

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
 Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 8312
Proposal	<p>Concept proposal and staged development application for a Freight and Business Park at Rutherford, including:</p> <ul style="list-style-type: none"> • Stage 1: construction and operation of: <ul style="list-style-type: none"> – a rail spur and loop connecting to the Main Northern Railway; – a rail maintenance and provisioning facility within the Rail Park; – internal roads and intersections with the New England Highway; and – subdivision and establishment of 10 lots into a 74 lot Business Park; and • Stage 2 (Concept): construction and operation of a freight transport facility within the Rail Park, including an intermodal facility.
Location	New England Highway, Rutherford
Applicant	B Marheine Holdings Pty Ltd
Date of Issue	18 December 2019
General Requirements	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements of 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 detailed description of the development, including: <ul style="list-style-type: none"> – the need for the proposed development; – a description of feasible options within the project which may include a layout options analysis; – details of construction, operation and decommissioning activities; – likely staging of the development; – likely interactions (such as vehicle, cyclist and pedestrian access) between the development and existing, approved and proposed developments (including Urban Release Areas) near the site; and – plans of any proposed building works. • a strategic justification of the development focusing on site selection, the nexus between the Business Park and the Rail Freight Park, demand, and the suitability of the proposed site; • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments; • a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, and any other significant issues identified in the risk assessment, including: <ul style="list-style-type: none"> – a description of the existing environment likely to be affected by the development; – an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice (see Attachment 1);

	<ul style="list-style-type: none"> – a description of the measures that would be implemented to avoid, minimise, mitigate and/or offset the impacts of the development (including draft management plans for specific issues as identified below); and – a description of the measures that would be implemented to monitor and report on the environmental performance of the development. • a consolidated summary of all proposed environmental management and monitoring measures, identifying all the commitments in the EIS; and • the reasons why the development should be approved having regard to the biophysical, economic and social costs and benefits of the development. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all components of the CIV; • an estimate of the jobs that will be created by the development during the construction and operational phases of the proposed development; and • certification that the information provided is accurate at the date of preparation.
<p>Key issues</p>	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> • Statutory and Strategic Context – including: <ul style="list-style-type: none"> – justification for the proposal and the suitability of the site; – demonstration the proposal is generally consistent with all relevant planning strategies including NSW 2021, The Hunter Regional Plan 2036, Maitland Local Environment Plan 2011, environmental planning instruments, development control plans (DCPs), and justification for any inconsistencies; – demonstration that the proposal is consistent with relevant transport planning strategies including NSW Freight and Ports Strategy 2018-2023, State Infrastructure Strategy 2018-2038 and the National Land Freight Strategy; and – detail the nature and extent of any prohibitions that apply to the development. • Traffic and Transport – including: <ul style="list-style-type: none"> – a quantitative Traffic Impact Assessment which details all daily and peak traffic and transport movements likely to be generated during construction and operation of the development, including a description of vehicle access routes and the impacts on the performance of nearby existing and proposed intersections; – details and justification of access to the site from the road network and adjoining properties, including intersection location, design, configuration and sight distance; – an assessment of predicted impacts on road safety and the capacity of the road network to accommodate the development; – plans of any new or upgraded roads and intersections for the development; – a draft Traffic Management Plan; – detailed design and engineering drawings of the rail sidings and connections to the rail network; – details of any likely dangerous goods to be transported on rail, arterial and local roads to/from the site, if any, and the preparation of an incident management strategy, if necessary;

- a description of the predicted maximum number of containers, origin and destination, time of movements, modal split targets and types of transport likely to be used;
 - details of the train operating plans including likely rail routes and destinations, train size and configuration, service frequency, anticipated train path requirements, expected ramp up periods and peak demand; and
 - demonstrated engagement with and confirmation from relevant rail network owners regarding train path availability and future network enhancements which may be required to support the proposed operations and maintain sufficient capacity for other rail network users over the life of the development.
- **Noise and Vibration** – including:
 - a description of all potential noise and vibration sources during the construction and operation of the development, including on- and off-site traffic and rail noise;
 - a cumulative noise impact assessment of all potential noise sources in accordance with relevant Environment Protection Authority guidelines; and
 - details of noise mitigation, management and monitoring measures.
- **Biodiversity** – including:
 - an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 (NSW) the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR)
 - the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; and
 - an assessment of the likely impacts on key fish habitat, marine vegetation and threatened species of fish, in accordance with the Fisheries Management Act 1994, and a description of the measures to minimise and rehabilitate impacts
- **Soil and Water** – including:
 - an assessment of the potential impacts on surface and groundwater flows, quality and quantity during construction and operation, with particular reference to any likely impacts on any affected waterway;
 - an assessment of potential existing soil contamination (including for the presence of PFAS);
 - a detailed site water balance, including demand, sources and reuse and measures to minimise water use;
 - potential cumulative impacts on water resources and options to manage impacts;
 - a description of the proposed surface and stormwater management system, including onsite detention and measures to treat or reuse water;
 - an assessment of potential flooding impacts and characteristics on the development site and adjacent properties;
 - a detailed earthworks balance including any cut and fill works and additional retaining walls required to facilitate the development; and
 - details of impact mitigation, management and monitoring measures.
- **Air Quality** – including:
 - an assessment of air quality impacts on surrounding properties during construction and operation of the development;
 - proposed mitigation measures and safeguards to control dust generation and other airborne pollutants and particulate matter to minimise impacts on nearby receptors; and
 - a review of direct and indirect greenhouse gas emissions arising from this development and associated impact mitigation requirements.

