Contact: Bianca Thornton
Phone: (02) 8217 2040
Email: bianca.thornton@planning.nsw.gov.au

Mr John Vyse
Bettergrow Pty Ltd
PO Box 945
WINDSOR NSW 2756

Dear Mr Vyse,

State Significant Development – Planning Secretary's Environmental Assessment Requirements
GreenSPOT Hunter Valley Nutrient Recycling Facility, Ravensworth (SSD 9418)

Please find attached the Planning Secretary's Environmental Assessment Requirements (SEARs) for the proposed composting facility for Bettergrow Pty Ltd at 74 Lemington Road, Ravensworth (Lot 10 DP 1204457) in the Singleton local government area (LGA).

The SEARs have been prepared in consultation with the relevant government agencies (see **Attachment 2**), and are based on the information you have provided to date. Please note that the Department has not yet received comments from Rural Fire Service, and these will be provided to you once they have been received.

Please also note that the Department may alter the SEARs at any time. You must consult further with the Department if you do not lodge a development application and Environmental Impact Statement (EIS) for the development within two years of the date of issue of these SEARs.

The Department notes that the site currently operates under a separate consent. The Department prefers operations like the GreenSPOT Hunter Valley Nutrient Recycling Facility to operate under a single, modern planning approval. Consequently, the Department encourages you to develop the project with this preference in mind, and to consider surrendering all existing planning approvals for the facility if the development is approved.

I wish to emphasise the importance of effective and genuine community consultation and the need for the proposal to proactively respond to the community's concerns. Accordingly, you must undertake a comprehensive, detailed and genuine community consultation and engagement process during the preparation of the EIS. This process must ensure that the community is informed of the development and engaged with issues of concern to them. Sufficient information must be provided to the community to enable a good understanding of the development and any potential impacts.

Your development may require separate approval under the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). If an EPBC Act approval is required, please advise the Department accordingly, as the Commonwealth assessment process may be integrated into the NSW assessment process, and supplementary SEARs may need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you intend lodge the EIS and any associated documentation for the development. This will enable the Department to determine the:

- applicable fee (under Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- consultation and public exhibition arrangements, including copies and format requirements of the EIS.

If you have any enquiries about these SEARs, please contact Bianca Thornton on the above details.

Yours sincerely

C. Ritchie 11/7/18

Chris Ritchie
Director
Industry Assessments
as delegate of the Planning Secretary

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 9418
Development	Expansion of an existing resource recovery facility to process up to 200,000 tonnes per annum of organic material.
Location	74 Lemington Road, Ravensworth (Lot 10 DP 1204457) in the Singleton local government area (LGA)
Applicant	Bettergrow Pty Ltd
Date of Issue	11 July 2018
General Requirements	The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in clauses 6 and 7 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. In addition, the EIS must include a: • detailed description of the development, including: – existing activities carried out on the site and how the site operates lawfully under the *Environmental Planning and Assessment Act 1979* (EP&A Act) including any reliance on existing use rights and/or planning approvals and how these will be consolidated – accurate history of the site, including development consents – need for the proposed development – justification for the proposed development – likely staging of the development - including demolition, construction, and operational stage/s – likely interactions between the development and existing, approved and proposed operations in the vicinity of the site – plans of any proposed building works – contributions required to offset the proposal • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments • consideration of issues discussed in **Attachment 2** (public authority responses to key issues) • risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment • detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: – a description of the existing environment, using sufficient baseline data – an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment • a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS. The EIS must also be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value (as defined in clause 3 of the *Environmental Planning and Assessment Regulation 2000*) of the proposal, including details of all assumptions and components from which the

