

ATLAS-CAMPASPE

Mineral Sands Project

ENVIRONMENTAL IMPACT STATEMENT



ATTACHMENT 6 › PLANNING INSTRUMENTS ADDENDUM



CRISTAL



Resource
Strategies

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A6 PLANNING INSTRUMENTS ADDENDUM

This Attachment provides further discussion on the requirements and application of State Environmental Planning Policies (SEPPs), Local Environment Plans (LEPs) and relevant strategic planning documents to the Atlas-Campaspe Mineral Sands Project (the Project).

References to Sections 1 to 7 in this Attachment are references to the sections in the Main Report of the Environmental Impact Statement (EIS). Internal references within this Attachment are prefixed with "A6".

A6.1 STATE ENVIRONMENTAL PLANNING POLICIES

A6.1.1 State Environmental Planning Policy (State and Regional Development) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) is applicable to the whole of New South Wales (NSW).

Clause 3 outlines the aims of the State and Regional Development SEPP, including the following of relevance to the Project:

- (a) *to identify development that is State significant development,*

...

The Project falls within clause 5 of Schedule 1 of the State and Regional Development SEPP as it represents development for the purpose of mineral sands mining. As it requires Development Consent, it therefore comprises State Significant Development for the purposes of the NSW *Environmental Planning and Assessment Act, 1979* (EP&A Act) (Section 6.2.2).

In addition, the development of the Ivanhoe Rail Facility also falls within clause 5 of Schedule 1 of the State and Regional Development SEPP, as it represents development for the purpose of mining related works that falls within the definition of clause 5(3):

- (3) *Development for the purpose of mining related works (including primary processing plants or facilities for storage, loading or transporting any mineral, ore or waste material) that:*
 - (a) *is ancillary to or an extension of another State significant development project, or*

...

Accordingly the NSW Minister for Planning and Infrastructure (the Minister) can be satisfied as to these matters.

A6.1.2 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) is applicable to the whole of NSW.

Part 1 – Clause 2

Clause 2 sets out the aims of the Mining SEPP, of which the following are of relevance to the Project:

- (a) *to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
- (b) *to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and*
- (c) *to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.*

Part 2 – Clause 7

Clause 7(1) outlines the purposes for which mining development may be carried out under the Mining SEPP with Development Consent:

...

- (b) *mining carried out:*
 - (i) *on land where development for the purposes of agriculture or industry may be carried out (with or without development consent), or*

...

The Project requires Development Consent. Descriptions of the relevant LEP land use zones are provided in Sections 6.5.2, A6.2 and A6.3.

Part 3 – Clauses 12 to 17

Part 3 of the Mining SEPP provides matters for consideration for Development Applications.

Clause 12

Clause 12 of the Mining SEPP provides that before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:

- (a) *consider:*
 - (i) *the existing uses and approved uses of land in the vicinity of the development, and*
 - (ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*
 - (iii) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
- (b) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*
- (c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

The existing and approved land uses in the vicinity of the Atlas-Campaspe Mine predominantly include agricultural activities (i.e. pastoral), as described in Section 4.3.1. The Atlas-Campaspe Mine is also proximal to the Willandra Lakes Region World Heritage Area (approximately 10 kilometres [km] to the west), the Mungo National Park (approximately 5 km to the west) and several privately managed conservation reserves.

The Ivanhoe Rail Facility is located approximately 4.5 km south-west of the township of Ivanhoe (Figure 2-9). Proximal land uses include pastoral lands, the township of Ivanhoe and the Ivanhoe (Warakirri) Correctional Centre. Consideration of the potential impacts of the Project on agricultural land uses is provided in Appendix H.

Impact assessments for noise, air quality and transport have been conducted for the Project and have concluded that there would be no significant additional impacts on adjoining land uses in the vicinity of the Project development areas (Appendices D, J and K).

The Project is compatible with existing, approved or likely adjoining land uses. The Project would be operated in such a way as to minimise any potential environmental impacts, as described in Sections 4 and 7.

The Project is an employment generating development which would result in significant socio-economic benefits to the state and regional economies in terms of employment and expenditure (Appendix I).

A rehabilitation strategy would be implemented by Cristal Mining Australia Limited (Cristal Mining) (Section 5) in order to rehabilitate the Atlas-Campaspe Mine and Ivanhoe Rail Facility to such a state where incompatibility of the Project with current and future land uses in the area would be minimised.

Accordingly the Minister can be satisfied as to these matters.

Clause 14

Clause 14 of the Mining SEPP outlines requirements for natural resource management and environmental management. Clause 14(1) requires that before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:

- (a) *that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
- (b) *that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
- (c) *that greenhouse gas emissions are minimised to the greatest extent practicable.*

Further to this, clause 14(2) requires that, without limiting subclause (1), in determining a Development Application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programmes or guidelines concerning greenhouse gas emissions.

The potential impacts of the Project on surface water and groundwater resources have been assessed in Appendices F and G, and are discussed in Sections 4.4 and 4.5, along with the proposed management measures to minimise potential impacts.

Flora and fauna assessments have been conducted for the Project, which include assessment of potential impacts on biodiversity and threatened species. These assessments and the proposed management measures to minimise potential impacts have been present in Appendices A and B and are discussed in Sections 4.6 and 4.7.

A greenhouse gas assessment has been prepared for the Project and is discussed in Appendix K and Section 4.11. A discussion of proposed greenhouse gas abatement measures and relevant policies, programmes, plans and guidelines are also provided in Section 4.11.3.

Accordingly the Minister can be satisfied as to these matters.

Clause 15

Clause 15 of the Mining SEPP stipulates requirements with respect to resource recovery and provides that:

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
- (2) *Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
- (3) *The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

Cristal Mining has progressively presented Project description information, mine layout plans and other information to the NSW Division of Resources and Energy (within the NSW Department of Trade and Investment, Regional Infrastructure and Services) during the development of this EIS, including the proposed disposal of Broken Hill Mineral Separation Plant (MSP) waste at the Atlas-Campaspe Mine (Section 3.1.4). It is in the financial interest of Cristal Mining to maximise the long-term value and efficiency of mineral sands recovery, and to minimise the generation of waste which requires disposal.

Clause 16

Clause 16 of the Mining SEPP outlines various transport requirements for mining, petroleum production and extractive industries. Clause 16(1) of the Mining SEPP requires that before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:

- (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
- (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
- (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

In accordance with subclause 16(1)(c), Cristal Mining would implement a Road Transport Protocol including a Code of Conduct for transport of mineral concentrate on the public road network.

Mineral concentrate would be transported from the Atlas-Campaspe Mine to the Ivanhoe Rail Facility via the mineral concentrate route (Figure 1-1) by double road trains or other NSW Roads and Maritime Services (RMS) approved vehicles (Section 2.6.6). This route is located in a sparsely populated area without any significant residential development, however, in the locality of Clare, Balranald Road is located approximately 1.5 km to the west of the Clare Public School. Mineral concentrate would be railed from the Ivanhoe Rail Facility to the MSP, which minimises the use of public roads to Broken Hill.

