



DOC21/9864-3

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By Major Projects Planning Portal

Dear Ms Hawkeswood

10 November 2021

**SEARs Advice Request – SSD 30956841 – Crescent Head Ilmenite Stockpile Rehabilitation**

Thank you for the request for advice from the NSW Environment Protection Authority (EPA) on the draft SEARs for the proposed Crescent Head Ilmenite Stockpile Rehabilitation (Application SSD – 30956841) located on Crown Land within Lot 2281 DP 115793.

The proposal is intended to recover the abandoned ilmenite resource for sale to the export market and achieve site rehabilitation whereby the natural development of coastal hind-dune forest typical of the region is achieved.

The draft SEARs submitted to the EPA for review appear to adequately address environmental aspects associated with the proposal, including referencing appropriate NSW environmental policies and guidelines which must be taken into account when the Environmental Impact Statement (EIS) is prepared for the proposal. The EPA supports the draft SEARs as presented being finalised and issued to the proponent.

The information provided to NSW Planning in response to EAR ID No. 1180 (Our reference DOC17/518479-03) in a letter dated 13 November 2017 continue to remain relevant to the proposal now being progressed. A copy of that letter is included with this response for your reference.

Given the proposal is being undertaken on Crown Land the EPA will be the appropriate regulatory authority (ARA) for environmental issues associated with throughout the life of the project, including any compliance aspects in respect to the *Protection of the Environment Operations Act 1997*.

Based on the information provided, the proposal does not appear to require an environment protection licence under the *Protection of the Environment Operations Act 1997*.

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Please continue to consult with the EPA as the proposal progresses. If you have any questions about this response, please contact me on (02) 6640 2507 or via email at [Robert.donohoe@epa.nsw.gov.au](mailto:Robert.donohoe@epa.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Donohoe', with a stylized, cursive script.

**Robert Donohoe**  
**A/Unit Head**  
**Regulatory Operations Regional**

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*.

### 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

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13 NOV 2017

**GRAEME BUDD**

**Head Environmental Management Unit – North Coast  
Environment Protection Authority**