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Email: [christine.chapman@planning.nsw.gov.au](mailto:christine.chapman@planning.nsw.gov.au)

Ms Fiona van der Hoeven  
Elton Consulting  
PO Box 1488  
Bondi Junction NSW 1355

Our ref: SSD 13\_5877  
File: 12/18467-1

Dear Ms van der Hoeven

**State Significant Development – Director-General’s Requirements  
Nu-Rock Resource Recovery Facility (SSD 13\_5877)**

I have attached the Director-General’s environmental assessment requirements (DGRs) for the preparation of an Environmental Impact Statement (EIS) for the proposed Nu-Rock Resource Recovery Facility.

These requirements are based on the information you have provided to date and have been prepared in consultation with the relevant government agencies and Lake Macquarie City Council (Council). Their comments which you should address appropriately in preparing the EIS are attached (see attachment 2). Please note that the Department may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the development within two years of the date of issue of these DGRs. The Department will review the EIS for the development carefully before putting it on public exhibition, and will require you to submit an amended EIS if it does not adequately address the DGRs.

I wish to emphasise the importance of effective and genuine community consultation and the need for proposals to proactively respond to the community’s concerns. Accordingly a comprehensive, detailed and genuine community consultation and engagement process must be undertaken during preparation of the EIS. This process must ensure that the community is both informed of the proposal and is actively engaged in issues of concern to them. Sufficient information must be provided to the community so that it has a good understanding of what is being proposed and of the potential impacts.

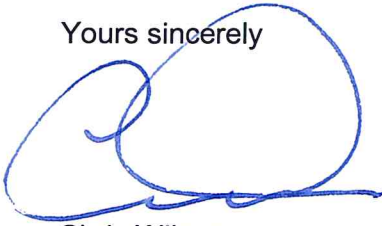
Your proposal may require a separate approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Department of Sustainability, Environment, Water, Population and Communities to determine if an approval under the EPBC Act is required for your development (<http://www.environment.gov.au> or 6274 1111).

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the DA and EIS for the development. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*);
- determine the number of copies (hard-copy and CD-ROM) of the EIS required for review; and
- determine consultation and public exhibition arrangements.

If you have any enquiries about these requirements, please contact Christine Chapman on (02) 9228 6537 or via email at [christine.chapman@planning.nsw.gov.au](mailto:christine.chapman@planning.nsw.gov.au)

Yours sincerely



12.4.13

Chris Wilson  
**Executive Director**  
**Development Assessment Systems and Approvals**  
*as the Director-General's nominee*

# Director General's Environmental Assessment Requirements

## Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

### State Significant Development

<b>Application Number</b>	SSD 13_5877
<b>Development</b>	<p>Nu-Rock Technology proposes to lease one hectare of land from Eraring Power Station to manufacture construction blocks, sand and aggregate material for the building and construction industry. The proposed Resource Recovery Facility (RRF) would receive and process up to 500,000 tonnes per annum of fly ash waste from the Eraring Power Station, and would include:</p> <ul style="list-style-type: none"> <li>• a fully enclosed building accommodating two manufacturing plants;</li> <li>• ash storage silos; and</li> <li>• ancillary loading bays and product storage.</li> </ul>
<b>Location</b>	268 Rocky Point Rd, Eraring (Lot 11 DP 1050120)
<b>Applicant</b>	Nu-Rock Technology
<b>Date of Issue</b>	April 2013
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In addition, the EIS must include a:</p> <ul style="list-style-type: none"> <li>• detailed description of the site, and existing and approved operations;</li> <li>• detailed description of the development, including: <ul style="list-style-type: none"> <li>– need for the proposed development having particular regard to the aims, objectives, and guidance in <i>the NSW Waste Avoidance and Resource Recovery Strategy 2007</i>;</li> <li>– alternatives considered;</li> <li>– justification for the proposed development taking into consideration its location, any environmental impacts of the development, the suitability of the site and whether the development is in the public interest;</li> <li>– likely staging of the development - including construction, operational stage/s and rehabilitation;</li> <li>– likely interactions between the development and existing, approved and proposed operations in the vicinity of the site; and</li> <li>– plans of any proposed building works;</li> </ul> </li> <li>• consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments; ie. the aims, objectives, and guidance in the <i>NSW Waste Avoidance and Resource Recovery Strategy 2007</i>, <i>Lake Macquarie Local Environmental Plan 2004</i>, relevant development control plans and section 94 plans;</li> <li>• risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment;</li> <li>• detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> <li>– a description of the existing environment, <u>using sufficient baseline data</u>;</li> <li>– an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes; and</li> <li>– a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or</li> </ul> </li> </ul>

