrastructure and traffic conditions.
Environmental Hazards	Site has previously been surveyed for radiation levels and independently assessed	None anticipated as below radiation levels of concern	Radiation assessment will be documented in the EIS and assessed as per SEPP 33
Water impacts Flooding	An erosion and water assessment has been completed for the project No groundwater will be impacted by the project Due to the sand substrate and sand nature of the stockpile it is unlikely any erosion will occur	Site is included in the local flood mapping, namely due to its predominately paperbark community. There is very low risk of flooding on site	An erosion and water management assessment will be completed
Waste	A comprehensive list of all potential hazardous materials that would be used on site throughout the life of the Mine would be assembled for consideration in the EIS.	Emphasis will be placed upon avoiding any impacts of hazardous materials on the workforce and persons living/travelling in the vicinity of the Project Site. All chemicals would be transported, stored, and used in accordance with manufacturers' specifications.	An assessment of hazardous material will be included within the EIS.

Specific matters of relevance to the project	**Investigations required**	**Potential Impacts**	**Proposed assessment**
Aboriginal Heritage Historic Heritage	A cultural heritage field survey of the Project Site will be undertaken by a heritage consultancy in consultation with Registered Aboriginal Parties (RAPs), for the purpose of compiling an inventory of observed and likely cultural heritage artefacts or sites and reporting on the location and condition of any sites identified.	The approach to the management of any identified cultural heritage sites would be developed in consultation with RAPs.	A detailed cultural heritage assessment of the proposed disturbance footprint will be undertaken, and the significance of any identified objects will be assessed in accordance with the relevant guidelines. The approach to the salvage and curation of any identified artefacts or sites within areas to be disturbed would be discussed with all RAPs.

Table 7 Matters for no further assessment

Group	Matter for no further assessment	Rationale
Access	Access to property	The project will not impact on any access to property.
	Port and airport facilities	There are no port or airport facilities impacted or likely to be impacted as the result of this project proposal. The amount of material is not expected to create any storage issues at either Newcastle or Brisbane ports due to the relatively small amount of material
Air	Gases	The project is not expected to mobilise any gases as the substrate is purely sand and no coal seams are impacted as part of this project
Built environment	Private property	There will be no impacts on private property or private property rights
	Built environment	There will be no impacts on the built environment
Hazards and Risks	Flooding	The site is coastal sand plains, and the stockpile material is predominantly sand. The stockpile is elevated above nearby wetlands and not expected to flood
	Groundwater	There will be no disturbance of material that has potential to impact on groundwater. The project will not disturb natural ground surface and the stockpiled material is not leachable (Ilmenite sand) and is not a risk to groundwater
Amenity	Vibration	Due to the sandy nature of the project area, and the distances from any vibration sensitive receptor, the project is not expected to have any vibrational impacts. The only potential vibrational impact (machinery working) is not expected to generate any vibration of any magnitude
	Odour	There will be no odours liberated by the removal of the stockpile
Built environment	Public land	The entire project is on crown land. Approval for the project has already been obtained by crown land through the exploration permit process and pending mining lease application.
Hazards and Risks	Bushfire	The project is totally within stockpiled material and is sparsely vegetated. The site is close to major access roads and therefore poses little risk of bushfire

Table 8 Scoping Summary Table

Level of assessment	Specific matters of relevance to the project	CIA required?	Engagement	Relevant government plans, policies, guidelines
Standard	Traffic and parking Road and rail facilities	No	General	NSW Road Noise Policy (Environmental Protection Authority) 2011 Road Design Guide (RMS) Relevant Ausroads standards Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development Guide to Traffic Generating Development
Standard	Noise	No	General	NSW Road Noise Policy (Environmental Protection Authority) 2011 Noise policy for Industry (Environmental Protection Authority) 2017
Detailed	Terrestrial flora and fauna	No	General	Environment Protection and Biodiversity Conservation Act 1999 NSW Biodiversity Conservation Act 2016, Biodiversity Conservation Regulation 2017 Kempsey Local Environmental Plan 2013 Kempsey Development Control Plan 2013 State Environmental Planning Policy (Koala Habitat Protection) 2019 SEPP 55 – Remediation of Land State Environmental Planning Policy (mining, petroleum production and Extractive Industries) 2007 Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians (DECCW, 2009) Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft (DEC, 2004) BioNet Vegetation Classification (NSW Vegetation Classification System) Threatened Species Assessment Guidelines: The Assessment of Significance (DECC 2007)
Standard	Natural Resources use	No	General	Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals 2015

Level of assessment	**Specific matters of relevance to the project**	**CIA required?**	**Engagement**	**Relevant government plans, policies, guidelines**
Standard	Rehabilitation	No	General	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry NSW government Mining Rehabilitation Plans
Standard	Environmental Hazards	No	General	State Environmental Planning Policy 33 – Hazardous and Offensive Development State Environmental Planning Policy (Coastal Management) 2018 (note replaces State Environmental Planning Policy 71. Coastal Protection)
Standard	Flooding	No	General	Draft Coastal Management SEPP 2016 SEPP 71 – Coastal Protection
Standard	Aboriginal heritage	No	General	State Environmental Planning Policy (Aboriginal Land) 2019 Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010) Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)
Standard	Way of life	No	General	Social Impact Assessment Guidelines for State Significant Projects 2021 Social Impact Assessment Guideline 2017
Standard	Community	No	General	
Standard	Accessibility	No	General	
Standard	Culture	No	General	
Standard	Livelihoods	No	General	
Standard	Hydrology	No	General	Water Management Act 2000

Level of assessment	**Specific matters of relevance to the project**	**CIA required?**	**Engagement**	**Relevant government plans, policies, guidelines**
Standard	Water quality	No	General	ANZECC (2000) Guidelines for Fresh and Marine Water Quality

8. APPENDIX ONE – Previous SEAR's for the project

Mr Paul Smith
Pandanus Solutions
NORTH STRADBROKE ISLAND QLD 4183

By Email: paul@pandanussolutions.com.au

31 March 2020

Dear Mr Smith

Crescent Head Ilmenite Stockpile Removal Project (EAR 1180)
Revised Environmental Assessment Requirements

I have attached the revised Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for Crescent Head Ilmenite Stockpile Removal Project.

These requirements have been updated to include the additional requirements received by the Biodiversity Conservation Division. The revised requirements are based on the information you have provided to date and have been prepared in consultation with the relevant government agencies. The agencies' previous advice and supplementary/updated advice are attached for your consideration during the preparation of the EIS (see **Attachment 2A and 2B**).

Please note that the Planning Secretary may modify these requirements at any time. If you do not submit a development application (DA) and EIS for the development within 2 years, you must consult further with the Planning Secretary in relation to the preparation of the EIS.

Please contact the consent authority (Kempsey Shire Council) at least two weeks before you propose to submit your development application. 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 also require separate 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 the Environment and Energy to determine if an approval under the EPBC Act is required (http://www.environment.gov.au or 6274 111).

If you have any enquiries about these requirements, please contact Rose-Anne Hawkeswood on (02) 9274 6324 or Rose-Anne.Hawkeswood@planning.nsw.gov.au

Yours sincerely,

Steve O'Donoghue
Director
Resource Assessments
as nominee of the Planning Secretary

Enclosed: Attachment 1 – Revised SEARs Requirements
Attachment 2A – Previous Agency Requirements
Attachment 2B – Updated Agency Requirements

Secretary's Environmental Assessment Requirements

Section 78A(8) of the *Environmental Planning and Assessment Act 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000.*

Designated Development

EARS Number	EARS 1180
Proposal	Removal of an approximately 47,500 cubic metre ilmenite stockpile for reprocessing
Location	Point Plomer Road, Crescent Head (Lot 2281 on DP 1153793)
Applicant	Greencoast Environmental Rehabilitation
Date of Issue	31 March 2020
General Requirements	The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 and 7 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000.* In particular, the EIS must include: • an executive summary; • a full description of the development, including: - a description of the geological setting, mineralogy of the stockpile material, a resource and reserve statement, and a production schedule; - a site description and history of any previous mining on the site, including a current survey plan; - 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 (including cumulative impacts), taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice; - a description of the measure that would be implemented to avoid, mitigate and/or offset these impacts; - a detailed rehabilitation plan for the site; - 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; • the reasons why the development should be approved having regard to: – relevant matters for consideration under the *Environmental Planning and Assessment Act 1979*, including he objects of the Act and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development; – the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and – feasible alternatives to the development (and its key components), including the consequences of not carrying out the development. • a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading. 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. In addition to the matters set out in Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, the development application must be accompanied by a signed report from a suitably qualified person that includes an accurate estimate of the capital investment value of the development (as defined in Clause 3 of the

	Environmental Planning and Assessment Regulation 2000), including details of all the assumptions and components from which the capital investment value calculation is derived. In addition, the EIS must assess the development against the Kempsey Local Environmental Plan 2013 and any relevant development control plans/strategies.
Key Issues	The EIS must address the following specific issues: • **Biodiversity** – including: – an assessment of the biodiversity values and the likely biodiversity impacts of the development in accordance with the *Biodiversity Conservation Act 2016 (*NSW) and the *Biodiversity Conservation Regulation 2017* (NSW) and documented in a *Biodiversity Development Assessment Report* (BDAR); – a detailed description of the proposed regime for minimising, managing and reporting on the biodiversity impacts of the development over time; and – a strategy to offset any residual impacts; • **Water** – including: – an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including watercourses), wetlands, riparian land, groundwater dependent ecosystems, related infrastructure, surrounding Crown land, adjacent licensed water users and basic landholder rights; and measures proposed to monitor, reduce and mitigate these impacts; – details of water supply arrangements; and – a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with *Managing Urban Stormwater: Soils & Construction* (Landcom 2004); • **Heritage** – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including adequate consultation with the local Aboriginal community; • **Land** – including an assessment of potential impacts on the quality and quantity of the soils (including contaminated and acid sulphate soils) and land capability of the site; the proposed mitigation, management and remedial measures (as appropriate); and an assessment of the compatibility of the development with other land uses in the vicinity of the development, in accordance with the requirements of Clause 12 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*; • **Transport** – including an assessment of the site access route and likely transport impacts of the development on the capacity and condition of roads (including on any Crown land); a description of the measures that would be implemented to mitigate any impacts during construction; and a description of any proposed road upgrades developed in consultation with the relevant road (if required); • **Noise** – including an assessment of noise impacts including traffic noise, in accordance with the *Noise Policy for Industry 2017*, and a draft noise management plan if the assessment shows noise is likely to exceed applicable criteria; • **Air** – including an assessment of the likely air quality impacts of the development with a particular focus on dust emissions, including $PM_{2.5}$ and PM_{10} emissions, and the mitigation measures that would be implemented to minimise dust emissions (including evidence that there are no other mitigation measures available other than those proposed); • **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; and

	• **Rehabilitation** – including a detailed description of the proposed rehabilitation measures that would be undertaken throughout the development, 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 a description of the biosecurity measures to prevent the introduction of weeds and pests. • **Hazards and Radiation** – an assessment of potential radioactivity associated with the ilmenite stockpile against the *NSW Radiation Control Action 1990* and *Radiation Control Regulation 2013,* and the proposed measures for management and handling of any radioactive material.
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. In addition, the EIS must assess the development against the Kempsey Local Environmental Plan 2013, the Kempsey Shire Council's Comprehensive Koala Plan of Management, and any relevant development control plans/strategies.
Consultation	During the preparation of the EIS, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners, exploration licence holders, quarry operators and mineral title holders. In particular, you must undertake detailed consultation with affected landowners surrounding the development and Kempsey Shire Council. 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.
Further consultation after 2 years	If you do not lodge a development application and EIS for the development within 2 years of the issue date of these EARs, you must consult further with the Secretary in relation to the preparation of the EIS.

