

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-9099356
Project Name	<p>Holcim Salt Ash Sand Operations, which involves:</p> <ul style="list-style-type: none"> · extending and increasing the depth of the existing Salt Ash Sand quarry to extract and process up to 550,000 tonnes of sand per annum for up to 30 years; · receipt of up to 200,000 tonnes per annum of sand from Anna Bay, Tanilba Bay and Cabbage Tree Road Quarries; · continued use of existing and upgraded infrastructure and services at the existing Salt Ash Sand quarry to process and dispatch up to 750,000 tonnes of sand per annum; · continued use of the existing site access off Oakvale Drive via Nelson Bay Road; · importation of Virgin Excavated Natural Material (VENM) for bank and ground stability and or use in rehabilitation; and · progressively rehabilitating the site.
Location	8 Oakvale Drive, Salt Ash, New South Wales, 2318 Lot 4 DP 774726 within the Port Stephens Local Government Area (LGA).
Applicant	HOLCIM (AUSTRALIA) PTY LTD
Date of Issue	23/12/2020
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 stand-alone executive summary; · a full description of the development, including: <ul style="list-style-type: none"> - the resource to be extracted, including the amount, type and composition; - the site layout and extraction plan, including cross-sectional plans; - the production process and processing activities, including the in-flow and out-flow of materials and points of discharge to the environment; - surface infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process); - a waste (overburden, rejects, tailings etc) management strategy; - a water management strategy; - a rehabilitation strategy to apply during, and after completion of, extraction operations, and proposed final use of site; and - the likely interactions between the development and any existing, approved or proposed development in the vicinity of the site; · a strategic justification of the development focusing on site selection and the suitability of the proposed site; · 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 key issues identified below, including:
 - a description of the existing environment likely to be affected by the development, using sufficient baseline/ background data;
 - 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 avoid, minimise, mitigate and/or offset the likely impacts of the development, and an assessment of:
 - o whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented;
 - o the likely effectiveness of these measures; and
 - o whether contingency measures would be necessary to manage any residual risks; 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 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 *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*);
- the reasons why the development should be approved, having regard to:
 - relevant matters for consideration under the *Environmental Planning and Assessment Act 1979*, including the objects of the Act;
 - the biophysical, economic and social impacts of the development, including the principles of ecologically sustainable development;
 - the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses;
 - feasible alternatives to the development (and its key components), including the consequences of not carrying out the development;
- a signed declaration from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.

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.

In addition to the matters set out in Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, the development application must be accompanied by a signed report from a suitably qualified expert that includes an accurate estimate of the capital investment value (as defined in Clause 3 of the *Environmental Planning and Assessment Regulation 2000*) of the development, including details of all the assumptions and components from which the capital investment value calculation is derived.

Key issues	<p>The EIS must address the following key issues:</p> <ul style="list-style-type: none"> • Water – including: <ul style="list-style-type: none"> - a detailed site water balance for the life of the development, including a description of site water demands, water take from any water source, water disposal methods (inclusive of anticipated volumes, quality and frequency of any water discharges), water supply infrastructure and water storage structures as defined by the relevant Water Sharing Plan and in accordance with the <i>Australian Groundwater Modelling Guidelines</i> (Commonwealth, 2012); - a conceptual groundwater model that assesses the potential groundwater hazards and impacts associated with the development in accordance with the <i>Australian Groundwater Modelling Guidelines</i> (Commonwealth, 2012) having regard to the <i>NSW Aquifer Interference Policy</i> (2012); - identification of any licensing requirements or other approvals under the <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i>; - demonstration that water required for the construction and operation of the development can be obtained and maintained 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 with consideration to any water supply restrictions or water entitlement limitations; - an assessment of any likely flooding impacts of the development; - a detailed assessment of any need to maintain an adequate buffer between excavations and the highest predicted or recorded regional groundwater table; - an assessment of the likely impacts (including cumulative impacts) on the quality and quantity of existing surface and ground water resources, including a detailed assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; - an assessment of the likely impacts (including cumulative impacts) of the development on aquifers, watercourses, riparian land, water-related infrastructure, and other water users. This assessment must include a strategy for managing potential impacts during the life of the development and identify any conservation outcomes; - an assessment of the potential water quality hazards surrounding the site including acidity, metals, salinity and contaminants including poly-fluoroalkyl substances (PFAS). This assessment must include measures proposed to reduce or manage the hazards and potential interactions on the development and surrounding water users; and - a detailed description of the proposed water management system (including sewage), surface and ground water monitoring program and other measures to mitigate surface and groundwater impacts; • Noise – including: <ul style="list-style-type: none"> - a description of the existing noise environment (including any sensitive receivers and noise assessment groups); - a detailed assessment of the likely construction and operational noise impacts (including off-site transport noise impacts) of the development having regard to the cumulative impacts of the development in relation to the proposed, approved and existing developments in the vicinity of the site in accordance with the <i>Interim Construction Noise Guideline</i>, <i>NSW Noise Policy for Industry</i> and the <i>NSW Road Noise Policy</i> respectively, and having regard to the <i>Voluntary Land Acquisition and Mitigation Policy</i>; • Air Quality – including: <ul style="list-style-type: none"> - a description of the existing air quality environment (including any sensitive
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receivers and air quality assessment groups);

