Joel Herbert

From: deb.alterator@crownland.nsw.gov.au on behalf of Lands Ministerials <lands.ministerials@industry.nsw.gov.au>
Sent: Friday, 31 January 2020 9:10 AM
To: Colin Phillips
Subject: Fwd: Fw: Major Projects – New Request for Advice - Maroota Friable Sandstone Extraction Project (SSD-10410) (The Hills Shire)

Good morning Colin

Apologies but Lands Stakeholder Relations team received the following additional comments regarding Maroota Friable Sandstone Extraction Project SSD 10410.

The subject land being Lots 7005 DP 1055724, Lot 202 DP752025 and Lot 213 DP752025 have been granted to the Deerubin Local Aboriginal Land Council as part of Aboriginal Land Claim 3441.
Although the land has been granted to the proponent through the Aboriginal Land Claim's process the proponent should be aware of that native title rights and interests are presumed to exist over all Crown land even after it has been granted through the Aboriginal Land Claims process. As such due diligence in relation to the existence of native title rights and interests will need to be investigated and addressed in accordance with the *Native Title Act 1993.*

Thank you

Deb

Lands Stakeholder Relations

Team telephone numbers: Rebecca Johnson, Principal Project Officer, 4920 5040; Kirstyn Goulding, Administration Officer - Customer Liaison, 4920 5058; Kim Fitzpatrick, Senior Project Officer, 4920 5015, Deb Alterator, Project Support Officer 4920 5172

Crown Lands | Department of Planning, Industry and Environment
E lands.ministerials@industry.nsw.gov.au
Level 4, 437 Hunter Street Newcastle NSW 2295
www.dpie.nsw.gov.au

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Department of Primary Industries

OUT20/1020

Department of Planning, Industry and Environment
Mr Colin Phillips
Colin.phillips@planning.nsw.gov.au

Dear Mr Phillips

SEAR's Request –SSD 10410 - Friable Sandstone Extractive Industry, Wisemans Ferry Road, Maroota (Lot 7005 DP 1055724, Lot 202 DP 752025 and Lot 213 DP 752025)

Thank you for the opportunity to provide Secretary Environmental Assessment Requirements (SEAR) for the above proposal as per your correspondence dated 24 January 2020.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. Important issues for extractive industries are the potential impact on limited agricultural resources and the ability to rehabilitate the land to enable continued agricultural investment.

NSW DPI Agriculture provides SEARs (Attachment 1) and a range of publications to assist consent authorities, community and proponents in addressing the recommended SEARs (Attachment 2).

Should you require clarification on any of the information contained in this response, please contact me on 0429 864 501 or at landuse.ag@dpi.nsw.gov.au

Yours sincerely

29 January 2020
Paul Garnett
Agricultural Land Use Planning Officer

Department of Primary Industries

Attachment 1: SEARs Recommendations

Issue	Detail / Requirement
Site Suitability and development details	• Complete a Land Use Conflict Risk Assessment (LUCRA) to identify potential land use conflict with surrounding agricultural land uses. The LUCRA is to address separation distances and management practices to minimise odour, dust and noise from sensitive receptors including surrounding agricultural land uses. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide. • Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors including agricultural land uses. • Detail the expected life span of the proposed development
Impacts on agricultural resources and land	**Characteristics of Agricultural Land** • Describe the soil, slope, land capability, agricultural productivity, land characteristics and the historical agricultural land uses of the proposed development site and land in the surrounding locality. **Impacts on Agricultural Land, Resources and Land Uses.** • Detail the potential impacts on agricultural land and agricultural land uses on the site and in the locality. • Consider possible cumulative effects to agricultural enterprises and landholders. • Assess the impacts on agricultural support services, processing and value adding industries in the locality. **Measures to Mitigate Impacts on Agricultural Land** • Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated.
Water supply	• Estimate the water demand and water availability of the proposal. Detail the source of water, sanitisation methods and any movement of water away from agricultural uses. • Detail any impacts to water use for agriculture and measures to mitigate against these impacts.
Surface & Groundwater	• Detail the potential for impacts on surrounding agricultural land uses from erosion, nutrient and sediment build up and off site surface water movement and groundwater accession from the design, operation and by-product management of the proposed development. • Detail the measures proposed to mitigate the potential for these impacts.
Biosecurity	• Include a biosecurity (pests and weeds) risk assessment outlining the likely plant, animal and community risks. • Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed and pest management plans.