The potential impacts of mineral concentrate transport on the capacity, efficiency and safety of the road network have been assessed and are discussed in Section 4.13.2 and Appendix D.

Clause 16(2) of the Mining SEPP provides that if the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within seven days after receiving the Development Application, provide a copy of the application to each roads authority for the road, and the RMS (if it is not a roads authority for the road).

In addition, clause 16(3) of the Mining SEPP requires that the consent authority:

- (a) *must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application,*

...

Cristal Mining has consulted with the RMS, the Balranald Shire Council (BSC) and the Central Darling Shire Council (CDSC) during the development of this EIS, and these authorities are aware of the proposed road transport of materials on the public road network and the proposed upgrades to the existing road network (Section 2.4.10) as a component of the Project.

Clause 17

Clause 17 of the Mining SEPP outlines various rehabilitation requirements. Clause 17(1) requires that before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development. Clause 17(2) provides that, in particular, the consent authority must consider whether conditions of the consent should:

- (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
- (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*
- (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997), or*

- (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Cristal Mining would implement a comprehensive progressive rehabilitation programme for the mine site as mining advances, including the remediation of any contaminated soil, if applicable (Section 5). Rehabilitation trials would be undertaken to gauge the effectiveness and success of rehabilitation techniques. The proposed management of Project process waste material and other wastes is described in Sections 2.8 and 2.12, respectively.

One of the key objectives of the rehabilitation programme (Section 5.2) would be the development of landforms which are stable in the long-term, and therefore do not jeopardise public safety.

Accordingly the Minister can be satisfied as to these matters.

A6.1.3 State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) is applicable to the whole of NSW, and includes provisions for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Subdivision 2, Division 15 of the Infrastructure SEPP sets out mechanisms for developments that are likely to affect rail corridors.

Clause 84 relevantly provides:

84 Development involving access via level crossings

- (1) *This clause applies to development that involves:*
 - ...
 - (c) *a likely significant increase in the total number of vehicles or the number of trucks using a level crossing that is in the vicinity of the development.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) *within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*

- (b) *take into consideration:*
- (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety, having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and*
 - (iii) *the feasibility of access for the development that does not involve use of level crossings.*
- (3) *Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor,*
- (4) *In determining whether to provide concurrence, the chief executive officer must take into account:*
- (a) *any rail safety or operational issues associated with the aspects of the development, and*
 - (b) *the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.*
- (5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*
- (a) *the consent authority has given the chief executive officer notice of the development application, and*
 - (b) *21 days have passed since that notice was given and the chief executive officer has not granted or refused to grant concurrence.*
- (6) *The consent authority must provide the rail authority for the rail corridor with a copy of the determination of the application within 7 days after the determination is made.*
- (7) *In this clause:*
- level crossing** means a level crossing over railway lines.
- traffic** includes rail, road and pedestrian traffic.

The Project may include some increase in the number of light vehicles using the level crossing located at the junction of Balranald-Ivanhoe Road and Orange – Broken Hill railway in order to access the Ivanhoe Rail Facility via the new access road (Figure 2-9).

Considerations of road and rail safety/interaction issues associated with some increased traffic at this crossing is provided in Appendix D. It was concluded that no specific management or mitigation measures are considered to be warranted by the Project (Section 4.13.3 and Appendix D).

Cristal Mining has consulted with the Australian Rail Track Corporation (ARTC) and the CDSC regarding the Ivanhoe Rail Facility and associated access road, and this consultation is ongoing.

In addition, clause 86 relevantly provides:

86 Excavation in, above or adjacent to rail corridors

- (1) *This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
- (a) *within or above a rail corridor, or*
 - (b) *within 25m (measured horizontally) of a rail corridor. or*
- ...
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) *take into consideration:*
 - (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*

(4) *In deciding whether to provide concurrence, the chief executive officer must take into account:*

- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

(5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*

- (a) *the consent authority has given the chief executive officer notice of the development application, and*
- (b) *21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

The development of the Ivanhoe Rail Facility would involve works within 25 metres of the Orange – Broken Hill railway corridor. The relevant rail authority of this corridor is the ARTC.

Cristal Mining has consulted with the ARTC regarding the proposed Ivanhoe Rail Facility and this consultation would be ongoing during the development of the Ivanhoe Rail Facility to minimise any effects on the safety, structural integrity and effective operations of the Orange – Broken Hill railway.

Clause 101, Subdivision 2 of Division 17 of the Infrastructure SEPP sets out mechanisms for developments in or adjacent to road corridors and road reservations:

(1) *The objectives of this clause are:*

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The Ivanhoe Rail Facility Development Application area has frontage to Balranald-Ivanhoe Road (Main Road 67), which is a classified road for the purposes of the Infrastructure SEPP.

Access to the Ivanhoe Rail Facility would be provided via an unsealed two-lane access road off Balranald-Ivanhoe Road, approximately 3 km south of the Orange – Broken Hill railway crossing (Figure 2-9) (Appendix D).

The new intersection with Balranald-Ivanhoe Road would be constructed in accordance with the *Road Design Guide* (NSW Roads and Traffic Authority [RTA], 1996) and in consultation with the CDSC.

A Road Transport Assessment has been conducted for the Project, and has concluded that with the Project road upgrades (Section 2.4.10) future traffic volumes would be sufficiently low that no specific measures to provide additional capacity along Balranald-Ivanhoe Road or its intersections would be warranted by the Project traffic. It was also concluded that no specific management or mitigation measures are considered to be warranted by the Project (Section 4.13.3 and Appendix D).

The Project is not expected to result in smoke or dust emissions that would adversely impact on the safety, efficiency or operation of Balranald-Ivanhoe Road.

Given the Project is a mining development, it is not considered sensitive to traffic noise or vehicular emissions.

Accordingly the Minister can be satisfied as to these matters.

A6.1.4 Western Division Regional Environmental Plan No. 1 – Extractive Industries

The *Western Division Regional Environmental Plan No. 1 – Extractive Industries* (Western Division REP) is applicable to land declared as the Western Division Region under section 4(6) of the EP&A Act.

Clause 2(1) of the Western Division REP outlines the aims and objectives of the plan as follows:

- (a) *to facilitate, and to control in an orderly manner, the extraction of geological materials (other than minerals) from the lands of the Region, and*

...

The Project involves the extraction of minerals, and as such the Western Division REP does not apply.

Accordingly the Minister can be satisfied as to these matters.

A6.1.5 State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)

The *State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)* (SEPP 33) is applicable to the whole of NSW.

Clause 2 outlines the aims of SEPP 33, of which the following are relevant to the Project:

- (a) *to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and*
- ...
- (c) *to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- (d) *to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*

- (e) *to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- (f) *to require the advertising of applications to carry out any such development.*

Clause 10 of SEPP 33 provides requirements for development of potentially hazardous or offensive industry in the Western Division.

