

Director General's Environmental Assessment Requirements

Section 115Y of the *Environmental Planning and Assessment Act 1979*

Application Number	SSI 12_5728
Infrastructure Project	Bylong East Duplication – construction of a new track between the existing Bylong Loop and the western portal of the Bylong Tunnel. Key components of the proposal comprise: • construction and formation of an approximate 5.3km rail corridor and track on the upside of the existing main line at a different vertical alignment; • connection of the new up-track with the exiting mainline; • construction of new culverts and bridge/s, maintenance access facility and installation of new signalling infrastructure; • ancillary infrastructure, includes vehicle access tracks, temporary construction compounds and stockpile sites; and • clearing, grubbing and earthworks to allow for track formation, drainage and minor structures.
Location	East of Bylong Village, north of Wollar Road and near Bylong River and Bylong State Forest in the Mid-Western Regional Council Local Government Area
Proponent	Australian Rail Track Corporation (ARTC)
Date of Issue	31 January 2013
General Requirements	The Environmental Impact Statement (EIS) must be prepared in accordance with and meet the minimum requirements of Part 3 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation) and include the following: 1. the information required under clause 6 of Schedule 2 of the Regulation; and 2. the content listed in clause 7 of Schedule 2 of the Regulation, including but not limited to: • a summary of the environmental impact statement; • a statement of the objectives of the project, including a description of the of the projects strategic need and justification, and its consistency with the relevant strategic planning and transport policies, including but not limited to the <i>Draft NSW Freight and Port Strategy</i> (November 2012), the <i>Upper Hunter Strategic Regional Land Use Plan</i> (September 2012), the <i>2012-21 Hunter Valley Corridor Capacity Strategy</i> (June 2012), and <i>Mid Western Regional Council Comprehensive Land Use Strategy</i> (July 2010). • a description of the project's relationship and/or interaction with the proposed upgrades along the Ulan Line; • an analysis of feasible alternatives to the carrying out of the project and project justification, including: - an analysis of alternatives/ options considered, having regard to the project objectives (including an assessment of the environmental costs and benefits of the project relative to alternatives and the consequences of not carrying out the project), a discussion of the route development and selection process, the suitability of the chosen alignment and whether or not the project is in the public interest; and - justification for the project taking into consideration the objects of the <i>Environmental Planning and Assessment Act 1979</i>;

	• an analysis of the project, including an assessment, with a particular focus on the requirements of the listed key issues, in accordance with clause 7(1)(d) of Schedule 2 of the Regulation (where relevant), including an identification of how relevant planning, land use and development matters (including relevant strategic and statutory matters) have been considered in the impact assessment (direct, indirect and cumulative impacts) and/or in developing management/mitigation measures; • a compilation of the measures proposed to mitigate any adverse effects of the project; and • detail how the principles of ecologically sustainable development will be incorporated in the design, construction and ongoing operation of the project. The EIS must address the following specific matters: • operational characteristics, including predicted rail corridor capacity, rail traffic frequency and interactions with and opportunities for increased general freight trains; • construction facilities and resources, including construction compounds, lay-down areas, spoil/fill quantities, stockpiling/ management areas and haul roads, and resource (including water) use; and • project staging and timing including cumulative impacts of indicative construction stages (if proposed).
Key issues	Ecology - including but not limited to: • flora, fauna and habitat, with specific consideration of Endangered Ecological Communities, threatened flora, fauna and populations; • vegetation clearing (and resultant foraging, roosting, habitat loss, fragmentation, connectivity, weed and edge effects) and operational impacts (such as increase in freight rail movements); • a strategy to offset ecological impacts and native vegetation clearing consistent with the "improve and maintain" principle, taking into account the <i>Biobanking Assessment Methodology</i> (DECC, July 2008) or an offset strategy that meets OEH's <i>Principles for the Use of Biodiversity offsets in NSW</i> (DECC, 2008); and • consideration of the <i>Draft Guidelines for Threatened Species Assessment</i> (DEC and DPI, 2005) and <i>Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities</i> (DEC, 2004). Transport, Land Use and Social – including but not limited to: • interactions with the broader transport network, including increased rail traffic on rail services and the road network, in particular impacts at level crossings; • land use impacts on affected and surrounding properties and developments, including impacts related to access, farming and business activities, future development potential and property acquisition; • interactions with current and future development and resources (such as adjoining agricultural and mine development); and • social impacts associated with construction, including work force impact on local services and accommodation. Aboriginal Heritage – including but not limited to: • impacts to Aboriginal heritage, including heritage with cultural and archaeological significance; • consultation with Aboriginal communities in determining and assessing impacts and developing and selecting options and mitigation measures; • demonstration that an appropriate archaeological assessment methodology, including research design (where relevant) has been undertaken, including results; • be undertaken by a suitably qualified heritage consultant; and • consideration of the <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (DEC, 2005).

