

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-30956841
Project Name	Crescent Head Ilmenite Stockpile Rehabilitation Project
Location	Lot 2281/DP 115793 within Kempsey Shire
Applicant	GREENCOAST ENVIRONMENTAL REHABILITATION PTY LTD
Date of Issue	02/12/2021
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> • an executive summary; • a full description of the development, including: <ul style="list-style-type: none"> - a description of the geological setting and mineralogy of the stockpile material; - 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 • an evaluation of the project as a whole having regard to: <ul style="list-style-type: none"> – the requirements in Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>, including the principles of ecologically sustainable development;

	<ul style="list-style-type: none"> – the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and – – the strategic need and justification for the development, having regard to the relevant NSW and national policies and guidelines; – feasible alternatives to the development (and its key components), including the consequences of not carrying out the development; and – the biophysical, economic and social costs and benefits of the development; <ul style="list-style-type: none"> • a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading. <p>The EIS must also be accompanied by a report from a suitably qualified person that:</p> <ul style="list-style-type: none"> – includes an accurate estimate of the capital investment value of the development (as defined in Clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>), including details of all the assumptions and components from which the capital investment value calculation is derived. The report must be prepared on company letterhead and indicate the applicable GST component of the CIV; – an estimate of the number of jobs that will be created during the construction of the development; and – certification that the information provided is accurate at the date of preparation.
Key issues	<p>The level of assessment of likely impacts should be commensurate with the significance or degree or extent of impacts within the context of the proposed location and surrounding environment, and have regard to applicable NSW Government policies and guidelines;</p> <p>In particular, the EIS must address the following matters:</p> <ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> – an assessment of the biodiversity values and the likely biodiversity impacts of the development in accordance with the <i>Biodiversity Conservation Act 2016</i> (NSW), the <i>Biodiversity Conservation Regulation 2017</i> (NSW) and the Biodiversity Assessment Method (BAM), and must be documented in a Biodiversity Development Assessment Report (BDAR); – the BDAR must document the application of the avoid, minimize and offset framework, including assessing all direct, indirect and prescribed impacts in accordance with the BAM. • Water – including: <ul style="list-style-type: none"> – 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; – a detailed site water balance for the project and a description of the water demands and identification of a water supply for the life of the project, and any water licensing requirements; and – a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with <i>Managing</i>

	<p><i>Urban Stormwater: Soils & Construction</i> (Landcom 2004);</p> <ul style="list-style-type: none"> • Heritage – including: <ul style="list-style-type: none"> – an assessment of the likely Aboriginal impacts of the development in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NEW South Wales (DECCW, 2010), including adequate consultation with the local Aboriginal community having regard to the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i>; – an assessment of likely non-Aboriginal heritage impacts of the project • 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 <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>; • 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 <i>Noise Policy for Industry 2017</i>, 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 PM₁₀ 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 <i>NSW Radiation Control Action 1990</i> and <i>Radiation Control Regulation 2013</i>, and the proposed measures for management and handling of any radioactive material
Plans and Documents	<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> <p>In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>

Engagement	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guide: Guidance for State Significant Projects</i>. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project.</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>

Land	
	Australian Soil and Land Survey Handbook (CSIRO)
	Guidelines for Surveying Soil and Land Resources (CSIRO)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)
	Soil and Landscape Issues in Environmental Impact Assessment (DPI)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Agricultural Land Classification (DPI)
	Rural Land Capability Mapping (OEH)
	The land and soil capability assessment scheme: second approximation (OEH)
Water	
	NSW Aquifer Interference Policy 2012 (DPI)
	NSW Guidelines for Controlled Activities (various) (DPI)
	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)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)

	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (DECC)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities (NOW)
Flooding	Floodplain Management Plan (DPI Water)
	Floodplain Development Manual (OEH)
	Floodplain Risk Management Guideline (OEH)
Biodiversity	
	Biodiversity Assessment Method (OEH)
	Threatened Species Assessment Survey and Guidelines (various - OEH)
	Biosecurity Act 2015
	Developments adjacent to National Parks and Wildlife Service Lands
	Policy and Guidelines for Fish Habitat Conservation and Management (DPI)
	NSW State Groundwater Dependent Ecosystem Policy (DPI Water)
	NSW Biodiversity Offsets Policy for Major Projects, Fact Sheet: Aquatic Biodiversity
Heritage	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW)
	Code of Practice for Archaeological Investigations of Objects in NSW (DECCW)
	Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW)
	Assessing Heritage Significance (NSW Heritage Office, 2001)
Noise	
	Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Developments (DPE)

	NSW Noise Policy for Industry (EPA)
	NSW Road Noise Policy (EPA)
	Environmental Noise Management – Assessing Vibration: a Technical Guideline (DEC)
Air Quality	
	Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Developments (DPE)
	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)
	National Greenhouse Accounts Factors (Commonwealth)
Lighting and Visual	
	AS4282-1997 Control of the obtrusive effects of outdoor lighting
Transport	
	Guide to Traffic Generating Developments (RTA)
	Road Design Guide (RMS) & relevant Austroads Standards
	Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and RMS Supplements to Austroads
Hazards and Risks	
	Australian Dangerous Goods Code
	NSW Radiation Control Action 1990
	Radiation Control Regulation 2013
	Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Socio-Economic	
	Social Impact Assessment Guideline: For State Significant Mining, Petroleum Production and Extractive Industry Development (DPE) or SIA new guidelines issued by the Department of Planning, Industry and Environment and applied subject to transitional arrangements.
Resource	
	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore

Reserves 2012 (JORC)

Waste	
	Waste Classification Guidelines (EPA)
	Protection of the Environment Operations (Waste) Regulation 2014
	Environmental Guidelines: Solid Waste Landfills (EPA)
	Tailings Management – Leading Practice Sustainable Development Program for the Mining Industry (Australian Government)
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)
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Integrated Mine Closure: Good Practice Guide (ICMM, 2019)
	Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure – Revision 1 (ANCOLD, July 2019)
Environmental Planning Instruments	
	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
	State Environmental Planning Policy (Rural Lands) 2008
	State Environmental Planning Policy (Koala Habitat Protection) 2019
	State Environmental Planning Policy No. 55 – Remediation of Land
	State Environmental Planning Policy No 33 – Hazardous and Offensive Development
	State Environmental Planning Policy (Coastal Management) 2018
	Kempsey Local Environmental Plan 2013