Clause 10(2) provides that a person may not carry out such development except with the consent of:

- (a) *the council of the area, if the land concerned is within a local government area, ...*

As described in Section 6.2.1 the Project is located within the Balranald and Central Darling Local Government Areas (LGAs).

The Minister is the consent authority for the Project (Section 6.2.2), however, Cristal Mining has consulted with the BSC and the CDSC during the development of this EIS, and these authorities are aware of the proposed Project.

For the purposes of a potentially hazardous industry, clause 12 of SEPP 33 requires that a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the current circulars or guidelines published by the NSW Department of Planning (DoP) (now the NSW Department of Planning and Infrastructure [DP&I]) and the analysis submitted with the Development Application.

Clause 13 of SEPP 33 requires that in determining an application to carry out development for the purposes of a potentially hazardous industry, the consent authority (in this case the Minister) must consider:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*
- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*

- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*
- (e) *any likely future use of the land surrounding the development.*

In accordance with the Director-General's Requirements and as part of the preparation of this EIS, a PHA has been conducted in accordance with SEPP 33 (Appendix N). The PHA has been prepared in accordance with the general principles of risk evaluation and assessment outlined in *Multi-Level Risk Assessment* (DP&I, 2011). In addition, the PHA considers the qualitative criteria provided in *Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Land Use Safety Planning* (DoP, 2011a) and has been documented in general accordance with *Hazardous Industry Planning Advisory Paper No. 6: Hazard Analysis* (DoP, 2011b).

Extensive consultation has been undertaken with various public authorities during the preparation of this EIS, as described in Section 3.

Project alternatives (including the location and scale of the mining, the mining method employed, the method of mineral concentrate transport and the location of the Ivanhoe Rail Facility) are discussed in Section 6.9.2.

The land surrounding the Project area comprises primary production/rural and infrastructure zonings under the LEPs as discussed in Sections A6.2.2, A6.3.2 and A6.4.2. The Project is generally consistent with the uses that are permissible in adjoining lands (Sections A6.2 and A6.3).

Consideration of the potential for the Project to adversely affect the Willandra Lakes Region World Heritage Area and the Mungo State Conservation Area, and the management measures proposed to minimise and reduce any of these potential impacts are discussed in Section 4.

Accordingly the Minister can be satisfied as to these matters.

A6.1.6 State Environmental Planning Policy No. 44 (Koala Habitat Protection)

The *State Environmental Planning Policy No. 44 (Koala Habitat Protection)* (SEPP 44) applies to certain LGAs (including the Central Darling where the Ivanhoe Rail Facility is located), and requires the consideration of whether land that is the subject of the Development Application is considered to be "potential Koala habitat" or "core Koala habitat".

Clause 3 of SEPP 44 outlines the aim of the SEPP, which is to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline:

- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) *by encouraging the identification of areas of core koala habitat, and*
- (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

Clause 9 of SEPP 44 requires:

- (1) *Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies that it is satisfied is a core koala habitat, there must be a plan of management prepared in accordance with Part 3 that applies to the land.*
- (2) *The council's determination of the development application must not be inconsistent with the plan of management.*

Since the Project is State Significant Development to which Division 4.1 of Part 4 of the EP&A Act applies, the Minister is the consent authority (Section 6.2.2), rather than Council.

An assessment of Koala habitat for the purposes of SEPP 44 has been undertaken (Section 4.7.2 and Appendix B). The assessment concluded that the Ivanhoe Rail Facility area does not comprise potential Koala habitat (Appendix B).

Accordingly the Minister can be satisfied as to these matters.

A6.1.7 State Environmental Planning Policy No. 55 (Remediation of Land)

The *State Environmental Planning Policy No. 55 (Remediation of Land)* (SEPP 55) is applicable to the whole of NSW and is concerned with the remediation of contaminated land. It sets out matters relating to contaminated land that a consent authority must consider in determining an application for Development Consent.

“Contaminated land” in SEPP 55 has the same meaning as it has in Part 7A of the EP&A Act:

contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Clause 2(2) provides that the policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

Clause 7 outlines the contamination and remediation requirements to be considered in determining Development Applications. Clause 7(1) of SEPP 55 provides that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Clause 7 of SEPP 55 further provides:

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
 - (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

...

Clause 7(2) provides that before a consent authority determines an application for Development Consent, a “preliminary investigation” is required where:

- the application for consent is to carry out development that would involve a “change of use”; and
- that “change of use” is relevant to certain land specified in clause 7(4).

The certain land specified in clause 7(4) on which the “change of use” must relate is either:

- land that is an “investigation area” – defined in SEPP 55 as land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the *Contaminated Land Management Act, 1997*; or
- land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines (being *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* [NSW Department of Urban Affairs and Planning and NSW Environment Protection Authority, 1998]) is being, or is known to have been carried out.

The part of the Project described in Section 2 as the development of the Atlas-Campaspe Mine and the construction and operation of the Ivanhoe Rail Facility would involve a change of use. In addition, agricultural activities and sheep and cattle dips are listed in Table 1 of the *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* as an activity that may cause contamination.

A Preliminary Investigation was conducted for the Development Application area in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (Appendix M). The study concluded that no further investigation was required and that the Atlas-Campaspe Mine and Ivanhoe Rail Facility areas are suitable for the Project use (Appendix M).

Accordingly the Minister can be satisfied as to these matters.

A6.2 BALRANALD LOCAL ENVIRONMENTAL PLAN 2010

A6.2.1 Objectives

Clause 1.2(2) of the *Balranald Local Environmental Plan 2010* (Balranald LEP) outlines the following aims of the plan, with the following of relevance to the Project:

- (a) *to encourage sustainable economic growth and development,*
- (b) *to encourage the retention of productive rural land in agriculture,*
- (c) *to identify, protect, conserve and enhance Balranald's natural assets,*
- (d) *to identify and protect Balranald's built and cultural heritage assets for future generations,*
- (e) *to allow for the equitable provision of social services and facilities for the community,*
- (f) *to encourage and support growth in the Balranald and Euston townships,*
- (g) *to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.*

The Project is consistent with the aims of the Balranald LEP, in that:

- The Project would generate employment opportunities and facilitate additional expenditure in the region.

- Potential impacts of the Atlas-Campaspe Mine on agricultural lands has been assessed (Appendix H), and the Project rehabilitation programme includes the reinstatement of native species characteristic of vegetation communities cleared by the development that could be used for either light intensity grazing or for nature conservation purposes (Section 5).
- The Project includes an offset proposal for unavoidable fauna habitat and vegetation loss (Sections 4.6.4, 4.7.4 and 7).
- The potential impacts of the Project on items of heritage significance have been assessed in the Aboriginal and Non-Aboriginal Cultural Heritage Assessment, which concluded that the Project would not have a significant impact on the heritage values of the Willandra Lakes Willandra World Heritage Area (Appendix E).
- The Project would contribute to State revenues via royalties and Local Government revenues through Voluntary Planning Agreements that may be used for the provision of social services and facilities.
- The Atlas-Campaspe Mine includes the provision of on-site accommodation facilities that would minimise potential impacts on tourist and visitor accommodation facilities.