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.

Many of these documents can be found on the following websites:
http://www.planning.nsw.gov.au
http://www.bookshop.nsw.gov.au
http://www.publications.gov.au

Environmental Planning Instruments, Policies, Guidelines & Plans

Environmental Planning Instruments - General	
	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
	State Environmental Planning Policy (State and Regional Development) 2011
	State Environmental Planning Policy (Infrastructure) 2007
	Kempsey Local Environmental Plan 2013
	Kempsey Development Control Plan 2013
Noise	
	Noise Policy for Industry 2017 (EPA)
	NSW Road Noise Policy (EPA)
Land	
	State Environmental Planning Policy No. 55 – Remediation of Land
	Draft Coastal Management SEPP 2016
	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)
	Guidelines for development adjoining land managed by the OEH (OEH)
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)
	Guidelines for Controlled Activities on Waterfront Land (DPI Water)
	Floodplain Management Plan (DPI Water)
Biodiversity	
	State Environmental Planning Policy (Koala Habitat Protection) 2019 Biodiversity Assessment Method (OEH)
	Threatened Species Assessment Guidelines - Assessment of Significance (OEH)

	Biosecurity Act 2015
	Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI)
	Policy and Guidelines for Fish Habitat Conservation and Management (DPI)
Heritage	
	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)
Air	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	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
	Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development
Public Safety	
	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
Resource	
	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
Waste	
	Waste Classification Guidelines (DECC)
	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)
Hazards	
	NSW Radiation Control Action 1990
	Radiation Control Regulation 2013

ATTACHMENT 2A

AGENCIES' ORIGINAL ADVICE

ATTACHMENT 2B

AGENCIES' REVISED ADVICE

KEMPSEY
Shire Council

Civic Centre
22 Tozer Street
PO Box 3078
West Kempsey NSW 2440

Customer Services
P 02 6566 3200
F 02 6566 3205
ksc@kempsey.nsw.gov.au
www.kempsey.nsw.gov.au
ABN 70 705 618 663

Ref: D17/41584, F12/1672, LA32022
MKJ:MKJ

3 November 2017

Resource and Energy Assessments
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attn: Rose-Anne Hawkeswood

ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR THE CRESCENT HEAD ILMENITE STOCKPILE REHABILITATION PROJECT – LOT 2281 DP1153793 – POINT PLOMER ROAD CRESCENT HEAD

With reference to your correspondence of 16 October 2017, seeking Council's requirements for the Environmental Impact Statement (EIS) for the above proposal to be included in the Director General's Requirements (DGR's), Council advises the following.

Council requests that the EIS address the following:

(a) Potential contamination of the site. Council's records indicate that advice was received from NSW Department of Health in June 1984, that the site was 'classified as requiring removal of radioactive material before future development'. Council has no records of any decontamination or the removal of radioactive material occurring at the site. Therefore it is considered that the site may require the remediation of contaminated land. An assessment should be undertaken by a suitably qualified contaminated land practitioner, of the materials to be removed to identify the nature and extent of any contaminated material and other contaminants associated with historic uses.

(b) A Flora and Fauna Assessment. The site is identified as comprising Potential Endangered Ecological Community, Threatened Flora and is within a Wildlife Corridor.

(c) Assessment against Council's Comprehensive Koala Plan of Management. The site is identified as Primary, Secondary Class A and unknown koala habitat.

(d) A Traffic Assessment taking into consideration the following:

  (i) identification of the main transportation methodology and haul route for disposal of the material;

  (ii) use of residential streets and a school zone;

  (iii) noise impact from truck movements through a residential area.

(e) A detailed Rehabilitation Plan.

(f) Assessment against relevant environmental planning instruments, including:

(i) Kempsey Local Environmental Plan 2013;
(ii) Kempsey Development Control Plan 2013;
(iii) State Environmental Planning Policy No. 44 – Koala Habitat Protection;
(iv) State Environmental Planning Policy No. 55 – Remediation of Land;
(v) State Environmental Planning Policy No. 71 – Coastal Protection;
(vi) State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007; and
(vii) Draft Coastal Management SEPP 2016.

(g) An Aboriginal Cultural Heritage Assessment.

It must be noted that Council received comment from NSW Department of Industry – Lands and Forestry Division, stating that available records indicate that three Aboriginal Land Claims are associated with the subject lot, pursuant to the *NSW Aboriginal Land Rights Act 1983.*

Should you require any further information please contact Marnie Jeffery on (02) 6566 3200 or email marnie.jeffery@kempsey.nsw.gov.au

Yours faithfully

Marnie Jeffery
TOWN PLANNER

As part of Council's initiative to reduce paper use we encourage as much correspondence to be sent via email as possible. If you believe this is an option that you would like to use, please send your letters to ksc@kempsey.nsw.gov.au

Department of Industry

Assessment Advice

Coordinated Branch Responses

Analysis

Department of Industry – Crown Lands & Water Division (Regional Services)

The Department of Industry – Crown Lands and Water (the department) has been requested to provide its requirements into the Secretary's Environmental Assessment Requirements (SEARs) #1180 for the proponent's Environmental Impact Assessment, per Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

Suggested Response

1 Recommendations.

The Department of Industry – Crown Lands & Water recommends that the matters which ensure that the Principles of Crown land management, (s11 *Crown Lands Act 1989*) are promoted and addressed by the Environmental Impact Statement for the proposed removal a stockpile of ilmenite from Crown Reserve 1003268, being a volume of 47,514 m^3 (and subsequent site rehabilitation) - adjacent to Point Plomer Road, Crescent Head (Location – attachment B).

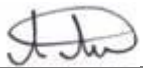
Key reasons

- The department is raising these issues to ensure the Principles of Crown land management are considered and included in the EIS. This is to ensure that all aspects are considered for the land owners consent to gain development consent and for, assessing to determination Land Owner's Consent, and any potential future tenure related processes under the *Crown Lands Act 1989*.
- Potential contentious issues include: royalties due to the department; community concerns about extractive industry near the coast; adverse impacts on Crown land and water; Cultural Heritage and Native Title.
- The Department requests the following assessments are included in the Environmental Impact Statement (EIS) - in order to ensure the proponent's activities are consistent with the Principles of Crown land management - as defined under s11 of the *Crown Lands Act 1989*. These assessments must aim to mitigate adverse impacts to the department, community, and natural resources on the subject Crown land.
- The EIS must therefore include an assessment of the impacts of the following matters individually and/or where the matters may have a cumulative impact, undertake a cumulative impact assessment.
    - Mitigation measures to avoid air pollution, including monitoring and reporting measures to be employed during and after the operation, ensuring the site is safe to the public after the operation until the rehabilitation (plantings) have established.
    - Limited hours of operation – to minimise adverse impacts to the community
    - Hydrological impact assessment of surface water and ground water at the location – including water quality and flow management; and mitigation measures that avoid water pollution.

- Assessment of potential adverse hydrological impacts on surrounding Crown land and provide maps to demonstrate and verify avoidance as part of the assessment.
- An assessment of impacts on any infrastructure or utilities occupying or adjacent to the site, on Crown land.
- Assessment of impacts on any existing tracks or in the creation of new tracks on Crown land – ensuring that track condition is maintained or improved throughout and after the proposed activity.
- An impact assessment and management proposal of Actual and Potential Acid Sulphate Soils (ASS and PASS) throughout the proposed activity location and shall include management options to minimise, mitigate or avoid ASS and PASS where possible.
- Assessment of potential impacts on native vegetation including: methods of native vegetation clearing and rehabilitation to be employed; weed control and containment from spread on Crown land. All vegetation clearing and rehabilitation activities must be accompanied by detailed monitoring and evaluation – for the duration of proposal and successful rehabilitation.
- Feral animal assessment and feral animal controls at the site – ensuring activities do not increase opportunities for feral animal presence or abundance at the site. Benchmark studies are to be undertaken to understand the baseline presence, distribution and abundance at the site prior to works being undertaken.
- A detailed assessment and description of future maintenance requirements of the site, and rehabilitation works.
- An assessment of chemical and hazardous substances management, including contaminated land and waste minimisation, and management. The EIS must develop mitigations to avoid adverse impacts related to these matters on Crown land.
- A full public consultation and stakeholder engagement Strategy (including notifications and signage); and Public safety management and mitigation Strategy (including site exclusion and signage).
- An assessment of likely significant impacts on threatened species, populations, ecological communities, or their habitats, additionally any Wildlife Corridors or Koala Habitats.
- How the proposal meets requirements of SEPPs (including SEPP 71)
- Evidence of any National Parks and Wildlife Act requirements/permits.
- Cultural Heritage assessments, including Aboriginal Heritage Information Management System searches (to a minimum of 200 metres from the subject Lot 2881 DP 1153793)
- Native Title Act access arrangements
- Presence of Aboriginal Land Claims being an inchoate interest in the land
- Measurement of volume of material removed from Crown land – methods proposed for accurately recording and reporting this data to the department.

Branch approvals

Comments: Prepared by Tina Clemens, Natural Resource Management Project Officer, 02 6591 3572

Position	Signature	Date
Contact officer: Byron Reynolds, Senior Natural Resource Management Officer, 02 6591 3578	**On leave**	
Approving officer: Silas Sutherland, Area Manager North Coast, 02 6591 3580		**14 November 2017**

Comments:

Background

Crown land is State owned land that is significantly varied in both physical characteristics and purpose, and includes reserves, roads and waterways under the administration of the department.

The department is responsible for ensuring that development proposals on Crown land adhere to the principals of Crown land management and are authorised under *the Crown Lands Act 1989* (NSW).

The proposed removal of a stockpile of ilmenite from Crown Reserve 1003268, being a volume of 47,514 m^3 (and subsequent site rehabilitation) adjacent to Point Plomer Road, Crescent Head will require an assessment and determination for Land Owner's Consent from the Department of Industry – Crown Lands and Water.

The purposes of the Crown reserve (1003268), subject of the proposal, are: Environmental Protection and Public Recreation. The land is managed by the Goolawah Reserve Trust [being a Corporation under the Minister Administering the National Parks & Wildlife Act 1974] – gazetted 16 April 2010.

An exploration Licence (No 8505) was issued by the ex NSW Trade & Investment – Resources & Energy on 16 May 2013, which expired 16 May 2015 – which the department holds a copy of. It appears that China Australia Mining Pty Ltd's exploration work was completed in this time. A copy of the works Plan, accompanying the company's s11A approval application, was also received by the department.

