

# Director-General's Environmental Assessment Requirements

## Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

### State Significant Development

<b>Application Number</b>	SSD 6036
<b>Development</b>	The construction and operation of an Ammonium Nitrate storage and distribution facility with capacity to store 40,000 tonnes of Ammonium Nitrate.
<b>Location</b>	Part Lot 2 DP 1142708
<b>Applicant</b>	Hunter Investment Corporation
<b>Date of Issue</b>	February 2016
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In addition, the EIS must include a:</p> <ul style="list-style-type: none"> <li>• detailed description of the development, including: <ul style="list-style-type: none"> <li>– need for the proposed development;</li> <li>– justification for the proposed development;</li> <li>– likely staging of the development;</li> <li>– likely interactions between the development and existing, approved and proposed operations in the vicinity of the site; and</li> <li>– plans of any proposed building works.</li> </ul> </li> <li>• consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments;</li> <li>• risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment;</li> <li>• detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> <li>– a description of the existing environment, <u>using sufficient baseline data</u>;</li> <li>– an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes; and</li> <li>– a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage significant risks to the environment; and</li> </ul> </li> <li>• consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.</li> </ul> <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; and</li> <li>• a close estimate of the jobs that will be created by the development during the construction and operational phases of the development; and certification that the information provided is accurate at the date of preparation.</li> </ul>
<b>Key Issues</b>	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> <li>• <b>Hazards and risk (including bushfire and mine subsidence)</b> – including: <ul style="list-style-type: none"> <li>– a preliminary risk screening carried out in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive</i></li> </ul> </li> </ul>

*Development and Applying SEPP 33* (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the project.

- should preliminary screening indicate that the project is "potentially hazardous," a Preliminary Hazard Analysis (PHA) must be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis* (DoP, 2011) and *Multi-Level Risk Assessment* (DoP, 2011). The PHA must:
  - identify the hazards associated with the existing site and proposed development to determine the potential for off-site impacts;
  - estimate the risks from the existing site and proposed development (overall site); and
  - demonstrate that the risks from the overall site complies with the criteria set out in *Hazardous Industry Planning Advisory Paper No 4 - Risk Criteria for Land Use Safety Planning*.
- a preliminary Fire Safety Study prepared in consultation with NSW Fire & Rescue addressing the requirements of *Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study Guidelines*.
- **Strategic context** – including:
  - detailed justification for the proposal and suitability of the site and transport routes for the development; and
  - demonstration that the proposal is generally consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), and justification for any inconsistencies.
- **Biodiversity** – including:
  - identification of existing vegetation and ecological values within the site;
  - measures taken to avoid, reduce or mitigate impacts on biodiversity;
  - accurate estimates of the proposed vegetation clearing;
  - a detailed assessment of the potential impacts of the development on:
    - threatened species or populations and their habitats, endangered ecological communities, and groundwater dependent ecosystems; and
    - remnant vegetation, habitat corridors and existing biodiversity offset areas.
  - details of a comprehensive biodiversity offset strategy for the development including an explanation of how the strategy would maintain or improve the biodiversity values of the area.
- **Traffic and transport** – including:
  - details of key transport routes and traffic types and volumes likely to be generated during construction and operation;
  - assessment of predicted impacts on road safety and the capacity of the road network to accommodate the facility including current traffic counts, details of truck routes and modelling of key intersections;
  - assessment of where off-site infrastructure works are required as a result of traffic impacts including detailed plans of any proposed road upgrades;
  - access, including a demonstration that there is legal right of access to the development site, detailed consideration of various access options, and justification for the proposed location of the main access points;
  - measures to encourage employee use of non-car travel modes such as public transport or cycling to and from the facility; and
  - provisions for parking in accordance with the relevant standards.
- **Soil and water** – including:
  - a detailed assessment of potential soil, surface, flooding and groundwater impacts;
  - potential soil contamination (including acid sulphate soils) and any proposed management measures;
  - details of proposed erosion and sedimentation controls (during construction);

