

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD-24937520
Project Name	<p>The Liddell Future Land Use and Enabling Works Project which includes:</p> <ul style="list-style-type: none"> • demolition of the Liddell Power Station and redundant associated infrastructure; • rehabilitation of landform and revegetation of the Liddell Power Station site; • construction and use of a landfill to dispose of asbestos containing material from the demolition of the power station; • construction and use of a borrow pit area; and • surrender and consolidation of existing development consents.
Location	Liddell Power Station, located along the New England Highway near Muswellbrook in the Muswellbrook local government area.
Applicant	AGL Macquarie Pty Limited
Date of Issue	13/09/2021
General Requirements	<p>The Environmental Impact Statement (EIS) must comply with the requirements in Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).</p> <p>In particular, the EIS must include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> • a stand-alone executive summary; • a full description of the project, including: <ul style="list-style-type: none"> - all components, materials and activities required to construct the project; - site plans and maps at an adequate scale showing: <ul style="list-style-type: none"> - the location and dimensions of all project components; and - existing infrastructure, land use, and environmental features in the vicinity of the project (including any other existing, approved or proposed infrastructure in the region); - likely staging or sequencing of the project, including demolition and rehabilitation; • the likely interactions between the project and any other existing, approved

	<ul style="list-style-type: none"> • or proposed projects in the vicinity of the site; • a description of any infrastructure that would be required for the project that is the subject of a separate approval process; • strategic context of the project in regard to the Australian electricity market and land use transition within the region; • a justification for the proposed project as opposed to other alternatives; • statutory context for the project, including: <ul style="list-style-type: none"> - how the project meets the provisions and objectives of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) and EP&A Regulation; - consideration of the project against all relevant environmental planning instruments; and - any approvals that must be obtained before the project can commence; • an assessment of the likely impacts of the project on the environment, focusing on the specific issues identified below, including: <ul style="list-style-type: none"> - a description of the existing environment likely to be affected by the project using sufficient baseline data; - a description of how the project has been designed to avoid and minimise impacts; and - an assessment of the potential impacts of the project, including any cumulative impacts, and taking into consideration relevant guidelines, policies, plans and industry codes of practice; • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; • detailed reconciliation of conditions that remain active under the existing development consents proposed to be surrendered that would require to be incorporated into a consolidated consent, including any supporting evidence; • an evaluation of the project as a whole having regard to: <ul style="list-style-type: none"> - relevant matters for consideration under the EP&A Act including ecologically sustainable development; - the strategic need and justification for the project; - feasible alternatives to the project (and its key components), including the consequences of not carrying out the project; and - the biophysical, economic and social costs and benefits of the project. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV; • an estimate of jobs that will be created during the construction and operational phases of the proposed development; and • certification that the information provided is accurate at the date of preparation.
<p>Key issues</p>	<p>The level of assessment of likely impacts should be commensurate with the significance or degree or extent of impact within the context of the proposed location and surrounding environment, and having regard to applicable NSW Government policies and guidelines.</p> <p>In particular, the EIS must address the following matters:</p>

- **Future Land Use** – including:
 - evaluation of potential future land uses on the site considering local and regional strategic plans and opportunities to maximise the range of possible future uses through remediation and rehabilitation of the site;
 - justification for selection of the remediation methodology and rehabilitation strategy and the suitability of the proposed remedial and rehabilitation strategies for achieving the preferred final land use(s);
 - details of any restrictions on future development of the land and liabilities for on-going management of residual contamination or discharges from site;
 - if relevant, details of the long-term strategy for funding the maintenance of any residual contamination or discharges;
 - details of engagement with the local community in selecting the preferred final land use.
- **Soils and Contamination** – including:
 - characterisation of the nature and extent of contaminated soil and groundwater, informed by sampling in accordance with relevant guidelines for areas accessible prior to the commencement of construction;
 - provision of sufficient information / evidence to allow consideration of contamination and remediation of the site as required under clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land*;
 - a strategy to identify the nature and extent of contaminated soil and groundwater for areas not accessible prior to the commencement of construction
 - details of the asbestos disposal facility design and integrity in accordance with best practice industry standard guidelines such as the EPA's *Environmental Guidelines: Solid Waste Landfills* and management of asbestos waste as required under the *Protection of the Environment Operations (Waste) Regulation 2014*
 - an assessment of potential impacts to soil and land resources (including erosion risks or hazards); and
 - a description of the measures that would be implemented to avoid or mitigate impacts;
- **Demolition management** – including a description of all demolition activities proposed during each stage of the development. This must:
 - provide details of the proposed demolition process and techniques, structures to be demolished, a program for the sequencing of demolition, and details of materials handling and management;
 - detail any hazardous materials or contaminants of concern contained within all structures proposed for demolition and how these materials will be appropriately managed; and
 - address contamination, human health, air quality, noise and vibration, traffic management, heritage, soil and water and waste impacts and how these impacts will be mitigated and managed;
- **Rehabilitation and Final Landform** – including a Rehabilitation Strategy providing:
 - rehabilitation objectives for the development;
 - a detailed description of how the site would be progressively rehabilitated, revegetated and integrated into the surrounding landscape;
 - a conceptual final landform design that is free draining, safe, stable and non-polluting; and