The department's EIS requirements will ensure that key matters are fully considered for the Environmental Impact Assessment to inform the Land Owners Consent assessment and determination process, and any potential future tenure related considerations.

Discussions have been held with the proponent advising that the proposed work is not being undertaken by or on behalf of the department.

It should also be noted that no guarantee can be provided to the proponent of any tenure related outcomes at this stage, due to matters related to the department's direct negotiation principles (for a potential lease), Commonwealth Native Title legislative requirements and the current Aboriginal Land Claims (3) – which must be satisfied.

Any extracted material, if taken from Crown land, would attract Royalties payable to the department.

Attachments

Attachment	Title
A	Extracts (Maps from background document DOC17/237109)
B	Maps (Image one - location, Image two – parish map)

ATTACHMENT A – Extracts (Maps from background document (DOC17/237109)

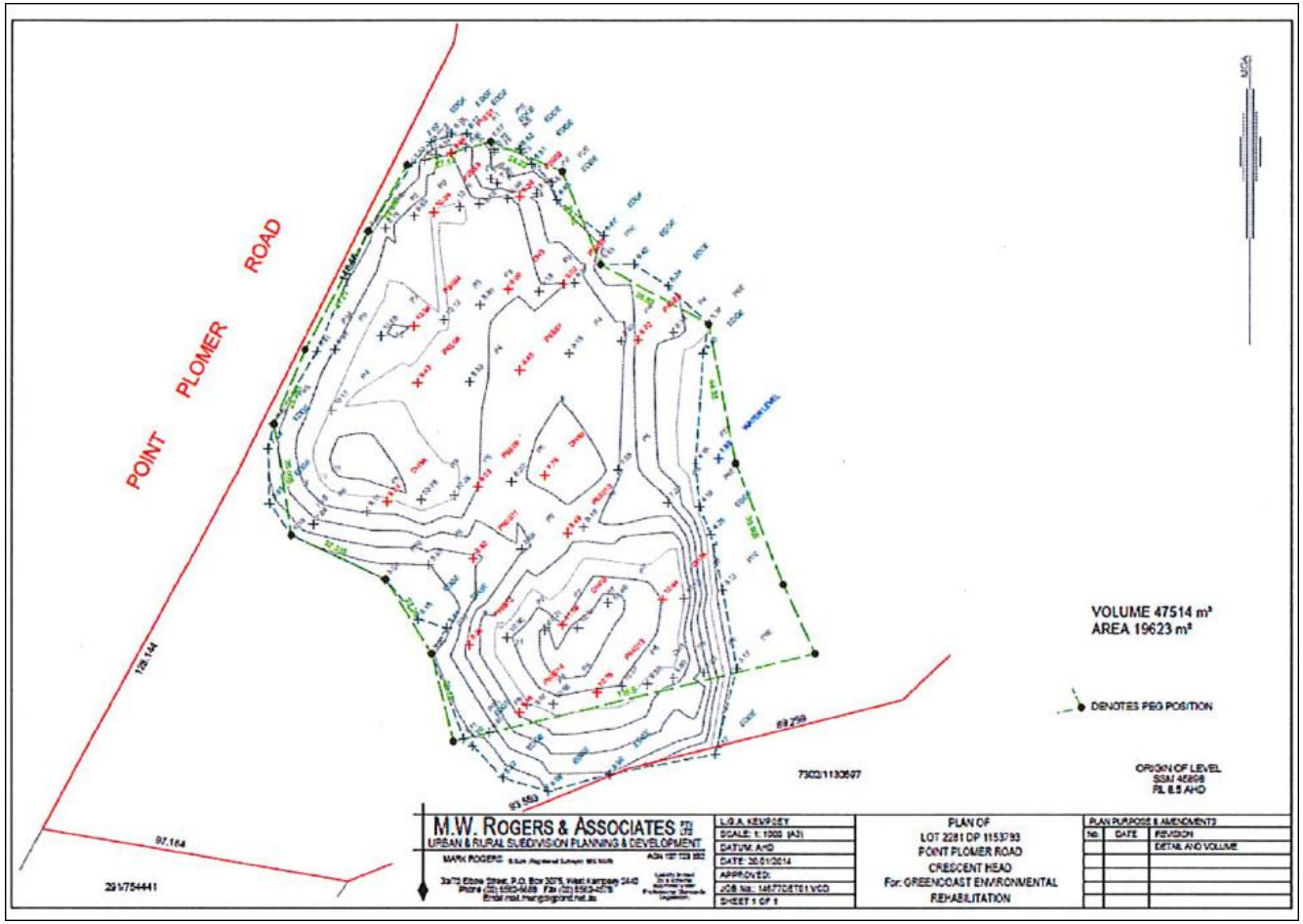


Image one: Stockpile/dump survey diagram. Stockpile with an estimated volume of 47,514 m^3 and surface area of 19,623 m^3.

ATTACHMENT B – Maps

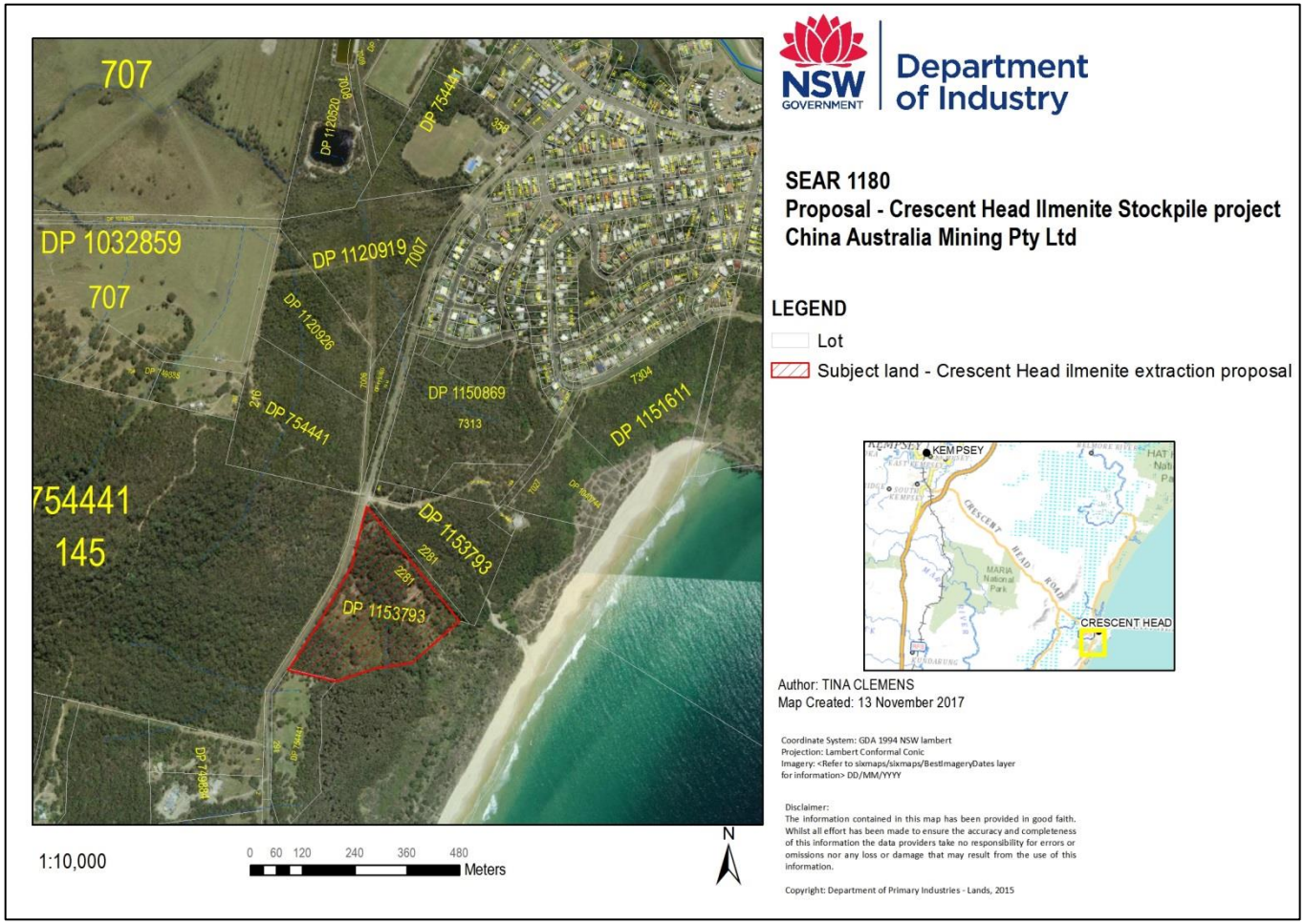


Image two: Location Map

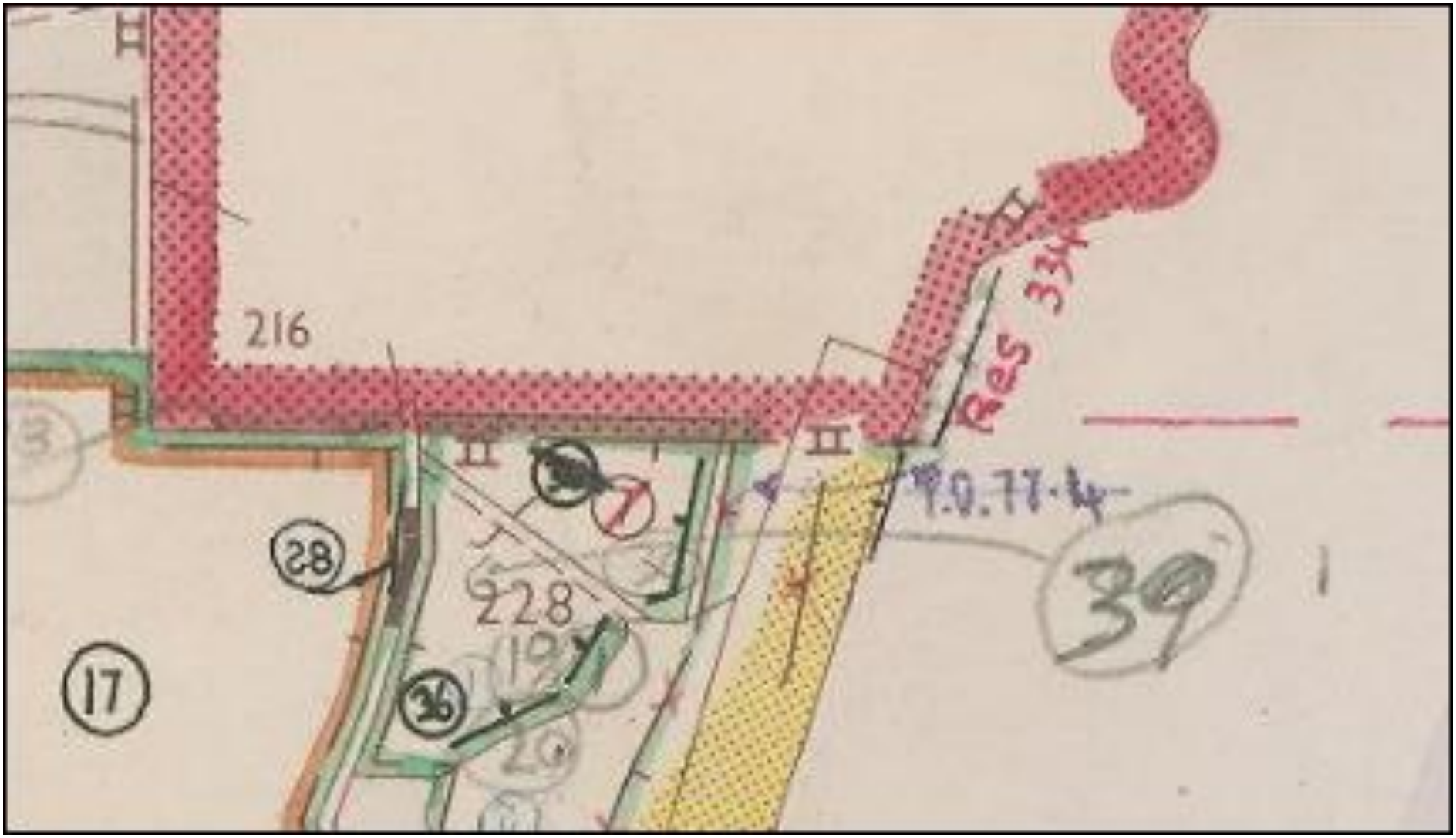


Image Three: Parish of Palmerston Map extract 13 March 1978.