	CIV calculation is derived • a close estimate of the jobs that will be created by the development during the construction and operational phases of the development • certification that the information provided is accurate at the date of preparation.
Key Issues	The EIS must address the following specific matters: • **Community and Stakeholder Engagement** – including: – a detailed community and stakeholder participation strategy which identifies who in the community has been consulted and a justification for their selection, other stakeholders consulted and the form/s of the consultation, including a justification for this approach – a report on the results of the implementation of the strategy including issues raised by the community and surrounding occupiers and landowners that may be impacted by the proposal – details of how issues raised during community and stakeholder consultation have been addressed and whether they have resulted in changes to the proposal – details of the proposed approach to future community and stakeholder engagement based on the results of the consultation. • **Suitability of the Site** – including: – details of all development consents and approved plans for the existing facility, including for all structures, plant and equipment – results of an independent audit of the operation of the existing facility against the conditions of all development consents and all Environment Protection Licences in force in respect of the existing facility to ascertain the baseline of the site – a detailed justification that the site can accommodate the proposed increase in processing capacity, having regard to the scope of the operations of the existing facility and its environmental impacts and relevant mitigation measures. • **Waste Management** – including: – a description of the waste streams that would be accepted at the site including maximum daily, weekly and annual throughputs and the maximum size for stockpiles and any liquid waste storage – a description of waste processing operations (including flow diagrams for each waste stream) including a description of the technology to be installed, resource outputs, and the quality control measures that would be implemented including proposed procedures to ensure general solid waste is not contaminated by restricted, hazardous and/or liquid waste – details of how waste would be stored (including the maximum daily waste storage capacity of the site) and handled on site, and transported to and from the site including details of how the receipt of non-conforming waste, particularly asbestos, would be dealt with – details of the waste tracking system for incoming and outgoing waste – details of the final dispatch locations of waste – details of the waste management strategy for construction and ongoing operational waste generated – 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*. • **Air Quality and Odour** – including: – a quantitative assessment of the potential air quality, dust and odour impacts of the development in accordance with relevant Environment Protection Authority guidelines. This is to include the identification of existing and potential future sensitive receivers and consideration of approved and/or proposed developments in the vicinity – the details of buildings and air handling systems and strong justification (including quantitative evidence) for any material handling, processing or stockpiling external to a building – a greenhouse gas assessment – details of proposed mitigation, management and monitoring measures.

- **Soil and Water** – including:
  - a description of erosion and sediment controls
  - consideration of salinity and acid sulphate soil impacts
  - an assessment of potential impacts to soil and water resources, topography, hydrology, groundwater, drainage lines, watercourses and riparian lands on or nearby to the site, including mapping and description of existing background conditions and cumulative impacts
  - a detailed site water balance, including identification of water requirements for the life of the project, measures that would be implemented to ensure an adequate and secure water supply is available for the proposal and a detailed description of the measures to minimise the use of water at the site
  - characterisation of water quality at the point of discharge to surface and/or groundwater against the relevant water quality criteria (including details of the contaminants of concern that may leach from waste into the wastewater, proposed mitigation measures to manage any impacts to receiving waters, and monitoring activities and methodologies)
  - details of stormwater/wastewater/leachate management systems including the capacity of onsite detention systems and measures to treat, reuse or dispose of water.
- **Traffic and Transport** – including:
  - details of all traffic types and volumes likely to be generated during construction and operation, including a description of haul routes. Traffic flows are to be shown diagrammatically to a level of detail sufficient for easy interpretation
  - plans demonstrating how all vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing can be accommodated on the site to avoid queuing in the street network
  - an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections using SIDRA or similar traffic model
  - detailed plans of the proposed layout of the internal road network and parking on site in accordance with the relevant Australian Standards and Council's DCP
  - swept path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site
  - plans of any proposed road upgrades, infrastructure works or new roads required for the development
  - an assessment of potential impacts on local road pavement lifespan
- **Noise and Vibration** – including:
  - a quantitative assessment of potential demolition, construction, operational and transport noise and vibration impacts in accordance with relevant Environment Protection Authority guidelines
  - details and justification of the proposed noise mitigation and monitoring measures
  - specified times of operation for all phases of the development and for all noise producing activities.
- **Fire and Incident Management** – including:
  - identification of the aggregate quantities of combustible waste products to be stockpiled at any one time
  - technical information on the environmental protection equipment to be installed on the premises such as air, water and noise controls, spill clean-up equipment and fire (including location of fire hydrants and water flow rates at the hydrant) management and containment measures
  - detailed information relating to the proposed structures addressing relevant levels of compliance with Volume One of the National Construction Code (NCC)
  - details of how Clauses E.10 and E2.3 of the NCC would be addressed.
- **Hazards** – 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 development. Should preliminary screening indicate that the project 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). • **Biodiversity** – including: – a detailed assessment of biodiversity impacts of the proposal in accordance with the *Biodiversity Assessment Method* (BAM).
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*. These documents should be included as part of the EIS rather than as separate documents.
Consultation	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: • Singleton Council • Department of Primary Industries • Environment Protection Authority • NSW Rural Fire Service • Mine Subsidence Board • Office of Environment and Heritage • Roads and Maritime Services • the surrounding land owners and occupiers that may be affected by the proposal. 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.
Further consultation after 2 years	If you do not lodge an EIS for the development within 2 years of the issue date of these SEAR's, you must consult with the Planning Secretary in relation to the requirements for lodgement.
References	The assessment of the key issues listed above must consider relevant guidelines, policies and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this development.