- a justification for the proposed final landform and use, taking into consideration any relevant strategic land use planning.
- **Hazards and Risks** – including:
 - a preliminary risk screening completed in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33* (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the development is “potentially hazardous” a preliminary hazard analysis (PHA) must be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* (DoP, 2011) and *Multi-Level Risk Assessment* (DoP, 2011);
 - an assessment of bushfire risk;
- **Water** – including:
 - a detailed description of baseline surface and groundwater conditions
 - Identify relevant NSW Water Quality Objectives for surface and groundwater
 - an assessment of the potential impacts of the development on the quantity and quality of the region’s ground and surface water resources, connectivity between water sources, water-dependent assets, water-related infrastructure, other water users and flooding;
 - Describe the proposed management and use of water by the development, including:
 - a detailed and consolidated site water balance;
 - control of clean water, including details of any clean water diversion structures;
 - management of stormwater and any water which is excess to the consumptive requirements of the development;
 - management of any leachate
 - details of water storage facilities, volume estimates and fit-for-purpose water reuse potential;
 - procedures for responding to incidents, including identification of trigger values; and
 - identification of discharge points, anticipated frequency, volume and characterisation of water discharged (including pollutants)
 - identify any water licensing requirements under the *Water Act 1912* or *Water Management Act 2000*;
- **Biodiversity** – including:
 - an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with the NSW *Biodiversity Conservation Act 2016*, the Biodiversity Assessment Method (BAM 2020) and documented in a Biodiversity Development Assessment Report (BDAR); and
 - the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM;
- **Heritage** – including:
 - an assessment of the likely Aboriginal impacts of the project in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010), including adequate consultation with Aboriginal stakeholders having regard to the

	<p><i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (OEH, 2010);</p> <ul style="list-style-type: none"> - an assessment of likely non-Aboriginal heritage impacts of the project • Air Quality – including: <ul style="list-style-type: none"> - an assessment of the likely air quality impacts of the project in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i> (EPA, 2016), including an assessment of scenarios where the project operates on diesel fuel; - demonstration of compliance with the relevant regulatory framework, specifically the <i>Protection of the Environment Operations Act 1997</i> and the <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i>; and - an assessment of the likely greenhouse gas impacts of the project; • Noise and Vibration – including: <ul style="list-style-type: none"> - assessment of the likely construction noise impacts of the project under the <i>Interim Construction Noise Guideline</i> (DECCW, 2009); - an assessment of the likely operational noise impacts of the project under the <i>NSW Noise Policy for Industry</i> (EPA, 2017); - an assessment of the likely road noise impacts of the project under the <i>NSW Road Noise Policy</i> (EPA, 2011); and - an assessment of the likely vibration amenity and structural impacts of the project under <i>Assessing Vibration: A Technical Guideline</i> (DEC, 2006) and <i>German Standard DIN 4150-3 Structural Vibration – effects of vibration on structures</i>; • Transport – including: <ul style="list-style-type: none"> - an assessment of the transport impacts of the project on the capacity, condition, safety and efficiency of the local and State road network; - an assessment of the likely transport impacts to the site access route and site access point having regard to Oversized or Over mass vehicles (if required); - 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 authorities (if required). • Waste – including estimates of the quantity and nature of the waste streams that would be generated by the project and any measures that would be implemented to minimise, manage or dispose of these waste streams. • Visual – including an assessment of the likely visual and landscape character impacts of the project on the amenity of the surrounding area and private residences in the vicinity of the project; and • Socio-Economic – an assessment of the social impacts of the project, prepared in accordance with the Department’s <i>Social Impact Assessment Guideline For State Significant Developments</i> (July 2021) (subject to transitional arrangements), including the likely impacts on the local community, demands on Council infrastructure and consideration of construction workforce accommodation.
<p>Plans and Documents</p>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p>

Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State and Commonwealth Government authorities, infrastructure and service providers, community groups and affected landowners.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these have been considered and addressed</p>
Expiry Date	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>
References	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.</p>

ATTACHMENT 1

Environmental Planning Instruments, Policies, Guidelines & Plans

Please also refer to the Department's Policies and Guidelines including strategic plans and guidelines at:
<https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines>

