



APPENDIX A

Secretary's Environmental Assessment Requirements



Planning & Environment

Resource Assessments

Planning Services

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Mr Stuart Murray
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Dear Mr Murray

State Significant Development – Environmental Assessment Requirements Martins Creek Quarry Project (SSD-6612)

I wish to advise you that in accordance with Clause 3 (5) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary has modified her environmental assessment requirements (EARs) for the proposed Martins Creek Quarry Project.

As you would be aware, the project was declared to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* on 21 July 2016. This means the project requires an approval under the EPBC Act in respect of those matters of national environmental significance (MNES) identified in the controlled action declaration.

The Department advised when issuing the original EARs (letter dated 11 November 2014) that in this scenario, the Commonwealth approval process was likely to be integrated with the NSW approval process under the bilateral agreement. In order to facilitate this streamlined assessment process, the Commonwealth Department of the Environment has issued its supplementary assessment requirements, which relate to relevant MNES.

Accordingly, please find attached a copy of the modified EARs for the project, which includes the DoE's supplementary requirements.

The Department requests that the supplementary requirements are addressed in the revised EIS together with the other matters raised in the previous review letter dated 29 July 2016.

Please note that other agency and community input received in relation to the previous revision of the EARs (dated 11 November 2014 and 22 May 2015) remains applicable.

If you have any enquiries about the modified requirements, please contact Thomas Watt on 9228 6375.

Yours sincerely

Howard Reed

Director

Resource Assessments

4.8.16

Secretary's Environmental Assessment Requirements

State Significant Development

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

Application Number	SSD 6612
Proposal	<p>The Martins Creek Quarry Extension Project, which involves:</p> <ul style="list-style-type: none"> • extracting up to 1.5 million tonnes of hard rock material per annum; • expanding into new extraction areas and clearing approximately 36.8 hectares of vegetation; • increasing the hours of operation for quarrying to 6am – 6pm (Monday to Saturday), processing to 6am - 10pm (Monday to Saturday), mixing and binding to 4:30am - 10pm (Monday to Friday) and 4:30am - 6pm (Saturdays), stockpiling, loading and dispatch of road transport to 5:30am - 7pm (Monday to Saturday) and train loading to 24 hours per day, 7 days per week; • consolidating existing operations and approvals; and • rehabilitating the site.
Location	Station Street, Martins Creek, in the Dungog local government area
Applicant	Buttai Gravel Pty Ltd
Date of Issue	4 August 2016
General Requirements	<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"> • a full description of the development, including: <ul style="list-style-type: none"> – the resource to be extracted, demonstrating efficient resource recovery within environmental constraints, and having regard to NSW Trade and Investment's requirements (see Attachment 2); – the site layout and extraction plan; – processing activities; – a waste (overburden, leachate, etc.) management strategy, dealing with the EPA's requirements (see Attachment 2); – a water management strategy, dealing with the EPA's and Department of Primary Industries' requirements (see Attachment 2); – a rehabilitation strategy, having regard to the key principles in the <i>Strategic Framework for Mine Closure</i>; and – the likely interactions between the development and any other existing, approved or proposed extractive industry development in the vicinity of the site (such as the Brandy Hill Quarry); • a list of any approvals that must be obtained before the development may commence; • an assessment of the likely impacts of the development on the environment, focussing on the specific issues identified below, including: <ul style="list-style-type: none"> – a description of the existing environment likely to be affected by the development, <u>using sufficient baseline data</u>; – an assessment of the likely impacts of all stages of the development, including any cumulative impacts, taking into consideration any relevant laws, environmental planning instruments, guidelines, policies, plans and industry codes of practice; – 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"> ○ whether these measures are consistent with industry best

	<p>practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented;</p> <ul style="list-style-type: none"> ○ the likely effectiveness of these measures; and ○ whether contingency plans would be necessary to manage any residual risks; and <p>– a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved;</p> <ul style="list-style-type: none"> • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; • 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 • the reasons why the development should be approved having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development. <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 expert that includes an accurate estimate of the:</p> <ul style="list-style-type: none"> • 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; and • jobs that would be created during each stage of the development.
Key Issues	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> • Traffic & Transport – including: <ul style="list-style-type: none"> - accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products, the public roads in the Dungog Shire, Maitland City and Port Stephens LGAs likely to be so used and the times during which those roads would be so used; - a detailed assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road network (as identified above), having regard to the requirements of the RMS, Dungog Shire, Maitland City and Port Stephens Councils (see Attachment 2); - a detailed assessment of the existing railway siding facility at the site as an alternative transport option for delivering quarry products and avoiding potential impacts associated with road delivery; and - a detailed description of the measures or works (including concept plans) that would be used and/or implemented to upgrade, maintain and improve the capacity, efficiency and safety of the road network used by the development. • Blasting & Vibration – including: <ul style="list-style-type: none"> - proposed hours, frequency, methods and impacts; and - an assessment of the likely blasting impacts of the development on people, buildings, animals, infrastructure and significant natural features having regard to the relevant ANZECC guidelines. • Air Quality – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction and operational impacts, with a particular focus on dust emissions including PM_{2.5} and PM₁₀; - dust generation from blasting and processing, as well as diesel emissions and dust generated from the transportation of quarry

