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MKJ:MKJ

3 November 2017

Resource and Energy Assessments
NSW Planning & Environment
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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:

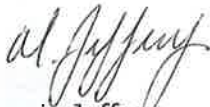
- (a) Potential contamination of the site. Council's records indicate that advice was received from NSW Department of Health in June 1984, that the site was 'classified as requiring removal of radioactive material before future development'. Council has no records of any decontamination or the removal 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

Ref: T6-20-207
SRR:SRR

31 August 2020

GREENCOAST ENVIRONMENTAL REHABILITATION
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Dear Sir/Madam

DEVELOPMENT APPLICATION T6-20-207
Lot 2281 DP1153793, POINT PLOMER ROAD , CRESCENT HEAD
REMOVE STOCKPILE OF WASTE ILMENITE TO NATURAL GROUND LEVEL AND
REHABILITATE SITE

Dear Sir/Madam

PROPOSAL: Extractive Industry - Ilmenite Stockpile Recovery and Rehabilitation
PROPERTY: Lot 2281 DP1153793, Point Plomer Road, Crescent Head

Thank you for your recent submission relating to the above proposed development. It has been identified that critical information has not been provided which is necessary to properly consider the proposal:

1 **Environmental Impact Statement**

A revised Environmental Impact Statement (EIS) is required, including (but not limited to):

a) **SEARs**

The EIS uses expired Planning Secretary's Environmental Assessment Requirements (SEARs). It is understood that updated SEARs have been issued by NSW Department of Planning, Industry and Environment. The EIS must be revised to include and address only current/valid SEARs.

Further, the current responses to the SEARs items are not sufficient. Many of the responses are simple references to another Act or Regulation, without any context or detail. Sufficient detail must be provided which demonstrates proper consideration of each item.

b) **Matters for Consideration**

The EIS does not address many of the matters for consideration identified in s4.15(1) of the *EPA Act 1979*. These include the *Kempsey LEP 2013*; the *Kempsey DCP 2013*; various SEPPs; etc. Sufficient detail must be provided which demonstrates proper consideration of each relevant EPI/DCP.

c) **Radiation**

The EIS does not contain sufficient information to satisfy Council as to the potential hazards of mining and hauling potentially radioactive materials. Council has concerns regarding public exposure, including impacts in the immediate area due to wind and truck tyres carrying materials off the site once its exposed; and also materials lost from the load (spillage, dust) along the haul route through Crescent Head.

Additionally, there is a conflict of interest with the radiation testing/reporting being carried out by the proponent company. Please use independent consultants for the entire process.

- d) **Stockpiling Site**
Demonstrate that the stockpiling location in South Kempsey has development consent for this proposed land-use. If there is not sufficient consent, then consent must be gained. Assessment would be needed for all potential impacts of stockpiling, including the potential impacts of trucks and wind carrying the materials offsite (e.g., radiation hazard, dust nuisance, etc.).
- e) **Rehabilitation**
The proposed rehabilitation is predominantly re-grassing the site after the stockpiles have been removed. This is not sufficient and needs to be revised.
- f) **Community Engagement**
A local community meeting is encouraged by Council, but the specific location should be reconsidered. Some members of the community may not wish to visit the site for fears of the potential radioactive nature of the materials. A local off-site location should be considered for this meeting.

2 **Integrated Referrals**

The application fails to identify the various Integrated Development referrals. Please identify each in the manner prescribed by Clause 3 of Schedule 2 of the *EPA Regulation 2000*.

3 **Fees**

Further fees paid to Council, totalling \$249.00 plus any necessary integrated development fees as detailed in Point 2 above.

Please submit all the information within two (2) months (i.e., by 31 October 2020). If you need additional time to provide the information, please contact me to request an extension of time.

Please note that the absence of critical information (especially information identified in Schedule 1 and 2 of the *EPA Regulation 2000*) means the Development Application has not been properly made. As such:

- For the purposes of Section 8.11 of the *EPA Act 1979*, the time taken to determine your application has not yet commenced and will not commence until all the above information has been submitted to Council; and
- The application has not yet been advertised to the community or referred to other agencies. Once all of the above information has been submitted, the Development Application will be considered properly made and these processes can commence.

Should you have any questions please give me a call on (02) 6566-3331 or send an email to shane.reinhold@kempsey.nsw.gov.au

Yours faithfully



Shane Reinhold
Coordinator Development Assessment (Acting)
OPERATIONS & PLANNING