	<ul style="list-style-type: none"> <li>– details of proposed stormwater management measures (during construction and operation);</li> <li>– an outline of the proposed water requirements, including sources of water, usage and efficiency measures; and</li> <li>– wastewater management, spill containment and bunding.</li> <li>• <b>Air quality and odour</b> – including: <ul style="list-style-type: none"> <li>– a quantitative assessment of the potential air quality impacts (particularly dust and odour) of the development on surrounding receivers, including impacts from construction, operation and transport; and</li> <li>– details of the proposed mitigation, management and monitoring measures.</li> </ul> </li> <li>• <b>Noise</b> – including: <ul style="list-style-type: none"> <li>– a quantitative assessment of potential construction, operational and transport noise impacts, including potential impacts on nearby sensitive receivers; and</li> <li>– details of the proposed noise mitigation, management and monitoring measures.</li> </ul> </li> <li>• <b>Security and incident management</b> – including: <ul style="list-style-type: none"> <li>– details of building design and fit-out for handling of chemicals and spill containment (e.g. bunding and vehicle loading/unloading areas);</li> <li>– technical information on the environmental protection equipment to be installed on the premises (e.g. for air, water and noise control, spill cleanup, fire management and containment); and</li> <li>– details of a security and crime prevention plan.</li> </ul> </li> <li>• <b>Heritage</b> – including an Aboriginal cultural heritage impact assessment.</li> <li>• <b>Utilities</b> – including a description of any proposal to extend utilities to the site such as water, sewer, gas, electricity.</li> <li>• <b>Social &amp; Economic</b> - including an assessment of both impacts and benefits.</li> <li>• <b>Waste management</b> – including: <ul style="list-style-type: none"> <li>– details of the quantities and classification of waste to be generated;</li> <li>– details on waste storage, handling and disposal; and</li> <li>– details of the measures implemented to reduce and (where possible) recycle waste in line with NSW Government waste policy.</li> </ul> </li> <li>• <b>Visual</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the potential visual impacts of the development on the amenity of the surrounding area; and</li> <li>– a detailed description of the measures (e.g. landscaping) that would be implemented to minimise the visual impacts of the development.</li> </ul> </li> <li>• <b>Greenhouse gas</b> – including: <ul style="list-style-type: none"> <li>– a quantitative assessment of the potential Scope 1 and 2 greenhouse gas emissions of the development, and a qualitative assessment of the potential impacts of these emissions on the environment; and</li> <li>– a detailed description of the measures that would be implemented on site to ensure that the development is energy efficient.</li> </ul> </li> <li>• <b>Cumulative impacts</b> – particularly in relation to air, noise and traffic associated with other nearby industrial operations.</li> </ul>
<b>Plans and Documents</b>	<p>The EIS must include all plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. These documents should be included as part of the EIS rather than as separate documents.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you must consult with:</p> <ul style="list-style-type: none"> <li>• Cessnock City Council;</li> <li>• Environment Protection Authority;</li> <li>• Office of Environment and Heritage;</li> <li>• Roads and Maritime Services;</li> </ul>

	<ul style="list-style-type: none"> <li>• Commonwealth Department of Sustainability, Environment, Water, Population and Communities;</li> <li>• Department of Primary Industries (including the Division of Resources and Energy);</li> <li>• Mine Subsidence Board;</li> <li>• NSW Police – Anti Terrorism Unit;</li> <li>• WorkCover NSW;</li> <li>• NSW Rural Fire Service;</li> <li>• NSW Fire and Rescue; and</li> <li>• Hunter Water Corporation.</li> </ul> <p>The EIS must describe the consultation process, the issues raised, and where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, an explanation should be provided.</p>
<b>Further consultation after 2 years</b>	If you do not lodge an EIS for the development within 2 years of the issue date of these DGRs, you must consult with the Director-General in relation to the requirements for lodgement.
<b>References</b>	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, <b>Attachment 1</b> contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this development.

## **ATTACHMENT 1**

### **Technical and Policy Guidelines**

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

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.bookshop.nsw.gov.au>

<http://www.publications.gov.au>

#### **Policies, Guidelines & Plans**

<b>Aspect</b>	<b>Policy /Methodology</b>
<b>Risk Assessment</b>	AS/NZS 4360:2004 Risk Management (Standards Australia) HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
<b>Hazards and Risks</b>	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP) Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis Multi-level Risk Assessment (DPI 2011) Planning for Bushfire Protection 2006 (NSW RFS)
<b>Soil and Water</b>	
<i>Soil</i>	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC) National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC) Draft Guidelines for the Assessment & Management of Groundwater Contamination (DECC) State Environmental Planning Policy No. 55 – Remediation of Land Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (DOP)
<i>Surface Water</i>	National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ) National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ) National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ) Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC) State Water Management Outcomes Plan NSW Government Water Quality and River Flow Environmental Objectives (DECC) Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC) Managing Urban Stormwater: Soils & Construction (Landcom) Managing Urban Stormwater: Treatment Techniques (DECC) Managing Urban Stormwater: Source Control (DECC) Technical Guidelines: Bunding & Spill Management (DECC)

<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft
	Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
<b>Traffic and Transport</b>	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
<b>Air Quality</b>	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
<b>Odour</b>	
	Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC)
	Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC)
<b>Noise</b>	
	Interim Construction Noise Guideline (DECC)
	NSW Industrial Noise Policy (DECC)
	NSW Road Noise Policy (EPA)
	Environmental Noise Control Manual (DECC)
<b>Waste Management</b>	
	Waste Classification Guidelines (DECC)
	NSW Waste Avoidance and Resource Recovery Strategy 2007 (EPA)
<b>Biodiversity</b>	
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)
	DECCW's Threatened Species Assessment Guidelines – Assessment of Significance (2007).
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)
	The NSW State Groundwater Dependent Ecosystem Policy (DLWC)
<b>Greenhouse Gas</b>	
	AGO Factors and Methods Workbook (AGO)
	Guidelines for Energy Savings Action Plans (DEUS, 2005)
<b>Heritage</b>	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
	NSW Heritage Manual (NSW Heritage Office & DUAP)
<i>Non- Aboriginal</i>	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)