	<p>products;</p> <ul style="list-style-type: none"> - reasonable and feasible mitigation measures to minimise dust and diesel emissions; and - monitoring and management measures, in particular, real-time air quality monitoring. <ul style="list-style-type: none"> • Noise – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction, operational and off-site transport noise impacts in accordance with the <i>Interim Construction Noise Guideline</i>, <i>NSW Industrial Noise Policy</i> and the <i>NSW Road Noise Policy</i> respectively; - reasonable and feasible mitigation measures to minimise noise emissions; and - monitoring and management measures, in particular real-time and attended noise monitoring. • Water – including: <ul style="list-style-type: none"> - an assessment of the potential impacts of the development on: <ul style="list-style-type: none"> o the quantity and quality of regional water supplies; o regional water supply infrastructure; o affected licensed water users and basic landholder rights (including downstream water users); and o the Hunter Estuary Wetlands site, which is a wetland of international importance (Ramsar wetland); - a detailed site water balance, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply infrastructure and water storage structures; - an assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; - identification of any licensing requirements or other approvals under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i>; - demonstration that water for the construction and operation of the development can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP); - a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant WSP or water source embargo; and - a detailed description of the proposed water management system (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts. • Land – including: <ul style="list-style-type: none"> - an assessment of the likely impacts of the development on the soils, land capability; - and assessment of the likely impact of the development on landforms (topography), paying particular attention to the long term geotechnical stability of any new landforms (such as overburden dumps); and - an assessment of the compatibility of the development with other land uses in the vicinity of the development in accordance with the requirements in Clause 12 of <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>; • Biodiversity – including: <ul style="list-style-type: none"> - an assessment of the likely biodiversity impacts of the project, having regard to OEHS and the Commonwealth Department of the Environment's (DoE) requirements (see Attachment 2); - an offset strategy prepared in accordance with OEHS and DoE requirements; • Heritage – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, having regard to OEHS requirements (see Attachment 2); • Visual – 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 (noise bunds, etc.);
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	<ul style="list-style-type: none"> • Greenhouse Gases – including an assessment of the likely greenhouse gas emissions of the development, dealing with the EPA's requirements (see Attachment 2); • Hazards – including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, handling and use of any dangerous goods; and • Social & Economic – including: <ul style="list-style-type: none"> - an assessment of potential impacts on local and regional communities including impacts on social amenity; - a detailed description of the measures that would be implemented to minimise the adverse social and economic impacts of the development, including any infrastructure improvements, or contributions and/or voluntary planning agreement or similar mechanism; and - a detailed assessment of the costs and benefits of the development as a whole, and whether it would result in a net benefit for the NSW community. • Rehabilitation – including the proposed rehabilitation strategy for the site having regard to the key principles in the <i>Strategic Framework for Mine Closure</i>, including: <ul style="list-style-type: none"> - rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; - nominated final land use, having regard to any relevant strategic land use planning or resource management plans or policies; and - the potential for integrating this strategy with any other rehabilitation and/or offset strategies in the region.
Consultation	<p>During the preparation of the EIS, you must consult with relevant local, State and Commonwealth Government authorities, service providers, Aboriginal stakeholders, community groups and affected landowners.</p> <p>In particular, you must consult with the:</p> <ul style="list-style-type: none"> • Commonwealth Department of the Environment; • Office of Environment and Heritage (including the Heritage Branch); • Environment Protection Authority; • Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services; • Department of Primary Industries (including the NSW Office of Water, NSW Forestry, Agriculture and Fisheries sections and Crown Lands division); • Roads and Maritime Services; • Hunter Local Land Services; • Dungog Shire Council; • Maitland City Council; • Port Stephens Council; and • community groups including, but not limited to the: Martin's Creek Quarry Action Group, Paterson Progress Association, Bolwarra Heights Community Group and the Voice of Wallalong and Woodville. <p>The EIS must:</p> <ul style="list-style-type: none"> • describe the consultation process used and demonstrate that effective consultation has occurred; • describe the issues raised by public authorities, service providers, community groups and landowners; • identify where the design of the development has been amended in response to issues raised; and • otherwise demonstrate that issues raised have been appropriately addressed in the assessment.

ATTACHMENT 1

Environmental Planning Instruments, Policies, Guidelines & Plans

Air	
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline (EPA)
	Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion into the ‘Approved Methods for the Modelling and Assessments of Air Pollutants in NSW, Australia’
	National Greenhouse Accounts Factors (Commonwealth)
Noise	
	NSW Industrial Noise Policy and associated Application Notes (EPA)
	Interim Construction Noise Guideline (DECC 2009)
	NSW Road Noise Policy (EPA)
Water	
Water Sharing Plans	Water Sharing Plan for the Paterson Regulated River Water Source 2007
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)
	Office of Water Guidelines for Controlled Activities (2012)
	Groundwater Monitoring and Modelling Plans – Information for prospective mining and petroleum exploration activities (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
Surface Water	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	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)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	NSW Water Conservation Strategy (2000)
	State Water Management Outcomes Plan
	NSW State Rivers and Estuary Policy (1993)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	Environmental Guidelines: Use of Effluent by Irrigation (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities on Waterfront Land (NOW)

Land	Soil and Landscape Issues in Environmental Impact Assessment (NOW) Agfact AC25: Agricultural Land Classification (NSW Agriculture) Agricultural Issues for Extractive Industries (NSW Trade and Investment) State Environmental Planning Policy No. 55 – Remediation of Land Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
Traffic	Guide to Traffic Generating Development (RMS) Road Design Guide (RMS) & relevant Austroads Standards
Biodiversity	NSW Biodiversity Offsets Policy for Major Projects (OEH) Guidelines for Threatened Species Assessment (DP&E) Framework for Biodiversity Assessment (OEH) NSW State Groundwater Dependent Ecosystem Policy (NOW) Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW) State Environmental Planning Policy No. 44 – Koala Habitat Protection
Heritage	The Burra Charter (The Australia ICOMOS charter for places of cultural significance) Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DP&E) Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH) NSW Heritage Manual (OEH) Statements of Heritage Impact (OEH) Hunter Regional Environmental Plan 1989 (Heritage)
Public Safety	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
Waste	Waste Classification Guidelines (EPA)
Rehabilitation	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth) Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth) Strategic Framework for Mine Closure (ANZMEC-MCA)
Environmental Planning Instruments - General	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Dungog Local Environment Plan 2014

ATTACHMENT 2

Agency Correspondence

ATTACHMENT 3

Community Group Submissions

Guidelines for preparing Assessment Documentation relevant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Martins Creek Quarry Expansion Project (EPBC 2016/7725; SSD 6612)

1. On 21 July 2016 it was determined that the Martins Creek Quarry Expansion Project will impact upon the following matters of national environmental significance (MNES) protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):
 - **Wetlands of international importance (Ramsar wetlands) (sections 16 & 17B); and**
 - **Listed threatened species and communities (sections 18 & 18A).**
2. The project will be assessed in accordance with the NSW Assessment Bilateral Agreement (2015) and as such will be required to be assessed in the manner specified in Schedule 1 to that Agreement including, addressing the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth). These requirements do not stand alone but are a supplement to the Secretary's Environmental Assessment Requirements issued on 22 May 2015 and must be addressed in conjunction with those requirements. The requirements are intended such that there is sufficient information in the assessment report relevant to MNES such that the Commonwealth decision-maker may make a determination on whether or not to approve the action.
3. The proponent must undertake an assessment of all the protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. A list of protected matters that are considered likely to be significantly impacted is provided at Attachment A to these Guidelines. Note that this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under this controlling provision, likely to be significantly impacted, are assessed for the Commonwealth decision-maker's consideration.