Planning & Environment
Resources & Geoscience

OUT17/44028

Joel Herbert
Student Para Planner
Resource Assessments - Planning Services Division
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Joel.Herbert@planning.nsw.gov.au

Dear Joel

Crescent Head Ilmenite Stockpile Rehabilitation Project
Request for Secretary's Environmental Assessment Requirements (SEARs)

I refer to your email dated 17 October 2017 inviting the Division of Resources & Geoscience (the Division) to provide comments on the Crescent Head Ilmenite Stockpile Rehabilitation Project (the Project) submitted by Blueprint Planning Consultants, on behalf of China Australia Mining Pty Ltd (the Proponent).

The Division has reviewed the information supplied in relation to the abovementioned Project and provides the following advice:

To ensure that a Project and its environmental interactions can be understood and assessed by the Division, the Environmental Impact Statement (EIS) should provide a comprehensive description of all aspects (including mineral extraction/excavation and methods employed) of the Project. This information is often a key component in understanding the environmental effects of the Project.

The Environmental Impact Statement is to include:

Geology

- Brief description of the geological setting and summary of past mining activities of the project area.
- Detailed description of the mineralogy of the stockpiled material including specific details about the shape and physical dimensions.
- Supporting information including plans and cross sections should be included.

Resource and Reserve Statement

The EIS should contain an appropriate resource/reserve statement. The Division requires the proponent to provide in the EIS an Indicated Resource estimate (to JORC or equivalent standard) which should contain:

- A breakdown of the mineralogy present (rutile, zircon).
- The approximate TiO2 grade and tonnes of the ilmenite.
- Percentages of marketable ilmenite vs waste (cut off).

The Division recommends that a scintillometer grid survey be undertaken as part of the EA for this project.

Production Schedule
The Proponent must supply a production schedule for the life of the Project. The production schedule should include:

- Details of marketable ilmenite ore and waste tonnage planned to be extracted over the life of the project.
- An estimate of the saleable product for the life of the project.
- In terms of text, plans, or charts, the EIS must clearly show the proposed extent and sequence of the development.
- Economic justification for the project and the market the product tonnes would be sold into e.g. export/domestic mineral product, nominated port, transportation of product.
- Potential prices for the product.

The Division understands that an estimate of product tonnes split into a particular market segment is difficult to estimate at a particular point in time and is dependent on market conditions as the Project progresses. Further, the Division acknowledges the proponents' declaration that the proposal is viable due to the current market price for ilmenite but should that price fall it will more than likely become economically unviable. However, the Division requires the proponent to provide its best estimate of their market mix at the initial stages of the Project

Rehabilitation
The mining development rehabilitation SEARs (below), are to be applied to this Project. It is noted that the SEARS have been simplified commensurate with the small scale of the proposed activity. A site specific SEAR is to be applied due to the identification of rehabilitation objectives and completion criteria that addresses radiological risks. This should include a radiological investigation of the final landform to ensure radiation levels are acceptable for the intended land use.

Approvals
Provide information in the EIS about what authorisations and approvals will be sought under the *Mining Act 1992*, including information about existing authorisations over the Project area and any interaction that may occur with other authorisation holders within and adjacent to the Project area. The Division notes that should approval be granted for this Project, it should be provided as supporting documentation for a current application made by the proponent under Section 11A of the *Mining Act 1992*.

Further enquiries regarding this matter please contact: Adam Banister, Senior Advisory Officer (02) 4931 6439 or industry.coordination@industry.nsw.gov.au

Yours sincerely

Matt Gagan
A/Manager Royalties & Advisory Services
9 November 2017

Mining Development - Rehabilitation Standard Assessment Requirements

Post-mining land use

(a) Identification and assessment of post-mining land use options;

Rehabilitation objectives and domains

(b) Inclusion of a set of project rehabilitation objectives and completion criteria that clearly define the outcomes required to achieve the post-mining land use. Completion criteria should be specific, measurable, achievable, realistic and time-bound;

Rehabilitation Methodology

(c) Details regarding the rehabilitation methods for disturbed areas and expected time frames for each stage of the rehabilitation process;

(d) Mine layout and scheduling, including maximising opportunities for progressive final rehabilitation. The mine plan should maximise opportunities for progressive rehabilitation;

Conceptual Final Landform Design

(e) Inclusion of a drawing at an appropriate scale identifying key attributes of the final landform, including final landform contours and the location of the proposed final land use(s);

Post-closure maintenance

(f) Description of how post-rehabilitation areas will be actively managed and maintained in accordance with the intended land use(s) in order to demonstrate progress towards meeting the rehabilitation objectives and completion criteria in a timely manner;

(g) Identification and description of those aspects of the operations that may present environmental harm and barriers or limitations to effective rehabilitation;

(h) Consideration of the controls likely to be required to either prevent or mitigate against rehabilitation risks as part of the closure plan for the site;

The following risks have been identified that require the application of non-standard Assessment Requirements:

(i) Tailings from mineral sand operations include residues with elevated radioactivity. It is unknown as to whether tailings from historic operations were disposed of on site and subsequently buried under the ilmenite stockpiles and that removal of stockpiles would expose potentially radioactive residues.

(i) Inclusion of rehabilitation objectives and completion criteria that address radiological risks. This should include a radiological investigation of the final landform to ensure radiation levels are acceptable for the intended land use.

[1] The following government policies should be considered when addressing rehabilitation issues:
• Mine Rehabilitation (Leading Practice Sustainable Development Program for the Mining Industry, 2006)
• Mine Closure and Completion (Leading Practice Sustainable Development Program for the Mining Industry, 2006)
• Strategic Framework for Mine Closure (ANZMEC-MCA, 2000)

Our reference: EF14/2829 - DOC17/518479-03
Contact: Robert Donohoe 6640 2518

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention Mr Joel Herbert,

Re: Proposal – Crescent Head Ilmenite Stockpile Rehabilitation Project – EAR ID No. 1180

I refer to the NSW Department of Planning and Environment (DoPE) email of 16 October 2017 requesting the Environment Protection Authority (EPA) requirements for the proposed Crescent Head Ilmenite Stockpile Rehabilitation Project – EAR ID No. 1180. Thank you for the opportunity to comment on the proposal, I apologise for the delay in responding.

The Preliminary Environmental Assessment (PEA) submitted with the request states that the site is located within (Mining) Exploration Licence 8085, within Lot 2281 DP1153793 held under Crown Reserve No. 1003 268 and was previously the site of a former mineral separation plant operated up to 1985 in association with coastal sand mining activities.

The EPA has specific regulatory roles with respect to waste, land contamination and extraction activities and advice with respect to each of these is provided below:

Extractive activity

Land-based activity which involves the extraction, processing or storage of more than 30,000 tonnes (T) per year of extractive materials would require an Environment Protection Licence (EPL). It is understood from the PEA that the ilmenite to be removed is material from previous sand mining activities.

On this basis, the ilmenite has previously been extracted, and the *'conventional load and haul techniques'* that compromise the proposed activity, do not fit within the meaning of 'extraction' for the purposes of 'land-based extractive activity'. It is also noted that the definition of extractive materials in schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) excludes substances that are minerals within the meaning of the *Mining Act 1992*.

Based on this information the EPA has formed the view that the proposed activity would not be classified as 'land-based extractive activity' as defined in the POEO Act and no licence will be required to be issued by the EPA, in respect to the proposal.

Contamination

The Environmental Impact Statement (EIS) should assess whether the removal of any contaminated soils triggers obligations associated with State Environment Planning Policy No. 55 – Remediation of Land, under the *Environment Planning and Assessment Act 1979*.

Email: north.coast@epa.nsw.gov.au
PO Box 498, Grafton NSW 2460
49 Victoria Street, Grafton NSW 2460
Tel: (02) 6640 2500 Fax: (02) 6640 2539
ABN 43 692 285 758
www.epa.nsw.gov.au

Radiation

The EPA notes references in the PEA identifying the potential for elevated radioactivity associated with the ilmenite stockpile. In response to this issue the proponent's EIS for the proposal will need to reference the radiation limits prescribed in the *NSW Radiation Control Act 1990* (Act) and *Radiation Control Regulation 2013* (Regulation) and identify within the EIS any specific management and handling procedures that will be required to be implemented by the proponent to comply with the Act and Regulation.

The EPA acknowledges the proponent's commitment, in the PEA, to transport the ilmenite from the project area in compliance with the Act and *Dangerous Goods Road and Rail Transport Act 2008.* Given the potential radioactive characteristics of the material please ensure these transport aspects are suitably addressed by the proponent in the EIS.

Waste

Due to the origins of the ilmenite, and based on information provided, it appears the material proposed to be removed is likely to be classified as 'waste'. The proponent's PEA also identifies a range of waste materials (HDPE piping, steel pipe and timber) protruding from the ilmenite stockpile and further states: *'This suggests there is likely to be more solid waste buried within the stockpile/dump. However, the actual amount of solid waste cannot be determined until removal of the ilmenite stockpile/dump is complete'.*

Based on the information provided, it does not appear that the waste will need to be tracked, however this issue, including identification of lawful waste disposal pathways, will need to be clearly addressed in the EIS.

Should you wish to clarify any of the above advice please contact Robert Donohoe on 6640 2518.

