

# APPENDIX 2

## SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

## Appendix 2 – Assessment Requirements

**Table 1 Secretary’s Environmental Assessment Requirements**

Requirement	Section of EIS
<b>General Requirements</b>	
The environmental impact statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8, Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and must have regard to the State Significant Development Guidelines.	
In particular, the EIS must include:	
<ul style="list-style-type: none"> <li>• a stand-alone executive summary;</li> </ul>	<b>Summary</b>
<ul style="list-style-type: none"> <li>• a full description of the development, including:               <ul style="list-style-type: none"> <li>○ details of construction, operation and decommissioning, including any staging of the development;</li> </ul> </li> </ul>	<b>Section 3.0</b>
<ul style="list-style-type: none"> <li>○ all infrastructure and facilities, including turbines, compressors, transmission infrastructure, reservoir, cavern, fuel and water storage, construction compounds, internal access roads, and road upgrades (including any infrastructure that would be required for the development, but the subject of a separate approvals process);</li> </ul>	<b>Section 3.0 including Section 3.7, Section 3.7 and Section 3.8</b>
<ul style="list-style-type: none"> <li>○ high-quality site plans and building plans at an adequate scale showing all infrastructure and facilities;</li> </ul>	<b>Section 3.4 and Section 3.5</b>
<ul style="list-style-type: none"> <li>○ a high-quality detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development;</li> </ul>	<b>Section 3.3, 3.4 and 3.5</b>
<ul style="list-style-type: none"> <li>○ a high-quality detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development;</li> </ul>	<b>Section 3</b>
<ul style="list-style-type: none"> <li>• a strategic justification of the development focusing on site selection and the suitability of the proposed site with respect to potential land use conflicts with existing and future surrounding land uses (including existing land use, mineral and coal resources, residential development, any Crown lands adjacent to the site and neighbouring industrial and infrastructure developments);</li> </ul>	<b>Section 2.0, Section 6.13.1 and Section 7.0</b>
<ul style="list-style-type: none"> <li>• the terms of any proposed voluntary planning agreement;</li> </ul>	<b>Section 2.9.3</b>

Requirement	Section of EIS
<ul style="list-style-type: none"> <li>• an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including:               <ul style="list-style-type: none"> <li>○ a description of the existing environment likely to be affected by the development using sufficient baseline data;</li> <li>○ an assessment of the likely impacts of all stages of the development, (which is commensurate with the level of impact), including any cumulative impacts of the site and existing or proposed developments in the region taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice including <i>the Cumulative Impact Assessment Guideline</i> (DPIE, Nov 2021);</li> <li>○ a description of the measures that would be implemented to avoid, mitigate and/or offset the impacts of the development (including draft management plans for specific issues as identified below); and</li> <li>○ a description of the measures that would be implemented to monitor and report on the environmental performance of the development;</li> </ul> </li> </ul>	<p><b>Section 6.0 and Appendix 3</b></p> <p><b>Section 6.0</b> is structured to discuss each major issue in a separate subsection. Within each of these, typically the first subsection describes the existing environment, and subsequent subsections provide an assessment of potential impacts and a description of the mitigation and management measures. There are some exceptions to the above approach.</p>
<ul style="list-style-type: none"> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;</li> </ul>	<p><b>Appendix 3</b></p>
<ul style="list-style-type: none"> <li>• a detailed evaluation of the merits of project as a whole having regard to:</li> </ul>	<p><b>Section 7.0</b></p>
<ul style="list-style-type: none"> <li>○ the requirements in Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act), and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;</li> </ul>	<p><b>Section 7.3 and Appendix 4</b></p>
<ul style="list-style-type: none"> <li>○ feasible alternatives to the development (and its key components), and the consequences of not carrying out the development; and</li> </ul>	<p><b>Section 2.8</b></p>
<ul style="list-style-type: none"> <li>○ the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses, including mineral and coal resources, and the capacity of the existing electricity transmission network to accommodate the development;</li> </ul>	<p><b>Section 1.6</b> <b>Section 3.0</b> <b>Section 6.13</b></p>
<ul style="list-style-type: none"> <li>• a detailed consideration of the capability of the project to contribute to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions and the Department’s guidance on the matter; and</li> </ul>	<p><b>Section 2.0</b></p>
<ul style="list-style-type: none"> <li>• a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.</li> </ul>	<p>EIS Main Text</p>