General Requirements

The EIS must address the following issues:

4. the precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on matters of national environmental significance (MNES);
5. how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES;
6. an assessment of the relevant impacts of the action on Ramsar wetlands and threatened species and communities; including
 - a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;
 - a statement whether any relevant impacts are likely to be known, unpredictable or irreversible; analysis of the significance of the relevant impacts;
 - any technical data and other information used or needed to make a detailed assessment of the relevant impacts; and
 - a comparative description of the impacts of alternatives, if any, on the threatened species and communities.
7. Information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:

- a description of the proposed avoidance and mitigation measures to deal with the relevant impacts of the action;
- assessment of the expected or predicted effectiveness of the mitigation measures;
- the cost of the mitigation measures;
- a description of the outcomes that the avoidance and mitigation measures will achieve;
- a description of the offsets proposed to address the residual adverse significant impacts and how these offsets will be established.

Key Issues

Ramsar

8. The EIS must identify and describe the location, extent and ecological characteristics and values of the Wetland of International Importance identified at Attachment A that is likely to be impacted by all stages of the proposed development.
9. The assessment of impacts should include information on:
 - areas of wetland being destroyed or substantially modified;
 - substantial and measurable changes to the hydrological regime of the wetlands, for example a substantial change to the volume, timing, duration or frequency of ground and surface water flows to and within the wetland;
 - the habitat or lifecycle of native species, including invertebrate fauna and fish species, dependent upon the wetland that are at risk of being affected;
 - substantial and measurable change in water quality of the wetlands, for example a substantial change in the level of salinity, pollutants, nutrients or temperature that may adversely impact on biodiversity, ecological integrity and social amenity or human health;
 - invasive species that may be harmful to the ecological character of the wetlands, if introduced or spread as a result of the development.
 - A description of any mitigation and management measures proposed to protect or enhance the elements of the impacted ecological character of the Wetland of International Importance.

Biodiversity

10. The EIS must address the following issues in relation to Biodiversity including separate:
 - identification of each EPBC Act listed threatened species and community likely to be significantly impacted by the development. Provide evidence why other EPBC Act listed threatened species and communities likely to be located in the project area or in the vicinity will not be significantly impacted. in accordance with the *Matters of National Environmental Significance - Significant Impact Guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* (Significant Impact Guidelines).
11. For each of the relevant EPBC Act listed threatened species and communities likely to be significantly impacted by the development the EIS must provide a separate:
 - description of the habitat and habits (including identification and mapping of suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with

consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advice, conservation advice and recovery plans, threat abatement plans and wildlife conservation plans; and

- details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Australian Government guidelines and policy statements.
- description of the impacts of the action having regard to the full national extent of the species or community's range.

[Note: the relevant guidelines and policy statements for each species and community are available from the Department of the Environment and Energy Species Profiles and Threats Database.
www.environment.gov.au/cgi-bin/sprat/public/sprat.pl]

12. For each of the relevant EPBC Act listed threatened species and communities likely to be significantly impacted by the development the EIS must provide a separate:
- identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account.
 - details of how the current published NSW Framework for Biodiversity Assessment (FBA) has been applied in accordance with the objects of the EPBC Act to offset significant residual adverse impacts;
 - details of the offset package to compensate for significant residual impacts including details of the credit profiles required to offset the development in accordance with the FBA and/or mapping and descriptions of the extent and condition of the relevant habitat and/or threatened communities occurring on proposed offset sites.

[Note: For the purposes of approval under the EPBC Act, it is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action i.e. 'like for like'. In applying the FBA, residual impacts on EPBC Act listed threatened ecological communities must be offset with Plant Community Type(s) (PCT) that are ascribed to the specific EPBC listed ecological community. PCTs from a different vegetation class will not generally be acceptable as offsets for EPBC listed communities.]

13. Any significant residual impacts not addressed by the FBA may need to be addressed in accordance with the Environment Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy. <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>. [Note if the EPBC Act Environmental Offset Policy is used to calculate proposed offsets for a threatened species or community you may wish to seek further advice from the Department of Planning and Environment.]

Environmental Record of person proposing to take the action

14. The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the person proposing to take the action; and for an action for which a person has applied for a permit, the person making the application.
15. If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.

REFERENCES

1. *Environment Protect and Biodiversity Conservation Act 1999* - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E
2. NSW Assessment Bilateral Agreement (2015) - Item 18.1, Item 18.5, Schedule 1
3. *Matters of National Environmental Significance - Significant impact guidelines 1.1* (2013) EPBC Act
4. *Environment Protect and Biodiversity Conservation Act 1999* Environmental Offsets Policy October 2012

Attachment A

The Department of the Environment and Energy's Environment Reporting Tool (ERT) identifies that 26 threatened species and communities may occur within 5 km of the proposed action. Based on the information in the referral documentation, the location of the action, species records and likely habitat present in the area, there are likely to be significant impacts to:

- Slaty Red Gum (*Eucalyptus glaucina*) – Vulnerable;
- Koala (*Phascolarctos cinereus*) combined populations of Qld, NSW and the ACT – Vulnerable;
- Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered;
- Swift Parrot (*Lathamus discolor*) – Critically Endangered; and
- Spot-tailed Quoll (*Dasyurus maculatus maculatus*) SE mainland population – Endangered.