Yours sincerely

13 NOV 2017

GRAEME BUDD
Head Environmental Management Unit – North Coast
Environment Protection Authority

NSW GOVERNMENT | Office of Environment & Heritage

Our Ref: DOC17/514213
Your Ref: EAR No. 1180

Resource and Energy Assessments
Department of Environment and Planning
GPO Box 39
Sydney NSW 2001

Attention: Mr Joel Herbert

Dear Mr Herbert

Re: Request for OEH Environmental Impact Statement Environmental Assessment Requirements – for the Crescent Head Ilmenite Stockpile Rehabilitation Project EARs ID 1180

Thank you for your email dated 16 October about the Crescent Head Ilmenite Stockpile Rehabilitation Project at Crescent Head seeking Environmental Assessment Requirements (EARs) from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

We note that the project will be assessed as designated development (under Schedule 3 25(bii/iii) of the *Environmental Planning and Assessment Regulation 2000*) 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 OEH are limited to Aboriginal cultural heritage, biodiversity, OEH estate, historic heritage, acid sulphate soils, flooding, stormwater and coastal erosion.

The proponent should ensure that the EIS will be sufficiently comprehensive to enable unambiguous assessment of all direct and indirect impacts of the proposal. The EIS should include an assessment of the potential impacts on Aboriginal cultural heritage and biodiversity, including threatened species, populations, ecological communities, or their habitats likely to occur on or near the subject site, as well as National and Wildlife Parks (NPWS) Estate - Goolawah National Park. We consider that the information required as part of the standard EARs provided in Attachment 1 to this letter, in addition to the proposal specific requirements necessary for a comprehensive EIS.

The EIS should specifically consider:

<u>Aboriginal cultural heritage</u>

The OEH advises that there is a high concentration of evidence of past Aboriginal occupation in the area around the subject lands, so any assessment for this activity needs to consider the views of those Aboriginal people who have a documented interest in the project area and its immediate surrounds.

1. The Aboriginal cultural heritage assessment must consider;
    a. potential harm to Aboriginal cultural heritage values associated with direct or indirect impacts of the proposal, and

Locked Bag 914, Coffs Harbour NSW 2450
Federation House, Level 8, 24 Moonee Street
Coffs Harbour NSW
Tel: (02) 6659 8200 Fax: (02) 6659 8281
ABN 30 841 387 271
www.environment.nsw.gov.au

b. past mining practices to determine the potential for Aboriginal objects to be present within the project area in a disturbed context within the discard pile.

Biodiversity

The biodiversity or ecological assessment for the proposal must:

2. Undertake target surveys for the following threatened species, and their habitat listed under Schedule 1 of the *Biodiversity Conservation Act 2016* and asses the impacts of the proposal on these species:
   a. Koala *Phascolarctos cinereus*, due to on site records, and the presence of mapped primary and secondary A koala habitat under the 'Comprehensive Koala Plan of Management for the Eastern Portion of the Kempsey Shire Local Government Area, dated May 2011'.
   b. Sand Spurge *Chamaesyce psammogeton* and Silver bush *Sophora tomentosa*, as they are recorded within adjoining lands

3. Consider habitat for the following threatened species under Schedule 1 of the *Biodiversity Conservation Act 2016,* determine the need or otherwise for target survey of these species and assess the impacts of the proposal on these species:
   a. Austral toadflax *Thesium australe*, as it is recorded within adjoining lands.
   b. Little bentwing-bat *Miniopterus australis* and Glossy black-cockatoo *Calyptorhynchus lathami* in assessing habitat resources present within the subject lands.
   c. Osprey *Pandion cristatus*, and the potential nesting sites within the vicinity of the subject lands.

4. Undertake targeted survey to determine the presence or absence of the following threatened ecological communities (TEC) listed under Schedule 2 of the *Biodiversity Conservation Act 2016,* in accordance with the NSW Scientific Committee Determinations, which can be found on the OEH website, at: http://www.environment.nsw.gov.au/determinations/:
   a. Swamp Sclerophyll Forests on the Coastal floodplains of the NSW North Coast, Sydney Basin and South-east Corner Bioregions.
   b. Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion.

5. Assess the proposal's impacts on the:
   a. wildlife corridor function between the surrounding areas of Goolawah National Park, and as part of the greater regional coastal corridor, given the subject land is surrounded by OEH Estate lands.
   b. localised hydrology, especially as it relates to surface and subsurface water flow and likely effects on the water dependant ecological communities within the adjoining Goolawah National Park and Crown lands.
   c. environmental health of the subject lands, resulting from the ilmenite pile disturbance, especially as it relates to threatened species, ecological communities, or their habitats on and adjoining the subject lands.

Goolawah Reserve Trust

As the subject lands are included within the Goolawah Reserve Trust, a Crown Reserve administered by the Minister for the Environment, gazetted 16 April 2010. We advise that the EIS, must document:

6. Consultation with the National Parks and Wildlife Service (NPWS) and clearly document the role of NPWS in the management of Goolawah Reserve Trust, especially as it relates to the management of the subject lands and the standards of rehabilitation and reporting which may apply.

NPWS Estate - Goolawah National Park.

7. The EIS must clearly document any potential or likely impacts, both direct and indirect on the adjoining NPWS Estate - Goolawah National Park. This assessment of impacts is to include documented consultation with the Macleay Area Office of National Parks and Wildlife Service, the office can be contacted on 6561 6700 or via email at npws.macleay@environment.nsw.gov.au

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 further questions about this issue, Ms Rachel Binskin, Regional Operations Officer, Regional Operations, OEH, can be contacted on 6659 8247 or at rachel.binskin@environment.nsw.gov.au.

Yours sincerely

Dimitri Young 31 October 2017

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Regional Operations

Contact officer: RACHEL BINSKIN 6659 8247

Enclosure: Attachment 1 – OEH Standard Environmental Assessment Considerations and Attachment 2 – Guidance Material Links

Attachment 1

OEH's Recommended Secretary's Environmental Assessment Requirements (SEARs) for Preparation of an Environmental Impact Statement

The Crescent Head Ilmenite Stockpile Rehabilitation Project

EAR ID No. - 1180

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TABLE OF CONTENTS

A. The Proposal

The Environmental Impact Statement (EIS) should identify the environmental objectives for the proposal and clearly describe the proposal. These environmental objectives will guide decisions on environmental controls and management throughout the life of the proposal.

The objectives of the proposal should be clearly stated and refer to:

1. the size and type of the proposal and its operation;
2. all anticipated environment impacts, both direct and indirect, including level of vegetation / habitat clearing
3. the anticipated level of performance in meeting required environmental standards;
4. threatened species, populations, ecological communities and their habitats impacted upon;
5. the staging and timing of the proposal; and
6. the proposal's relationship to any other proposal.

The EIS should fully identify all of the processes and activities intended for the site and during the life of the proposal, including details of:

7. the location of the proposal and details of the surrounding environment;
8. the proposed layout of the site;
9. appropriate land use zoning;
10. ownership details of any residence and/or land likely to be affected by the proposal;
11. 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;
12. all equipment proposed for use at the site;
13. chemicals, including fuel, used on the site and proposed methods for the transportation, storage, use and emergency management;
14. waste generation, storage and disposal;
15. 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 should be provided; and
16. methods to mitigate any expected environmental impacts of the proposal.

B. Environmental Impacts of the Proposal

Impacts related to the following environmental issues need to be assessed, quantified and reported on:

- Aboriginal cultural heritage
- Biodiversity
- OEH Estate (land reserved or acquired under the *National Parks and Wildlife Act 1974*)
- Historic heritage
- Acid Sulfate Soils
- Flooding, Stormwater and Coastal Erosion
- Cumulative Impacts

The EIS 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 is at **Attachment 2**.

C. Aboriginal Cultural Heritage

The EIS should contain:

1. A description of the Aboriginal objects and declared Aboriginal places located within the area of the proposal.

2. A description of the cultural heritage values, including the significance of the Aboriginal objects and declared Aboriginal places, that exist across the whole area that will be affected by the proposal, and the significance of these values for the Aboriginal people who have a cultural association with the land.

3. A description of any consultation with Aboriginal people regarding the proposal and the significance of any Aboriginal cultural heritage values identified through that consultation. The OEH advises that the proponent may utilise the OEH's *Aboriginal Consultation Requirements for Proponents 2010* as best practice guidelines for such consultation (these OEH requirements for consultation must be followed if the proposal requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing).

4. The views of those Aboriginal people regarding the likely impact of the proposal on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and your response.

5. A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposal, with reference to the cultural heritage values identified.

6. A description of any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places.

7. A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.

In addressing these requirements, the proponent must refer to the following documents:

a. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (OEH, 2010) - www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf. These guidelines identify a process that could be used to prepare Aboriginal cultural heritage assessments for development proposals assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*.

b. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH, 2010) - www.environment.nsw.gov.au/licences/consultation.htm. This document further explains the consultation requirements that are set out in clause 80C of the National Parks and Wildlife Regulation 2009. The process set out in this document must be followed and documented in the EIS if the proposal requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing.

c. *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) - www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires archaeological testing to be undertaken.

Notes:

- An Aboriginal Site Impact Recording Form (http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm) must be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through archaeological investigations required or permitted through these environmental assessment requirements.

- Under section 89A of the *National Parks and Wildlife Act* 1974, it is an offence for a person not to notify OEH of the location of any Aboriginal object the person becomes aware of, not already recorded on the Aboriginal Heritage Information Management System (AHIMS). An AHIMS Site Recording Form should be completed and submitted to the AHIMS Registrar (http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm), for each Aboriginal site found during investigations.

D. 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 or not 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 how the proposed development exceeds, or does not exceed, 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 thresholds are not exceeded, then the EIS must document *the test for determining whether proposed development 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 includes:

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

      - the *Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians* (DECCW, 2009) http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf
      - *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004), http://www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf
      - Field survey methods and assessment information on the OEH website: http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments

      If a proposed survey methodology is likely to vary significantly from the above methods, the proponent should discuss the proposed methodology with OEH prior to undertaking the EIS, to determine whether OEH considers that it is appropriate.

      Recent (less than five years old) surveys and assessments may be used. However, previous 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 surveys. If a previous survey is used, surveys for any additional entities listed under the BC Act since the previous survey took place, must be undertaken and documented.

Determining the list of potential threatened species for the site should be done in accordance with the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004) and the *Guidelines for Threatened Species Assessment* (Department of Planning, July 2005). The OEH internet resources:

- Bionet Atlas http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS_/AtlasSearch.aspx and
- Threatened species profile http://www.environment.nsw.gov.au/threatenedSpeciesApp/
- Bionet Vegetation Classification http://www.environment.nsw.gov.au/research/Visclassification.htm
- Other data sources (e.g. PlantNET, Online Zoological Collections of Australian Museums (http://www.ozcam.gov.au/), previous or nearby surveys etc.) may also be used to compile the list.

II. The following information as a minimum:

a. The requirements set out in the *Guidelines for Threatened Species Assessment* (Department of Planning, July 2005

b. A description and geo-referenced mapping of study area (and spatial data files), e.g. overlays on topographic maps, satellite images and /or aerial photos, including details of map datum, projection and zone, all survey locations, vegetation communities that accord 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.

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

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

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

f. A description of the likely impacts of the proposal on biodiversity and wildlife corridors, including direct and indirect and construction and operation impacts. Wherever possible, quantify these impacts such as the amount of

each vegetation community or species habitat to be cleared or impacted, or any fragmentation of a wildlife corridor.