- **Heritage** – including:
 - an assessment of the potential impacts of the development on Aboriginal and historic heritage (including cultural and archaeological significance); and
 - a description of the proposed avoidance, mitigation and management measures and evaluate the effectiveness of the measures to be undertaken by a suitably qualified heritage consultant(s), and include a statement of heritage impact.
- **Urban Design and Visual** – including:
 - a layout of the development, including staging, site coverage, setbacks, proposed open space and landscaped areas;
 - a description of the visual significance (and artist's impressions) of the affected landscape including an analysis of views from key vantage points;
 - an assessment of the visual impacts of the development on the landscape character of the area, including built form (materials and finishes) and the urban design (height, bulk and scale) of key components including container stacking heights, lighting, bridge crossings, and views to and from the project; and
 - lighting impacts on sensitive receivers within the visual catchment.
- **Infrastructure Requirements and Contributions** – including:
 - an assessment of the impacts of the project on local infrastructure,
 - demonstration that satisfactory arrangements are in place to support and mitigate any impacts of the proposal including applicable costs, timing, TEU thresholds and approval pathways for such measures; and
 - consideration of Council's Developer Contributions Plan (or equivalent document requiring developer contributions).
- **Waste** – including:
 - details of the quantities and classification of all waste streams to be generated on site during construction and operation;
 - details of waste storage, handling and disposal during construction and operation; and
 - details of the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021
- **Hazards and Risks** – including:
 - a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the proposal.
 - should the preliminary screening indicate that the proposal is 'potentially hazardous,' a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP 2011) and Multi-Level Risk Assessment (DoP 2011); and
 - an assessment of the risks of the construction and operation of the development on air traffic to and from Maitland Airport.
- **Property and Infrastructure** – including but not limited to:
 - assessment of the impacts to adjoining and other affected properties and land uses, including impacts relating to access, land use, business activities, future development potential, and property acquisition; and
 - assessment of the service demand, capacity and augmentation of existing and proposed utilities and infrastructure, including any relocation because of the development.
- **Social** – including the preparation of a social impact assessment, which:
 - identifies and analyses the potential social impacts of the development, from the points of view of the affected community/ies and other relevant

	<p>stakeholders, i.e. how they expect to experience the project</p> <ul style="list-style-type: none"> - considers how potential environmental changes in the locality may affect people's: way of life; community; access to and use of infrastructure, services, and facilities; culture; health and wellbeing; surroundings; personal and property rights; decision-making systems; and fears and aspirations, as relevant and considering how different groups may be disproportionately affected - assesses the significance of positive, negative, and cumulative social impacts considering likelihood, extent, duration, severity/scale, sensitivity/importance, and level of concern/interest - includes mitigation measures for likely negative social impacts, and any proposed enhancement measures; and - details how social impacts will be adaptively monitored and managed over time.
	<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. In particular, you must consult with:</p> <ul style="list-style-type: none"> - Commonwealth Department of the Environment; - Environment Protection Authority; - Office of Environment and Heritage; - Transport for NSW; - NSW Health; - Department of Industry (Fisheries & Office of Water); - NSW Rural Fire Service; - Maitland City Council - Roads and Maritime Services; - Australian Rail Track Corporation; - Hunter Water Corporation; - Adjoining landowners; and - Aboriginal stakeholders (including Mindaribba Local Aboriginal Land Council). <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>
	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
	<p>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 proposal.</p>

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

Plans and Documents

The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.