There is some risk that there may be significant impacts on the following Wetland of international importance (Ramsar wetland) and the level of impact should be further investigated:

- The project site is located 20-30km upstream of the Hunter Estuary Wetlands Ramsar site, and about 1km from the Paterson River, a major tributary of the Hunter River which flows into the Ramsar site. Minor tributaries to the Paterson River run through the project site.

Our Ref: 3957C_DPIE_Sprott_20200828a_itr

7 September 2020

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Dear Matthew

Re: Martins Creek Quarry – SSDA 6612 – Amended Development Application Process

Further to correspondence dated 9 July 2020 and subsequent discussions, Buttai Gravel Pty Ltd, which is part of the Daracon Group (hereafter referred to as Daracon,) proposes to submit an Amended Development Application (ADA) for the Martins Creek Quarry Project (SSDA 6612).

As you are aware, Daracon submitted a development application for the Martins Creek Quarry Extension Project in 2014. This application sought approval for the consolidation of the existing development approvals and the expansion of the quarry into new areas to extract approximately 1.5 million tonnes of material per annum over a 30 year period (hereafter referred to as the Original Project). The Environmental Impact Statement (EIS) for the Original Project was prepared by Monteath & Powys and was exhibited in late 2016.

Following detailed analysis of Agency and community feedback, Daracon undertook a thorough review of the Original Project to redesign key operational parameters in order to reduce environmental and social impacts. In particular, Daracon committed to reduce the extraction limits, operational hours and truck movements (the Previously Revised Project). On 23 May 2019, Daracon wrote to the Department to outline the key features of the Previously Revised Project and seek approval to amend the development application in accordance with clause 55 of the Environmental Planning and Assessment Regulation 2000.

Since this time, following further community engagement and feedback, Daracon has undertaken further investigations and committed to further amendments (Revised Project). These amendments were discussed at a meeting with Daracon, Umwelt and the Department on 3 August 2020.

Further details of the Revised Project and a comparison of the earlier project parameters are included in **Attachment 1**.

The existing environmental assessment is being updated, and includes revised and updated technical studies, to evaluate the key project changes, provide requested additional information and comprehensively address the assessment requirements. **Attachment 2** provides a summary of the relevant policies and guidance documents against which the updated technical environmental studies are being undertaken.

Daracon is seeking:

- approval from the Department, under delegated powers from the Independent Planning Commission (IPC), to amend the current development application in accordance with clause 55 of the *Environmental Planning and Assessment Act 1979*
- confirmation that the updated technical environmental studies being undertaken in accordance with the policies and guidance outlined in **Attachment 2** are appropriate.

If you require any further information, please do not hesitate to contact Barbara Crossley (Umwelt) on 0417 671 344 or myself on 0400 390 470.

Yours sincerely



Adam Kelly
Director – Business Development

Attachment 1 Proposed Amended Development Application Particulars

The proposed amended development application is for the extraction, processing and transportation of 1.1 million tonnes of quarry material per annum, including extension of the current West Pit, reconfiguration of the rail spur and loading arrangements, and establishment of a new access road, in addition to the consolidation of existing operations and approvals. It is proposed that a maximum of 500,000 tonnes per annum would be transported via road. As a continuing operation, it is proposed that there would be some phasing of the increase in production and ancillary works.

Further details of the proposed amended development application compared to the exhibited project area provided in the table below.

Key Project Feature	Original Project (as per the exhibited EIS, 2016)	Previously Revised Project (as per the Amended Development Application, 2019)	Revised Project (as per the Amended Development Application, 2020)
Proposed Quarry Operations Approval Term	<ul style="list-style-type: none"> 30 years 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> 25 years
Limits on extraction	<ul style="list-style-type: none"> Total extraction of up to 1.5 Mtpa, of which up to 1.45 Mtpa on road for quarry sales transportation 	<ul style="list-style-type: none"> Total extraction up to 1.1 Mtpa, with up to a maximum of 900,000 tpa on road for quarry sales transportation 	<ul style="list-style-type: none"> Total extraction up to 1.1 Mtpa, with up to a maximum of 500,000 tpa on road for quarry sales transportation
	<ul style="list-style-type: none"> Majority by road, approximately 50,000 tonnes by rail 	<ul style="list-style-type: none"> Material will also be transported by rail 	<ul style="list-style-type: none"> Up to 600,000 tpa by rail. Subject to market requirements at a later date, Daracon may seek DPIE approval to increase the amount transported by rail, on a campaign basis.
Quarry Extent	<ul style="list-style-type: none"> Proposed additional disturbance 28.2 ha 	<ul style="list-style-type: none"> Proposed additional disturbance area 30.5 ha (including new access road) 	<ul style="list-style-type: none"> Proposed additional disturbance area 17 ha (including new access road) – a reduction of 13.5 ha
Operating Hours	<ul style="list-style-type: none"> In pit quarrying operations - 6.00 am to 6.00 pm Monday to Saturday 	<ul style="list-style-type: none"> In pit quarrying operations - 7.00 am to 6.00 pm Monday to Saturday No in-pit mobile crushing in the West Pit 	<ul style="list-style-type: none"> No change
			<ul style="list-style-type: none"> No change

Key Project Feature	Original Project (as per the exhibited EIS, 2016)	Previously Revised Project (as per the Amended Development Application, 2019)	Revised Project (as per the Amended Development Application, 2020)
			<ul style="list-style-type: none"> Blasting of Quarry material only between 11.00 am and 3.00 pm Monday to Friday
			<ul style="list-style-type: none"> No blasting on Saturday
	<ul style="list-style-type: none"> Evening/Night Works (including processing) - 6.00 am to 10.00 pm 	<ul style="list-style-type: none"> No crushing or processing prior to 7.00 am Monday to Saturday 	<ul style="list-style-type: none"> No change
	<ul style="list-style-type: none"> Pugmill mixing and binder delivery operations - 4.30 am to 10.00 pm Monday to Friday, 4.30 am to 6.00 pm Saturday 		
	<ul style="list-style-type: none"> Sales loading and stockpiling for road transport - 5.30 am to 7.00 pm Monday to Saturday 	<ul style="list-style-type: none"> No loading of product trucks prior to 7.00 am Monday to Saturday 	<ul style="list-style-type: none"> No loading of product trucks prior to 7.00 am Monday to Friday
		<ul style="list-style-type: none"> No Quarry trucks through Paterson prior to 6.45 am Monday to Saturday 	<ul style="list-style-type: none"> No Quarry trucks through Paterson prior to 6.45 am Monday to Friday
			<ul style="list-style-type: none"> No road haulage of Quarry product on Saturday