Accordingly the Minister can be satisfied as to these matters.

A6.2.2 Permissibility

Part 2 of the Balranald LEP sets out the zone objectives and the land use table that are relevant in determining whether the Project (or any part of the Project) is prohibited in the portion of the Project Development Application area located within the Balranald LGA.

The part of the Project Development Application area that is located within the Balranald LGA (Attachment 2) comprises land zoned as RU1 (Primary Production).

Open cut mining is permissible with consent within Zone RU1 (Primary Production) under the Balranald LEP. Roads are permissible without consent in the RU1 zoning.

A6.2.3 Zone Objectives

Clause 2.3(2) of the Balranald LEP provides that the consent authority must have regard to the objectives for development in a zone when determining a Development Application in respect of land within that zone.

The relevant zone objectives for Zone RU1 (Primary Production) under the Balranald LEP are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality.*
- *To support rural communities.*

The Project is consistent with the objectives for Zone RU1 (Primary Production) as:

- Mining constitutes a primary industry.
- The Project would not result in the fragmentation and alienation of resource lands.
- The land surrounding the Atlas-Campaspe Mine is also zoned RU1 (Primary Production).
- Environmental assessments have been conducted for the Project (including consideration of potential impacts on biodiversity), and the management and mitigation measures to be employed to minimise the potential impacts of the Project are discussed in Section 4.
- The Project is an employment generating development that is expected to provide economic stimulus in the regional and NSW economies (Section 4.17).

Accordingly the Minister can be satisfied as to these matters.

A6.2.4 Special Provisions

Parts 4 to 6 of the Balranald LEP provide a number of provisions of potential relevance to the Project, including the relevant clauses discussed below.

Clause 5.10 relates to the assessment and management of impacts to heritage items, and includes the following subclauses potentially of relevance to the Project:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Balranald,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*

- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance

...

(4) **Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

...

Clause 5.10 set out above is potentially applicable to the Project with respect to direct or indirect disturbance or effects that could impact on items of heritage significance, located within or adjacent to the Project Development Application area. Schedule 5 of the Balranald LEP provides a list of heritage items and heritage conservation areas. The Willandra Lakes Region World Heritage Area located 10 km west of the Project site is listed in the Balranald LEP as being of International/State significance.

An Aboriginal and Non-Aboriginal Cultural Heritage Assessment has been conducted for the Project (Appendix E). A summary of the potential impacts of the Project on cultural heritage and associated management and mitigation measures is provided in Sections 4.8 and 4.9.

The Willandra Lakes Region World Heritage Area has been considered in the Aboriginal and Non-Aboriginal Cultural Heritage Assessment (Appendix E). The assessment has concluded that there would be no direct effect to the Willandra Lakes Region World Heritage Area and no significant impact on the World Heritage values protected there.

Accordingly the Minister can be satisfied as to these matters.

Clause 6.1 outlines relevant development considerations with respect to biodiversity:

6.1 Biodiversity

- (1) *The objectives of this clause are to manage and maintain the integrity of identified areas of terrestrial and aquatic biodiversity significance, including:*
 - (a) *the biological diversity of native flora and fauna and their habitats, and*
 - (b) *the ecological processes necessary for ecosystems health.*
- ...
- (3) *Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on:*
 - (a) *native flora and fauna, their habitat, and their interrelationship with the environment, and*
 - (b) *the movement and dispersal of native flora and fauna, and*
 - (c) *the physical and biological functions of the ecosystem.*
- (4) *Before granting development consent to development on land to which this clause applies, the consent authority must be satisfied that the development is designed, sited and managed to minimise, remedy or mitigate those impacts identified in subclause (3) as much as practicable.*

Lands identified as High Conservation Value Native Vegetation by the Balranald LEP are located within the Project area (Appendix A).

The potential impacts of the Project on biodiversity have been assessed as a component of the Flora Assessment and Fauna Assessment (Appendices A and B). The Project includes a proposal for offset of unavoidable loss of vegetation and fauna habitat (Sections 4.6.4, 4.7.4 and 7).

Clause 6.7 outlines the relevant considerations for development for the purpose of earthworks:

6.7 Earthworks

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- ...

- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*
 - (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*
- ...

The Project would include earthworks in the Atlas-Campaspe Mine area and also associated with the upgrades to the mineral concentrate transport route (Section 2.4.10) in the Balranald LGA.

The potential impacts of the Project on soil stability have been considered in this EIS (Section 4.3.2 and Appendix H), and the Project would be developed in a manner that would minimise and mitigate these potential impacts (Sections 4.3.3 and 7).

Construction materials required for roadworks would be sourced from a licensed supplier (Section 2.4.10).

The Project is not incompatible with existing, approved or likely adjoining land uses. The Project would be operated in such a way as to minimise any potential environmental impacts, as described in Sections 4 and 7.

Section 4 also includes consideration of the potential impacts of the Project on adjoining land and amenity impacts in the locality (e.g. noise and air quality emissions), where relevant.

Consideration of the potential of the Project to disturb Aboriginal and non-Aboriginal heritage items is provided in Appendix E. The Project would be developed in a manner that would manage and mitigate potential impacts on items of Aboriginal and non-Aboriginal heritage (Sections 4.8.3 and 4.9 and Appendix E).

Consideration of the potential impacts of the Project on water resources is provided in Appendices F and G, and the management and mitigation measures for these potential impacts are discussed in Sections 4.4.3 and 4.5.3.

A detailed description of the Project is provided in Section 2, including a discussion of the placement of MSP processing waste material.

Accordingly the Minister can be satisfied as to these matters.

A6.3 CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2004

A6.3.1 Objectives

Clause 2 of the *Central Darling Local Environmental Plan 2004* (Central Darling LEP) outlines the following aims of relevance to the Project:

- (a) *to encourage the proper management, development and conservation of natural and other resources within the local government area of Central Darling by protecting, enhancing and conserving the following:*
 - (i) *agricultural land,*
 - (ii) *timber, minerals, soil, water and other natural resources,*
 - (iii) *places and areas of significance for nature conservation, including habitat of threatened species, populations and ecological communities and areas of native vegetation,*
 - ...
 - (v) *places and buildings of archaeological, cultural or heritage significance, including Aboriginal relics and places,*
 - (vi) *waterways and associated wetlands for habitat, refuge, breeding sites, recreation, cultural and scenic values, and*
- (b) *to improve the attractiveness and civic image of the local government area of Central Darling and its townships and villages by:*
 - ...
 - (iii) *to encourage the relocation of inappropriate industrial activities away from residential areas, and*
- (c) *to facilitate growth and development of the local government area of Central Darling in a manner that is consistent with the aims specified in paragraph (a) and that:*
 - ...
 - (iii) *facilitates a range of residential and employment opportunities in accordance with demand, and*

- ...
- (v) *ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and*
- (vi) *encourages a mix of land use types where such uses are compatible, and*