Water	
Groundwater	NSW State Groundwater Policy Framework Document and component policies (DPI)
	Relevant Water Sharing Plans
	NSW Aquifer Interference Policy 2012 (DPI)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for Development in the Drinking Water catchments (Hunter Water, 2017)
Surface Water	NSW State Rivers and Estuary Policy (DPI Water)
	NSW Government Water Quality and River Flow Objectives at http://www.environment.nsw.gov.au/ieo/
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC, 2006)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DECC, 2008)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Technical Guidelines: Bunding & Spill Management (EPA)
NSW Guidelines for Controlled Activities (various) (DPI)	
Contamination	
	State Environmental Planning Policy No. 55 – Remediation of Land
	Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (EPA)
	Consultants reporting on contaminated land: Contaminated Land Guidelines (EPA, 2020)
	Guidelines for Consultants Reporting on Contaminated Sites (EPA)
	Contaminated Sites Sampling Design Guidelines 1995 (EPA)
	Sampling Design Guidelines (EPA, 1995 and, National Environment Protection (Assessment of Site Contamination) Measure 1999
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (with amendment April 2013)
	Acid Sulfate Soils Manual (OEH)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (EPA)
	Environmental Guidelines: Solid Waste Landfills (EPA)

Guidelines for the NSW Site Auditor Scheme – 3rd Edition (EPA, 2017);
Guidelines on the Duty to Report Contamination under the Contaminated Land
Management Act
1997 (EPA, 2015)

Land and Soils

Managing Urban Stormwater: Soils & Construction (Landcom)

Australian and New Zealand Guidelines for the Assessment and Management of
Contaminated Sites (ANZECC & NHMRC)

National Environment Protection (Assessment of Site Contamination) Measure 1999
(with amendment April 2013)

Guidelines for developments adjoining land and water managed by the Department of
Environment, Climate Change and Water (DECCW, 2010)

The land and soil capability assessment scheme: Second approximation (OEH)

Guidelines for Surveying Soil and Land Resources (CSIRO)

Australian Soil and Land Survey Handbook (CSIRO)

Soil and Landscape Issues in Environmental Impact Assessment (DPI)

Biodiversity

Biodiversity Assessment Method 2020 (OEH)

Biosecurity Act 2015

Policy and Guidelines for Fish Habitat Conservation and Management – Update (DPI,
2013)

NSW State Groundwater Dependent Ecosystem Policy (DPI Water)

Risk Assessment Guidelines for Groundwater Dependent Ecosystems (DPI Water)

Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway
Crossings (DPI)

Fisheries Management Act 1994

Heritage

The Burra Charter (The Australia ICOMOS charter for places of cultural significance)

Guide to investigating, assessing and reporting on Aboriginal cultural heritage in
NSW (OEH, 2011)

Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
(DECCW, 2010)

Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW
(OEH)

NSW Heritage Manual (Heritage Office and Department of Urban Affairs and
Planning, 1994)

Assessing Heritage Significance (NSW Heritage Office, 2001)

Statements of Heritage Impact (Heritage Office and Department of Urban Affairs and
Planning, 2002)

Air

Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA
2016)

Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC,
2005)

Technical Framework – Assessment and Management of Odour from Stationary
Sources in NSW (DEC, 2006)

National Greenhouse Accounts Factors (Commonwealth)

Noise, Vibration and Blasting

NSW Noise Policy for Industry (EPA)

NSW Road Noise Policy and associated Application Notes (EPA)

Interim Construction Noise Guideline (DECCW, 2009)

Assessing Vibration: a Technical Guideline (DEC, 2006)

German Standard DIN 4150-3: Structural Vibration – effects of vibration on structures

Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC, 1990)

Transport

Road and Related Facilities within the Department of Planning EIS Guidelines

Guide to Traffic Generating Projects (RMS)

Road Design Guide (RMS) & relevant Austroads Standards

Austroads Guide to Traffic Management Part 12: Traffic Impacts of Project

Hazards and Risks

State Environmental Planning Policy No. 33 – Hazardous and Offensive Project

Hazardous and Offensive Project Application Guidelines – Applying SEPP 33

Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning

Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis

Hazardous Industry Planning Advisory Paper No. 11 – Route Selection

Planning for Bushfire Protection (NSW RFS)

Visual

AS4282-1997 Control of the obtrusive effects of outdoor lighting

Waste

Waste Classification Guidelines (EPA)

NSW Asbestos Waste Strategy 2019-21

Codes of Practice – How to Safely Remove Asbestos – Safework NSW

Environmental Planning Instruments – General

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Infrastructure) 2007

Muswellbrook Local Environmental Plan 2009

Relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>)