Key Project Feature	Original Project (as per the exhibited EIS, 2016)	Previously Revised Project (as per the Amended Development Application, 2019)	Revised Project (as per the Amended Development Application, 2020)
	<ul style="list-style-type: none"> Loading and parking of trucks on site overnight 	<ul style="list-style-type: none"> Unladen trucks to return to the Quarry between 6.00 pm and 7.00 pm Monday to Friday to park in the Quarry overnight and be loaded during this time in readiness for departure from 7.00 am the following morning 	<ul style="list-style-type: none"> Provision for up to 10 unladen Daracon trucks (not contractors) to return to the Quarry between 6.00 pm and 7.00 pm Monday to Friday to park in the Quarry overnight and be loaded during this time in readiness for departure from 7.00 am the following morning. (Note: in the case of trucks loaded on Friday evening, departure will be no earlier than 7.00 am Monday morning.)
	<ul style="list-style-type: none"> Train loading - 24 hours / 7 days per week 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> No change
	<ul style="list-style-type: none"> General Maintenance and Environmental Management Control – not specified 	<ul style="list-style-type: none"> 24 hours / 7 days per week as required 	<ul style="list-style-type: none"> No change
Rehabilitation	<ul style="list-style-type: none"> Rehabilitation of the Project Area 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> No change
Workforce Numbers	<ul style="list-style-type: none"> Operation – an additional 16 jobs at full capacity 	<ul style="list-style-type: none"> Operation – 22 full time equivalent positions 	<ul style="list-style-type: none"> No change
	<ul style="list-style-type: none"> Construction and Decommissioning – up to 155 jobs 	<ul style="list-style-type: none"> Construction and decommissioning – up to 156 jobs 	<ul style="list-style-type: none"> Construction, pre-clearance, rehabilitation, and decommissioning – in the order of 120 jobs
Infrastructure Construction Activities	<ul style="list-style-type: none"> New access road and driveway including a bridge over the existing railway line 	<ul style="list-style-type: none"> No change. Access road, driveway and bridge to be constructed within 50 weeks following Project Approval, subject to gaining relevant Road Act approvals from Dungog Shire 	<ul style="list-style-type: none"> No change (Further engineering design work has been undertaken on the access road).

Key Project Feature	Original Project (as per the exhibited EIS, 2016)	Previously Revised Project (as per the Amended Development Application, 2019)	Revised Project (as per the Amended Development Application, 2020)
		Council for the intersection with Dungog Road and ARTC approvals and scheduled construction window to complete the railway bridge.	
	<ul style="list-style-type: none"> Potential extension of internal rail siding 	<ul style="list-style-type: none"> No change. 	<ul style="list-style-type: none"> No change (Revised rail spur design).
Product Transportation	<ul style="list-style-type: none"> Maximum 215 loaded product trucks per day 	<ul style="list-style-type: none"> Maximum of 140 loaded product trucks (280 movements) per day 	<ul style="list-style-type: none"> No change
	<ul style="list-style-type: none"> Maximum 40 loaded product trucks per hour 	<ul style="list-style-type: none"> Maximum of 30 loaded product trucks (60 movements) per hour 	<ul style="list-style-type: none"> Maximum of 25 loaded product trucks (50 movements) per hour
	<ul style="list-style-type: none"> Maintain the ability to transport quarry material via rail 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> No change
Road haul route	<ul style="list-style-type: none"> Route 1 - Martins Creek Quarry via Station Street, Grace Avenue, Dungog Road, Gresford Road, Tocal Road, Paterson Road, Flat Road, Pitnacree Road, Melbourne Street, New England Highway 	<ul style="list-style-type: none"> Primary Haul Route 1 - No change. 	<ul style="list-style-type: none"> No change
	<ul style="list-style-type: none"> Route 2 - Martins Creek Quarry via Station Street, Grace Avenue, Dungog Road, Gresford Road, Butterwick Road, Clarence Town Road, Brandy Hill Drive, Seaham Road 	<ul style="list-style-type: none"> No approval is being sought for Haul Rote 2 as a primary haul road. Haul Route 2 will only be used to service local jobs on or directly accessed from the route. 	<ul style="list-style-type: none"> No change

Attachment 2 Martins Creek Quarry Extension Project SSDA 6612 – Proposed Guidelines for Amended Development Application

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
Air Quality	<p>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)</p> <p>Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)</p> <p>Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline (EPA)</p> <p>Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion into the ‘Approved Methods for the Modelling and Assessments of Air Pollutants in NSW, Australia’</p> <p>National Greenhouse Accounts Factors (Commonwealth)</p>	<p>Approved Methods for Modelling and Assessments of Air Pollutants in NSW (EPA 2016) (Approved Methods)</p> <p>Roads and Maritime’s Tool for Roadside Air Quality (TRAQ)</p>	<p>The 2016 version of the Approved Methods introduced a revised, more stringent criterion for PM₁₀ as well as new criteria for 24-hour and annual average PM_{2.5}.</p>
Blasting		<p>ANZECC Technical Basis for guidelines to Minimise Annoyance due to overpressure and ground vibration 1990</p> <p>Assessing Vibration: A technical guideline – Department of Environment 2006</p> <p>Australian Standard AS2187.2-2006 – Explosives – Storage and Use. Part 2: Use of Explosives.</p>	
Groundwater	<p>NSW State Groundwater Policy Framework Document (NOW)</p> <p>NSW State Groundwater Quality Protection Policy (NOW)</p> <p>NSW State Groundwater Quantity</p>	<p>NSW Aquifer Interference Policy (NOW 2012)</p>	