	<p>contingency plans to manage any significant risks to the environment;</p> <ul style="list-style-type: none"> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.</li> </ul> <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposed development, including details of all assumptions and components from which the CIV calculation is derived;</li> <li>• an estimate of the jobs that will be created during the construction and operational phases of the proposed development; and</li> <li>• certification that the information provided is accurate at the date of preparation.</li> </ul>
<p><b>Key issues</b></p>	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> <li>• <b>Waste Management</b> – including: <ul style="list-style-type: none"> <li>– details of the proposed classification and quantity of waste material that would be received at the facility;</li> <li>– a description of how this waste would be stored and handled;</li> <li>– a description of the plant technology, time frames for processing waste and the quality control measures that would be implemented;</li> <li>– details of how the proposed plants would operate in conjunction with the Eraring Power Station; and</li> <li>– details of any relevant resource recovery exemptions.</li> </ul> </li> <li>• <b>Traffic and Transport</b> – including: <ul style="list-style-type: none"> <li>– details of all traffic types and volumes likely to be generated during construction and operation;</li> <li>– an assessment of predicted impacts on road safety and the capacity of the road network to accommodate the project;</li> <li>– modelling of key intersections (including any nearby existing or proposed developments) and details of truck routes;</li> <li>– detailed plans of the proposed layout of the internal road network and parking on site in accordance with the relevant Australian standards; and</li> <li>– detailed plans of any proposed road upgrades, infrastructure works or new roads required for the development.</li> </ul> </li> <li>• <b>Hazards and risk</b> – including a preliminary risk screening undertaken in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DoP, 2011);</li> <li>• <b>Air Quality</b> – including a detailed assessment of the potential air quality, dust and odour impacts of the project during construction and operation on surrounding landowners;</li> <li>• <b>Greenhouse Gas</b> – including: <ul style="list-style-type: none"> <li>– a quantitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project, and a qualitative assessment of the potential impacts of these emissions on the environment; and</li> <li>– a detailed description of the measure that would be implemented on site to ensure that the project is energy efficient.</li> </ul> </li> <li>• <b>Water</b> – including: <ul style="list-style-type: none"> <li>– a site water balance, including a detailed description of the measures to minimise water use at the site;</li> <li>– wastewater predictions, and the measures that would be implemented to treat, reuse and/or dispose of this water; and</li> <li>– the proposed stormwater management system, including the capacity of existing onsite detention systems, and measures to treat, reuse or dispose of water.</li> </ul> </li> <li>• <b>Noise</b> – including: <ul style="list-style-type: none"> <li>– a detailed assessment of potential construction, operational and transport noise impacts, including potential impacts on nearby sensitive receivers; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- details and justification of the proposed noise management and monitoring measures.</li> </ul>
<b>Plans and Documents</b>	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i> . These documents should be included as part of the EIS rather than as separate documents.
<b>Consultation</b>	<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>In particular you must consult with the:</p> <ul style="list-style-type: none"> <li>• Lake Macquarie City Council;</li> <li>• Hunter Water Corporation;</li> <li>• Environmental Protection Authority;</li> <li>• Office of Environment and Heritage;</li> <li>• Mine Subsidence Board;</li> <li>• NSW Roads and Maritime Service; and</li> <li>• the local community and stakeholders.</li> </ul> <p>The EIS must 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, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	If you do not lodge an EIS for the development within 2 years of the issue date of these DGRs, you must consult with the Director General in relation to the requirements for lodgement.
<b>References</b>	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 development.

## **ATTACHMENT 1**

### **Technical and Policy Guidelines**

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.bookshop.nsw.gov.au>

<http://www.publications.gov.au>

## **Policies, Guidelines & Plans**

Aspect	Policy /Methodology
<b>Waste</b>	<p>Waste Avoidance and Resource Recovery Strategy 2007 (DECC)</p> <p>Waste Classification Guidelines (DECC)</p> <p>Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (NSW EPA)</p> <p>Environmental guidelines: Composting and Related Organics Processing Facilities (DEC)</p> <p>Environmental guidelines: Use and Disposal of Biosolid Products (NSW EPA)</p> <p>Composts, soil conditioners and mulches (Standards Australia, AS 4454)</p>
<b>Transport</b>	<p>Guide to Traffic Generating Development (RTA)</p> <p>Road Design Guide (RTA)</p>
<b>Hazards</b>	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)</p> <p>Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</p>
<b>Air Quality</b>	<p>Protection of the Environment Operations (Clean Air) Regulation 2002</p> <p>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)</p> <p>Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)</p>
<b>Odour</b>	<p>Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC)</p> <p>Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC)</p>
<b>Greenhouse Gas</b>	<p>AGO Factors and Methods Workbook (AGO)</p> <p>Guidelines for Energy Savings Action Plans (DEUS, 2005)</p>
<b>Water</b>	
<i>Surface Water</i>	<p>National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Implementation guidelines</p>

	(ANZECC/ARMCANZ)
	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)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	State Water Management Outcomes Plan
	NSW Government Water Quality and River Flow Environmental Objectives (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Managing Urban Stormwater: Treatment Techniques (DECC)
	Managing Urban Stormwater: Source Control (DECC)
	Technical Guidelines: Bunding & Spill Management (DECC)
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft
	Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
<b>Noise</b>	
	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Environmental Noise Control Manual (DECC)

**ATTACHMENT 2**  
**Public Authority Responses to Request for Key Issues**

**ATTACHMENT 2**  
**Public Authority Responses to Request for Key Issues**

Kerry,

Please see advices by NSW Office of Water, below.

This is the only Department of Primary Industries agency relevant to the application.

Will follow under formal DPI letterhead shortly.

Greg Paine

Business Services

Tel: 8289 3951

#### Comment by Fisheries NSW

Fisheries NSW advise no requirements given no aquatic habitats will be impacted.

For further information please contact Scott Carter, Senior Conservation Manager (Port Stephens office) on 4916 3931, or at:

[scott.carter@dpi.nsw.gov.au](mailto:scott.carter@dpi.nsw.gov.au).

#### Comment by NSW Office of Water

The NSW Office of Water advises the environmental assessment of the project should address the following key issues, and the additional requirements detailed in Attachment A:

- (i) assessment of potential general construction and operational impacts relating to hydrology, erosion and sedimentation control, surface and stormwater management, and groundwater (including any dewatering activities);
- (ii) management and mitigation measures for any potential impacts to surface and groundwater resources;
- (iii) water supply and licensing requirements; and
- (iv) compliance with NSW water legislation and the rules in any relevant Water Sharing Plan.

For further information please contact Rohan Macdonald, Planning and Assessment

Coordinator (Newcastle office) on 4904 2642, or at:

[rohan.macdonald@water.nsw.gov.au](mailto:rohan.macdonald@water.nsw.gov.au).

#### **Attachment A**

**Eraring Resource Recovery Facility (SSD 5877)  
Request for Input into Director General Requirements  
Comment by NSW Office of Water**

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## 1. Legislation

The environmental assessment is to demonstrate that the proposed project complies with the relevant requirements of the *Water Management Act 2000* (WMA 2000) and *Water Act 1912*, and takes into account the objects and water management principles of the WMA 2000.