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

h. A description of the residual impacts of the proposal. If the proposal cannot adequately avoid or mitigate impacts on biodiversity, then a biodiversity offset package is expected (see the requirements for this at point 4 below).

III. The '*test for determining whether proposed development likely to significantly affect threatened species or ecological communities, or their habitats*' as outlined in Section 7.3 of the BC Act.

2. If the EIS determines under Section 7.2 of the BC Act as set out in 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 of the BC Act.

Note:
For the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, the REF 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.

E. OEH Estate

The EIS should address the following with respect to land reserved under the *National Parks and Wildlife Act 1974*.

1. Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby OEH estate reserved under the *National Parks and Wildlife Act 1974* should be considered. Refer to the *Guidelines for developments adjoining land managed by the Office of Environment and Heritage* (OEH, 2013). The guideline is available at:

   http://www.environment.nsw.gov.au/resources/protectedareas/development-land-adjoining-130122.pdf

Note: Proposals which may impact marine protected areas should be referred to the Department of Primary Industries to determine the assessment and approval requirements.

F. Historic Heritage

The EIS should address the following:

1. The heritage significance of the site and any impacts the proposal may have upon this significance should be assessed. This assessment should include natural areas and places of Aboriginal, historic or archaeological significance. It should also include a consideration of wider heritage impacts in the area surrounding the site.

2. The Heritage Council maintains the State Heritage Inventory which lists some items protected under the *Heritage Act 1977* and other statutory instruments. This register can be accessed through the Heritage Branch home page on the internet (http:www.heritage.nsw.gov.au). In addition, lists maintained by the National Trust, any heritage listed under the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 and the local council should be consulted in order to identify any known items of heritage significance in the area affected by the proposal. These lists are constantly evolving and items with potential heritage significance may not yet be listed

3. Non-Aboriginal heritage items within the area affected by the proposal should be identified by field survey. This should include any buildings, works, relics (including relics underwater), gardens, landscapes, views, trees or places of non-Aboriginal heritage significance. A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any policies/measures to conserve their heritage significance should be identified. This assessment should be undertaken in accordance with the guidelines in the NSW Heritage Manual. The field survey and assessment should be undertaken by a qualified practitioner/consultant with historic sites experience. The Manager, OEH Heritage Division Conservation Team, can be contacted on telephone (02) 9873 8599 for a list of suitable consultants.

G. Acid Sulfate Soils

The EIS should address the following:

1. The potential impacts of the proposal on acid sulfate soils must be assessed in accordance with the relevant guidelines in the Acid Sulfate Soils Manual (Stone et al. 1998) and the Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004).

2. Describe mitigation and management options that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposal 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.

H. Flooding, Stormwater and Coastal Erosion

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

1. The potential effect of coastal processes and coastal hazards including potential impacts of sea level rise:
    a. on the proposal; and
    b. arising from the proposal.
2. Whether the proposal is consistent with any coastal zone management plans.
3. Whether the proposal is consistent with any floodplain risk management plans.
4. Whether the proposal is compatible with the flood hazard of the land.
5. Whether the proposal will significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.
6. Whether the proposal 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.
7. Whether the proposal incorporates appropriate measures to manage risk to life from flood.
8. Whether the proposal is likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
9. 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.
10. 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 proposal should be detailed.

I. 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 OEH 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 and proposed development and associated infrastructure (such as access tracks etc.) as well as the cumulative impact of the development in the context of other developments located in the vicinity.

Attachment 2 – EIS Guidance Material

Title	Web address
Relevant Legislation	
Coastal Protection Act 1979	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+13+1979+cd+0+N
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
Floodplain Development Manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
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
Biodiversity Conservation Act 2016	https://www.legislation.nsw.gov.au/~/view/act/2016/63
Biodiversity Conservation Regulation 2017	https://www.legislation.nsw.gov.au/~/view/regulation/2017/432
Biodiversity Conservation (Savings and Transitional) Regulation 2017	https://www.legislation.nsw.gov.au/~/view/regulation/2017/433
Water Management Act 2000	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
Aboriginal Cultural Heritage	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	http://www.environment.nsw.gov.au/licences/consultation.htm
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	http://www.environment.nsw.gov.au/licences/archinvestigations.htm
Aboriginal Site Impact Recording Form	http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm
Aboriginal Heritage Information Management System (AHIMS) Registrar	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm

Biodiversity

Biodiversity Assessment Method (OEH 2017)	http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Biodiversity Assessment Calculator	https://www.lmbc.nsw.gov.au/bamcalc
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians (DECCW, 2009)	http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf
Field Survey Methods	http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments/field-survey-methods
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – Working Draft (DEC, 2004)	http://www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf
OEH Threatened Species website	http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species
Atlas of NSW Wildlife	http://www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification (NSW Vegetation Classification System)	http://www.environment.nsw.gov.au/research/Visclassification.htm
PlantNET	http://plantnet.rbgsyd.nsw.gov.au/
Online Zoological Collections of Australian Museums	http://www.ozcam.org/
Threatened Species Assessment Guidelines: the Assessment of Significance (DECC 2007)	http://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-assessment-guidelines
Principles for the use of biodiversity offsets in NSW	http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm

OEH Estate

Land reserved or acquired under the NPW Act

List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
OEH Revocation of Land Policy	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/protectedareas/10509devadjdeccw.pdf

Water and Soils

Acid sulphate soils

Acid Sulfate Soils Planning Maps	http://canri.nsw.gov.au/download/
Acid Sulfate Soils Manual (Stone et al. 1998)	Manual available for purchase from: http://www.landcom.com.au/whats-new/the-blue-book.aspx Chapters 1 and 2 are on DPI's Guidelines Register at: Chapter 1 Acid Sulfate Soils Planning Guidelines: http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf Chapter 2 Acid Sulfate Soils Assessment Guidelines: http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.derm.qld.gov.au/land/ass/pdfs/lmg.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.

Flooding and Coastal Erosion

Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.dnr.nsw.gov.au/floodplains/manual.shtml
Guidelines for Preparing Coastal Zone Management Plans	http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
Climate Change Impacts and Risk Management	http://www.environment.gov.au/climate-change

Water

Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

File No: NTH17/00163
Your Ref:

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Joel Herbert

Dear Sir / Madam,

Secretary's Environmental Assessment Requirements for EAR No.1180 - Proposed Ilmenite Stockpile Rehabilitation, Point Plomer Road, Crescent Head

I refer to your email of 16 October 2017 requesting input to the Secretary's Environmental Assessment Requirements (EARs) for the abovementioned state significant development.

Roles and Responsibilities

The key interests for Roads and Maritime Services are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

Crescent Head Road is an unclassified (Regional) road and Point Plomer Road is a Local road. Kempsey Shire Council is responsible for setting standards, determining priorities and carrying out works on these roads.

Roads and Maritime is given the opportunity to review and provide comment on the subject development under Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Roads and Maritime Response

Roads and Maritime requests that the Environmental Assessment be supported by a Traffic Impact Assessment (TIA) prepared by a suitably qualified person in accordance with the Austroads Guide to Traffic Management Part 12, the complementary Roads and Maritime Supplement and RTA Guide to Traffic Generating Developments. The TIA is to address the following;

- The total impact of existing and proposed development on the road network with consideration for a 10 year horizon.
- The volume and distribution of traffic generated by the proposed development.
- Intersection sight distances at key intersections along the primary haul route.
- Existing and proposed site access standards.
- Details of proposed improvements to affected intersections.

- Impact of rail corridors on the road network and details of proposed interface treatments.
- Details of servicing and parking arrangements.
- Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.
- Impacts of road traffic noise and dust generated along the primary haul route/s.
- Consideration for Clause 16(1) of the Mining SEPP regarding;
    - Impact on school zones and residential areas.
    - Code of Conduct for haulage operators
    - Road safety assessment of key haulage route/s

Should Planning and Environment wish to condition the preparation of a Code of Conduct for haulage operators, this could include, but not be limited to;

a. A map of the primary haulage routes highlighting critical locations.
b. Safety initiatives for haulage through residential areas and/or school zones.
c. An induction process for vehicle operators & regular toolbox meetings.
d. A complaint resolution and disciplinary procedure.
e. Any community consultation measures for peak haulage periods.

Where road safety concerns are identified at a specific location along the identified haulage route/s, Roads and Maritime suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

Roads and Maritime recommends current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements be adopted for any proposed works on the road network.

If you have any further enquiries regarding the above comments please contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully

for Monica Sirol
Network & Safety Manager, Northern Region
07/11/2017

DOC20/204394

DIVISION OF RESOURCES & GEOSCIENCE ADVICE RESPONSE

Rose-Anne Hawkeswood
Energy & Resource Assessments - Planning & Assessment Division
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Rose-Anne.Hawkeswood@planning.nsw.gov.au

Dear Rose-Anne

Project: Crescent Head Ilmenite Stockpile Project
Stage: Secretary's Environmental Assessment Requirements
Development Application: EAR 1180

I refer to your request dated 4 March 2020 inviting the Division of Resources & Geoscience to provide comments on the Crescent Head Ilmenite Stockpile Project (the Project) submitted by Greencoast Environmental Rehabilitation (the Proponent).

The Division has reviewed the information supplied in relation to the abovementioned Project and provides the following advice:

The Division requires that the Project's Environmental Impact Statement (EIS) refers to and includes all the requirements set out in the *Division of Resources and Geoscience Secretary's Environmental Assessment Requirements* (**Attachment 1**).

For further enquiries in relation to this matter, please contact the Assessment Coordination Unit – Resource Assessments on 02 4063 6534 or assessment.coordination@planning.nsw.gov.au.

Yours sincerely

Adam W. Banister
A/Manager Assessment Coordination
Resource Operations
Division of Resources & Geoscience
19 March 2020

for
Stephen Wills
Executive Director Resource Operations
Division of Resources & Geoscience

Responsibilities of the Resources Regulator

The Department of Planning, Industry and Environment - Planning & Assessment Division and the Proponent should be aware that matters pertaining to rehabilitation, environmental impacts of final landform design, mine operator and safety are not assessed by the Division and advice should be sought from the Resources Regulator.

The Mining Act Inspectorate within the Resources Regulator has responsibility for providing strategic advice for environmental issues pertaining to the proposed development in so far as they relate to or affect rehabilitation.

Mine Safety Operations within the Resources Regulator is responsible for ensuring mine operators manage the risk to worker health and safety though compliance with the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and the subordinate mining legislation. In particular the effective management of risk associated with the principal hazards as specified in the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

Division of Resources & Geoscience

Secretary's Environmental Assessment Requirements

for proposed development applications requiring consultation

Project	Crescent Head Ilmenite Project
Reference Number:	DOC20/204460
Issue date of SEARs:	18 March 2020
Type of Approval:	Mining operation - **open cut**
Proponent:	Greencoast Environmental Rehabilitation
DA Number:	EAR 1180
LGA:	Kempsey Shire
Mineral:	Ilmenite

This development may require an approval under the *Mining Act 1992* to be issued by the Division of Resources & Geoscience. The proponent must apply to the Division for the relevant approval (mining lease) during the development assessment process, or once consent has been granted, and before the commencement of any mining or ancillary activity.