Traffic impacts	• Consideration of the route for movements needs to be taken into account so that impacts on surrounding agricultural operations are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves (TSR) and the movement of livestock or farm vehicles along / across the affected roads
Rehabilitation	• Detail the proposed decommissioning and rehabilitation process and describe how the final landform will enable the land to be used for agricultural purposes along with the expected timeline for the rehabilitation program. • Outline monitoring and mitigation measures to be adopted for rehabilitation remedial actions.
Consultation with community	• Consult with the owners / managers of affected and adjoining agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation. • Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.

Attachment 2: Guidelines for assessment

Title	Location
Land Use Conflict Risk Assessment Guide	www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra
Agricultural Issues for Extractive industry Development	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/extractive-industries

Planning, Industry & Environment

Our ref: DOC19/1085289
Senders ref: SSD 10410 (The Hills)

Colin Phillips
Minerals Quarry Assessments
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Phillips,

Subject: Request for SEARs for Maroota Friable Sandstone Extraction Project (SSD 10410)

Thank you for your letter received on 11 December 2019, requesting input from Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment on the SEARs for the establishment of Maroota friable sandstone extraction project at Lot 7005 DP1055724, Lot 202 DP 752025, and Lot 213 DP752025, Wisemans Ferry Road, Maroota (SSD10410) (The Hills).

EES has reviewed the scoping report prepared by Design Collaborative Pty Ltd Issue 099278.2SR dated 5 December 2019 and provides the following comments and recommendations at **Attachment A.**

Aboriginal Cultural Heritage

EES recommends the SEARs include the attached Aboriginal cultural heritage requirements.

Biodiversity

EES recommends the SEARs include the attached biodiversity requirements.

Flooding

EES recommends the SEARs include the attached flooding requirements.

Riparian Corridor

EES recommends the SEARs include the attached riparian corridor requirements

Soil and Water

EES recommends the SEARs include the attached water and soils requirements.

Should you have any queries regarding this matter, please contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au.

Yours sincerely

S. Harrison 20/12/19

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Climate Change and Sustainability

Attachment A – EES Environmental Assessment Requirements – Maroota Friable Sandstone Extraction Project - SSD 10410 (The Hills)

Aboriginal cultural heritage
1. Identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011). 2. 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. 3. 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. Note that due diligence is not an appropriate assessment, an ACHAR is required.
Biodiversity
4. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 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, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations). 5. 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. 6. 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.

7. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
8. 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.

Riparian Corridor

9. The EIS must describe the following features relevant to the Riparian Corridor including:
   a. Any destruction of riparian vegetation
   b. The riparian corridor's functional role as a wildlife corridor

Water and soils

10. 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

11. 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.
e. Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning

12. 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.
c. Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan).

13. 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 hazards

14. 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)
    d. Flood Hazard.
15. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
16. 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 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
17. Modelling in the EIS must consider and document:

a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood.
c. 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, hazard categories and hydraulic categories
d. Relevant provisions of the NSW Floodplain Development Manual 2005.

18. 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. Consistency with any Rural Floodplain Management Plans.
    d. Compatibility with the flood hazard of the land.
    e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
    f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
    g. 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.
    h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
    i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
    j. 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 NSW SES.
    k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

(END OF SUBMISSION)

OUT20/611

Colin Phillips
Planning and Assessment Group
NSW Department of Planning, Industry and Environment

colin.phillips@planning.nsw.gov.au

Dear Mr Phillips

Maroota Friable Sandstone Extraction (SSD 10410)
Comment on the Secretary's Environmental Assessment Requirements (SEARs)

I refer to your email of 15 January 2020 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following advice for you to consider is from DPIE Water and NRAR. Please note the Department of Primary Industries (DPI) and Crown Lands now provide a separate response.