Air, Noise and Vibration – including but not limited to:

- air pollutants, including an assessment of atmospheric pollutants of concern for local and regional air quality;
- noise and vibration impacts from operational activities and the nature, sensitivity and impact to potentially affected receivers and structures;
- the impact from the project in a cumulative context taking into consideration proposed increased train movements across the rail corridor; and
- consideration of *Interim Guidelines for the Assessment of Noise from Rail Infrastructure Projects* (DECC/DoP, 2007), *Assessing Vibration: A Technical Guideline* (DEC, 2006) and *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2005).

Soils and Hydrology – including but not limited to:

- geological and soil characteristics (physical and chemical) that may impact on land stability, land use, geological integrity and waterways, including acid sulphate soils;
- impacts on water sources, water courses (including ephemeral), users, infrastructure, and water management structures;
- local, and regional impacts of catchment changes and surface water balance and use;
- surface water and stormwater management, including consideration of water quality; hydrological regimes, riparian and receiving areas;
- groundwater hydrology, groundwater dependent ecosystems, and groundwater users and licences (as applicable);
- the projects influence on and compatibility with the flood hazard of the land;
- consistency with relevant water sharing plans, legislation and guidelines; and
- consideration of *Soil and Landscape Issues in Environmental Impact Assessment* (DLWC, 2000).

Construction Impacts – the EIS must assess the impacts of, and present a management framework for:

- site compounds and ancillary construction locations, with consideration given to:
 - the assessment of impacts of both primary and secondary site compounds on the receiving environment;
 - a strategy for managing site compounds (including waste and chemical storage management), with a particular focus placed on primary site compounds, and a generic approach developed for lower-risk activities; and
 - a strategy for rehabilitation of impacted sites.
- transport and access, with consideration to minimising construction traffic impacts on public and private access. Consideration should be given to:
 - construction traffic impacts, including spoil haulage, construction traffic movements, road network and road quality changes and potential disruption to the local and regional road network; and
 - consideration of the *Guide to Traffic Generating Developments* (RTA, October 2002); and Roads and Maritime Services (RTA) supplements.
- noise and vibration, with consideration given to:
 - the intensity and duration of noise and vibration impacts from activities and sources on and off site, (including rock crushing);
 - the nature, sensitivity and impact to potentially affected receivers and structures;

	- scheduling of construction works having regard to the nature of construction activities (including transport, blasting and tonal or impulsive noise-generating works); - a strategy for managing construction noise and vibration, with a particular focus placed on those activities identified as having the greatest potential for adverse noise and vibration impacts, and a generic approach developed for lower-risk activities impacts; and - consideration of the <i>Interim Construction Noise Guideline</i> (DECC, 2009), and <i>Assessing Vibration: a Technical Guideline</i> (DEC, 2006). • earthworks, with consideration to minimising impacts associated with the excavation, movement, stockpiling, rehabilitation and disposal of spoil and fill, with consideration given to: - quantification of bulk earthworks and spoil balance and the management and disposal of excess spoil; - surface water and stormwater management, including during flood events; - erosion and sedimentation control measures at excavation, stockpiling, storage, and placement locations to protect adjoining watercourses; - air quality impacts on sensitive receivers; - a strategy for managing earthworks with a particular focus on those works that have the greatest potential to disturb soils that have a high erosion and run off hazard and adverse impacts on watercourses, and a generic approach developed for ongoing construction management; and - consideration of the <i>Managing urban stormwater: soils and construction</i>, vol. 1 (Landcom 2004).
Environmental Risk Analysis	Notwithstanding the above key assessment requirements, the EIS must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of this additional key environmental impact must be included in the EIS.
Consultation	During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service and infrastructure providers, community groups and affected landowners. In particular you must consult with: • Department of Planning and infrastructure (Western Regional office); • Office of Environment and Heritage; • Environment Protection Authority; • NSW Trade and Investment (Primary Industries, Resources and Energy, NSW Office of Water and Fisheries NSW); • Hunter-Central Rivers Catchment Management Authority; • Transport for NSW; • Roads and Maritime Services; • Mid-Western Regional Council; • specialist interest groups, including Local Aboriginal Land Councils; and . • the public, including community groups and adjoining and affected landowners. The EIS must describe the consultation process and the issues raised, and identify where the design of the infrastructure 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 infrastructure within 2 years of the issue date of these DGRs, you must consult further with the Director-General in relation to the preparation of the EIS.