ATTACHMENT 1
Technical and Policy Guidelines

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

Many of these documents can be found on the following websites:
http://www.planning.nsw.gov.au
http://www.bookshop.nsw.gov.au
http://www.publications.gov.au

Policies, Guidelines & Plans

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
   - 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
   - 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 *Wyong Local Environment Plan 2013*.

4. Drawings at an appropriate scale illustrating:
   - detailed plans, sections and elevations of the existing building, which clearly show all proposed internal and external alterations and additions.

Documents to be submitted

Documents to submit include:
- 1 electronic copy of all the documents and plans for review prior to exhibition
- other copies as determined by the Department once the development application is lodged.

Technical and Policy Guidelines

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

Many of these documents can be found on the following websites:
http://www.planning.nsw.gov.au
http://www.bookshop.nsw.gov.au
http://www.publications.gov.au

Policies, Guidelines & Plans

Aspect	Policy /Methodology
Waste	
	Waste Avoidance and Resource Recovery Strategy 2014-2021 (EPA 2014)
	Waste Classification Guidelines (DECC)
	Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (EPA)
	Environmental guidelines: Composting and Related Organics Processing Facilities (DEC)
	Environmental guidelines: Use and Disposal of Biosolids Products (EPA)
	Composts, soil conditioners and mulches (Standards Australia, AS 4454)
Air Quality and Odour	
Air Quality	Protection of the Environment Operations (Clean Air) Regulation 2010
	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 (DEC 2007)
	The National Greenhouse and Energy Reporting (Measurement) Technical Guidelines (NGER Technical Guidelines)
	Guidelines for Energy Savings Action Plans (DEUS 2005)
Odour	Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)
	Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC)
Soil and Water	
Soil	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC)
	State Environmental Planning Policy No. 55 – Remediation of Land
	Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (DOP)
	Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011)
Surface Water	National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	NSW State Rivers and Estuaries Policy (1993)
	State Water Management Outcomes Plan
	NSW Government Water Quality and River Flow Environmental Objectives (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Managing Urban Stormwater: Soils & Construction (Landcom)

	Managing Urban Stormwater: Treatment Techniques (DECC)
	Managing Urban Stormwater: Source Control (DECC)
	Technical Guidelines: Bunding & Spill Management (DECC)
Groundwater	National Water Quality Management Strategy: Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document 1997 (DLWC)
	NSW State Groundwater Quality Protection Policy 1998 (DLWC)
	NSW State Groundwater Quantity Management Policy 2002 (DLWC)
	The NSW State Groundwater Dependent Ecosystem Policy (DLWC)
	Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
	NSW Aquifer Interference Policy (NOW 2012)
	MDBC Guidelines on Groundwater Flow Modelling 2000
	Australian Groundwater Modelling Guidelines 2012
Wastewater	Environmental Guidelines: Use of Effluent by Irrigation (DECC)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) 2006 (EPHC, NRMMC & AHMC)
	National Water Quality Management Strategy – Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2): Augmentation of Drinking Water Supplies 2008 (EPHC, NRMMC & AHMC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC)
	Recycled Water Guidance Document: Recycled Water Management Systems (DPI, 2015)
Traffic and Transport	
	Guide to Traffic Generating Development (RTA)
	Guide to Traffic Management Part 12: Traffic Impacts of Developments (Austroads 2016)
	NSW Long Term Transport Master Plan (TfNSW 2012)
	Road Design Guide (RTA)
Noise and Vibration	
Noise	Noise Policy for Industry (EPA 2017)
	NSW Road Noise Policy (EPA 2011)
	Environmental Criteria for Road Traffic Noise (EPA 1999)
	Interim Construction Noise Guideline (DECC 2009)
Vibration	Assessing Vibration: A Technical Guideline (DEC 2006)
Fire and Incident Management	
	Planning for Bushfire Protection (NSW Rural Fire Service 2006)
Hazards and Risk	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	AS/NZS 4360:2004 Risk Management
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (DUAP)
	Contaminated Sites – Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report (EPA 2003)
Flora and Fauna	
	NSW Biodiversity Offsets Policy for Major Projects (2014) and the Framework for Biodiversity Assessment
Visual	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
	State Environmental Planning Policy No 64 - Advertising and Signage