DPIE – Water and NRAR

The SEARS should include:

- 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 (2018) and the relevant Water Sharing Plans (available at https://www.industry.nsw.gov.au/water).

Any further referrals to DPIE – NRAR & Water can be sent by email to: landuse.enquiries@dpi.nsw.gov.au.

Any further referrals to DPI & Crown Lands can be sent by email to: dpi.cabinet@dpi.nsw.gov.au & lands.ministerials@industry.nsw.gov.au respectively.

Yours sincerely

Alistair Drew
Project Officer, Assessments
Water – Strategic Relations
29 January 2020

Collin Phillips

Team Leader Mineral Quarry Assessments
NSW Department of Planning, Industry and Environment GPO Box 38
Sydney NSW 2001

Emailed: via planning portal

Our ref: DOC20/66300

Your ref: SSD-10410

28 January 2020

Dear Mr Phillips

Subject: Request for Secretary's Environmental Assessment Requirements – Maroota Friable Sandstone Extraction Project – SSD-10410.

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Planning, Industry & Environment – Division of Resources & Geoscience.

Sandstone is not a prescribed mineral under the *Mining Act 1992*. Therefore, the Division has no statutory role in authorising or regulating the extraction of this commodity, apart from its role under the *Work Health and Safety Act 2011* and associated regulations and the *Work Health and Safety (Mine and Petroleum Sites) Act 2013* and associated regulations, for ensuring the safe operation of mines and quarries. However, the Division is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

All environmental reports (EIS or similar) accompanying Development Applications for extractive industry lodged under the *Environmental Planning & Assessment Act 1979* should include a resource assessment which:

- Documents the size and quality of the resource and demonstrates that both have been adequately assessed; and
- Documents the methods used to assess the resource and its suitability for the intended applications.

Annexure A: Geological Report, of the Scoping Report December 2019 for the proposal addresses the above and should be included in the EIS.

The Division collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to the NSW Division of Resources and Geoscience as a condition of any new or amended development consent.

During the preparation of the EIS, The Division recommends that the proponent consult NSW Department of Planning & Environment's *'EIS Guideline - Extractive Industries – Quarries'*. This guideline is available from:

http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/~/media/4A89C0947A8C4D70A983F8EE1D7B9790.ashx

The Division would appreciate the opportunity for early consultation in relation to the proposed location of any biodiversity offset areas (both on and off site) or any supplementary biodiversity measures to ensure there is no consequent reduction in access to prospective land for mineral exploration, or potential for sterilisation of mineral or extractive resources.

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,

Andrew Helman

Senior Geoscientist – Land Use Assessment

Geological Survey of NSW, Division of Resources & Geoscience

DOC20/29855

30 January 2020

Mr Colin Phillips
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Email: colin.phillips@planning.nsw.gov.au

30 January 2020

Dear Mr Phillips

Request for Secretary's Environmental Assessment Requirements (SEARs) - SSD-10410 - Maroota Friable Sandstone Extraction Project

I refer to the Department of Planning, Industry and Environment's request on the 15 January 2020 requesting the NSW Environment Protection Authority's (EPA) input on the Secretary's Environmental Assessment Requirements (SEARs) for the Maroota Friable Sandstone Extraction Project at Wisemans Ferry Road, Maroota (the proposal).

The EPA understands that the project involves extraction of sandstone at Wisemans Ferry Road, Maroota and it is anticipated that the proposed development has the capacity of supplying 500,000 tonnes of saleable product per annum.

Section 5.5.3 of the Scoping Report, Non-Integrated Approvals (Table 5), states that under Schedule 1, clause 19 'Extractive activities' of the Protection of the Environment Operations Act 1997 ("the Act") the project will require a licence, however it will only require a licence if the total amount of extractive material transported from those premises (for sale) in that year is more than 30,000 tonnes.

Please note that amendments to the POEO Act were made in July 2019, which changed the definition of extractive activities as set out in clause 19, Schedule 1 of the Protection of the Environment Operations Act 1997. The changes include:

- removing the distinction between land-based and water-based extractive activities for licensing purposes,
- removing the requirement to determine storage capacity, the scale of the activity will be based only on the amount of material extracted or processed, in tonnes
- extractive activities require a licence if the extraction or processing of extractive materials is for the primary purpose of sale of the extractive material (but not for re-use),
- the amount of material transported from a premises can be used to determine the amount of extraction at a premises.

The EPA has provided recommendations for SEARs that should be considered in relation to the proposal. Refer to **Attachment A** for details.

If you wish to discuss this matter, please contact Lisa Crambrook, Operations Officer, on (02) 8837 6079 or email lisa.crambrook@epa.nsw.gov.au.

Yours sincerely

JACQUELINE INGHAM
Unit Head, Sydney Industry
Environment Protection Authority

Attachment A – EPA recommendations for SEARs for Maroota Friable Sandstone Extraction Project – Wisemans Ferry Road - Maroota (SSD-10410)

ATTACHMENT A

EPA recommendations for SEARS for Maroota Friable Sandstone Extraction Project at Wisemans Ferry Road, Maroota (SSD-10410)

Project Description and Boundaries

The EIS should clearly identify whether the proposed activity will meet the threshold of schedule 1 clause 19 'Extractive Activities'.

General Information

The following information must be provided in the Environmental Impact Statement (EIS) to enable the EPA to accurately assess the environmental implications of the proposed activity. The EIS must adequately describe the development proposal and the existing environment including air, noise, water, soil, chemicals and waste.

EPA Statutory Requirements

The EPA notes that under the POEO Act Schedule 1 (clause 19) for extractive activities an Environment Protection Licence is required for the activity:

19 Extractive activities
(1) This clause applies to extractive activities, meaning the extraction (by any method, including by excavation, dredging, blasting or tunnelling) or processing of extractive materials for the primary purpose of the sale of extracted material.
(2) However, this clause does not apply to cut and fill operations, or the excavation of foundations or earthworks, that are ancillary to development that is subject to development consent or approval under the Environmental Planning and Assessment Act 1979.
(3) The activities to which this clause applies are declared to be scheduled activities if they involve the extraction or processing of more than 30,000 tonnes of extractive materials per year.
(4) More than 30,000 tonnes of material are taken to have been extracted in a year at premises at which extraction occurs if the total amount of extractive material transported from those premises in that year is more than 30,000 tonnes.
(5) In this clause, extractive materials means clay, sand, soil, stone, gravel, rock, sandstone or similar substances that are not minerals within the meaning of the Mining Act 1992.

The proponent should clearly detail whether Schedule 1 of the POEO Act will be triggered by the proposal as this will determine whether an Environment Protection Licence is required. If an Environment Protection Licence is required, the NSW EPA will be the Appropriate Regulatory Authority for the premises under the POEO Act.

Proposal

The objectives of the proposal should be clearly stated and refer to:

- the size and type of the operation
- the nature of the processes and the products, by products and waste produced
- the use or disposal of products or wastes
- the staging and timing of the proposal and
- the intended future land use.

Premises

The EIS will need to fully identify all of the processes and activities intended for the site and during the life of the project. This will include details of:

- a site plan prepared by a registered surveyor clearly showing the boundaries of any proposed premises that will be subject to an Environment Protection Licence (EPL) and the proposed location of any discharge points covered by an EPL

- ownership and/or land use details of any premises and land likely to be affected by the proposed development

- maps and/or aerial photographs showing:
  - the location of the proposed facility and details of the surrounding environment
  - the proposed layout of the site
  - all equipment proposed for use at the site
  - the location of any environmentally sensitive areas such as conservation areas, wetland, creeks or streams, watercourses and stormwater systems
  - surface water management systems
  - chemicals, including fuel used on the site and proposed methods for their transportation, storage, use and energy management
  - methods to mitigate any expected environmental impacts of the development.

Air Quality and Odour

The EIS for the proposal should include an Air Quality Impact Assessment (AQIA), prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales 2016*. The AQIA should include:

- Sources of all potential air emissions from the site during works, including vehicle movements.
- Identification of sensitive receivers potentially impacted by air emissions during works.
- Assessment of potential impacts on identified sensitive receivers.
- Details of air quality management and monitoring procedures proposed to minimise any impacts to the environment and human health during works.

The EIS should also undertake an assessment of odour impacts, in accordance with the '*Technical framework for the assessment and management of odour from stationary sources in NSW*". The AQIA must describe the methodology used and any assumption made to predict the impacts. Air pollutant emission rates, ambient air quality data and meteorological data used in the assessment must be clearly stated and justified.

An Odour Management Plan should also be prepared to respond to any unexpected odour finds and generation.

Water

In general, development should maintain or restore the community's uses and values of waterways, including human and environmental health, through the achievement of relevant NSW Water Quality Objectives (WQO). The EIS for the proposal should include the following:

- Describe existing surface and groundwater quality. An assessment needs to be undertaken for any waters likely to be affected by the proposal.
- State the ambient NSW Water Quality Objectives (NSW WQO) and environmental values for the receiving waters relevant to the project, including the indicators and associated trigger values or criteria for the identified environmental values.

- Identify and estimate the quality and quantity of all pollutants that may be introduced into the water cycle by source and discharge point and describe the nature and degree of impact that any discharge(s) may have on the receiving environment, including consideration of all pollutants that pose a risk of non-trivial harm to human health and the environment.
- The methodology, data and assumptions used to design any pollution control works and assess the potential impact of the proposal on water quality (ground and surface waters), must be fully documented and justified.
- Include an adequacy assessment of stormwater controls. This assessment must demonstrate that sediment basins are adequately sized based on relevant guidelines and that discharge to waters from any sediment basins or other treatment systems comply with the requirements of the POEO Act.
- Identify the rainfall event that the water quality protection measures will be designed to cope with.
- Assess the significance of any identified impacts including consideration of the relevant ambient water quality outcomes;
- Demonstrate how construction and operation of the project will, to the extent that the project can influence, ensure that:
    - where the NSW WQOs for receiving waters are currently being met they will continue to be protected; and
    - where the NSW WQOs are not currently being met, activities will work toward their achievement over time.
- Justify, if required, why the WQOs cannot be maintained or achieved over time.
- Demonstrate that all practical measures to avoid or minimise water pollution and protect human health and the environment from harm are investigated and implemented.
- Identify sensitive receiving environments (which may include estuarine and marine waters downstream) and develop a strategy to avoid or minimise impacts on these environments.
- Identify proposed monitoring locations, monitoring frequency and indicators of surface and groundwater quality.

Noise

The EIS should include a Noise Impact Assessment (NIA) that takes into consideration the impacts of construction and operational noise for the life of the proposal, including increases in vehicle movements. The NIA should include:

- Identification of all sensitive receivers potentially impacted by noise from the proposal.
- Details of predicted noise impacts on all identified sensitive receivers.
- Details of proposed noise mitigation measures.

The NIA should be prepared in accordance with the following documents:

- *Noise Policy for Industry* (EPA, 2017);
- *Interim Construction Noise Guideline* (EPA, 2009); and
- *Assessing Vibration: a technical guideline* (EPA, 2006).

General Waste

The EIS should:

- Identify, characterise and classify all waste that will be generated on site through excavation, demolition or construction activities, including proposed quantities of waste
    - **Note**: all waste must be classified in accordance with the EPA's *Waste Classification Guidelines.*

- Provide details on how waste will be handled and managed onsite to minimise pollution, including:
    - stockpile location and management
        - labelling of stockpiles for identification, ensuring that all waste is clearly identified and stockpiled separately from other types of material
        - proposed height limits for all waste to reduce the potential for dust and odour
        - procedures for minimising the movement of waste around the site and double handling
        - measures to minimise leaching from stockpiles into the surrounding environment.
- Provide details on erosion and sediment control including measures to be implemented to minimise erosion and sediment mobilisation at the site during works.

Waste Management

The EIS for the proposal should include details of how waste will be managed during construction and operation, with reference to relevant EPA guidelines, including the NSW Waste Avoidance and Resource Recovery Strategy 2014. This includes:

- identifying, characterising and classifying all waste that will be generated during the construction and operational phases;
- details of the quantities of waste and wastewater to be generated; and
- detailing the measures proposed to manage, reuse, recycle and/or safely dispose of waste, including any proposed stockpiling or on-site treatment of waste.

Management of Dangerous Goods and Hazardous Materials

The EIS should provide details of the following for both the construction and operational phases of the proposal:

- Details of the type and quantity of all chemical substances to be used or stored on site.
- Details of how any oils, fuels and chemicals stored on site will be enclosed and bunded.
- Procedures for the classification, assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of as part of the proposal, in addition to the requirements for liquid and non-liquid wastes.

Complaints handling

The EPA recommends that the EIS includes details of how the proponent will manage any complaints received in relation to the proposal. The EPA recommends that:

- The proponent establishes a 24-hour complaints hotline to enable real-time responses to community complaints relating to the proposal. The complaints hotline telephone number should be separate to the general telephone number for the company.
- The site prominently displays the complaints hotline number that community members can call to register a complaint about the site.
- All complaints received by the proponent in relation to the proposal are recorded in an electronic database, including the results of any complaint investigation.

- The site displays a sign in a prominent location stating the company name and address, and the approved operating hours of the site.

Incident Management

The EIS should include a comprehensive assessment of the potential for incident to occur at any stage of the proposal, the measures to be used to minimise the risk of incidents, and the procedures to be employed in the event of an incident.

Incident Risks and Contingency Practices

The EIS should include a comprehensive assessment of the potential for incident to occur at any stage of the proposal, the measures to be used to minimise the risk of incidents, and the procedures to be employed in the event of an incident.

The EIS should include details of the Environmental Management System (EMS) that will be implemented at the site. The EPA recommends that the EMS includes:

- Details of the type and frequency of all environmental management checks/ inspections undertaken at the site.
- Records of all checks/ inspections undertaken, even if no issues were identified.
- Records of how any identified issues were rectified.
- A requirement that all staff and contractors are trained in environmental compliance awareness.
- Records of all toolbox talks undertaken.
- Copies of induction and training records for all staff, contractors and drivers.
- Spill response procedures or a Pollution Incident Response Management Plan (PIRMP) or equivalent.
- Records of when the PIRMP was last tested or a spill response exercise was undertaken at the site.

This concludes the EPA submission on the proposal.

30 January 2020

TfNSW Reference: SYD20/00073 (A30896042)
Council Reference: SSD-10410

Colin Phillips
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Phillips

REQUEST FOR SEARS - MAROOTA FRIABLE SANDSTONE EXTRACTION PROJECT WISEMANS FERRY ROAD, MAROOTA

Reference is made to the Department's correspondence dated 15 January 2020, requesting Transport for NSW (TfNSW) to provide details of key issues and assessment requirements regarding the abovementioned development for inclusion in the Secretary's Environmental Assessment Requirements (SEARs).

TfNSW would like the following issues to be included in the transport and traffic impact assessment of the proposed development:

1. Daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby road network intersections, and the need/associated funding for upgrading or road improvement works (if required). The Key intersections to be examined/modelled include:

    - Patricia Fay Drive and Wisemans Ferry Road
    - Old Northern Road and Wisemans Ferry Road

2. Details of the proposed site access and the parking provisions associated with the proposed development including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc).

3. Detailing vehicle circulation, proposed number of car parking spaces and compliance with the appropriate parking codes.

4. Details of light and heavy vehicle movements (including vehicle type and likely arrival and departure times). Details of service vehicle movements (including vehicle type and likely arrival and departure times).

5. To ensure that the above requirements are fully addressed, the transport and traffic study must properly ascertain the cumulative study area traffic impacts associated

with the development (and any other known proposed developments in the area). This process provides an opportunity to identify a package of traffic and transport infrastructure measures required to support future development. Regional and local intersection and road improvements, vehicular access options for adjoining sites, public transport needs, the timing and cost of infrastructure works and the identification of funding responsibilities associated with the development should be identified.

If you have any further questions, Ms Annelly Ketheson would be pleased to take your call on (02) 8849 2438 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely

Amanda Broderick
A/ Senior Land Use Planner