A development application under the *Environmental Planning and Assessment Act 1979* must be approved before a mining lease can be granted. A mining lease will only be granted for activities specified in the development consent.

Environmental Impact Statement (EIS) requirements for mining

1. Project description

The Proponent is to supply a comprehensive overview and description of all aspects of the Project, including:

(a) Location map showing the project area, mining titles, nearest town/s, major roads etc.

(b) Status of all titles (including mining and exploration), and development consents in place and/or timeline to obtain necessary approvals.

(c) Nature of operation (e.g. underground, open cut) and ore mineral/s to be extracted.

2. Geology

The Proponent is to supply a summary of the geological components of the mineral resource, including:

(a) A brief description of the regional geology including a supporting map.

(b) Details of the ore and waste rock, including mineralogy and deleterious elements.

3. Mineral Resources and Ore Reserves

The Proponent is to supply the most recent resource and reserve statement. The Proponent should also provide a summary of the mineral resource classifications and justification for each category.

(a) Include a full and updated resource/reserve statement that has been prepared in accordance with the Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves of the Joint Ore Reserves Committee (the JORC code), or equivalent standard, to a minimum of Indicated Resource level of confidence. It is preferred that a significant amount of the resources are estimated to at least indicated or equivalent high-level of confidence.

The statement must contain:

- A breakdown of the mineralogy present (ilmenite, rutile, zircon)
- The TiO2 grade and tonnes of ilmenite.
- Percentages of marketable ilmenite vs waste (cut-off).

The Division understands that it may not be feasible to convert all Inferred Resources to Indicated (or higher) level of confidence. However, the Proponent needs to demonstrate that there are sufficient resources to support the majority of the initial life of mine production schedule. Any contribution from Inferred Resources to the schedule needs to be justified.

4. Resource extraction

The Proponent is to supply evidence that the resource extraction is sustainable and maximised. Such evidence will include:

(a) A summary of resources that may be sterilised or excluded, with justification.

(b) A summary of the processing and recovery methods.

(c) List all economic, environmental, geological, geotechnical and other constraints to the recovery of the resource/reserve impacting the Project.

5. Life of mine schedule

The Proponent must supply a life of mine production schedule for each year of operation of the mine and for the life of the Project. The production schedule is to include:

(a) Details of run-of-mine ore, low-grade ore-mineralised waste and waste rock tonnage planned to be extracted for each year and for the life of the Project, and an estimate of the saleable product produced for each year and the life of the Project.

(b) In terms of text, plans or charts, the EIS must clearly show the proposed extent and sequence of the development.

6. Project economics and target market

The Proponent is to supply an assessment of project economics including:

(a) Price forecasts by product type used by the Proponent. The Division requires these forecasts to analyse the Proponent's calculations of royalty value and export value.

(b) CAPEX & OPEX necessary for the Project broken down into the various sub-categories and equipment type.

(c) Estimates of employment generation broken down into direct, indirect, ongoing, construction and contract workers.

(d) Total royalty generated over the life of the Project.

The Division understands that an estimate of product split into individual market segments is difficult to estimate at a point in time and is dependent on market conditions as the life of the Project progresses, however the Division requires the Proponent to provide its best estimate of their market mix at the initial stages of the Project.

8. Spatial data

The Proponent is to supply the following shapefile(s) and/or coordinates to enable the Division's internal mapping and assessment of the project:

(a) The project/development application area(s).

(b) Discreet features within the project area, for example mine extraction area/pit, mine infrastructure area, ancillary water storage dam(s), tailings dam(s).

Discreet project features must be in separate files and labelled clearly to demarcate from the main project area. Data must be supplied in GDA 1994 MGA coordinate system, UTM projection and shape files in ESRI shape file format.

Spatial data is to be sent to assessment.coordination@planning.nsw.gov.au on submission of the EIS.

All above information should be summarised in the EIS, with full documentation appended. If deemed commercial-in-confidence, the resource summary included in the EIS must commit to providing the Division with full resource documentation via the Division's Resource and Economic Assessment process.

Standard mining development rehabilitation requirements

Post-mining land use

(a) Identification and assessment of post-mining land use options.

(b) Identification and justification of the preferred post-mining land use outcome(s), including a discussion of how the final land use(s) are aligned with relevant local and regional strategic land use objectives.

(c) Identification of how the rehabilitation of the project will relate to the rehabilitation strategies of neighboring mines within the region, with a particular emphasis on the coordination of rehabilitation activities along common boundary areas.

Rehabilitation objectives and domains

(d) Inclusion of a set of project rehabilitation objectives and completion criteria that clearly define the outcomes required to achieve the post-mining land use for each domain. Completion criteria should be specific, measurable, achievable, realistic and time bound. If necessary, objective criteria may be presented as ranges.

Rehabilitation methodology

(e) Details regarding the rehabilitation methods for disturbed areas and expected time frames for each stage of the rehabilitation process.

(f) Mine layout and scheduling, including maximising opportunities for progressive final rehabilitation. The final rehabilitation schedule should be mapped against key production milestones (i.e. ROM tonnes) of the mine layout sequence before being translated to indicative timeframes throughout the mine life. The mine plan should maximise opportunities for progressive rehabilitation.

Conceptual final landform design

(g) Inclusion of a drawing at an appropriate scale identifying key attributes of the final landform, including final landform contours and the location of the proposed final land use(s).

Monitoring and research

(h) Outlining the monitoring programs that will be implemented to assess how rehabilitation is trending towards the nominated land use objectives and completion criteria.

(i) Details of the process for triggering intervention and adaptive management measures to address potential adverse results as well as continuously improve rehabilitation practices.

(j) Outlining any proposed rehabilitation research programs and trials, including their objectives. This should include details of how the outcomes of research are considered as part of the ongoing review and improvement of rehabilitation practices.

Post-closure maintenance

(k) Description of how post-rehabilitation areas will be actively managed and maintained in accordance with the intended land use(s) in order to demonstrate progress towards meeting the rehabilitation objectives and completion criteria in a timely manner.

Barriers or limitations to effective rehabilitation

(l) Identification and description of those aspects of the site or operations that may present barriers or limitations to effective rehabilitation, including:

i. evaluation of the likely effectiveness of the proposed rehabilitation techniques against the rehabilitation objectives and completion criteria;

ii. an assessment and life of mine management strategy of the potential for geochemical constraints to rehabilitation (e.g. acid rock drainage, spontaneous combustion etc.), particularly associated with the management of overburden/interburden and reject material;

iii. the processes that will be implemented throughout the mine life to identify and appropriately manage geochemical risks that may affect the ability to achieve sustainable rehabilitation outcomes;

iv. a life of mine tailings management strategy, which details measures to be implemented to avoid the exposure of tailings material that may cause environmental risk, as well as promote geotechnical stability of the rehabilitated landform; and

v. existing and surrounding landforms (showing contours and slopes) and how similar characteristics can be incorporated into the post-mining final landform design. This should include an evaluation of how key geomorphological characteristics evident in stable landforms within the natural landscape can be adapted to the materials and other constraints associated with the site.

(m) Where a void is proposed to remain as part of the final landform, include:

i. a constraints and opportunities analysis of final void options, including backfilling, to justify that the proposed design is the most feasible and environmentally sustainable option to minimise the sterilisation of land post-mining;

ii. a preliminary geotechnical assessment to identify the likely long-term stability risks associated with the proposed remaining high wall(s) and low wall(s) along with associated measures that will be required to minimise potential risks to public safety; and

iii. outcomes of the surface and groundwater assessments in relation to the likely final water level in the void. This should include an assessment of the potential for fill and spill along with measures required be implemented to minimise associated impacts to the environment and downstream water users.

(n) Consideration of the controls likely to be required to either prevent or mitigate against rehabilitation risks as part of the closure plan for the site.

(o) Where an ecological land use is proposed, demonstrate how the revegetation strategy (e.g. seed mix, habitat features, corridor width etc.) has been developed in consideration of the target vegetation community(s).

(p) Where the intended land use is agriculture, demonstrate that the landscape, vegetation and soil will be returned to a condition capable of supporting this.

(q) Consider any relevant government policies[1].

The following risks have been identified that require the application of non-standard Assessment Requirements:

i. Tailings from mineral sand operations include residues with elevated radioactivity. It is unknown as to whether tailings from historic operations were disposed of on site and subsequently buried under the ilmenite stockpiles and that removal of stockpiles would expose potentially radioactive residues; and

ii. Inclusion of rehabilitation objectives and completion criteria that address radiological risks. This should include a radiological investigation.

[1] The following government policies should be considered when addressing rehabilitation issues:
- Mine Rehabilitation (Leading Practice Sustainable Development Program for the Mining Industry, 2006)
- Mine Closure and Completion (Leading Practice Sustainable Development Program for the Mining Industry, 2006)
- Strategic Framework for Mine Closure (ANZMEC-MCA, 2000)

Additional matters for attention

Biodiversity offsets

The Division requests that the Proponent consider potential resource sterilisation in relation to any proposed biodiversity offsets areas. Biodiversity offsets have the potential to preclude access for future resource discovery and extraction and could also potentially permanently sterilise access to mineral resources.

The EIS must therefore clearly illustrate the location (including offsite locations) of any biodiversity offsets being considered for the project and their spatial relationship to known and potential mineral and construction material resources and existing mining & exploration titles.

The Division requests consultation with both the Geological Survey of NSW – Land Use Assessment team and holders of existing mining and exploration authorities affected by planned biodiversity offsets. Evidence of consultation should be included in the EIS.

Mining Titles

The Division notes that this Project, as it currently stands, is located within the existing title area of Exploration Licence 8085 (Act 1992) (Attachment A).

As Ilmenite is a prescribed mineral under the *Mining Act 1992*, the Proponent must obtain the appropriate mining title(s), such as a mining lease, from the Division allowing for mineral extraction (Ilmenite) over the project extension area within EL 8085.

The EIS for a project should clearly identify existing mineral titles, mineral title applications and the final proposed mining lease area(s) for the project site and areas surrounding the proposed project area and address the environmental impacts and management measures for the mining and mining purpose activities as licensed under the *Mining Act 1992*.

A development application under the *Environmental Planning and Assessment Act 1979* must be approved before a mining lease can be granted. A mining lease will only be granted for activities and minerals specified in the development consent.

For ancillary mining activities a proponent holding a mining lease granted in respect of mineral/s may, in accordance with the lease conditions, carry out any ancillary mining activity on that land (see definition of ancillary mining activity in clause 7 of the Mining Regulations 2016).

There is a subset of ancillary mining activity that the legislation defines as 'designated ancillary mining activity' (defined in section 6(6) of the *Mining Act 1992*).

A proponent seeking to undertake designated ancillary mining activity on land inside the mining area must ensure that the mining lease granted in respect of mineral/s contains a condition allowing undertaking of this designated ancillary mining activity (Section 6(1) of the *Mining Act 1992*).

