

# Environmental Assessment Requirements

## State Significant Development

Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*  
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD 5765
<b>Development</b>	<p>The Bowdens Silver Project, which includes:</p> <ul style="list-style-type: none"><li>• developing an open cut silver, lead and zinc mine and associated infrastructure;</li><li>• extracting and processing up to 2 million tonnes of ore a year for up to 17 years;</li><li>• transporting the processed ore from the mine via road; and</li><li>• rehabilitating the site.</li></ul>
<b>Location</b>	2.5 km northeast of Lue, in the Mid-Western Regional LGA
<b>Applicant</b>	Bowdens Silver Pty Limited
<b>Date of Issue</b>	15 August 2017
<b>General Requirements</b>	<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"><li>• a stand-alone executive summary;</li><li>• a full description of the development, including:<ul style="list-style-type: none"><li>- the resource to be extracted, demonstrating efficient resource recovery within environmental constraints, and having regard to DRE's requirements (see Attachment 2);</li><li>- the mine layout and scheduling;</li><li>- minerals processing;</li><li>- surface infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process);</li><li>- a waste (overburden, tailings, etc.) management strategy;</li><li>- a water management strategy, having regard to the EPA's and DPI's requirements (see Attachment 2);</li><li>- a rehabilitation strategy, having regard to DRE's requirements (see Attachment 2); and</li><li>- the likely interactions between the development and any other existing, approved or proposed mining related development in the vicinity of the site;</li></ul></li><li>• a list of any approvals that must be obtained before the development may commence;</li><li>• the terms of any proposed voluntary planning agreement with the relevant local council;</li><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, including any cumulative impacts, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice;</li><li>- a description of the measures that would be implemented to mitigate and/or offset the likely impacts of the development, and an assessment of:<ul style="list-style-type: none"><li>○ whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation</li></ul></li></ul></li></ul>

	<ul style="list-style-type: none"> <li>measures that could be implemented; <ul style="list-style-type: none"> <li>o the likely effectiveness of these measures, including performance measures where relevant; and</li> <li>o whether contingency plans would be necessary to manage any residual risks;</li> </ul> </li> <li>- a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved;</li> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;</li> <li>• consideration of the development against all relevant environmental planning instruments (including Part 3 of the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>); and</li> <li>• the reasons why the development should be approved having regard to: <ul style="list-style-type: none"> <li>- relevant matters for consideration under the <i>Environmental Planning and Assessment Act 1979</i>, including the objects of the Act and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;</li> <li>- the environmental, economic and social costs and benefits of the development;</li> <li>- the suitability of the site with respect to potential land use conflicts with existing land uses, including Lue Village, rural dwellings, subdivisions, conservation areas and strategic agricultural land; and</li> <li>- feasible alternatives to the development (and its key components), including the consequences of not carrying out the development.</li> </ul> </li> </ul> <p>While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies, and plans that may be relevant to the environmental assessment of this development.</p> <p>In addition to the matters set out in Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>, the development application must be accompanied by a signed report from a suitably qualified and experienced person that includes an accurate estimate of the capital investment value (as defined in Clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the development, including details of all the assumptions and components from which the capital investment value calculation is derived.</p>
<p><b>Specific Issues</b></p>	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> <li>• <b>Land</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the likely impacts of the development on the soils and land capability of the site and surrounds;</li> <li>- an assessment of the likely agricultural impacts of the development, including identification of any strategic agricultural land;</li> <li>- an assessment of the likely impact of the development on landforms (topography), including the long term geotechnical stability of any new landforms on site; and</li> <li>- 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>, paying particular attention to the agricultural land use in the region;</li> </ul> </li> <li>• <b>Air Quality</b>– including: <ul style="list-style-type: none"> <li>- an assessment of the likely air quality impacts of the development in accordance with the <i>Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW</i>, having regard to the EPA’s requirements (see Attachment 2); and</li> <li>- an assessment of the likely greenhouse gas impacts of the development;</li> </ul> </li> <li>• <b>Human Health</b> – including: <ul style="list-style-type: none"> <li>- a Human Health Risk Assessment addressing how the development’s environmental impacts in relation to air quality (including heavy metals)</li> </ul> </li> </ul>