Refer:

<http://www.water.nsw.gov.au/Water-management/Law-and-Policy/default.aspx>

## 2. Water Sharing Plans

Water Sharing Plans are legally enforceable statutory plans under the WMA 2000. Water Sharing Plans provide rules for the sharing of water between the environment and water users, and also between different types of water users such as town water supply, rural domestic supply, stock watering, industry and irrigation.

The proposed project is located within the Dora Creek Water Source under the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*. The environmental assessment is to demonstrate how the proposed project is consistent with the rules in this plan.

**Note:** Groundwater within the project area is currently regulated under the Water Act 1912. A water sharing plan covering the porous rock groundwater source within the project area is currently under development. Upon commencement of the plan groundwater on site would be regulated under the *Water Management Act 2000*.

## 3. Policies and Guidelines

The environmental assessment is to identify water management policies and guidelines that are relevant to the proposed project. The assessment should detail the extent to which the proposed project is consistent with relevant policies and guidelines, and justify any inconsistencies.

The following water management policies and guidelines may be relevant:

- *The NSW State Groundwater Policy Framework Document* (1997) and its component policies, consisting of:
  - (i) *The NSW Groundwater Quality Protection Policy* (1998), and
  - (ii) *The NSW State Groundwater Dependent Ecosystems Policy* (2002).
- *NSW Aquifer Interference Policy* (2012).
- *NSW Water Extraction Monitoring Policy* (2007).
- *MDBC Guidelines on Groundwater Flow Modelling* (2000).
- *NSW Guidelines for Controlled Activities*, consisting of:
  - (i) *Guidelines for in-stream works on waterfront land* (2012),
  - (ii) *Guidelines for laying pipes and cables in watercourses on waterfront land* (2012),
  - (iii) *Guidelines for outlet structures on waterfront land* (2012),
  - (iv) *Guidelines for riparian corridors on waterfront land* (2012),
  - (v) *Guidelines for vegetation management plans on waterfront land* (2012), and
  - (vi) *Guidelines for water crossings on waterfront land* (2012).
- *NSW Water Conservation Strategy* (2000).
- *NSW Salinity Strategy* (2000).
- *National Water Quality Management Strategy*, including:
  - (i) *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (2000),
  - (ii) *Australian and New Zealand Guidelines for Water Quality Monitoring and Reporting* (2000), and
  - (iii) *Guidelines for Groundwater Protection in Australia* (1995).

These policies and guidelines are available at:

<http://www.water.nsw.gov.au/Water-Management/Law-and-Policy/Key-policies/default.aspx>, and <http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>.

#### **4. Water requirements and water licences**

The environmental assessment should include a detailed assessment of water requirements for the proposed project, and demonstrate:

- an adequate and secure water supply is available for the life of the proposed project.
- water supplies will be taken from an appropriately authorised and reliable supply.
- any incidental take of water will be appropriately authorised.
- any water licences required to authorise the taking of water can be obtained through application and/or trade.

To demonstrate the above, the following information is essential for inclusion in the assessment:

- identification of water requirements for the life of the proposed project in terms of both volume and timing.
- for all proposed surface and groundwater extraction, details of: extraction location, method of extraction, expected annual extraction volumes, and identification of the water source(s) from which the water will be taken.
- identification of any proposed use of new or existing dams, and calculation of the maximum harvestable right dam capacity for the site. Refer: <http://www.water.nsw.gov.au/Water-licensing/Basic-water-rights/Harvesting-runoff/default.aspx>.
- identification of any requirements (including potential requirements) to intercept groundwater and details of predicted dewatering volumes.
- analysis of the proposed water supply arrangements against the rules for access licences and other applicable requirements of the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*.

#### **5. Impacts on water sources**

The environmental assessment should include a detailed assessment of the potential impact of the proposed project on the water sources of the State. This assessment should include:

- a description of the surrounding environment including surface water catchments, groundwater systems, dependent ecosystems and existing water users.
- identification of all existing and proposed works to take or manage water (i.e. water management works as defined in the Dictionary to the *Water Management Act 2000*) including monitoring bores, and details of consistency with approval requirements.
- identification of all proposed controlled activities and aquifer interference activities, and details of consistency with relevant policies and guidelines.
- a predictive assessment of the impact of the proposed project on:
  - (i) surface water sources, floodplains, surface water dependent ecosystems and existing surface water users – see section 5.1 below, and
  - (ii) groundwater sources, groundwater dependent ecosystems and existing groundwater users – see sections 5.2 and 5.3 below.
- details of critical thresholds for negligible impacts to surface and groundwater sources and dependent ecosystems.
- a commitment to adequate ongoing monitoring of surface and groundwater sources and dependent ecosystems within and adjacent to the proposed project area to verify predictive assessments.
- analysis of options for the proposed project in terms of avoiding impacts on surface and groundwater sources, floodplains, dependent ecosystems, basic landholder rights to water and adjacent/downstream licensed water users. If the options analysis cannot demonstrate avoidance, then mitigation, remediation and rehabilitation options should be examined.
- contingency strategies linked to monitoring results and rehabilitation programs, including:
  - (i) reporting procedures for ongoing monitoring programs, including mechanism for transfer of information to the Office of Water,
  - (ii) identification of any nominal thresholds as to the level of impact beyond which contingency strategies would be initiated,
  - (iii) detailed description of the contingency strategies proposed, and
  - (iv) any funding assurances covering the anticipated post development maintenance cost, for example, rehabilitation maintenance, ongoing monitoring.

- a commitment to restore any land, water sources and dependent ecosystems which are degraded by the proposed project.