- a detailed assessment of potential construction and operational air quality and odour impacts of the development having regard to the cumulative impacts of the development in relation to the proposed, approved and existing developments in the vicinity of the site, in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*, and with a particular focus on dust emissions including PM_{2.5} and PM₁₀, and having regard to the *Voluntary Land Acquisition and Mitigation Policy*;

- **Biodiversity** – including:

- accurate predictions of any vegetation to be cleared on site for the purposes of the development;
- a detailed assessment of the likely biodiversity impacts of the development, paying particular attention to threatened species, populations and ecological communities and groundwater dependent ecosystems, undertaken in accordance with the *Biodiversity Assessment Method* and documented in a Biodiversity Development Assessment Report (BDAR); and
- a strategy to offset any residual impacts of the development in accordance with the offset rules under the *Biodiversity Offsets Scheme*;

- **Heritage** – including:

- an assessment of the potential impacts on Aboriginal heritage (cultural and archaeological), including evidence of appropriate consultation with relevant Aboriginal communities/parties and Heritage NSW and documentation of the views of these stakeholders regarding the likely impact of the development on their cultural heritage in accordance with the *Code of Practice for Archaeological Investigation in NSW* (OEH 2010); and
- identification of historic heritage in the vicinity of the development and an assessment of the likelihood and significance of impacts on heritage items;

- **Traffic & Transport** – including:

- 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;
- a road safety audit;
- 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 cumulative impacts of the development in relation to the proposed, approved and existing developments in the vicinity of the site in accordance with the *Roads and Maritime Services NSW's Guide to Traffic Generating Developments* (2002). This assessment must include a strategy to manage and/or minimise traffic impacts over the life of the development; and
- a description of the measures that would be implemented to mitigate any impacts;

- **Land Resources** – including a detailed assessment of:

- potential impacts and risks on soils and land capability (including potential interactions with acid sulphate soils, erosion, land contamination and the proposed imported Virgin Extracted Natural Material);
- potential impacts on landforms (topography), paying particular attention to the long term geotechnical stability of any new landforms (such as banks, artificial ponds or bunds etc); and
- the compatibility of the development with other land uses in the vicinity of the development in accordance with the requirements in Clause 12 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007, paying particular attention to the agricultural land use in the region;

- **Waste** – including estimates of the frequency, quantity and nature of the waste streams that would be generated, handled, stored or received by the development and any measures that would be implemented to minimise, manage or dispose of these waste streams;
- **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 hazardous or dangerous goods;
- **Visual** – including a detailed assessment of the likely visual impacts of the development (including post mining landforms) on private landowners in the vicinity of the development and key vantage points in the public domain, paying particular attention to any new landforms;
- **Social** – including a detailed assessment of the potential social impacts of the development that builds on the findings of the Social Impact Assessment Scoping Report, in accordance with the *Social impact assessment guideline for State significant mining, petroleum production and extractive industry development*. This assessment must consider:
 - how the development might 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;
 - the principles in Section 1.3 of the guideline; and
 - the review questions in Appendix D of the guideline;
- **Economic** – including a detailed assessment of the likely economic impacts of the development, paying particular attention to:
 - the significance of the resource;
 - the costs and benefits of the project; identifying whether the development as a whole would result in a net benefit to NSW, including consideration of fluctuation in commodity markets and exchange rates; and
 - the demand on local infrastructure and services; and
- **Rehabilitation** – including the proposed rehabilitation strategy for the site having regard to the key principles in the *Strategic Framework for Mine Closure*, including:
 - 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:</p> <ul style="list-style-type: none"> · consult with: <ul style="list-style-type: none"> - affected landowners; - community groups; - Aboriginal stakeholders; - Port Stephens Council; - the Biodiversity Conservation Division within the Department of Planning, Industry and Environment (the Department); - Water Division and the Natural Resources Access Regulator within the Department; - Heritage NSW; - NSW Environment Protection Authority; - Regional NSW – Mining, Exploration & Geoscience Division; - Department of Primary Industries (including Agriculture and Fisheries) within the Department; - Hunter Water Corporation; - NSW Rural Fire Service; and - Transport for NSW. <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; · identify where the design of the development has been amended and/or mitigation proposed to address issues raised; and · otherwise demonstrate that issues raised have been appropriately addressed in the assessment.
Further consultation after 2 years	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these requirements, you must consult further with the Planning Secretary in relation to the preparation of the EIS.</p>