	<p>and noise may impact on the health of the local community; and</p> <ul style="list-style-type: none"> <li>- monitoring and management measures to reduce risk to human health;</li> <li>• <b>Water</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the likely impacts of the development on the quantity and quality of the region’s surface and groundwater resources (including, but not limited to, Lawsons Creek and Price Creek), having regard to the EPA’s, DPI’s and OEH’s requirements (see Attachment 2); and</li> <li>- an assessment of the likely impacts of the development on aquifers, watercourses, riparian land, water-related infrastructure, and other water users;</li> </ul> </li> <li>• <b>Noise and Blasting</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the likely operational noise impacts of the development (including construction noise) under the <i>NSW Industrial Noise Policy</i> (as may be updated or replaced), paying particular attention to the obligations in chapters 8 and 9 of the policy, and the <i>Voluntary Land Acquisition and Mitigation Policy</i>, and having regard to the EPA’s requirements (see Attachment 2);</li> <li>- if a claim is made for specific construction noise criteria for certain activities, then this claim must be justified and accompanied by an assessment of the likely construction noise impacts of these activities under the <i>Interim Construction Noise Guideline</i>;</li> <li>- an assessment of the likely road noise impacts of the development under the <i>NSW Road Noise Policy</i>; and</li> <li>- an assessment of the likely blasting impacts of the development on people, animals, buildings and infrastructure, and significant natural features, having regard to the relevant ANZECC guidelines;</li> </ul> </li> <li>• <b>Biodiversity</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the likely biodiversity impacts of the development, in accordance with the <i>Framework for Biodiversity Assessment</i>, and having regard to OEH’s requirements (see Attachment 2); and</li> <li>- a strategy to offset any residual impacts of the development in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i>;</li> </ul> </li> <li>• <b>Heritage</b> – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, having regard to OEH’s requirements (including the Heritage Division) (see Attachment 2);</li> <li>• <b>Transport</b> – including an assessment of the likely transport impacts of the development on the capacity, condition, safety and efficiency of the local and State road network, having regard to Mid-Western Regional Council’s and RMS’s requirements (see Attachment 2);</li> <li>• <b>Visual</b> – 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, paying particular attention to the creation of any new landforms and minimising the lighting impacts of the development;</li> <li>• <b>Hazards</b> - including an assessment of the likely risks to public safety, paying particular attention to potential subsidence risks, bushfire risks, and the handling and use of any dangerous goods, having regard to the EPA’s requirements (see Attachment 2); and</li> <li>• <b>Social &amp; Economic</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the likely social impacts of the development; and</li> <li>- an assessment of the likely economic impacts of the development, paying particular attention to the: <ul style="list-style-type: none"> <li>○ significance of the resource;</li> <li>○ economic benefits of the development for the State and region; and</li> <li>○ demand for the provision of local infrastructure and services.</li> </ul> </li> </ul> </li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS and subsequent assessment process, you must establish and operate a Community Consultative Committee (CCC) for the development in accordance with the <i>Community Consultative Committee Guidelines: State Significant Projects</i> dated November 2016.</p>

	<p>You should also consult with relevant local, State or 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 (including by the CCC), and explain how these issues have been addressed in the EIS.</p>
<b>Further consultation after 2 years</b>	<p>If an EIS for the project is not lodged within 2 years of the issue date of these Environmental Assessment Requirements, the Applicant must consult further with the Secretary in relation to the preparation of the EIS.</p>

## ATTACHMENT 1

### Environmental Planning Instruments, Policies, Guidelines & Plans

Land	
	Agfact AC25: Agricultural Land Classification (NSW Agriculture)
	Soil and Landscape Issues in Environmental Impact Assessment (NOW)
	State Environmental Planning Policy No. 55 – Remediation of Land
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
Air Quality	
	Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion in the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Voluntary Land Acquisition and Mitigation Policy (DP&E)
	National Greenhouse Accounts Factors (Commonwealth)
Water	
Water Sharing Plans	Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources
	Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources
	Water Sharing Plan for the Macquarie-Cudgegong Regulated Rivers Water Source
	Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources
Groundwater	NSW State Groundwater Policy Framework Document (NOW)
	NSW State Groundwater Quality Protection Policy (NOW)
	NSW State Groundwater Quantity Management Policy (NOW)
	NSW Aquifer Interference Policy 2012 (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
Guidelines for the Assessment & Management of Groundwater Contamination (EPA)	
Surface Water	NSW State Rivers and Estuary Policy (NOW)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	ANZECC 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 Volumes 2A to 2E (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 Development Manual (OEH)
	Floodplain Risk Management Guideline (OEH)
<b>Noise &amp; Blasting</b>	
	NSW Industrial Noise Policy (EPA)
	Interim Construction Noise Guideline (EPA)
	NSW Road Noise Policy (EPA)
	Assessing Vibration: a Technical Guideline (EPA)
	Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC)
	Voluntary Land Acquisition and Mitigation Policy (DP&E)
<b>Biodiversity</b>	
	Framework for Biodiversity Assessment (OEH)
	NSW Biodiversity Offsets Policy for Major Projects (OEH)
	Threatened Species Assessment Guidelines (OEH)
	Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (Fisheries NSW)
	NSW State Groundwater Dependent Ecosystem Policy (NOW)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW)
	State Environmental Planning Policy No. 44 – Koala Habitat Protection
	Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI)
<b>Heritage</b>	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (OEH)
	Code of Practice for Archaeological Investigations of Objects in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH)
	NSW Heritage Manual (OEH)
	Statements of Heritage Impact (OEH)
	Assessing Significance for Historical Archaeological Sites and 'Relics' (OEH)
	Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH)
<b>Transport</b>	
	Guide to Traffic Generating Developments 2002 (RTA)
	Austrroads Guide to Road Design and RMS supplements to road design
	Austrroads Guide to Traffic Management Part 12: Traffic Impacts of Development
<b>Hazards</b>	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
<b>Resource</b>	
	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
<b>Waste</b>	
	Waste Classification Guidelines (EPA)
<b>Rehabilitation</b>	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the

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Mining Industry (Commonwealth)

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Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)

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Strategic Framework for Mine Closure (ANZMEC-MCA)

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**Environmental Planning Instruments - General**

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State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

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State Environmental Planning Policy (State and Regional Development) 2011

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State Environmental Planning Policy (Infrastructure) 2007

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State Environmental Planning Policy No. 55 – Remediation of Land

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

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Mid-Western Regional Local Environmental Plan 2012

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**ATTACHMENT 2**

**AGENCIES' CORRESPONDENCE**