### **5.1 Surface water assessment**

The predictive assessment of the impact of the proposed project on surface water sources should include:

- identification of all surface water sources including watercourses and wetlands transected by or adjacent to the proposed project.
- a detailed description of dependent ecosystems and existing surface water users within the area, including basic landholder rights to water and adjacent/downstream licensed water users.
- assessment of predicted impacts on the following:
  - (i) flow of surface water, sediment movement, channel stability, and hydraulic regime,
  - (ii) water quality,
  - (iii) dependent ecosystems,
  - (iv) existing surface water users, and
  - (v) planned environmental water and water sharing arrangements prescribed in the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*.

### **5.2 Groundwater assessment**

The predictive assessment of the impact of the proposed project on groundwater sources should include:

- identification of groundwater sources which will be intersected or connected with as part of the proposed project.
- a detailed description of groundwater dependent ecosystems and existing groundwater users within the area, including basic landholder rights to water and adjacent licensed water users.
- a description of groundwater flow directions and rates, physical and chemical characteristics, and highest predicted groundwater level at the site.
- details of any potential works likely to result in pollutants infiltrating into the groundwater.
- details of proposed methods of waste water disposal and approval from the relevant authority.
- assessment of predicted impacts on:
  - (i) connectivity between porous/fractured rock, alluvial and surface water sources,
  - (ii) yield of groundwater,
  - (iii) water quality,
  - (iv) groundwater dependent ecosystems – see section 5.3, and
  - (v) existing groundwater users.
- identification of any groundwater source or aquifer that may be sterilised as a consequence of the proposed project.
- details of the predicted impacts of any final landform on the groundwater regime.

### **5.3 Groundwater Dependent Ecosystems**

Groundwater dependent ecosystems (GDEs) rely on groundwater for their species composition and their natural ecological processes. Examples of ecosystems which depend on groundwater are wetlands, terrestrial vegetation such as red gum forests, ecosystems in streams fed by groundwater (gaining streams), aquifer and cave ecosystems, springs, and hanging valleys and swamps.

For GDEs (including potential GDEs) identified within the area, the environmental assessment should provide:

- details of current GDE condition, and groundwater quality and quantity requirements.
- assessment of predicted impacts on GDEs.
- a detailed description of any measures to be incorporated into the proposed project to avoid or minimise long-term actual and potential impacts on GDEs, including measures to:
  - (i) maintain natural patterns of groundwater flow,
  - (ii) avoid disrupting groundwater levels that are critical for ecosystems,
  - (iii) avoid pollution or causing adverse changes in groundwater quality, and
  - (iv) rehabilitate degraded groundwater systems where practical.

This message is intended for the addressee named and may contain confidential information.  
If you are not the intended recipient, please delete it and notify the sender.  
Views expressed in this message are those of the



Contact Jenny Lange (02) 4908 6891  
Our reference: Doc13/15100

NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ms Kerry Hamann

**ELECTRONIC MAIL AND STANDARD POST**  
12 April 2013

Dear Ms Hamann

**Resource and Recycling Facility (SDD 5877) – Eraring Power Station, Eraring  
Request for Director-Generals Requirements**

Reference is made to your correspondence received by the Environment Protection Authority ("EPA") on 22 March 2013 requesting requirements for the environmental impact statement ("EIS") in relation to the above proposal. The proposal was submitted by Nu-Rock Technology Pty Ltd ("the Applicant").

EPA has considered the details of the Applicant's proposal as provided by Department of Planning & Infrastructure ("DPI") and has identified the information it requires to assess the project (see **Attachment 1**). The proponent should ensure that the EIS is sufficiently comprehensive to enable EPA to determine the extent of the impact(s) of the proposal.

The key issues requiring assessment for this project are summarised below:

1. Air quality (including dust, odour, other air emissions assessment modelling and management);
2. Noise impacts (including noise assessment modelling and mitigation);
3. Waste acceptance, storage, treatment, reuse, management and disposal.
4. Soils and contamination; and
5. Surface water and wastewater management, including surface water controls and impacts on waterways and water supply.

In carrying out the assessment, the proponent should refer to the relevant guidelines as listed in **Attachment 2** and any relevant industry codes of practice and best practice management guidelines.

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Office of Environment and Heritage.

The EPA would like to bring to the Applicant's attention to additional points for consideration should the proposal go ahead, and outlines these below.

The Applicant should be made aware that any commitments made in the EIS may be formalised as approval conditions and may also be placed as formal licence conditions.

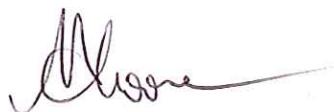
The applicant should be made aware that, consistent with provisions under Part 9.4 of the *Protection of the Environment Operations Act 1997* ("POEO") Act the EPA may require the provision of a financial assurance and/or financial assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of the licence.

In addition, as a requirement of the licence, the EPA will require the Applicant to prepare, test and implement a Pollution Incident Response Management Plan and/or Plans in accordance with Section 153A of the POEO Act.

EPA requests that three (3) hard copies and an electronic copy of the EIS be submitted for assessment. These documents should be sent to the Unit Head – Waste Operations, EPA, PO Box 488G, Newcastle NSW 2300.

If you have any queries regarding this matter please contact Jenny Lange on (02) 4908 6891.

Yours sincerely



**MELISSA MOORE**  
**A/Unit Head – Waste Operations - Newcastle**  
**NSW Environment Protection Authority**

*To lodge official correspondence electronically on behalf of your business or company, please email the signed correspondence on company/business letterhead to [waste.operations@environment.nsw.gov.au](mailto:waste.operations@environment.nsw.gov.au) . You do not need to provide a hard copy of the emailed correspondence.*

## Attachment 1

### Environment Protection Authority Recommended Director General Requirements for construction and operation of a resource recycling plant – Environmental Impact Assessment

#### ENVIRONMENTAL IMPACTS OF THE PROJECT

1. Impacts related to the following environmental issues need to be assessed, quantified and reported on:
  - Air Quality
  - Noise and Vibration
  - Waste and Chemicals
  - Soils and Contamination
  - Water

Environmental Impact assessments (EIAs) should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines is at Attachment 2.