Requirement	Section of EIS
<ul style="list-style-type: none"> <li>The EIS must also be accompanied by:</li> <li>a report from an AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor providing a detailed calculation of the capital investment value (CIV) (as defined in the Schedule 7 of the EP&amp;A 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 and include certification that the information provided is accurate at the time of preparation; and;</li> <li>an estimate of the jobs that will be created during the construction and operational phases of the proposed development.</li> </ul>	CIV Report provided separately. <b>Section 2.9</b> Economic assessment is addressed in <b>Section 6.11</b> and <b>Appendix 20</b>
The development application must be accompanied by the consent of the owner/s of the land (as required in Section 23(1) of the EP&A Regulation).	Noted
Key Issues	
The EIS must address the following specific matters:	
<b>Biodiversity</b> – including: <ul style="list-style-type: none"> <li>an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 (NSW), the Biodiversity Assessment Method 2020 (BAM) and documented in a Biodiversity Development Assessment Report (BDAR), including a detailed description of the proposed regime for avoiding, minimising, managing and reporting on the biodiversity impacts of the development over time, and a strategy to offset any residual impacts of the development in accordance with the BC Act;</li> <li>an assessment of the likely impacts on listed aquatic threatened species, populations or ecological communities scheduled under the Fisheries Management Act 1994 (if required), and a description of the measures to minimise and rehabilitate impacts, including impacts to Willa Willalong Creek;</li> <li>if an offset is required, details of the measures proposed to address the offset obligations.</li> </ul>	<b>Section 6.2 and Appendix 6</b>

Requirement	Section of EIS
<p><b>Heritage</b> – including:</p> <ul style="list-style-type: none"> <li>• an assessment of the impact to Aboriginal cultural heritage items (cultural and archaeological) in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) and the <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010), including results of archaeological test excavations (if required);</li> <li>• provide evidence of consultation with Aboriginal communities in determining and assessing impacts, developing options and selecting options and mitigation measures (including the final proposed measures), having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010); and</li> <li>• assess the impact to historic heritage having regard to the <i>NSW Heritage Manual</i>.</li> </ul>	<p><b>Section 6.3</b> and <b>Section 6.4</b>, and <b>Appendix 7</b> and <b>Appendix 8</b></p>
<p><b>Land</b> – including:</p> <ul style="list-style-type: none"> <li>• a detailed justification of the suitability of the site and that the site can accommodate the proposed development having regard to its potential environmental impacts, permissibility, strategic context and existing site constraints;</li> <li>• an assessment of impacts of the project on: <ul style="list-style-type: none"> <li>○ soils, including management of spoil generated by the project;</li> <li>○ the geotechnical stability of the site;</li> <li>○ existing land uses on the site and adjacent land, including flood prone land, Crown lands, mining (including mine safety, operations and rehabilitation), quarries, mineral or petroleum rights; and</li> <li>○ a cumulative impact assessment of nearby developments;</li> </ul> </li> <li>• an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including: <ul style="list-style-type: none"> <li>○ consideration of the zoning provisions applying to the land, including subdivision (if required); and</li> <li>○ completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry’s Land Use Conflict Risk Assessment Guide.)</li> </ul> </li> </ul>	<p><b>Section 6.9</b> <b>Section 6.13</b> <b>Appendix 16</b> <b>Appendix 21</b></p>

Requirement	Section of EIS
<p><b>Amenity</b> – including:</p> <ul style="list-style-type: none"> <li>• an assessment of the: <ul style="list-style-type: none"> <li>○ construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline (ICNG)</i>, operational noise impacts (including low frequency or tonal noise) in accordance with the <i>NSW Noise Policy for Industry (2017)</i>, cumulative noise impacts, and a draft noise management plan;</li> <li>○ construction impacts (including blasting), including a draft blast management plan, draft vibration monitoring plan and draft construction environmental management plan;</li> <li>○ visual impacts (including night lighting) of all components of the project (including transmission lines and any other ancillary infrastructure) on surrounding residences, scenic or significant vistas and road corridors in the public domain.</li> </ul> </li> </ul>	<p><b>Section 6.5</b>  <b>Section 6.12</b>  <b>Appendix 9</b></p>
<p><b>Air</b> – including an assessment of the air quality impacts and impacts on air traffic.</p>	<p><b>Section 6.6</b>  <b>Appendix 10</b></p>
<p><b>Transport</b> – including:</p> <ul style="list-style-type: none"> <li>• an assessment of the peak and average traffic generation, including vehicles requiring escort, construction worker transportation and transport of materials by rail;</li> <li>• an assessment of the likely transport impacts to the site access route, site access point(s), any Crown land, particularly in relation to the capacity and condition of the roads, road safety and intersection performance;</li> <li>• a cumulative impact assessment of traffic from nearby developments;</li> <li>• provide details of measures to mitigate and / or manage potential impacts including a schedule of all required road upgrades (including resulting from heavy vehicle traffic haulage routes and haulage routes for vehicles requiring escort), road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road authority; and</li> <li>• provide a draft traffic management plan.</li> </ul>	<p><b>Section 3</b>  <b>Section 6.7</b>  <b>Appendix 11</b></p>