- ...
- (e) *to provide suitably zoned land so as:*
 - (i) *to increase employment opportunities through the efficient management of resources including the expansion of the tourist industry, and*
 - (ii) *to provide opportunities for industrial development, employment, and economic and enterprise growth, and*

- ...
- (iv) *to minimise conflict due to inappropriate land uses adjoining each another, and*
- ...
- (h) *to promote development of the townships of ... Ivanhoe (including Railtown), ... as rural service communities...*

The Project is consistent with the aims of the Central Darling LEP as:

- It incorporates measures to minimise impacts on surface water, agricultural, flora and fauna, cultural heritage and scenic values (Section 4).
- The Ivanhoe Rail Facility is not located in close proximity to residential areas and incorporates measures to minimise visual intrusion.
- The Project would generate employment opportunities and facilitate additional expenditure in the region and the State of NSW.
- A Road Transport Assessment has been conducted for the Project (Appendix D) and has concluded that the development (including the Ivanhoe Rail Facility) would not have an adverse effect on the efficiency or safety of the road network.
- The Ivanhoe Rail Facility is compatible with surrounding land uses and has been located to minimise potential conflicts (Section 6.9.2).
- The Ivanhoe Rail Facility and the Project more generally comprises employment generating development.

Accordingly the Minister can be satisfied as to these matters.

A6.3.2 Permissibility

Part 2 of the Central Darling LEP sets out the zone objectives and the development control table that is relevant in determining whether the Project (or any part of the Project) is prohibited in the portion of the Project Development Application area (Attachment 2) located in the Central Darling LGA.

The Ivanhoe Rail Facility is located on land zoned under the Central Darling LEP as Zone 1(a) Rural.

The Ivanhoe Rail Facility is considered to be a “freight transport facility” under the Central Darling LEP:

***freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.*

Under the Central Darling LEP construction and operation of freight transport facilities are permitted with Development Consent on lands zoned 1(a) Rural.

A6.3.3 Zone Objectives

Clause 9(3) of the of the Central Darling LEP provides that consent must not be granted for development unless the consent authority is satisfied that such of the development that is proposed to be carried out within a zone is consistent with the relevant objectives for the zone, as set out in the development control table.

The objective for Zone 1(a) Rural under the Central Darling LEP is to promote the proper management and utilisation of resources by:

- (a) *protecting, enhancing and conserving:*
 - (i) *agricultural land in a manner that sustains its efficient and effective agricultural production potential, and*
 - (ii) *soil stability by controlling and locating development in accordance with soil and land capability, and*
 - ...
 - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits, and*

- (v) *trees and other native vegetation on environmentally sensitive land where the conservation of the vegetation is significant to scenic amenity, recreation and protected and threatened species, populations or ecological communities or their habitats (including corridors) or is likely to control land degradation, and*
- (vi) *water resources for use in the public interest, and*
- (vii) *areas of significance for nature conservation, including areas with rare, threatened and protected plant species, populations or communities (including native grasslands), wetlands and significant wildlife habitats and corridors, and*
- (viii) *heritage items and items of archaeological significance, and*
- (b) *fostering development of land for purposes other than agriculture to allow for income diversification, provided that any such development does not conflict with agriculture and does not place a burden on the community (such as through infrastructure requirements) without recompense, and*

...

The Ivanhoe Rail Facility is consistent with the objectives for Zone 1(a) (Rural) as:

- An Agricultural Resources Assessment has been conducted for the Project and potential management and mitigation measures are discussed in Section 4.3.2 and Appendix H.
- The potential impacts of the Project on soil stability have been considered in this EIS (Section 4.3.2 and Appendix H), and the Project would be developed in a manner that would minimise these potential impacts (Sections 4.3.3 and 7).
- The Ivanhoe Rail Facility would facilitate the efficient transfer of mineral products from the Atlas-Campaspe Mine to the MSP, and would not preclude future extraction of minerals and extractive materials.
- The potential impacts of the Project on native vegetation, environmentally sensitive land and threatened flora and fauna species have been assessed as a component of the Flora Assessment and Fauna Assessment (Appendices A and B), and a discussion of the biodiversity management and mitigation measures for the Project is provided in Sections 4.6 and 4.7.

- An assessment of the impacts of the Project on surface water and hydrogeology has been undertaken and presented in Appendices F and G. A discussion of management and mitigation measures to be implemented to address potential impacts on water resources are discussed in Sections 4.4.3 and 4.5.3.
- Consideration of the potential for disturbance of Aboriginal and non-Aboriginal heritage items is provided in Appendix E. The Project would be developed in a manner that would manage and mitigate potential impacts on items of Aboriginal and non-Aboriginal heritage (Sections 4.8.3 and 4.9 and Appendix E).
- Consideration of community infrastructure demands and associated planning agreements is provided in Section 4.17.3.

The Ivanhoe Rail Facility is considered compatible with existing, approved or likely adjoining land uses.

Accordingly the Minister can be satisfied as to these matters.

A6.3.4 Special Provisions

Part 3 of the Central Darling LEP provides a number of provisions of potential relevance to the Project, including the relevant clauses discussed below.

Clause 11 relates to general development considerations with respect to Zone No. 1(a):

11 General considerations for development in Zone No 1 (a)

- (1) *The consent authority must not consent to the carrying out of development in Zone No 1 (a) unless it has taken into consideration, if relevant, the impact of carrying out that development on:*
 - (a) *the present and potential use of the land for the purpose of agriculture,*
 - (b) *the present and potential use of the land for the purpose of mining,*
 - (c) *vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),*
 - (d) *the protection of areas of significance for nature conservation or of high scenic or recreational value,*
 - (e) *the protection of places and buildings of heritage significance, including Aboriginal relics and places,*

...

- (g) *any future expansion of settlement in the locality,*
- (h) *the present and potential use of the land for the purpose of tourism,*

...

- (2) *Before granting consent to the carrying out of development in Zone No 1 (a), the consent authority must take into consideration the relationship of the proposed development to adjoining land and development or landuse in the locality.*

...

The Ivanhoe Rail Facility would result in the temporary removal of approximately 60 ha of agricultural land (Appendix H) (i.e. Class 4 Agricultural Suitability lands) for the life of the Project. The Ivanhoe Rail Facility would facilitate the development of the Atlas-Campaspe Mine and would not preclude any future mining development.

The Project is not incompatible with existing, approved or likely adjoining land uses. The land surrounding the Development Application area is zoned 1(a) (Rural) and the Project is generally consistent with the objectives of this zone (Section A6.3.3).

The Project would be operated in such a way as to minimise any potential environmental impacts, as described in Sections 4 and 7.

Clause 23 outlines requirements for certain Development Applications that must be advertised, including development of the purpose of transport depots. As the Project is State Significant Development, the Development Application will be publicly exhibited in accordance with Part 6, Division 6 of the NSW *Environmental Planning and Assessment Regulation, 2000*.