In addition, the EIS must include the following:

1. An existing site survey plan drawn at an appropriate scale illustrating:
 - the location of the land, boundary measurements, area (sq. m) and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site;
 - location and height of adjacent buildings and private open space; and
 - all levels to be to Australian Height Datum (AHD).

2. A locality/context plan drawn at an appropriate scale should be submitted indicating:
 - watercourses including nearby rivers and creeks, and dams;
 - significant local features such as heritage items;
 - the location and uses of nearby buildings, shopping and employment areas, hospitals and schools; and
 - traffic and road patterns, pedestrian routes and public transport nodes.

3. An indication of the location of the site with respect to the relevant Land Zoning Map within the *Maitland Local Environment Plan 2011*.

Documents to be submitted

Documents to submit include:

- 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition; and
 - other copies as determined by the Department once the development application is lodged.
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Policies, Guidelines & Plans

Aspect	Policy /Methodology
Air Quality	Protection of the Environment Operations (Clean Air) Regulation 2010 Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC) Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Transport	State Environmental Planning Policy (Infrastructure) 2007 Guide to Traffic Generating Development (RTA) Road Design Guide (RTA) Integrating Land Use and Transport Package (DUAP) National Airports Safeguarding Framework (Department of Infrastructure and Regional Developments) NSW Freight and Ports Strategy 2018-2013 NSW Long Term Transport Master Plan
Noise and Vibration	The Noise Policy for Industry (EPA 2017) Assessing Vibration: A Technical Guide (DEC 2006) Rail Infrastructure Noise Guideline (EPA 2013) Development Near Rail Corridors and Busy Roads Interim Guideline (DoP 2008) NSW Road Noise Policy 2011 Interim Construction Noise Guideline (2009)
Hazards	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP) Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Greenhouse Gas	The National Greenhouse and Energy Reporting (Measurement) Technical Guidelines (NGER Technical Guidelines) Guidelines for Energy Savings Action Plans (DEUS, 2005)
Visual	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282) State Environmental Planning Policy No 64 - Advertising and Signage

Biodiversity	<p>OEH's Threatened Species Survey and Assessment Guideline</p> <p>Biodiversity Assessment Method (OEH, 2017)</p>
Water	<p>Australian & New Zealand Guidelines for Fresh and Marine Water Quality (2018)</p> <p>ANZECC (2000) Guidelines for Fresh and Marine Water Quality</p>
Soil	<p>Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC)</p> <p>Managing Land Contamination - Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA)</p> <p>Acid Sulfate Soil Manual (ASSMAC)</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p>
Erosion and Sediment	<p>Managing Urban Stormwater: Soils & Construction (Landcom)</p> <p>Design Manual for Soil Conservation Works - Technical Handbook No. 5 (Soil Conservation Service of NSW)</p> <p>Soil and Landscape Issues in Environmental Impact Assessment (DLWC)</p> <p>Wind Erosion – 2nd Edition</p>
Groundwater	<p>National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)</p> <p>NSW State Groundwater Policy Framework Document (DLWC)</p> <p>NSW State Groundwater Quality Protection Policy (DLWC)</p> <p>NSW State Groundwater Quantity Management Policy (DLWC) Draft</p> <p>The NSW State Groundwater Dependent Ecosystem Policy (DLWC)</p> <p>NSW Aquifer Interference Policy (NOW)</p> <p>Bunding and Spill Management (EPA)</p>
Stormwater	<p>Managing Urban Stormwater: Strategic Framework. Draft (EPA)</p> <p>Managing Urban Stormwater: Council Handbook. Draft (EPA)</p> <p>Managing Urban Stormwater: Treatment Techniques (EPA)</p> <p>Managing Urban Stormwater: Source Control. Draft (EPA)</p> <p>Managing Urban Stormwater: Harvesting and Reuse (DEC)</p>
Wastewater	<p>National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC)</p> <p>National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC)</p> <p>National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMCC & AHMC)</p> <p>National Airports Safeguarding Framework (Department of Infrastructure and Regional Developments)</p>
Heritage	<p>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011)</p> <p>Aboriginal Cultural Heritage Consultation requirements for proponents (DECCW, 2010)</p> <p>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</p> <p>NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998)</p> <p>Archaeological Assessment Guidelines (Heritage Council, 1996)</p>

Assessing Significance for Historical Archaeological Sites and Relics
(Heritage Branch, Department of Planning, 2009)

Criteria for the assessment of excavation directors (NSW Heritage Council,
2011)

NSW Heritage Manual (Heritage Office and Department of Urban Affairs and
Planning, 1994)

Assessing Heritage Significance (NSW Heritage Office, 2001)

The Australia ICOMOS Burra Charter