ATTACHMENT 2

Public Authority Responses to Request for Key Issues

Transport
Roads & Maritime
Services

CR2018/002558
SF2016/194283
KAP

21 June 2018

Department of Planning & Environment
Industry Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Bianca Thornton, Planning Officer

SEARS REQUEST – HUNTER VALLEY NUTRIENT RECYCLING FACILITY EXPANSION, 74 LEMINGTON ROAD, RAVENSWORTH (LOT: 10 DP: 1204457), SSD 9418

Reference is made to Department of Planning and Environment's email received 18 June 2018, requesting Roads and Maritime Services' (Roads and Maritime) requirements under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Roads and Maritime have reviewed the Preliminary Environmental Assessment ('PEA'), prepared by Jacobs, dated 14 June 2018. It is understood the proposed development seeks to increase the volume of processed composted material from 74,000 tonnes per annum to 200,000 tonnes per annum, providing additional organic material for the rehabilitation of exhausted Ravensworth mine pits and for sale and supply to local mining and farming operations.

The PEA anticipates that, "*On the basis that all deliveries and compost transfers will require in-bound and out-bound movements the total traffic movements generated from the overall composting facility could be a maximum of 112 movements per day (56 in-bound and 56 out-bound). The actual traffic movements will be less than this due to the use of as many inbound trucks as possible to also take out finished product for delivery to sites.*"

<u>Roads and Maritime response & requirements</u>

Roads and Maritime recommends that the Environmental Impact Statement ('EIS') should refer to the following guidelines with regard to the traffic and transport impacts of the proposed development:

- Road and Related Facilities within the Department of Planning EIS Guidelines, and,
- Section 2 Traffic Impact Studies of Roads and Maritime's *Guide to Traffic Generating Developments 2002*.

Furthermore, a traffic and transport study shall be prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002* and is to include (but not be limited to) the following:

- Assessment of all relevant vehicular traffic routes and intersections for access to / from the subject properties.
- Current traffic counts for all of the traffic routes and intersections.
- The anticipated additional vehicular traffic generated from both the construction and operational stages of the project.
- The distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
- Consideration of the traffic impacts on existing and proposed intersections, in particular, any intersection with the New England Highway, and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area.
- Identify the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Roads and Maritime and Council.
    - Traffic analysis of any major / relevant intersections impacted, using SIDRA or similar traffic model, including:
        - Current traffic counts and 10 year traffic growth projections
        - With and without development scenarios
        - 95th percentile back of queue lengths
        - Delays and level of service on all legs for the relevant intersections
        - Electronic data for Roads and Maritime review.
- Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles.

On determination of this matter, please forward a copy of the SEARs to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4924 0688 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Peter Marler
Manager Land Use Assessment
Hunter Region

DOC18/400935-1
SSD 9418

Ms Bianca Thornton
Planning Officer, Industry Assessments
Department of Planning and Environment
bianca.thornton@planning.nsw.gov.au

Dear Bianca

Input into Secretary's Environmental Assessment Requirements – Hunter Valley Nutrient Recycling Facility Expansion – SSD 9418

I refer to your letter dated 18 June 2018 seeking input into the Secretary's Environmental Assessment Requirements (SEARs) for the expansion of the Hunter Valley Nutrient Recycling, located at 74 Lemington Road (Lot 10 DP 1204457) in Ravensworth. The proposed development is within the Singleton local government area.

The Office of Environment and Heritage (OEH) understands that Bettergrow Pty Ltd (the applicant) are seeking to expand an existing nutrient recycling facility to increase the processing capacity from 74,000 tonnes per annum (tpa) to 200,000 tpa of waste. OEH understands that the proposal is a State Significant Development (SSD 9418) project under the *Environmental Planning and Assessment Act 1979*.

OEH has reviewed the Preliminary Environmental Assessment documents as prepared by Jacobs Group (Australia) Pty Limited (dated 14 June 2018) and has prepared Standard SEARs which are presented in **Attachment A**. There are no project-specific SEARs provided for this project (**Attachment B**). Details of guidance documents are provided in **Attachment C**.

With respect to Aboriginal cultural heritage, OEH notes that any Aboriginal cultural heritage assessment undertaken prior to 2010 is unlikely to meet current OEH Aboriginal cultural heritage guidelines for the assessment of Aboriginal cultural heritage in NSW. The OEH 2011 *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* should be referenced in this instance.