#### LICENSING REQUIREMENTS

On the basis of the information submitted to date, it appears the proposal is a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act) and will therefore require an Environment Protection Licence (EPL) if approval is granted. The EIS should be structured in accordance with the DPI EIS Guidelines determining the extent of each impact and providing sufficient information to enable the EPA to determine appropriate limits for the EPL.

Should project approval be granted, the proponent will need to make a separate application to EPA for an EPL for the proposed facility prior to undertaking any on site works. Additional information is available through EPA's *Guide to Licensing* document which can be found via web link ([www.environment.nsw.gov.au/licensing/licenceguide.htm](http://www.environment.nsw.gov.au/licensing/licenceguide.htm)).

#### GENERAL ISSUES

The EIS should include:-

1. A detailed to scale plan that clearly identifies the locations of the proposal including Lot and DP.
2. Details of the relationship between the proposed facility and the current Eraring power station EPL, including but not limited to identifying co-use of land, any product or waste streams and any potential discharge impacts.

## SPECIFIC ISSUES

### Air Quality

The EIS should include a detailed air quality impact assessment (AQIA). The AQIA should:

1. Assess the risk associated with potential discharges and/or emissions for all stages of the proposal. Assessment of risk relates to environmental harm, risk to human health and amenity.  
Note: emissions can be classed as either:
  - point (eg emissions from stack or vent) or
  - fugitive (from wind erosion, leakages or spillages, associated with loading or unloading, conveyors, storage facilities, plant and yard operation, vehicle movements (dust from road, exhausts, loss from load), land clearing and construction works).
2. Justify the level of assessment undertaken on the basis of risk factors, including but not limited to:
  - a. proposal location;
  - b. characteristics of the receiving environment; and
  - c. type and quantity of pollutants emitted.
3. Describe the receiving environment in detail. The proposal must be contextualised within the receiving environment (local, regional and inter-regional as appropriate). The description must include but need not be limited to:
  - a. meteorology and climate;
  - b. topography;
  - c. surrounding land-use; receptors; and
  - d. ambient air quality.
4. Include a detailed description of the proposal. All processes that could result in air emissions must be identified and described. Sufficient detail to accurately communicate the characteristics and quantity of all emissions must be provided.
5. Include a consideration of 'worst case' emission scenarios and impacts at proposed emission limits.
6. Account for cumulative impacts associated with existing emission sources as well as any currently approved developments linked to the receiving environment.
7. Include air dispersion modelling where there is a risk of adverse air quality impacts, or where there is sufficient uncertainty to warrant a rigorous numerical impact assessment. Air dispersion modelling must be conducted in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2005) which can be found via web link <http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf>.
8. Demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations (POEO) Act (1997)* and the *POEO (Clean Air) Regulation (2010)*.
9. Provide an assessment of the project in terms of the priorities and targets adopted under the NSW State Plan 2010 and its implementation plan Action for Air.
10. Detail emission control techniques/practices that will be employed by the proposal.

## Noise and Vibration

In relation to noise, the following matters should be addressed for all stages of the proposal (including construction and operational stages) as part of the EIA.

### General

1. Construction noise associated with the proposed development should be assessed using the *Interim Construction Noise Guideline* (DECC, 2009) which can be found via web link <http://www.environment.nsw.gov.au/noise/constructnoise.htm>
2. Vibration from all activities (including construction and operation) to be undertaken on the premises should be assessed using the guidelines contained in the *Assessing Vibration: a technical guideline* (DEC, 2006) which can be found via web link <http://www.environment.nsw.gov.au/noise/vibrationguide.htm>

### Industry

3. Operational noise from all industrial activities (including private haul roads and private railway lines) to be undertaken on the premises should be assessed using the guidelines contained in the *NSW Industrial Noise Policy* (EPA, 2000) and *Industrial Noise Policy Application Notes*. which can be found via web link <http://www.environment.nsw.gov.au/noise/industrial.htm>

### Road

4. Noise on public roads from increased road traffic generated by land use developments should be assessed using the guidelines contained in the *Environmental Criteria for Road Traffic Noise* (EPA, 1999) which can be found via web link <http://www.environment.nsw.gov.au/noise/traffic.htm>
5. Noise from new or upgraded public roads should be assessed using the *Environmental Criteria for Road Traffic Noise* (EPA, 1999) which can be found via web link <http://www.environment.nsw.gov.au/noise/traffic.htm>

## Waste and Chemicals

The EIS should:

1. Provide details of the source of the waste, quantity and type of waste accepted, generated, handled, processed or treated at the facility and volumes handled per year. Waste must be classified according to the *Waste Classification Guidelines* (NSW DECC 2009).
2. Provide details of all waste management at the facility, including:
  - a) the transportation, assessment and handling of waste arriving at or generated at the site.
  - b) all stockpiling of wastes or recovered materials at the site.
  - c) all waste processing related to the facility, including reuse, recycling, reprocessing or treatment.
  - d) the method and locations for disposing of any wastes, recovered or processed materials from the site.
  - e) the emissions arising from the handling, storage, treatment, processing and reprocessing of waste at the facility.

- f) the proposed controls for managing the environmental impacts of these activities.
3. Provide details on the composition of the all waste arriving at or generated at the site.
  4. Provide details of procedures for the assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of at the facility, in addition to the requirements wastes.
  5. Provide details of the type and quantity of any chemical substances to be used or stored and describe arrangements for their safe use and storage.

Reference should be made to the guidelines: *Waste Classification Guidelines* (NSW DECC 2009)

6. Assess the adequacy of proposed measures to minimise natural resource consumption and minimise impact from the handling, transporting, storage, processing and reprocessing of waste and/or chemicals.

### **Soils and Contamination**

The EIS should include:

#### Background Conditions

1. Provide details (including maps where appropriate) to describe the existing state of the site in terms of soil types, soil properties, contamination, waste filling and acid sulphate soils; see *Acid Sulfate Soils Assessment Guidelines* (ASSMAC1998).

#### Impact Assessment

2. Identify any likely impacts resulting from the construction and/or operation of the proposal, including the likelihood of:
  - Disturbing any contaminated soil;
  - Contamination of soil by operation of the proposed activity;
  - Subsidence or instability
  - Soil erosion; and
  - Disturbing acid sulfate or potential acid sulfate soils

#### Management and Mitigation

3. Develop and describe soil management and mitigation measures during construction and the operation of the proposal including;
  - Erosion and sediment control measures;
  - Proposal for managing soils on site – see *Acid Sulfate Soils Assessment Guidelines* (ASSMAC1998).
  - Proposal for managing contaminated soils or other materials on site.

### **Water**

No proposal or activity should breach clause 120 of the Protection of the Environment Operations Act 1997 (i.e. pollution of waters is prohibited unless undertaken in accordance with relevant regulations).

#### Describe Proposal

1. Describe the proposal including position of any intakes and discharges, volumes, water quality and frequency of all water discharges.

2. Demonstrate that all practical options to avoid discharge have been implemented and environmental impact minimised where discharge is necessary.
3. Include a water balance for the development including water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

#### Background Conditions

4. Describe existing surface and groundwater quality. An assessment needs to be undertaken for any water resource likely to be affected by the proposal.
5. State the Water Quality Objectives for the receiving waters relevant to the proposal. These refer to the community's agreed environmental values and human uses endorsed by the NSW Government as goals for ambient waters (<http://www.environment.nsw.gov.au/ieo/index.htm>). Where groundwater may be impacted the assessment should identify appropriate groundwater environmental values.
6. State the indicators and associated trigger values or criteria for the identified environmental values. This information should be sourced from the ANZECC (2000) Guidelines for Fresh and Marine Water Quality ([http://www.mincos.gov.au/publications/australian\\_and\\_new\\_zealand\\_guidelines\\_for\\_fresh\\_and\\_marine\\_water\\_quality](http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality)).
7. State any locally specific objectives, criteria or targets which have been endorsed by the NSW Government.

#### Impact Assessment

8. Describe the nature and degree of impact that any proposed discharges will have on the receiving environment.
9. Assess impacts against the relevant ambient water quality outcomes. Demonstrate how the proposal will be designed and operated to:
  - o protect the Water Quality Objectives for receiving waters where they are currently being achieved; and
  - o contribute towards achievement of the Water Quality Objectives over time where they are not currently being achieved.
10. Where a discharge is proposed that includes a mixing zone, the proposal should demonstrate how wastewater discharged to waterways will ensure the ANZECC (2000) water quality criteria for relevant chemical and non-chemical parameters are met at the edge of the initial mixing zone of the discharge, and that any impacts in the initial mixing zone are demonstrated to be reversible.
11. Assess impacts on groundwater and groundwater dependent ecosystems.
12. Describe how stormwater will be managed both during and after construction.

#### Monitoring

13. Describe how predicted impacts will be monitored and assessed over time.

## Attachment 2 – Guidance Material

Title	Web address
<b><u>Relevant Legislation</u></b>	
<i>Contaminated Land Management Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N</a>
<i>Environmentally Hazardous Chemicals Act 1985</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+14+1985+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+14+1985+cd+0+N</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N</a>
<i>Water Management Act 2000</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N</a>
<b><u>Licensing</u></b>	
Guide to Licensing	<a href="http://www.environment.nsw.gov.au/licensing/licenceguide.htm">www.environment.nsw.gov.au/licensing/licenceguide.htm</a>
<b><u>Air Issues</u></b>	
<b>Air Quality</b>	
Approved methods for modelling and assessment of air pollutants in NSW (2005)	<a href="http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf">http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf</a>
POEO (Clean Air) Regulation 2010	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N</a>
<b><u>Noise and Vibration</u></b>	
Interim Construction Noise Guideline (DECC, 2009)	<a href="http://www.environment.nsw.gov.au/noise/constructnoise.htm">http://www.environment.nsw.gov.au/noise/constructnoise.htm</a>
Assessing Vibration: a technical guideline (DEC, 2006)	<a href="http://www.environment.nsw.gov.au/noise/vibrationguide.htm">http://www.environment.nsw.gov.au/noise/vibrationguide.htm</a>
Industrial Noise Policy Application Notes	<a href="http://www.environment.nsw.gov.au/noise/traffic.htm">http://www.environment.nsw.gov.au/noise/traffic.htm</a>
Environmental Criteria for Road Traffic Noise (EPA, 1999)	<a href="http://www.environment.nsw.gov.au/noise/traffic.htm">http://www.environment.nsw.gov.au/noise/traffic.htm</a>
Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects (DECC, 2007)	<a href="http://www.environment.nsw.gov.au/noise/railinfranoise.htm">http://www.environment.nsw.gov.au/noise/railinfranoise.htm</a>
Environmental assessment requirements for rail traffic-generating developments	<a href="http://www.environment.nsw.gov.au/noise/railnoise.htm">http://www.environment.nsw.gov.au/noise/railnoise.htm</a>
<b><u>Waste, Chemicals and Hazardous Materials and Radiation</u></b>	
<b>Waste</b>	
Environmental Guidelines: Solid Waste	<a href="http://www.environment.nsw.gov.au/resources/waste/envguidlns/s">http://www.environment.nsw.gov.au/resources/waste/envguidlns/s</a>