ATTACHMENT 1

Environmental Planning Instruments, Policies, Guidelines & Plans

Air	
	Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments (DP&E)
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2016)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA, 2007)
	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' (EPA, 2011)
	National Greenhouse Accounts Factors (Commonwealth)
Noise	
	Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments (DP&E)
	NSW Noise Policy for Industry (EPA, 2017)
	Interim Construction Noise Guideline (DECC, 2009)
	NSW Road Noise Policy (DECW, 2011)
Water	
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 (NOW, 2012)
	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 (Commonwealth, 2012)
	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, 2004)
	Managing Urban Stormwater: Soils & Construction (Landcom, 2004) and associated addendum publications including Volume 2E: Mines and Quarries (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)

	Site Investigations for Urban Salinity (DLWC, 2002)
	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, 2018)
Land	
	Soil and Landscape Issues in Environmental Impact Assessment (DLWC, 2000)
	Agfact AC.25: Agricultural Land Classification (NSW Agriculture)
	Agricultural Issues for Extractive Industries (DPI)
	Acid Sulfate Soils Manual (Stone et al. 1998)
	State Environmental Planning Policy No. 55 – Remediation of Land
	Sampling Design Guidelines (EPA, 1995)
	Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Land Use Conflict Risk Assessment Guide (DPI)
Traffic	
	Guide to Traffic Generating Developments (RMS, 2002)
	EIS Guidelines - Roads and Related Facilities (Department of Urban Affairs and Planning, 1996)
	Guide to Traffic Management - Part 12: Integrated Transport Assessments for Developments (Austroads, 2020)
	Road Design Guide (RMS) & relevant Austroads Standards
Biodiversity	
	Biodiversity Assessment Method (OEH, 2017)
	Fisheries NSW policies and guidelines
	Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)
	Guidelines for Threatened Species Assessment (DP&E)
	Surveying threatened plants and their habitats - NSW survey guide for the Biodiversity Assessment Method (DPIE, 2020)
	Guidance and criteria to assist a decision-maker to determine a serious and irreversible impact (OEH, 2017)
	NSW State Groundwater Dependent Ecosystem Policy (NOW)
	Revocation, recategorisation and road adjustment policy (OEH, 2012)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW)
	State Environmental Planning Policy (Koala Habitat Protection) 2019
Heritage	
	The Burra Charter 2013 (The Australia ICOMOS charter for places of cultural significance)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH, 2010)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010)
	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (OEH, 2010)
	Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011)
	NSW Heritage Manual (OEH, 1996)
	Archaeological Assessments Guidelines (Heritage Council, 1996)
	Statements of Heritage Impact (OEH)
Hazards	
	AS1940:2017 — The storage and handling of flammable and combustible liquids

	Storage and Handling of Dangerous Goods – Code of Practice (WorkCover, 2005)
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
	State Environmental Planning Policy No. 55 (Remediation of Land)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Planning for Bush Fire Protection (RFS, 2019)
	NSW Waste Avoidance and Resource Recovery Strategy 2014 - 2021
Waste	
	Waste Classification Guidelines – 4 Parts (EPA, 2014)
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)
Social & Economic	
	Social impact assessment guideline for State significant mining, petroleum production and extractive industry development (DP&E)
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
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	State Environmental Planning Policy (Coastal Management) 2018
	Port Stephens Local Environmental Plan 2013

ATTACHMENT 2

Agency Correspondence