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
	<p>Management Policy (NOW)</p> <p>NSW Aquifer Interference Policy 2012 (NOW)</p> <p>Office of Water Guidelines for Controlled Activities (2012)</p> <p>Groundwater Monitoring and Modelling Plans – Information for prospective mining and petroleum exploration activities (NOW)</p> <p>Australian Groundwater Modelling Guidelines 2012 (Commonwealth)</p> <p>National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)</p> <p>Guidelines for the Assessment & Management of Groundwater Contamination (EPA)</p>		

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
Surface Water	<p>Water Sharing Plan for the Paterson Regulated River Water Source 2007</p> <p>NSW Government Water Quality and River Flow Objectives (EPA)</p> <p>Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)</p> <p>National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)</p> <p>NSW Water Conservation Strategy (2000)</p> <p>State Water Management Outcomes Plan</p> <p>NSW State Rivers and Estuary Policy (1993)</p> <p>Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)</p> <p>Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (EPA)</p> <p>Managing Urban Stormwater: Treatment Techniques (EPA)</p> <p>Managing Urban Stormwater: Source Control (EPA)</p>	<p>Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Environment and Conservation Council (ANZECC 2000)</p> <p>Australian Drinking Water Guidelines - Version 3.5 (ADWG) (National Health and Medical Research Council 2011)</p> <p>Managing Urban Stormwater Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC 2008) (the Blue Book)</p>	

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
	Technical Guidelines: Bunding & Spill Management (EPA) Environmental Guidelines: Use of Effluent by Irrigation (EPA) A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH) NSW Guidelines for Controlled Activities on Waterfront Land (NOW)		

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
Social & Economic		<p>Social: Social Impact Assessment Guideline, for State Significant Mining, Petroleum Production and Extractive Industry Development (2017)</p> <p>Economic: Guidelines for the economic assessment of mining and coal and coal seam gas proposals, December 2015 Technical Notes supporting the Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals (2018)</p>	<p>Social: Using the now approved guideline for Social Impact Assessment for a State significant extractive industry project.</p> <p>Economic: The Guidelines and Technical Notes provide a reasonable basis to undertake the scope of analysis required in the Amended Development Application and Submissions Report. In particular the Economic Guidelines include an approach to measure the net costs and benefits to NSW.</p>
Ecology	<p>NSW Biodiversity Offsets Policy for Major Projects (OEH)</p> <p>Guidelines for Threatened Species Assessment (DP&E)</p> <p>Framework for Biodiversity Assessment (OEH)</p> <p>NSW State Groundwater Dependent Ecosystem Policy (NOW)</p> <p>Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW)</p> <p>State Environmental Planning Policy No. 44 – Koala Habitat Protection</p>	<p>Framework of Biodiversity Assessment (OEH 2014)</p> <p>NSW Biodiversity Offsets Policy for Major Projects (OEH 2014)</p>	<p>The present development application for the Original Project is an interim or pending planning application under the transitional provisions of the biodiversity legislative amendments and in accordance with Daracon's legal advice. This status does not change if the development application is amended or varied under clause 55 of the <i>Environmental Planning & Assessment Regulation</i> 1994.</p>
Noise	<p>NSW Industrial Noise Policy and associated Application Notes (EPA)</p> <p>Interim Construction Noise Guideline (DECC 2009)</p> <p>NSW Road Noise Policy (EPA)</p>	<p>Noise Policy for Industry (EPA 2017)</p> <p>NSW Road Noise Policy (2011)</p> <p>Voluntary Land Acquisition and Mitigation Policy (VLAMP) - for State Significant Mining, Petroleum and Extractive Industry</p>	<p>Using the now approved Noise Policy for Industry which sets assessment noise levels, consistent methods, and best practice measures to manage industrial noise.</p>

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
		Developments (2018) Rail Infrastructure Noise Guideline (EPA 2013)	

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments
Heritage	<p>The Burra Charter (The Australia ICOMOS charter for places of cultural significance)</p> <p>Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DP&E)</p> <p>Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)</p> <p>NSW Heritage Manual (OEH)</p> <p>Statements of Heritage Impact (OEH)</p> <p>Hunter Regional Environmental Plan 1989 (Heritage)</p>	<p>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Burra Charter) (2013)</p> <p>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011)</p> <p>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)</p> <p>Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)</p> <p>Statements of Heritage Impact (Heritage Office and Department of Urban Affairs & Planning (former) (2002)</p> <p>Assessing Significance (Heritage Office (former) (2001)</p>	
Traffic	<p>Guide to Traffic Generating Development (RMS)</p> <p>Road Design Guide (RMS) & relevant Austroads Standards</p>	<p>Road Design Guide (RMS)</p> <p>Austroads Guidelines (various dates)</p> <p>Guide to Traffic Generating Developments (RTA 2002)</p>	
Public Safety	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</p> <p>Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</p>	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</p> <p>Planning for Bush Fire Protection 2006 (RFS)</p>	<p>The Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis guideline is not relevant as the project is not a hazardous industry</p>
Waste	Waste Classification Guidelines (EPA)	Waste Classification Guidelines	

Environmental Assessment	Guideline identified in SEARs	Proposed Guidelines for use in Amended Development Application	Comments	
Rehabilitation	<p>Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)</p> <p>Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)</p> <p>Strategic Framework for Mine Closure (ANZMEC-MCA)</p>	Strategic Framework for Mine Closure (ANZMEC-MCA)		
Land	<p>Soil and Landscape Issues in Environmental Impact Assessment (NOW)</p> <p>Agfact AC25: Agricultural Land Classification (NSW Agriculture)</p> <p>Agricultural Issues for Extractive Industries (NSW Trade and Investment)</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)</p>	<p>Soil and Landscape Issues in Environmental Impact Assessment (NOW)</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p>		
Environmental Planning Instruments - General	<p>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</p> <p>State Environmental Planning Policy (State and Regional Development) 2011</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>Dungog Local Environment Plan 2014</p>	<p>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</p> <p>State Environmental Planning Policy (State and Regional Development) 2011</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>Dungog Local Environment Plan 2014</p>		

Mr Adam Kelly
Director Business Development
Daracon Group
20 Kullara Close
BERESFORD NSW 2322

6/11/2020

Dear Mr Kelly

Martins Creek Quarry (SSD 6612) – Amended Development Application

I refer to your letter lodged via the NSW Planning Portal and dated 7 September 2020 requesting an amendment to the development application for the Martins Creek Quarry (SSD 6612), in accordance with clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

In considering the above request, I note that Buttai Gravel Pty Ltd (hereafter Daracon) had previously written to the Department in 2019 seeking to amend its development application, but that this request was not progressed. I understand that Daracon has since undertaken work to further refine the proposed development to take account of community feedback and the resolution of recent Court proceedings. As such, the requested amendments outlined in your letter dated 7 September 2020 supersede Daracon's previous request and form the basis of your requested amendment to the development application.