Clause 24 outlines relevant considerations for development along arterial roads:

24 Development along arterial roads

- (1) *The consent authority must not consent to carrying out of development on land that has frontage to an arterial road, unless, in the opinion of the consent authority, the safety and efficiency of the arterial road will not be adversely effected by:*
 - (a) *the design of the access to the proposed development, or*
 - (b) *the emission of smoke or dust from the proposed development, or*
 - (c) *the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.*

...

The Ivanhoe Rail Facility is located adjacent to Balranald-Ivanhoe Road (Main Road 67).

Assessment of potential noise and air quality emissions associated with the operation of the Ivanhoe Rail Facility are provided in Appendices J and K and summarised in Sections 4.10 and 4.12.

Access to the Ivanhoe Rail Facility would be provided via an unsealed two-lane access road off Balranald-Ivanhoe Road, approximately 3 km south of the Orange – Broken Hill railway crossing (Figure 2-9). The new intersection with Balranald-Ivanhoe Road would be constructed in accordance with the *Road Design Guide* (RTA, 1996) and in consultation with the CDSC.

A Road Transport Assessment has been conducted for the Project (Appendix D). Mineral concentrate would be transported to the Ivanhoe Rail Facility using road trains via the mineral concentrate transport route. Balranald-Ivanhoe Road is currently approved RMS road train route.

Assessment of the nature, volume and frequency of heavy and light vehicles utilising the mineral concentrate transport route is provided in Appendix D, including peak hourly traffic generation (Section 4.13).

Accordingly the Minister can be satisfied as to these matters.

Clause 26 outlines relevant considerations relating to ecologically sustainable development (ESD):

26 Ecologically sustainable development

Before granting consent to carrying out of development, the consent authority must consider the principles of ecologically sustainable development and other matters set out in Schedule 3 in relation to land, air, water resources, biodiversity, waste and noise in so far as they are relevant to the proposed development.

The Project has been developed and assessed in consideration of the principles of ESD (Section 6.9.4). Potential impacts of the Project and associated measures to minimise impacts on land, air, water resources, biodiversity and noise are provided in Section 4. Project waste management is described in Sections 2.8 and 2.12.

Clauses 29 to 34 provide requirements relating to the conservation and protection of heritage items that are potentially applicable for the Project, with respect to the potential for the Project to impact on Aboriginal heritage sites as a result of the development of the Project.

29 Objectives in relation to heritage

The objectives of this plan in relation to heritage are:

- (a) *to conserve the environmental heritage of the local government area of Central Darling, and*
- (b) *to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items, and*
- (c) *to conserve archaeological sites and places of Aboriginal heritage significance, and*
- (d) *to allow for the protection of places that have the potential to have heritage significance but are not identified as heritage items.*

30 Protection of heritage items

- (1) *The following development may be carried out only with development consent:*

- (a) *demolishing or moving a heritage item,*
- (b) *altering a heritage item by making structural or non-structural changes to the detail, fabric, finish or appearance of its exterior,*
- (c) *altering a heritage item by making structural changes to its interior,*
- (d) *disturbing or excavating a place of Aboriginal heritage significance or an archaeological site knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (e) *moving the whole or a part of a heritage item,*
- (f) *erecting a building on land on which a heritage item is located.*

- (2) *Development consent is not required by this clause if:*

- (a) *in the opinion of the consent authority:*
 - (i) *the proposed development is of a minor nature or consists of maintenance of the heritage item, and*
 - (ii) *the proposed development would not adversely affect the significance of the heritage item, and*
- (b) *the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.*

...

(4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned...

(5) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

(6) The minimum number of issues that must be addressed by the heritage impact statement are:

- (a) the heritage significance of the item as part of the environmental heritage of Central Darling, and
- (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
- (c) the measures proposed to conserve the heritage significance of the item and its setting, and
- (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
- (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

...

32 Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent to the carrying out of development that is likely to have an impact on a place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and

- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) of its intention to do so and take into consideration any comments received in response within 21 days after the relevant notice is sent.

33 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

(1) Before granting consent to the carrying out of development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
- (b) be satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

...

34 Development in the vicinity of a heritage item

(1) Before granting consent to the carrying out of development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.

(2) This clause extends to development:

- (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
- (b) that may undermine or otherwise cause physical damage to a heritage item, or
- (c) that will otherwise have any adverse impact on the heritage significance of a heritage item.

(3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.

- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed building or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

...

An Aboriginal and Non-Aboriginal Cultural Heritage Assessment has been completed for the Project (Appendix E). A summary of the potential impacts of the Project on Aboriginal and non-Aboriginal heritage and associated management and mitigation measures are provided in Sections 4.8 and 4.9.

Accordingly the Minister can be satisfied as to these matters.

A6.3.5 Matters to be Considered in Determining a Development Application

Schedule 3 of the Central Darling LEP outlines the matters to be considered by the consent authority when determining a Development Application and relevantly provides:

In assessing proposals for the carrying out of development on land, specific regard must be given to each of the environmental management objectives of this plan. In ensuring each objective is met, the consent authority must consider the best information available to the consent authority at the time, which may include any relevant management plans or policies adopted by the Council, as well as the following specific considerations:

- (a) *in relation to **soil erosion**—whether the proposed development (either through its setting-up or operation) involves clearing land or other disturbances to the land, the likelihood of soil erosion or other disturbance to the land, and the likelihood of soil erosion or other instability, given any measures taken by the developer to reduce that potential for development to cause contamination,*
- (b) *in relation to **salinity**—whether there is potential for the development to cause or worsen any outbreaks of salinity,*
- (c) *in relation to **contamination**—whether there is potential for the land to be contaminated, given the known history of the land or nearby land which may be potentially contaminated and the potential for the proposed use to cause contamination,*
- (d) *in relation to **waterways**—whether there is potential for degradation of water quality or quantity, whether any removal of water from the river or from groundwater sources associated with the proposed development will adversely affect water quality and whether licences have been applied for or obtained,*
- (e) *in relation to **aquifers**—whether the land is vulnerable to groundwater contamination and the potential of the development to affect water levels or quality in the aquifer,*
- (f) *in relation to **stormwater quality**—whether there is potential for degradation of the quality of stormwater discharges, given any stormwater quality control measures proposed by the developer,*
- (g) *in relation to **significant vegetation and wildlife habitats**—whether there is a conservation plan and, if so, its contents, and the effect of the development on threatened species, the provision and quality of habitats for indigenous and migratory species of wildlife, and whether there is potential for the proposed development to affect the growth of native plant communities,*
- (h) *in relation to **wetlands**—whether there is potential for the development to alter the quality or quantity of water flowing into, within or out of a wetland or the level, frequency or duration of wetland inundation,*
- (i) *in relation to **bushfire**—whether there is potential bushfire hazard by reason of the vegetation on the land and the nature of the development,*
- (j) *in relation to **waste**—the content of the Council's proposals to dispose of solid and liquid waste,*
- (k) *in relation to **noise pollution**—whether there is potential for the development to degrade the environment in terms of noise generation (either through its setting-up or operation),*
- (l) *in relation to **air pollution**—whether there is potential for the development to degrade the air quality of the environment (either through its setting-up or operation),*
- (m) *in relation to **environmental heritage and scenic quality**—whether or not the proposed form and siting of buildings, the colours used, building materials or landscaping are appropriate having regard to the rural character of the immediate environment, and whether extensive, prominent or significant areas of vegetation will be cleared, and whether the surface or groundwater characteristics of the site will be affected,*

- (n) *in relation to **recreation and tourism**—whether the development is compatible with surrounding recreational land uses, and whether the proposed development will cause a deterioration of the area as a recreational resource,*
- (o) *in relation to **agriculture**—whether there exists the potential availability of alternative land of lower agricultural quality for the proposed development, whether the proposed development enhances the economic viability of the land, and whether the proposed development is in accordance with the land capability of the site.*

The potential impacts of the Project on soil stability and erosion have been considered in this EIS (Section 4.3.2 and Appendix H), and the Ivanhoe Rail Facility would be developed in a manner that would minimise potential impacts (Sections 4.3.3 and 7).

