

Mr Kerry Nichols
HDB Town Planning and Design
PO Box 40
MAITLAND NSW 2320

Dear Mr Nichols

**State Significant Development - Director-General's Requirements
Downer EDI Precursor Manufacturing Facility, Mt Thorley (SSD-6055)**

I have attached a copy of the Director-General's environmental assessment requirements (DGRs) for the preparation of an Environmental Impact Statement for an Ammonium Nitrate Storage and Distribution Facility at Mt Thorley.

These requirements are based on the information you have provided to date and have been prepared in consultation with the relevant government agencies. Their comments, which you should address appropriately when preparing the EIS, are attached to this letter (see Attachment 2). Unfortunately, Singleton Council was unable to respond to the Department in time, therefore you will be provided with a copy of Singleton Council's requirements shortly. Please note that the Department may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the development within two years of the date of issue of these DGRs. The Department will review the EIS for the development carefully before putting it on public exhibition, and will require you to submit an amended EIS if it does not adequately address the DGRs.

I wish to emphasise the importance of effective and genuine community consultation and the need for proposals to proactively respond to the community's concerns. Accordingly a comprehensive, detailed and genuine community consultation and engagement process must be undertaken during preparation of the EIS. This process must ensure that the community is both informed of the proposal and is actively engaged in issues of concern to them. Sufficient information must be provided to the community so that it has a good understanding of what is being proposed and of the potential impacts.

The Department prefers operations like the Downer EDI Precursor Manufacturing Facility to operate under a single, modern planning approval. Consequently, the Department encourages you to develop the project with this preference in mind, and to consider surrendering any existing planning approvals for the current manufacturing facility should the proposal be approved.

Your proposal may require a separate approval under Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). If an EPBC Act approval is required, I would appreciate it if you would advise the Department accordingly, as the Commonwealth approval process may be integrated into the NSW approval process, and supplementary DGR's may need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the development application and EIS for your development. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EIS required for review.

If you have any enquiries about these requirements, please contact Andrew Hartcher on the details above.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'H Warton', with a long horizontal flourish extending to the right.

Heather Warton

Director

Industry, Social Projects and Key Sites

As the Director-General's nominee

12/8/13

Director-General's Environmental Assessment Requirements

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

State Significant Development

Application Number	SSD-6055
Development	The proposal involves the use and expansion of existing warehouses and site facilities (e.g. storage tanks) to store and distribute increased quantities of ammonium nitrate and ammonium nitrate emulsion.
Location	8 Melva Place Mt Thorley, NSW (Lot 102 DP 262603, Lot 1071 DP 734560 and Lot 1072 DP 734560)
Applicant	Downer EDI Mining
Date of Issue	August 2013
General Requirements	<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"> • detailed description of the development, including: <ul style="list-style-type: none"> – need for the proposed development; – justification for the proposed development; – likely staging of the development; – likely interactions between the development and existing, approved and proposed operations in the vicinity of the site; and – plans of any proposed building works. • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments; • risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • 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"> – a description of the existing environment, <u>using sufficient baseline data</u>; – 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 – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment; and • consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • a detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment</i>

	<p><i>Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; and</p> <ul style="list-style-type: none"> • 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.
Key Issues	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> • Hazards and Risks – including a preliminary risk screening carried out in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33</i> (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 <i>Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (DoP, 2011). The PHA must: <ul style="list-style-type: none"> – 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 <i>Hazardous Industry Planning Advisory Paper No 4 - Risk Criteria for Land Use Safety Planning</i>. • Strategic and Statutory Context – including: <ul style="list-style-type: none"> – detailed justification for the proposal and suitability of the site to be developed; and – demonstration that the proposal is generally consistent with all relevant environmental planning instruments, development control plans (DCPs), and justification for any inconsistencies. • Soil and Water – including: <ul style="list-style-type: none"> – 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); – details of proposed stormwater management measures (during construction and operation); – an outline of the proposed water requirements, including sources of water, usage and efficiency measures; and – wastewater management, spill containment and bunding. • Traffic and Transport – including: <ul style="list-style-type: none"> – 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 detailed consideration of various access options

	<p>and justification for the proposed location of the main access points;</p> <ul style="list-style-type: none"> – measures to encourage employee use of non-car travel modes such as public transport or cycling to and from the facility; and – provision of parking in accordance with the relevant guidelines. <ul style="list-style-type: none"> • Air Quality and Odour – including: <ul style="list-style-type: none"> – 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 – details of the proposed mitigation, management and monitoring measures. • Noise – including: <ul style="list-style-type: none"> – a quantitative assessment of potential construction, operational and transport noise impacts, including potential impacts on nearby sensitive receivers; and – details of the proposed noise mitigation, management and monitoring measures. • Waste Management – including: <ul style="list-style-type: none"> – details of the quantities and classification of waste to be generated on site; – details on waste storage, handling and disposal; and – details of the measures implemented to reduce and (where possible) recycle waste in line with NSW Government waste policy. • Design for incident management – including: <ul style="list-style-type: none"> – details of building design and fit-out for handling of chemicals and spill containment (e.g. bunding and vehicle loading/unloading areas); and – 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). • Greenhouse Gas – including: <ul style="list-style-type: none"> – 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 – a detailed description of the measures that would be implemented on site to ensure that the development is energy efficient. • Heritage – including an Aboriginal cultural heritage assessment. • Visual – including: <ul style="list-style-type: none"> – an assessment of the potential visual impacts of the development on the amenity of the surrounding area; and – a detailed description of the measures (e.g. landscaping) that would be implemented to minimise the visual impacts of the development. • Cumulative impacts – particularly in relation to air, noise and traffic associated with other nearby industrial/mining operations.
Plans and Documents	<p>The EIS must include all relevant 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>

Consultation	<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.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> • Singleton Council; • Environment Protection Authority; • Roads and Maritime Services; • Department of Primary Industries; • WorkCover NSW; and • NSW Rural Fire Service. <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Further consultation after 2 years	<p>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.</p>
References	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, Attachment 1 contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this development.</p>