The Department has considered the information provided and notes that while the proposed amendments would not affect the main aspects of the project, including mining and processing methods and nature of operations, they would change aspects of the development application that was exhibited in October 2016.

I understand the amendments proposed seek to respond to community submissions and agency advice received during the exhibition of the Environmental Impact Statement (EIS). Based on the information provided in your letter, the Department considers that the proposed changes are likely to result in reduced impacts on the environment and nearby receivers.

Furthermore, I understand that Daracon has commenced preparation of an Amendment Report to provide an updated assessment of the environmental impacts of the proposed amended development. In this regard, I wish to confirm that the Department is satisfied that the Amendment Report can be prepared in consideration of the list of guidelines identified in column 3 of the table in Attachment 2 of your letter.

On the above basis, as delegate of the Independent Planning Commission, I agree to the amendments to the development application for the Martins Creek Quarry (SSD 6612) as detailed in your letter dated 7 September 2020, in accordance with clause 55 of the EP&A Regulation.

If you wish to discuss the matter further, please contact Colin Phillips on 02 9274 6483.

Yours sincerely



Matthew Sprott

Director Resource Assessments
as delegate of the Independent Planning Commission



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action**

Martins Creek Quarry Expansion Project, NSW (EPBC 2016/7725)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	The staged extraction of 1.5 million tonnes of material per annum, expansion into new extraction areas and the consolidation of existing operations and approvals, located within and adjacent to the site of the existing Martins Creek Quarry at Station Street, Martins Creek [see EPBC Act referral 2016/7725].
decision on proposed action	<p>The proposed action is a controlled action.</p> <p>The project will require assessment and approval under the EPBC Act before it can proceed.</p>
relevant controlling provisions	<ul style="list-style-type: none">• Listed threatened species and communities (sections 18 & 18A)• Wetlands of international importance (Ramsar wetlands) (sections 16 & 17B)
designated proponent	<p>Buttai Gravel Pty Ltd</p> <p>ABN 47 003 386 570</p>
assessment approach	To be determined pending advice from the NSW Department of Planning & Environment as to whether the bilateral assessment mechanism applies.

Decision-maker

Name and position Kim Farrant
Assistant Secretary
Assessments (NSW, ACT) and Fuel Branch

Signature

date of decision 22 July 2016

Martins Creek Quarry SSD 6612 - Secretary's Environmental Assessment Requirements Compliance and Adequacy Assessment Table

Secretary's Environmental Assessment Requirements dated 4 August 2016	
Requirements	Amended Development Application Section where addressed
General Requirements	
The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 & 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>	
A full description of the development including:	
<ul style="list-style-type: none"> the resource to be extracted, demonstrating efficient resource recovery within environmental constraints, and having regard to NSW Trade and Investment's requirements (see Attachment 2) 	Refer to Section 2.4
<ul style="list-style-type: none"> the site layout and extraction plan 	Refer to Section 2.0
<ul style="list-style-type: none"> processing activities 	Refer to Section 2.5
<ul style="list-style-type: none"> a waste (overburden, leachate etc) management strategy, dealing with the EPA's requirements (see Attachment 2) 	Refer to Section 6.16
<ul style="list-style-type: none"> a water management strategy, dealing with the EPA's and Department of Primary Industries' requirements (see Attachment 2) 	Refer to Section 6.9, Appendix I, Section 6.8
<ul style="list-style-type: none"> a rehabilitation strategy, having regard to the key principles in the Strategic Framework for Mine Closure; and 	Refer to Section 6.19
<ul style="list-style-type: none"> the likely interactions between the development and any other existing, approved or proposed extractive industry development in the vicinity of the site (such as the Brandy Hill Quarry). 	Refer to Section 6.0
A list of any approvals that must be obtained before the development may commence.	Refer to Section 4.0
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"> a description of the existing environment likely to be affected by the development, using sufficient baseline data 	Refer to Section 1.3 and Section 6.0
<ul style="list-style-type: none"> an assessment of the likely impacts of all stages of the development, including any cumulative impacts, taking into consideration any relevant laws, environmental planning instruments, guidelines, policies, plans and industry codes of practice 	Refer to Section 6.0 and relevant appendices
<ul style="list-style-type: none"> 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"> whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented; 	Refer to Section 6.0