A proponent seeking to undertake a designated ancillary mining activity outside a mining area, but in the immediate vicinity of and that directly facilitates the mining lease in respect of mineral(s), must apply for one of the following:

1. A separate mining lease for the designated ancillary mining activity which authorises the carrying out of the activity. (This provides the holder with the right to access the mining area to undertake the ancillary mining activity, however does not provide the holder with the right to mine).
2. A condition on an existing mining lease that regulates the carrying out of the designated ancillary mining activity in an off-title area. (See section 6(2) of the *Mining Act 1992*). The ancillary mining activity condition will include the survey plan of the designated ancillary mining activity area on which the designated ancillary mining activity is (or is proposed to be) located.

Appendices

Appendix A – Crescent Head Ilmenite Project - Diagram (DOC20/323105).

Approvals

Position	Approval	Date
Approving Officer: Adam W. Banister Acting Manager Assessment Coordination Resource Operations (02) 4063 6534	Approved in CM9	19 March 2020

Crescent Head Ilmenite Project Area

Planning, Industry & Environment

Our Ref: DOC20/184961
Your Ref: EAR 1180

Energy and Resources
Department of Planning Industry and Environment
GPO Box 39
Sydney NSW 2001

Attention: Ms Rose-Anne Hawkeswood

Dear Ms Hawkeswood

Re: Request for Biodiversity and Conservation Division's Environmental Impact Statement Environmental Assessment Requirements – Crescent Head Ilmenite Stockpile Rehabilitation Project EARs ID 1180

Thank you for your e-mail dated 4 March 2020 about the Crescent Head ilmenite stockpile rehabilitation project, revision to Secretary's Environmental Assessment Requirements (SEARS) seeking Environmental Assessment Requirements (EARs) from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), Aboriginal cultural heritage, National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

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 Biodiversity and Conservation Division are limited to Aboriginal cultural heritage, biodiversity, NPWS estate, acid sulphate soils, flooding, stormwater and coastal erosion.

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.

In particular, the EIS should address the following matters.

<u>Aboriginal cultural heritage</u>

The OEH advises that there is a high concentration of evidence of past Aboriginal occupation in the area around the subject lands, so any assessment for this proposal should consider the views of those Aboriginal people who have a documented interest in the project area and its immediate surrounds.

1. The Aboriginal cultural heritage assessment must consider;
    a. potential harm to Aboriginal cultural heritage values associated with direct or indirect impacts of the proposal, and

b. past mining practices, to determine the potential for Aboriginal objects to be present within the project area in a disturbed context within the discard pile.

Biodiversity

2. The proposal involves the clearing of native vegetation as prescribed by clause 6.1 of the Biodiversity Conservation Regulation 2017 on land included on the Biodiversity Values Map published under clause 7.3 of the Regulation. The EIS must be accompanied by a Biodiversity Development Assessment Report prepared in accordance with Part 6, Division 3 of the *Biodiversity Conservation Act 2016*.

Goolawah Reserve Trust

The subject lands are included within the Goolawah Reserve Trust, a Crown Reserve administered by the Minister for the Environment, gazetted 16 April 2010.

3. The EIS, must include consultation with the National Parks and Wildlife Service (NPWS) and clearly document the role of NPWS in the management of Goolawah Reserve Trust, especially as it relates to the management of the subject lands and the standards of rehabilitation and reporting which may apply.

NPWS Estate - Goolawah National Park.

4. The EIS must clearly document any potential or likely impacts, both direct and indirect on the adjoining NPWS Estate - Goolawah National Park, with reference to the *Guidelines for developments adjoining land managed by the Office of Environment and Heritage*. This assessment of impacts is to include documented consultation with the Macleay Area Office of National Parks and Wildlife Service, the office can be contacted on 6561 6700 or via email at npws.macleay@environment.nsw.gov.au

We consider that 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 Bill Larkin, Senior Conservation Planning Officer, at bill.larkin@environment.nsw.gov.au or 6659 8216.

Yours sincerely

Dimitri Young 20 March 2020

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

Enclosures:
Attachment 1 - BCD Recommended EARs – EIS – Crescent Head Ilmenite Stockpile Rehabilitation Project EAR 1180

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

Crescent Head Ilmenite Stockpile Rehabilitation Project

EAR 1180

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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. appropriate 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 the following environmental issues should be assessed, quantified and reported on:

- Aboriginal cultural heritage
- Biodiversity
- NPWS Estate (land reserved or acquired under the *National Parks and Wildlife Act 1974*)
- Acid Sulfate Soils
- Flooding, Stormwater and Coastal Erosion
- Cumulative Impacts

The EIS 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 is at **Attachment 2**.

C. Aboriginal Cultural Heritage

The EIS should contain:

1. A description of the Aboriginal objects and declared Aboriginal places located within the area of the proposed development.

2. A description of the cultural heritage values, including the significance of any Aboriginal objects and/or declared Aboriginal places, that exist across the whole area that will be affected by the proposed development, and the significance of these values for the Aboriginal people who have a cultural association with the land.

3. A description of any consultation with Aboriginal people on the proposed development and the significance of any Aboriginal cultural heritage values identified through that consultation. The Biodiversity and Conservation Division advises that the proponent may utilise the former OEH's *Aboriginal Consultation Requirements for Proponents 2010* as best practice guidelines for such consultation (these requirements for consultation must be followed if the proposed development requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing).

4. The views of those Aboriginal people regarding the likely impact of the proposed development on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and the proponent's response.

5. A description of the actual or likely harm posed to the Aboriginal objects and/or declared Aboriginal places from the proposed development, with reference to the cultural heritage values identified.

6. A description of any practical measures that may be taken to protect and conserve those Aboriginal objects and/or declared Aboriginal places.

7. A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm, to those Aboriginal objects and/or declared Aboriginal places.

In addressing these requirements, the proponent may refer to the following documents:

a. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (OEH, 2010) - www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf. These guidelines identify a process that could be used to prepare Aboriginal cultural heritage assessments for development proposals assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*.

b. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH, 2010) - www.environment.nsw.gov.au/licences/consultation.htm. This document further explains the consultation requirements that are set out in clause 80C of the *National Parks and Wildlife Regulation 2009*. The process set out in this document must be followed and documented in the EIS if the proposed development requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing.

c. *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) - www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires archaeological testing to be undertaken.

Notes:

- An Aboriginal Site Impact Recording Form (http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm) must be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through archaeological investigations required or permitted through these environmental assessment requirements.

- Under section 89A of the *National Parks and Wildlife Act* 1974, it is an offence for a person not to notify the Biodiversity and Conservation Division of the location of any Aboriginal object the person becomes aware of, not already recorded on the Aboriginal Heritage Information Management System (AHIMS). An AHIMS Site Recording Form should be completed and submitted to the AHIMS Registrar (http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm), for each Aboriginal site found during investigations.

D. 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:

      I. Should include 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* https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf

         b. *Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians* (DECC, 2009) http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf

         c. *NSW Guide to Surveying Threatened Plants* (OEH 2016) https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/guide-surveying-threatened-plants-160129.pdf

         d. *"Species credit' threatened bats and their habitats* *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), 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. Should include 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 persons 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. Must include 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.

E. NPWS Estate

The EIS should address the following with respect to land reserved under the *National Parks and Wildlife Act 1974*.

1. Where appropriate, likely impacts (both direct and indirect) of the proposed development on any adjoining and/or nearby NPWS estate reserved under the *National Parks and Wildlife Act 1974* should be considered, with reference to the *Guidelines for developments adjoining land managed by the Office of Environment and Heritage* (OEH, 2013) available at:

   http://www.environment.nsw.gov.au/resources/protectedareas/development-land-adjoining-130122.pdf

Note: Proposed development which may impact marine protected areas should be referred to the Regions, Industry, Agriculture and Resources Group in the Department of Planning, Industry and Environment to determine the assessment and approval requirements.

F. Acid Sulfate Soils

The EIS should address the following:

1. The potential impacts of the proposed development on acid sulfate soils must be assessed in accordance with the relevant guidelines in the Acid Sulfate Soils Manual (Stone et al. 1998) and the Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004).

2. The mitigation and management options that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposed development and to reduce risks to human health and prevent the degradation of the environment must be described, including include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

G. Flooding, Stormwater and Coastal Erosion

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

1. The potential effect of coastal processes and coastal hazards including potential impacts of sea level rise:

    a. on the proposed development; and

    b. arising from the proposed development.

2. Whether the proposed development is consistent with any coastal zone management plans.

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

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

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

6. 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.

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

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

9. 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.

10. 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.

H. 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	
Coastal Protection Act 1979	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+13+1979+cd+0+N
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
Floodplain Development Manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
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
Biodiversity Conservation Act 2016	https://www.legislation.nsw.gov.au/~/view/act/2016/63
Biodiversity Conservation Regulation 2017	https://www.legislation.nsw.gov.au/~/view/regulation/2017/432
Biodiversity Conservation (Savings and Transitional) Regulation 2017	https://www.legislation.nsw.gov.au/~/view/regulation/2017/433
Water Management Act 2000	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
Aboriginal Cultural Heritage	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	http://www.environment.nsw.gov.au/licences/consultation.htm
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	http://www.environment.nsw.gov.au/licences/archinvestigations.htm
Aboriginal Site Impact Recording Form	http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm
Aboriginal Heritage Information Management System (AHIMS) Registrar	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm

Biodiversity

Biodiversity Assessment Method (OEH 2017)	http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Biodiversity Assessment Calculator	https://www.lmbc.nsw.gov.au/bamcalc
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians (DECCW, 2009)	http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf
Species credit *threatened* bats and their habitat – NSW survey guide for the Biodiversity Assessment Method (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
NSW Guide to Surveying Threatened Plants (OEH 2016)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/guide-surveying-threatened-plants-160129.pdf
Field survey methods	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf
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
Threatened Species website	http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species
Atlas of NSW Wildlife	http://www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification (NSW Vegetation Classification System)	http://www.environment.nsw.gov.au/research/Visclassification.htm
PlantNET	http://plantnet.rbgsyd.nsw.gov.au/
Online Zoological Collections of Australian Museums	http://www.ozcam.org/
Threatened Species Assessment Guidelines: the Assessment of Significance (DECC 2007)	http://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-assessment-guidelines
Principles for the use of biodiversity offsets in NSW	http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm

NPWS Estate

Land reserved or acquired under the NPW Act

List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx

NPWS Revocation of Land Policy	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/protectedareas/10509devadjdeccw.pdf

Water and Soils

Acid sulphate soils

Acid Sulfate Soils Planning Maps	http://canri.nsw.gov.au/download/
Acid Sulfate Soils Manual (Stone et al. 1998)	Manual available for purchase from: http://www.landcom.com.au/whats-new/the-blue-book.aspx Chapters 1 and 2 are on DPI's Guidelines Register at: Chapter 1 Acid Sulfate Soils Planning Guidelines: http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf Chapter 2 Acid Sulfate Soils Assessment Guidelines: http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.derm.qld.gov.au/land/ass/pdfs/lmg.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.

Flooding and Coastal Erosion

Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.dnr.nsw.gov.au/floodplains/manual.shtml
Guidelines for Preparing Coastal Zone Management Plans	http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
Climate Change Impacts and Risk Management	http://www.environment.gov.au/climate-change

Water

Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf