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Mr Kevin Cooper  
NSW Regional Manager  
Regain Services Pty Ltd  
PO BOX 1280  
NEWCASTLE NSW 2300

Our ref: MP06\_0050 (MOD 2)

Dear Mr Cooper

**Spent Potlining Recycling Facility, Tomago (MP 06-0050) (MOD 2)  
Section 75W Modification - Environmental Assessment Requirements**

I refer to the correspondence received by the Department of Planning and Environment (the Department) dated 18 August 2017 from AECOM on behalf of Regain Services Pty Ltd (Regain). I also refer to the additional information on hazards and risks received by the Department on 28 November 2017. The correspondence was in relation to a variation to the proposed project at the Spent Potlining Recycling Facility, Tomago. The correspondence also sought clarification from the Department regarding the approval pathway for the proposed modification approval MP 06-0050 (Mod 2)

The Department has reviewed the correspondence and advises that a modification of the proposed project approval MP 06\_0050 (Mod 1) for the Tomago Spent Potlining Facility can be requested under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

Based on the information provided to date, the Department has issued new Environmental Assessment Requirements (EARs) to reflect the proposed changes to the project (see **Attachment 1** and **Attachment 2**).

Your modification request must be accompanied by an Environmental Assessment (EA). The Department strongly recommends that you consult with all relevant public authorities prior to submitting your modification request and EA including but not limited to Port Stephens Council, NSW Health, Roads and Maritime Services, Fire and Rescue NSW, SafeWork NSW, Office of Environment and Heritage and the Environment Protection Authority. The purpose of consultation is to ensure that all environmental impacts of the modification are assessed and to minimise delays at the assessment stage.

It is requested that prior to lodging the modification request, a draft EA is emailed to the Department for review.

Following the lodgement of the EA, the Department will advise you of the applicable fee (under Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation, 2000*) and consultation requirements.

If you have any further questions in relation to this matter please contact Susan Fox on 9274 6466 or [susan.fox@planning.nsw.gov.au](mailto:susan.fox@planning.nsw.gov.au).

Yours sincerely



Chris Ritchie

**Director**

**Industry Assessments**

20/12/17.

Encl.: **Attachment 1:** Environmental Assessment Requirements  
**Attachment 2:** Technical and Policy Guidelines

## ATTACHMENT 1

# Environmental Assessment Requirements

<b>Application Number</b>	MP 06_0050 (Mod 2)
<b>Development</b>	Increase the throughput capacity of Spent Potliner (SPL) from 20,000 tpa to 60,000 tpa and modification to the site layout including an additional emission point
<b>Location</b>	Tomago Road, Tomago Lots 15 and 16 in DP 258020
<b>Applicant</b>	Regain Services Pty Ltd
<b>Date of Issue</b>	November 2017
<b>General Requirements</b>	<p>The EA must include a:</p> <ul style="list-style-type: none"> <li>• detailed description of the development, including: <ul style="list-style-type: none"> <li>– existing operations carried out on the site and how the site operates lawfully under the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) including any reliance on existing use rights and/or planning approvals and how these will be consolidated</li> <li>– accurate history of the site, including development consents</li> <li>– need for the proposed development</li> <li>– justification for the proposed development</li> <li>– likely staging of the development - including demolition, construction, and operational stage/s</li> <li>– likely interactions between the development and existing, approved and proposed operations in the vicinity of the site</li> <li>– plans of any proposed building works</li> <li>– contributions required to offset the proposal</li> <li>– Identification of conditions to be modified.</li> </ul> </li> <li>• consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments</li> <li>• risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment</li> <li>• detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> <li>• a description of the existing environment, <u>using sufficient baseline data</u></li> <li>• 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</li> <li>• 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</li> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EA.</li> </ul> </li> </ul>
<b>Key issues</b>	<p>The EA must address the following specific matters:</p> <ul style="list-style-type: none"> <li>• <b>Waste Management</b> – including: <ul style="list-style-type: none"> <li>• a description of the waste streams that would be accepted at the site including the maximum daily, weekly and annual throughputs</li> <li>• details of the source of the waste streams to justify the need for the proposed processing capacity</li> <li>• a description of waste processing operations, including a description of the technology to be installed, resource outputs, and the quality control measures that would be implemented</li> <li>• details of where SPL will be sourced from</li> <li>• details of how waste would be stored and handled on site, and transported to and from the site including details of how the receipt of non-conforming waste would be dealt with</li> <li>• the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the <i>NSW Waste Avoidance and Resource Recovery Strategy 2014-2021</i>.</li> </ul> </li> <li>• <b>Soil and Water</b> – including: <ul style="list-style-type: none"> <li>• an assessment of potential impacts to soil and water resources, topography, hydrology, drainage lines, watercourses and riparian lands on or nearby to the site</li> <li>• a detailed site water balance</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>any works with the potential to intercept the groundwater table</li> <li>details of stormwater/wastewater/leachate management systems including the capacity of onsite detention systems, and measures to treat, reuse or dispose of water</li> <li>characterisation of the nature and extent of any contamination on the site and a description of proposed management measures.</li> <li><b>Air Quality and Odour</b> – including: <ul style="list-style-type: none"> <li>a quantitative assessment of the potential air quality, dust and odour impacts of the development in accordance with relevant Environment Protection Authority guidelines</li> <li>the details of buildings and air handling systems and strong justification for any material handling, processing or stockpiling external to a building</li> <li>an justification for the substantial difference the 2009 and 2017 air dispersion modelling results</li> <li>a greenhouse gas assessment</li> <li>details of proposed mitigation, management and monitoring measures.</li> </ul> </li> <li><b>Noise and Vibration</b> – including: <ul style="list-style-type: none"> <li>a quantitative assessment of potential demolition, construction, operational and transport noise and vibration impacts in accordance with relevant Environment Protection Authority guidelines</li> <li>an assessment of the predicted transport noise and vibration impacts and justification of proposed transport routes and times</li> <li>details and justification of the proposed noise mitigation and monitoring measures.</li> </ul> </li> <li><b>Traffic and Transport</b> – including: <ul style="list-style-type: none"> <li>details of all traffic types and volumes likely to be generated during construction and operation, including a description of haul routes</li> <li>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</li> <li>detailed plans of the proposed layout of the internal road network and parking on site in accordance with the relevant Australian Standards</li> <li>plans of any proposed road upgrades, infrastructure works or new roads required for the development</li> <li>turning path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site.</li> </ul> </li> <li><b>Human Health Risk</b> – including: <ul style="list-style-type: none"> <li>an assessment of the potential human health risks (on site and off site) associated with the processing of SPL and</li> <li>details of mitigation and management measures to minimise human health risks and ensure the safety of workers during the development</li> </ul> </li> <li><b>Hazards and Risks</b> – The environmental assessment must include a Preliminary Hazard Analysis (PHA) for the modification, prepared in accordance with <i>Hazardous Industry Planning Advisory Paper No. 6 'Hazard Analysis'</i> (Department of Planning, 2011) and <i>Multi-Level Risk Assessment</i> (Department of Planning, 2011). The PHA must: <ul style="list-style-type: none"> <li>identify the hazards and safeguards for the modification</li> <li>include a cumulative risk assessment, covering the simultaneous operation of the existing 20,000 tonnes per annum demonstration plant and the proposed 40,000 tonnes per annum combination drying and thermal treatment plant.</li> </ul> </li> <li><b>Sensitive Receivers</b> – including consideration of potential impacts, particularly noise and air quality.</li> <li><b>Visual</b> – including an assessment of the potential visual impacts of the project on the amenity of the surrounding area.</li> </ul>
<b>Consultation</b>	<p>During the preparation of the EA, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and potentially affected landowners. In particular you must consult with:</p> <ul style="list-style-type: none"> <li>Port Stephens Council</li> <li>Environment Protection Authority</li> <li>Office and Environment and Heritage</li> <li>Sydney Water</li> <li>SafeWork NSW</li> <li>Hunter New England Local Health District</li> <li>Roads and Maritime Services</li> <li>Fire and Rescue NSW</li> <li>nearby land owners and occupiers that may be affected by the proposal.</li> </ul> <p>The EA must describe the consultation process and the issues raised, and identify</p>

	<p>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>
<b>References</b>	<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 development.</p>

## **ATTACHMENT 2**

### **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 EA 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 EA rather than as separate documents.

In addition, the EA 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 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 *Port Stephens 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 and
- 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.

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## Policies, Guidelines & Plans

Aspect	Policy /Methodology
<b>Waste</b>	<p>Waste Avoidance and Resource Recovery Strategy 2010-2021 (EPA)</p> <p>The National Waste Policy: Less Waste More Resources 2009</p> <p>Waste Classification Guidelines (EPA, 2014)</p>
<b>Soil and Water</b>	
<i>Soil</i>	<p>Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC &amp; NHMRC)</p> <p>National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC)</p> <p>Draft Guidelines for the Assessment &amp; Management of Groundwater Contamination (DECC)</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (DOP)</p> <p>Acid Sulfate Soils Manual (Stone et al. 1998)</p>
<i>Water</i>	<p>National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)</p> <p>NSW Guidelines for Controlled Activities on Waterfront Land (NOW, 2012)</p> <p>National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)</p> <p>Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)</p> <p>NSW State Rivers and Estuaries Policy (1993)</p> <p>State Water Management Outcomes Plan</p> <p>NSW Government Water Quality and River Flow Environmental Objectives (DECC)</p> <p>Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)</p> <p>Managing Urban Stormwater: Soils &amp; Construction (Landcom)</p> <p>Managing Urban Stormwater: Treatment Techniques (DECC)</p> <p>Managing Urban Stormwater: Source Control (DECC)</p> <p>Technical Guidelines: Bunding &amp; Spill Management (DECC)</p> <p>NSW Floodplain Development Manual 2005</p>
<b>Traffic and Transport</b>	<p>Guide to Traffic Generating Development (RTA)</p> <p>Road Design Guide (RTA)</p>
<b>Air Quality and Odour</b>	
<i>Air Quality</i>	<p>Protection of the Environment Operations (Clean Air) Regulation 2010</p> <p>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)</p> <p>Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)</p> <p>The National Greenhouse and Energy Reporting (Measurement) Technical Guidelines</p>

	(NGER Technical Guidelines)
	Guidelines for Energy Savings Action Plans (DEUS, 2005)
<i>Odour</i>	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)
<b>Noise and Vibration</b>	
	NSW Industrial Noise Policy (2017)
<i>Noise</i>	NSW Road Noise Policy (EPA, 2011)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Interim Construction Noise Guideline (DECC, 2009)
<i>Vibration</i>	Assessing Vibration: A Technical Guideline (DEC, 2006)
<b>Flora and Fauna</b>	
	Framework for Biodiversity Assessment (OEH, 2014)
<b>Hazards</b>	
	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
<b>Heritage</b>	
	Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
	Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)
	Draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation (Department of Planning, 2005)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)
	NSW Heritage Manual (DUAP)
<b>Visual</b>	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
	State Environmental Planning Policy No 64 - Advertising and Signage