Secretary's Environmental Assessment Requirements dated 4 August 2016	
<ul style="list-style-type: none"> ○ the likely effectiveness of these measures; and ○ whether contingency plans would be necessary to manage any residual risks 	
<ul style="list-style-type: none"> • a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved 	Refer to Section 6.0 and Section 8.0
<ul style="list-style-type: none"> • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS 	Refer to Section 8.0
<ul style="list-style-type: none"> • consideration of the development against all relevant environmental planning instruments (including Part 3 of the SEPP (Mining, Petroleum Production and Extractive Industries 2007)); and 	Refer to Section 4.0
<ul style="list-style-type: none"> • the reasons why the development should be approved having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development 	Refer to Section 9.0
<p>In addition to the matters set out in Schedule 1 of the EP&A Regulation 2000, the development application must be accompanied by a signed report from a suitably qualified expert that includes an accurate estimate of the:</p> <ul style="list-style-type: none"> • capital investment value (as defined in Clause 3 of the EPA Regulation 2000) of the development, including details of all the assumptions and components from which the capital investment value calculation is derived; and • jobs that would be created during each stage of the development. 	<p>CIV Report has been provided to DPIE</p> <p>Refer to Section 2.10 for workforce numbers</p>
Key Issues	
Traffic and Transport	
<ul style="list-style-type: none"> • Accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products, the public roads in the Dungog Shire, Maitland City and Port Stephens LGAs likely to be so used and the times during which those roads would be used. • A detailed assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road network (as identified above), having regard to the requirements of the RMS, Dungog Shire, Maitland City and Port Stephens Councils (see Attachment 2). • A detailed assessment of the existing railway siding facility at the site as an alternative transport option for delivering quarry products and avoiding potential impacts associated with road delivery. • A detailed description of the measures or works (including concept plans) that would be used and/or implemented to upgrade, maintain and improve the capacity, efficiency and safety of the road network used by the development. 	Refer to Section 6.3 and Appendix C and Appendix N
Blasting and Vibration	
<ul style="list-style-type: none"> • proposed hours, frequency, methods and impacts; and • an assessment of the likely blasting impacts of the development on people, buildings, animals, infrastructure and significant natural features having regard to the relevant ANZECC guidelines. 	Refer to Section 6.7 and Appendix G

Air Quality	
<ul style="list-style-type: none"> • construction and operational impacts, with a particular focus on dust emissions including PM2.5 and PM10; • dust generation from blasting and processing, as well as diesel emissions and dust generated from the transportation of quarry products; • reasonable and feasible mitigation measures to minimise dust and diesel emissions; and • monitoring and management measures, in particular, real-time air quality monitoring. 	Refer to Section 6.5 and Appendix E
Noise	
<ul style="list-style-type: none"> • construction, operational and off-site transport noise impacts in accordance with the Interim Construction Noise Guideline, NSW Industrial Noise Policy and the NSW Road Noise Policy respectively • reasonable and feasible mitigation measures to minimise noise emissions; and • monitoring and management measures, in particular real-time and attended noise monitoring 	Refer to Section 6.4 and Appendix D
Water	
<ul style="list-style-type: none"> • an assessment of the potential impacts of the development on: <ul style="list-style-type: none"> - the quantity and quality of regional water supplies; - regional water supply infrastructure; and - affected licensed water users and basic landholder rights (including downstream water users) • the Hunter Estuary Wetlands site, which is a wetland of international importance (Ramsar wetland) • a detailed site water balance, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply infrastructure and water storage structures; • an assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; • demonstration that water for the construction and operation of the development can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP); • a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant WSP or water source embargo; and • a detailed description of the proposed water management system (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts. 	Refer to Section 6.8, Section 6.9, Appendix H and Appendix I

Land	
<ul style="list-style-type: none"> an assessment of the likely impacts of the development on the soils, land capacity; an assessment of the likely impact of the development on landforms (topography), paying particular attention to the long term geotechnical stability of any new landforms (such as overburden dumps); and an assessment of the compatibility of the development in accordance with the requirements in Clause 12 of <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> 	Refer to Section 6.2 and Section 4.2
Biodiversity	
<ul style="list-style-type: none"> an assessment of the likely biodiversity impacts of the project, having regard to OEH's and the Commonwealth Department of the Environment's (DoE's) requirements (see Attachment 2) an offset strategy prepared in accordance with OEH and DoE requirements; 	Refer to Section 6.10 , Section 7.0 and Appendix J
Heritage	
<ul style="list-style-type: none"> an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, having regard to OEH's requirements (see Attachment 2). 	Refer to Section 6.11 , Section 6.12 and Appendix K
Visual	
<ul style="list-style-type: none"> 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 (noise bunds, etc) 	Refer to Section 6.17
Greenhouse Gas	
<ul style="list-style-type: none"> an assessment of the likely greenhouse gas emissions of the development, dealing with the EPA's requirements (see Attachment 2) 	Refer to Section 6.6 and Appendix F
Hazards	
<ul style="list-style-type: none"> an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, handling and use of any dangerous goods 	Refer to Section 6.15 and Section 6.18
Social and Economic	
<ul style="list-style-type: none"> an assessment of potential impacts on local and regional communities including impacts on social amenity; a detailed description of the measures that would be implemented to minimise the adverse social and economic impacts of the development, including any infrastructure improvements, or contributions and/or voluntary planning agreement or similar mechanism; and a detailed assessment of the costs and benefits of the development as a whole, and whether it would result in a net benefit for the NSW community. 	Refer to Section 6.13 , Section 6.14 , Appendix O and Appendix P

Rehabilitation	
<p>Including the proposed rehabilitation strategy for the site having regard to the key principles in the Strategic Framework for Mine Closure, including:</p> <ul style="list-style-type: none"> • rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; • nominated final land use, having regard to any relevant strategic land use planning or resource management plans or policies; and • the potential for integrating this strategy with any other rehabilitation and/or offset strategies in the region. 	Refer to Section 6.19
Consultation	
<p>During the preparation of the EIS, you must consult with relevant local, State and Commonwealth Government authorities, service providers, Aboriginal stakeholders, community groups and affected landowners. In particular, you must consult with the:</p> <ul style="list-style-type: none"> • Commonwealth Department of the Environment • Office of Environment and Heritage (including the Heritage Branch) • Environment Protection Authority • Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services • Department of Primary Industries (including the NSW Office of Water, NSW Forestry, Agriculture and Fisheries sections and Crown Lands division) • Roads and Maritime Services • Hunter Local Land Services • Dungog Shire Council • Maitland City Council • Port Stephens Council; and • Community groups including but not limited to: Paterson Progress Association, Bolwarra Heights Community Group and the Voice of Wallalong and Woodville <p>The EIS must:</p> <ul style="list-style-type: none"> • describe the consultation process used and demonstrate that effective consultation has occurred; • describe the issues raised by public authorities, service providers, community groups and landowners; • identify where the design of the development has been amended in response to issues raised; and • otherwise demonstrate that issues raised have been appropriately addressed in the assessment. 	Refer to Section 5.0 and Appendix O