If you have any further questions in relation to this matter, please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 02 4927 3158.

Locked Bag 1002 Dangar NSW 2309
Level 4/26 Honeysuckle Drive Newcastle NSW 2300
rog.hcc@environment.nsw.gov.au
ABN 30 841 387 271
www.environment.nsw.gov.au

Yours sincerely

STEVEN COX

Senior Team Leader - Planning
Hunter Central Coast Branch
Regional Operations Division

02 July 2018

Enclosure: Attachments A, B, C

Attachment A – Standard Environmental Assessment Requirements

Biodiversity

1. Biodiversity impacts related to the proposed development (SSD 9418) are to be assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and Biodiversity Assessment Method.
2. 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 Biodiversity Assessment Method.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows;
   - The total number and classes of biodiversity credits required to be retired for the development/project;
   - The number and classes of like-for-like biodiversity credits proposed to be retired;
   - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
   - Any proposal to fund a biodiversity conservation action;
   - Any proposal to conduct ecological rehabilitation (if a mining project);
   - Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.

4. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.

Aboriginal cultural heritage

5. The Environmental Impact Assessment (EIS) must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in the Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and consultation with OEH regional branch officers.

6. Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

7. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

Historic heritage

8. The EIS must provide a heritage assessment including but not limited to an assessment of impacts to State and local heritage including conservation areas, natural heritage areas, places of Aboriginal heritage value, buildings, works, relics, gardens, landscapes, views, trees should be assessed. Where impacts to State or locally significant heritage items are identified, the assessment shall:

   a. outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the mitigation measures) generally consistent with the NSW Heritage Manual (1996),

   b. be undertaken by a suitably qualified heritage consultant(s) (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria),

   c. include a statement of heritage impact for all heritage items (including significance assessment),

   d. consider impacts including, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, landscape and vistas, and architectural noise treatment (as relevant), and

   e. where potential archaeological impacts have been identified develop an appropriate archaeological assessment methodology, including research design, to guide physical archaeological test excavations (terrestrial and maritime as relevant) and include the results of these test excavations.

Water and soils

9. The EIS must map the following features relevant to water and soils including:
   a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
   b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).
   c. Wetlands as described in s4.2 of the Biodiversity Assessment Method.
   d. Groundwater.
   e. Groundwater dependent ecosystems.
   f. Proposed intake and discharge locations.

10. The EIS must describe background conditions for any water resource likely to be affected by the development, including:
   a. Existing surface and groundwater.
   b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
   c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
   d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.

11. The EIS must assess the impacts of the development on water quality, including:
    a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction.
    b. Identification of proposed monitoring of water quality.

12. The EIS must assess the impact of the development on hydrology, including:
    a. Water balance including quantity, quality and source.
    b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
    c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
    d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
    e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
    f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
    g. Identification of proposed monitoring of hydrological attributes.

Flooding and coastal erosion

13. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
    a. Flood prone land.
    b. Flood planning area, the area below the flood planning level.
    c. Hydraulic categorisation (floodways and flood storage areas).

14. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.

15. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
    a. Current flood behaviour for a range of design events as identified in 11 above. This includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

16. Modelling in the EIS must consider and document:

    a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.
    b. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
    c. Relevant provisions of the NSW Floodplain Development Manual 2005.

17. The EIS must assess the impacts on the proposed development on flood behaviour, including:

    a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
    b. Consistency with Council floodplain risk management plans.
    c. Compatibility with the flood hazard of the land.
    d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
    e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
    f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
    g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.
    h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
    i. Emergency management, evacuation and access, and contingency measures for the development considering the full range or flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
    j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment B – Project specific environmental assessment requirements

Biodiversity - nil
Aboriginal cultural heritage - nil
Historic heritage - nil
Water and soils - nil
Flooding and coastal erosion - nil

Attachment C – Guidance material

Title	Web address
Relevant legislation	
Biodiversity Conservation Act 2016	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
Coastal Management Act 2016	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
Environmental Planning and Assessment Act 1979	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
Fisheries Management Act 1994	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
Marine Parks Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
National Parks and Wildlife Act 1974	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
Protection of the Environment Operations Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
Water Management Act 2000	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
Wilderness Act 1987	http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
Biodiversity	
Biodiversity Assessment Method (OEH, 2017)	http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	http://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf
NSW Guide to Surveying Threatened Plant	http://www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf
Fisheries NSW policies and guidelines	http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm
Heritage	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf
Statements of Heritage Impact 2002 (HO & DUAP)	http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	http://www.environment.nsw.gov.au/Heritage/publications/