A Land Contamination Assessment has been conducted for the Project and did not identify any potential land contamination in the vicinity of the Ivanhoe Rail Facility (Appendix M).

The development of the Ivanhoe Rail Facility would not have any impacts on surface or groundwater resources in the vicinity of the facility. Surface water runoff associated with the facility would be contained (Section 2.9.8).

A Flora Assessment and Fauna Assessment have been conducted for the Project (Appendices A and B) which considered the potential impacts of the Ivanhoe Rail Facility on biodiversity. A discussion of the management and mitigation measures for these potential impacts and the proposed biodiversity offset area is provided in Sections 4.6, 4.7 and 7.

No wetlands have been identified in the vicinity of the Ivanhoe Rail Facility.

Bushfire and hazard and risk management measures for the Project, including the Ivanhoe Rail Facility are described in Sections 4.3, 4.6 and 4.15.

Potential impacts of the Ivanhoe Rail Facility on amenity including transport, dust, noise and visual impacts are described in Sections 4.10, 4.12, 4.13 and 4.14 and Appendices D, J and K.

General waste minimisation principles (i.e. reduce, re-use and recycle) and waste management measures would be applied for the Ivanhoe Rail Facility (Section 2.12).

The potential for the Ivanhoe Rail Facility to impact on items of Aboriginal and non-Aboriginal heritage has been assessed in Appendix E. A discussion of the management and mitigation of these potential impacts is provided in Sections 4.8.3 and 4.9.

An Agricultural Impact Statement has been prepared for the Project and includes consideration of the potential impacts of the Ivanhoe Rail Facility on existing grazing land use (Appendix H).

The land surrounding the Development Application area is zoned 1(a) (Rural) and the Ivanhoe Rail Facility is generally consistent with the objectives of this zone (Section A6.3.3). The Ivanhoe Rail Facility would be operated in such a way as to minimise any potential environmental impacts, as described in Sections 4 and 7.

Accordingly the Minister can be satisfied as to these matters.

A6.4 DRAFT CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

The CDSC has developed the *Draft Central Darling Local Environmental Plan 2012* (Draft Central Darling LEP), which went on public exhibition in March 2012.

While it is not yet in force, consideration of the Project against the key provisions of the Draft Central Darling LEP is provided below.

A6.4.1 Objectives

Part 1, clause 1.2 outlines the aims of the Draft Central Darling LEP as follows:

1.2 Aims of Plan [compulsory]

...

(2) *The particular aims of this Plan are as follows:*

- (a) *to encourage the proper management of the natural and human-made resources of Central Darling by protecting, enhancing or conserving:*
 - (i) *productive agricultural land,*
 - (ii) *timber, minerals, soils, water and other natural resources,*
 - (iii) *areas of significance for nature conservation,*
 - (iv) *areas of high scenic or recreation value, and*
 - (v) *places and buildings of archaeological or heritage significance,*

- (b) *to promote ecologically sustainable urban and rural development,*
- (c) *to provide a secure future for agriculture by expanding Central Darling Shire's economic base and minimising the loss or fragmentation of productive agricultural land,*
- (d) *to minimise land use conflict,*
- (e) *to ensure that development has regard to the capability of the land,*
- ...
- (g) *to ensure that the efficiency of arterial roads is not adversely affected by development on adjacent land.*

The Project is consistent with the aims of the Draft Central Darling LEP as:

- It incorporates measures to minimise impacts on surface water, agricultural, flora and fauna, cultural heritage and scenic values (Section 4).
- The Ivanhoe Rail Facility is not located in close proximity to residential areas and incorporates measures to minimise visual intrusion.
- The Project would generate employment opportunities and facilitate additional expenditure in the region and the State of NSW.
- A Road Transport Assessment has been conducted for the Project (Appendix D) and has concluded that the development would not have an adverse effect on the efficiency or safety of the road network.
- The Ivanhoe Rail Facility is compatible with surrounding land use and has been located to minimise potential conflicts with adjoining land uses (Section 6.9.2).
- The Ivanhoe Rail Facility comprises employment generating development in the vicinity of the township of Ivanhoe.

Accordingly the Minister can be satisfied as to these matters.

A6.4.2 Permissibility

Part 2 of the Draft Central Darling LEP sets out the zone objectives and the land use table that is relevant in determining whether the Project, or any other part of the Project, is prohibited by the Draft Central Darling LEP.

Under the Draft Central Darling LEP, the Ivanhoe Rail Facility is located in the following zones:

- RU1 (Primary Production); and
- SP2 (Infrastructure) (the Orange – Broken Hill railway corridor).

The Ivanhoe Rail Facility is considered to be a “freight transport facility” under the Draft Central Darling LEP:

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

Under the Draft Central Darling LEP construction and operation of freight transport facilities is permitted with Development Consent on lands zoned as RU1 (Primary Production).

Rail related facilities are also permitted with Development Consent on land zoned as SP2 (Infrastructure) (the Orange – Broken Hill railway corridor) (including any development that is ordinarily incidental or ancillary to development for that purpose).

Accordingly the Minister can be satisfied as to these matters.

A6.4.3 Zone Objectives

Clause 2.3(2) of the of the Draft Central Darling LEP provides that the consent authority must have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone.

The objectives for Zone RU1 (Primary Production) under the Draft Central Darling LEP are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The Ivanhoe Rail Facility is consistent with the objectives for Zone RU1 (Primary Production) as:

- The Ivanhoe Rail Facility facilitates development of a primary industry (mining) and provides diversification of land use (i.e. alternative use to agriculture).
- The Ivanhoe Rail Facility would not result in the fragmentation or alienation of resource lands.
- The Ivanhoe Rail Facility would be developed in a manner to minimise potential incompatibilities with surrounding land uses (described above).

The zone objectives for Zone SP2 (Infrastructure) under the Draft Central Darling LEP area as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The Project is consistent with the objectives for Zone SP2 (Infrastructure) as the Project comprises development for the purposes of rail infrastructure and related uses and is compatible with the existing Orange – Broken Hill railway.

Accordingly the Minister can be satisfied as to these matters.