Title	Web address
Landfills (EPA, 1996)	<a href="#">olidlandfill.pdf</a>
Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)	<a href="http://www.environment.nsw.gov.au/resources/waste/envguidlns/industrialfill.pdf">http://www.environment.nsw.gov.au/resources/waste/envguidlns/industrialfill.pdf</a>
Waste Classification Guidelines (DECC, 2009)	<a href="http://www.environment.nsw.gov.au/waste/envguidlns/index.htm">http://www.environment.nsw.gov.au/waste/envguidlns/index.htm</a>
Resource recovery exemption	<a href="http://www.environment.nsw.gov.au/waste/RRecoveryExemptions.htm">http://www.environment.nsw.gov.au/waste/RRecoveryExemptions.htm</a>
<b>Chemicals subject to Chemical Control Orders</b>	
Chemical Control Orders (regulated through the EHC Act )	<a href="http://www.environment.nsw.gov.au/pesticides/CCOs.htm">http://www.environment.nsw.gov.au/pesticides/CCOs.htm</a>
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
<b><u>Water and Soils</u></b>	
<b>Acid sulphate soils</b>	
Acid Sulfate Soils Planning Maps	<a href="http://canri.nsw.gov.au/download/">http://canri.nsw.gov.au/download/</a>
Acid Sulfate Soils Manual (Stone et al. 1998)	Manual available for purchase from: <a href="http://www.landcom.com.au/whats-new/the-blue-book.aspx">http://www.landcom.com.au/whats-new/the-blue-book.aspx</a> Chapters 1 and 2 are on DP&I's Guidelines Register at: Chapter 1 Acid Sulfate Soils Planning Guidelines: <a href="http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf">http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf</a> Chapter 2 Acid Sulfate Soils Assessment Guidelines: <a href="http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf">http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf</a>
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	<a href="http://www.derm.qld.gov.au/land/ass/pdfs/lmg.pdf">http://www.derm.qld.gov.au/land/ass/pdfs/lmg.pdf</a> This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
<b>Contaminated Sites Assessment and Remediation</b>	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	<a href="http://www.planning.nsw.gov.au/DevelopmentAssessments/RegisterofDevelopmentAssessmentGuidelines/tabid/207/language/en-US/Default.aspx">http://www.planning.nsw.gov.au/DevelopmentAssessments/RegisterofDevelopmentAssessmentGuidelines/tabid/207/language/en-US/Default.aspx</a>
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	<a href="http://www.environment.nsw.gov.au/resources/clm/97104consultantsqlines.pdf">http://www.environment.nsw.gov.au/resources/clm/97104consultantsqlines.pdf</a>
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	<a href="http://www.environment.nsw.gov.au/resources/clm/auditorqlines06121.pdf">http://www.environment.nsw.gov.au/resources/clm/auditorqlines06121.pdf</a>
Sampling Design Guidelines (EPA, 1995)	Available by request from EPA's Environment Line
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	<a href="http://www.ephc.gov.au/taxonomy/term/44">http://www.ephc.gov.au/taxonomy/term/44</a>

Title	Web address
<b>Soils – general</b>	
Soil and Landscape Issues in Environmental Impact Assessment (DLWC 2000)	<a href="http://www.dnr.nsw.gov.au/care/soil/soil_pubs/pdfs/tech_rep_34_new.pdf">http://www.dnr.nsw.gov.au/care/soil/soil_pubs/pdfs/tech_rep_34_new.pdf</a>
Managing urban stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC 2008)	Vol 1 - Available for purchase at <a href="http://www.landcom.com.au/whats-new/publications-reports/the-blue-book.aspx">http://www.landcom.com.au/whats-new/publications-reports/the-blue-book.aspx</a> Vol 2 - <a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">http://www.environment.nsw.gov.au/stormwater/publications.htm</a>
Landslide risk management guidelines	<a href="http://www.australiangeomechanics.org/resources/downloads/">http://www.australiangeomechanics.org/resources/downloads/</a>
Site Investigations for Urban Salinity (DLWC, 2002)	<a href="http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf">http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf</a>
Local Government Salinity Initiative Booklets	<a href="http://www.environment.nsw.gov.au/salinity/solutions/urban.htm">http://www.environment.nsw.gov.au/salinity/solutions/urban.htm</a>
<b>Water</b>	
Water Quality Objectives	<a href="http://www.environment.nsw.gov.au/ieo/index.htm">http://www.environment.nsw.gov.au/ieo/index.htm</a>
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	<a href="http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality">http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	<a href="http://deccnet/water/resources/AWQGuidance7.pdf">http://deccnet/water/resources/AWQGuidance7.pdf</a>
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf">http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf</a>

doc13/35532



4th April, 2013

Mr Chris Ritchie  
Manager – Industry  
Development Assessment Systems and Approvals  
Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Kerry Hamann

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**Telephone:** +61 2 4973 0700  
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Dear Mr Ritchie

**ERARING WASTE AND RESOURCES MANAGEMENT FACILITIES (SSD 5877)  
REQUEST FOR DIRECTOR-GENERAL'S REQUIREMENTS**

In response to your letter dated 19th March, 2013 in regard to the above, Eraring Energy thanks you for the opportunity to have input into the planning process. As Eraring Energy has been involved closely with the Applicant during the development of this proposal, Eraring has no other issues to be raised in regard to the Director-General Requirements for the Environmental Impact Statement for this project.

If you have any issues in regard to this development, please contact Garry Craig on 0438 243 402.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. Hogan', with a horizontal line extending to the right.

JEFF HOGAN  
EXECUTIVE MANAGER ERARING OPERATIONS

Kerry

The Office of Environment and Heritage (OEH) has reviewed the documentation for the above project. In this instance OEH has no specific DGRs requirements for threatened species given that construction of the waste management facility is over an existing car park. The project does not require vegetation removal and there is unlikely to be any indirect impact on any threatened species listed under the *Threatened Species Conversation Act 1995*. It is recommended that the standard DGRs for Greenhouse gas and Aboriginal cultural heritage (below) are included in any DGRs.

Regards,

Richard Bath  
Head - Hunter Planning Unit  
Regional Operations Group  
Office of Environment and Heritage  
NSW Department of Premier and Cabinet  
PO Box 488G Newcastle NSW 2300  
T: 4908 6805  
W: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

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## 1 Greenhouse gas

1. The EIS should include a comprehensive assessment of, and report on, the project's predicted greenhouse gas emissions (tCO<sub>2</sub>e). Emissions should be reported broken down by:
  - a. direct emissions (scope 1 as defined by the Greenhouse Gas Protocol – see reference in **Attachment 2**),
  - b. indirect emissions from electricity (scope 2), and
  - c. upstream and downstream emissions (scope 3)

before and after implementation of the project, including annual emissions for each part of the project (construction, operation and decommissioning).

2. The EIS should include an estimate of the greenhouse emissions intensity (per unit of production). Emissions intensity should be compared with best practice if possible.
3. The emissions should be estimated using an appropriate methodology, in accordance with NSW, Australian and international guidelines (see **Attachment 2**).
4. The proponent should also evaluate and report on the feasibility of measures to reduce greenhouse gas emissions associated with the project. This could include a consideration of energy efficiency opportunities or undertaking an energy use audit for the site.

## 2 Aboriginal Cultural Heritage

OEH recommends that the following Aboriginal cultural heritage issues be addressed by the proponent in preparing the EIS.

### **Existing Aboriginal cultural heritage values**

OEH acknowledges the existence of numerous registered Aboriginal sites in the regional locality. These include culturally modified trees, isolated finds, camp sites, artefact scatters and Potential Archaeological Deposits (PADS). It is also acknowledged that the project area contains landforms which have yielded a significant volume of evidence of Aboriginal occupation. It is therefore recommended that the proponent consider any potential impacts of the proposal on these known Aboriginal sites/objects, the sensitivity and significance of these sites to the traditional Aboriginal knowledge holders and any relationship that may exist between these sites and any Aboriginal cultural heritage values of the project area.

### **Potential impacts of the project on Aboriginal cultural heritage values**

#### **Standard requirements:**

1. The EIS must address and document the information requirements set out in the draft '*Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*' (Department of Environment and Conservation 2005). This document is available from Department of Planning and Infrastructure upon request.
2. The EIS must include surveys by suitably qualified archaeological consultants in consultation with all of the local Aboriginal knowledge holders.
3. The EIS should identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area and clearly articulate strategies proposed to avoid/minimise these impacts. If impacts are proposed as part of the final development, clear justification for such impacts should be provided.
4. The EIS must assess and document the archaeological and Aboriginal significance of the site's Aboriginal cultural heritage values.
5. Describe the actions that will be taken to avoid or mitigate impacts of the project on Aboriginal cultural heritage values. This must include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented. Any proposed methodology for Aboriginal cultural heritage investigation should reflect best practice standards recommended by OEH in the '*Code of Practice for Archaeological Investigations of Objects in New South Wales (2010)*'.
6. The EIS must provide documentary evidence to demonstrate that effective community consultation with Aboriginal communities has been undertaken in assessing impacts, developing protection and mitigation

options and making final recommendations. OEH supports broad-based Aboriginal community consultation and as a guide OEH's '*Aboriginal cultural heritage consultation requirements for proponents 2010*' provides a useful model to follow. This requirement is available on OEH's website at:

[www.environment.nsw.gov.au/licences/consultation.htm](http://www.environment.nsw.gov.au/licences/consultation.htm).

7. If impacts on Aboriginal cultural heritage values are proposed as part of the final development, an assessment of the proposed impacts in the context of '*inter generational equity*' and cumulative impact must be undertaken. This assessment must examine both cultural and archaeological perspectives equally at both the local and regional levels, with consideration given to the site level and broader landscape level.

Note: If the EIS is relying on past surveys it is critical to confirm that the surveys are consistent with the requirements of the above Major Project application guidelines. Further, whilst there may be no requirement for obtaining an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) for projects approved under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979*, there are other sections of the NPW Act which remain valid. This includes the requirement to obtain a Care Agreement for salvaged objects (Section 85) and reporting to OEH on the status of new or impacted Aboriginal sites (Section 89A).

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Office of Environment and Heritage, NSW Department of Premier and Cabinet.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



Your Reference: SSD 5877  
Our Reference (TRIM): 13/8127 Sent by email

8<sup>th</sup> April 2013

Chris Ritchie  
Manager – Industry  
Development Assessment Systems and Approvals  
NSW Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Ritchie,

**Re: Eraring Waste and Resource Management Facilities (SSD 5877) Request  
for Director – General’s Requirements**

Thank you for the opportunity to provide advice on the Eraring Waste and Resource Management Facilities. This is a response from the NSW Department of Trade & Investment (DTIRIS) – Mineral Resources Branch (MRB). The Department of Primary Industries, incorporating advice from Agriculture, Fisheries and Forests NSW may respond separately.

While the MRB has no Director-General’s Requirements for the above project, it is noted that Consolidated Coal Lease (CCL) 762 held by Centennial Mandalong Pty Ltd underlies the project area. Furthermore, the proposal is located within the West Lake Mine Subsidence District (MSD). Accordingly, any future development within the subject areas should be designed in accordance to guidelines established by the Mine Subsidence Board. As such, MRB strongly recommends that the Mine Subsidence Board be consulted regarding the proposal.

For further information regarding mineral issues please contact Andrew Helman, on (02) 4931 6572 or [andrew.helman@industry.nsw.gov.au](mailto:andrew.helman@industry.nsw.gov.au).

Yours sincerely

Simon Francis  
A/Team Leader Land Use