Requirement	Section of EIS
<p><b>Water</b>– including:</p> <ul style="list-style-type: none"> <li>• a site water balance for the development and an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources, and hydrological flows, and measures proposed to monitor, reduce and mitigate these impacts;</li> <li>• details of water requirements and supply arrangements for construction, operation and decommissioning, including licensing requirements and water security for other users and water dependent industries;</li> <li>• identify likely impacts to any waterfront land, and how the activities are to be designed and implemented in accordance with the <i>DPI Guidelines for Controlled Activities on Waterfront Land</i> (2018) and (if necessary) <i>Policy &amp; Guidelines for Fish Habitat Conservation &amp; Management</i> (DPI, 2013);</li> <li>• a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with <i>Managing Urban Stormwater: Soils &amp; Construction</i> (Landcom 2004);</li> <li>• a strategy to manage spoil and enhance any new landforms created if required.</li> </ul>	<p><b>Section 6.8</b> <b>Appendix 12</b> <b>Appendix 13</b></p>
<p><b>Hazards</b>– any potentially hazardous impacts of the project including:</p>	
<ul style="list-style-type: none"> <li>• a preliminary risk screening completed in accordance with the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, with clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. If the screening indicates that the development is ‘potentially hazardous’, a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the Department’s <i>Hazardous Industry Planning Advisory Paper No. 6</i>, ‘Hazard Analysis’ and Multi-level Risk Assessment;</li> </ul>	<p><b>Section 6.9</b> <b>Appendix 14</b></p>
<ul style="list-style-type: none"> <li>• an assessment of potential hazards and risks, including but not limited to geotechnical conditions, public safety, fire, bushfire, land contamination, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure against the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <i>Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>.</li> </ul>	<p><b>Section 6.9</b> <b>Appendix 15</b> <b>Appendix 16</b> <b>Appendix 17</b></p>
<p><b>Social Impact</b> – including an assessment of the social impacts in accordance with <i>Social Impact Assessment Guideline</i> (DPIE, Nov 2021);</p>	<p><b>Section 6.10</b> <b>Appendix 19</b></p>
<p><b>Economic</b> – including an assessment of the economic impacts or benefits of the project for the region and the State as a whole; and.</p>	<p><b>Section 6.11</b> <b>Appendix 20</b></p>
<p><b>Waste</b> – identify, quantify and classify the likely waste streams to be generated throughout all stages of the project, and describe the measures to be implemented to reduce waste generation, manage, reuse, recycle and safely dispose of this waste.</p>	<p><b>Section 6.14</b></p>

Requirement	Section of EIS
<b>Plans and Documents</b>	
<p>The EIS must include all relevant plans, diagrams and relevant documentation required under Part 3 of the EP&amp;A Regulation. Provide these as part of the EIS rather than as separate documents. In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>	<b>Section 3</b>
<b>Legislation, Policies &amp; Guidelines</b>	
<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance">https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance</a></li> <li>• <a href="https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines">https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines</a>; and</li> <li>• <a href="http://www.environment.gov.au/epbc/publications#assessments">http://www.environment.gov.au/epbc/publications#assessments</a></li> </ul>	<p><b>Section 2.0</b> <b>Section 4.0</b> <b>Appendix 5</b></p>
<b>Consultation</b>	
<p>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 and any exploration licence and/or mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development, Broken Hill City Council, Regional NSW - Mining, Exploration and Geoscience (incl. the Resources Regulator), Crown Lands and NSW Aboriginal Land Council.</p> <p>The EIS must:</p> <ul style="list-style-type: none"> <li>• detail how engagement undertaken was consistent with the <i>Undertaking Engagement Guide: Guidance for State Significant Projects</i> (DPIE, Nov 2021); and</li> <li>• describe the consultation process and the issues raised and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, an explanation should be provided.</li> </ul>	<p><b>Section 5.0</b> <b>Section 6.10</b> <b>Appendix 19</b></p>
<b>Expiry Date</b>	
<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>	Noted