Title	Web address
Aboriginal cultural heritage	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	http://www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	http://www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	http://www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding and coastal erosion	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Guidelines for Preparing Coastal Zone Management Plans	Guidelines for Preparing Coastal Zone Management Plans http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf

Title	Web address
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

Department of Industry

OUT18/9330

Bianca Thornton
Planning Officer
Industry Assessments
NSW Department of Planning and Environment

bianca.thornton@planning.nsw.gov.au

Dear Ms. Thornton

Hunter Valley Nutrient Recycling Facility Expansion – SSD 9418
Comment on the Secretary's Environmental Assessment Requirements (SEARs)

I refer to your email of 18 June 2018 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries (DPI), and the following requirements for the proposal are provided:

DoI - Water

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.

Consideration of relevant legislation, policies and guidelines, including: the NSW Aquifer Interference Policy (2012); the *Guidelines for Controlled Activities on Waterfront Land* (Natural Resources Access Regulator 2018); and the relevant Water Sharing Plans (available at http://www.water.nsw.gov.au/).

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

Yours sincerely

Alison Collaros
A/Manager, Assessment Advice
2 June 2018

Planning & Environment
NSW GOVERNMENT | Resources & Geoscience

2 July 2018

Bianca Thornton
Planning Officer
Industry Assessments

Your Reference: V18/3344#1
Our Reference: DOC18/442826

Emailed: Bianca.Thornton@planning.nsw.gov.au

Dear Bianca,

Re: Request for Secretary's Environmental Assessment Requirements – Hunter Valley Nutrient Recycling Facility Expansion – SSD 9418

I refer to your email of 19-Jun-2018 requesting advice on issues concerning the preparation of Secretary's Environmental Assessment Requirements for the above project. Thank you for the opportunity to provide advice on the Hunter Valley Nutrient Recycling Facility Expansion. This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW). The Department of Primary Industries (incorporating advice from Agriculture and Fisheries) and the Forestry Corporation of NSW may respond separately.

Mineral Resources Requirements

Identification and assessment of impacts on other land users is required as a critical component of the Environmental Assessment (EA) process. Specifically, the EA must consider the potential for the proposed project to impact upon any State or regionally significant mineral resources, including metallic minerals, industrial and extractive minerals, petroleum, gas and coal resources. A significant characteristic of the process of mineral resource evaluation and development is that the final definition of economically mineable Reserves from within the larger area of a known resource cannot be predicted. This makes it imperative that known resources are protected from resource sterilisation which may arise from approval of incompatible zoning or development proposals in locations which are coincident with, or in close proximity to, known resources.

To assist the assessment of the potential for resource sterilisation, the GSNSW requires the proponent to consider and report on the potential impacts of the project upon any State or regionally significant resources or areas of State or regionally significant resource potential as part of the EA, including:

- **Any operating mines, extractive industries or known resources of metalliferous, industrial or extractive minerals, petroleum, gas or coal.**

- **Exploration activities near the proposed development.**

- **Access for future exploration in the area.**

Specific Issues

GSNSW notes that this is an existing operation which is working both sequentially to, and in conjunction with, coal mining activities within the Hunter Coalfield. GSNSW does not consider the current activities, or the proposed expansion, to be a significant sterilization risk to remaining coal resources within the proposal area.

Current GSNSW records show a significant number of current Coal mining and exploration authorities within the proposal area, with a complex ownership structure. Evidence of permission to operate within the bounds of these authorities will need to be provided in the Environmental Assessment for each of the impacted authorities / title holders.

GSNSW are available for consultation in relation to the location of areas of State or regionally significant resources or resource potential. Any requests for consultation should be directed to the Division of Resources & Geoscience - Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Geoscience Information Services

The GSNSW has a range of online data related to mineral exploration, land use and general geoscience topics:
http://www.resources.nsw.gov.au/geological/online-services

The location of current exploration and mining titles in NSW, explanations of mining and production titles and the roles of community and government in the decision-making process for mining/resource projects may be accessed by the general public using the following online utilities:

http://commonground.nsw.gov.au

https://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/geoscience-information/services/online-services/minview

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the Division of Resources & Geoscience - Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely

Paul Dale
Director – Land Use & Titles Advice
DIVISION OF RESOURCES & GEOSCIENCE