A6.4.4 Special Provisions

Part 5 of the Draft Central Darling LEP provides a number of provisions of potential relevance to the Project, including the relevant clauses discussed below.

Clause 5.3 relates to considerations for development near zone boundaries:

5.3 Development near zone boundaries [optional]

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20m.*

...

- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

...

The Ivanhoe Rail Facility is located near the zone boundary of SP2 (Infrastructure) (the Orange – Broken Hill railway corridor). The Project is not incompatible or inconsistent with existing, approved or likely adjoining land uses and objectives in this zone.

Clause 5.10 outlines requirements for heritage conservation, of which the following are of potential relevance to the Project:

5.10 Heritage conservation [compulsory]

...

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Central Darling,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*

- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

...

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) *notify the Heritage Council of its intention to grant consent, and*
- (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal Places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement) and*
- (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent...*

...

An Aboriginal and Non-Aboriginal Cultural Heritage Assessment has been completed for the Project (Appendix E). A summary of the potential impacts of the Project on Aboriginal and non-Aboriginal heritage and associated management and mitigation measures are provided in Sections 4.8 and 4.9.

Part 6 of the Draft Central Darling LEP outlines additional local provisions that may be of relevance to the Project.

Clause 6.2 outlines requirements with respect to essential services as follows:

6.2 Essential Services [local]

- (1) *Development consent must not be granted to development unless the consent authority is satisfied that those of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*
 - (a) *the supply of water,*
 - (b) *the supply of electricity,*

- (c) *the disposal and management of sewage,*
- (d) *suitable road access.*
- (e) *stormwater drainage or on-site conservation.*

Water supply, electricity supply, management of wastes, road access and water management for the Ivanhoe Rail Facility are described in Section 2.

Clause 6.3 outlines control measures relating to earthworks. The objectives and matters for the consideration of the Consent authority of this clause are generally consistent with clause 6.7 of the Balranald LEP (Section A6.2.4).

Accordingly the Minister can be satisfied as to these matters.

A6.5 STRATEGIC PLANNING DOCUMENTS

A6.5.1 Development Control Plans

Clause 11 of the State and Regional Development SEPP indicates that development control plans (whether made before or after the commencement of the SEPP) do not apply to State Significant Development, and hence do not apply to the Project.

A6.5.2 Community Strategic Plans

Both the BSC and CDSC have draft community strategic plans.

The Draft Balranald Shire Community Strategic Plan is based around a central community vision statement:

To create a better, more vibrant, more resilient and more engaged community, by capitalising upon its human, cultural, environmental and business assets and encouraging a strong sense of civic participation and pride.

The Draft Balranald Shire Community Strategic Plan outlines a number of community strategic objectives or 'pillars' with respect to people, place, economy, culture, infrastructure and leadership. Each pillar is underpinned by three strategic objectives.

The Draft Central Darling Shire Community Strategic Plan 2012/13 – 2021/22 has four main strategic focus areas, namely social, economic, environment and civic leadership. Each of these focus areas is underpinned by an overarching goal and several objectives.

The Project is generally consistent with the Draft Balranald Shire Community Strategic Plan and the Draft Central Darling Shire Community Strategic Plan as follows:

- The Project would be developed in accordance with the principles of ESD (Section 6.9.4).
- The Project includes management and mitigation measures to minimise potential impacts on flora and fauna, water resources, road transport, cultural heritage, noise, air quality and community infrastructure (Sections 4 and 7).
- The Project would provide employment opportunities and increased economic stimulus both directly and indirectly.

A6.5.3 Catchment Management Authority Catchment Action Plans

Two Catchment Management Authority (CMA) catchment action plans are potentially applicable to the Project:

- Atlas-Campaspe Mine - Lower Murray Darling CMA Catchment Action Plan (Lower Murray Darling CAP); and
- Ivanhoe Rail Facility - Lachlan CMA Catchment Action Plan (Lachlan CAP).

A summary description of the key objectives/aims of these catchment action plans and how the Project is generally consistent with these is provided below.

The Lower Murray Darling CAP includes the following key objectives:

- *Community values – to work towards securing the community values of the catchment, and, within a framework of ecological sustainability, the Catchment's social and economic future.*
- *Water quality and quantity – to endeavour to ensure that the quality and quantity of water supply available to the region satisfies the region's environmental, social, and economic requirements and to ensure that all water leaving the Lower Murray Darling Catchment is of the highest possible quality.*
- *Soils and vegetation – to manage, protect and enhance the vegetation as species, community and landscape levels thereby achieving conservation of economically, culturally, and environmentally important species. To ensure land is used in a manner which maintains soil fertility and structure.*

- *Biodiversity – To protect and enhance the natural environment across the catchment thereby achieving the highest possible level of biodiversity. To promote ongoing improvements in habitat management and viability. To educate both the catchment and broader communities regarding the value of the catchment's natural environment and encourage equitable and sustainable use.*

The main aims of the Lachlan CAP (as outlined in the foreword) are as follows:

- *protect and enhance the region's unique native vegetation and biodiversity*
- *improve water quality and aquatic ecosystems*
- *improve and protect the productive values of soil ecosystems*
- *prevent, stabilise and reverse salinity impacts*
- *identify and protect Aboriginal cultural heritage values*
- *provide community wellbeing.*

The Project is considered to be generally consistent with the relevant objectives and aims of the Lower Murray Darling CAP and Lachlan CAP, because:

- The Project would be developed in consideration of the principles of ESD (Section 6.9.4).
- An assessment of the potential for the Project to impact on water resources including water use, water quality and salinity has been undertaken (Appendices F and G), and the Project management and mitigation measures are discussed in Sections 4.4, 4.5 and 7.
- The potential impacts of the Project on soils has been considered in this EIS (Section 4.3.2 and Appendix H), and the Project would be developed in a manner that would minimise potential impacts (Sections 4.3.3 and 7).
- A Flora Assessment and Fauna Assessment (Appendices A and B) have been completed to assess the potential impacts of the Project on biodiversity including vegetation, endangered ecological communities, threatened flora and fauna species, and fauna habitats. A discussion of the management and mitigation measures for the management of these potential impacts is provided in Sections 4.6.3, 4.7.3 and 7.

- An Aboriginal and Non-Aboriginal Cultural Heritage Assessment (Appendix E) has been conducted for the Project, and the management and mitigation measures for potential impacts on heritage items are discussed in Sections 4.8 and 4.9.
- The Project would generate employment opportunities and facilitate additional expenditure in the region.

A6.6 REFERENCES

Department of Planning (2011a) *Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Land Use Safety Planning*.

Department of Planning (2011b) *Hazardous Industry Planning Advisory Paper No. 6: Hazard Analysis*.

Department of Planning and Infrastructure (2011) *Multi-Level Risk Assessment*.

Department of Urban Affairs and Planning and Environment Protection Authority (1998) *Managing Land Contamination – Planning Guidelines SEP 55 – Remediation of Land*.

NSW Roads and Traffic Authority (1996) *Road Design Guide*.