



Planning & Environment

Resource Assessments

Planning Services

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Mr Stuart Murray
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Dear Mr Murray

State Significant Development – Environmental Assessment Requirements Martins Creek Quarry Project (SSD-6612)

I wish to advise you that in accordance with Clause 3 (5) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary has modified her environmental assessment requirements (EARs) for the proposed Martins Creek Quarry Project.

As you would be aware, the project was declared to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* on 21 July 2016. This means the project requires an approval under the EPBC Act in respect of those matters of national environmental significance (MNES) identified in the controlled action declaration.

The Department advised when issuing the original EARs (letter dated 11 November 2014) that in this scenario, the Commonwealth approval process was likely to be integrated with the NSW approval process under the bilateral agreement. In order to facilitate this streamlined assessment process, the Commonwealth Department of the Environment has issued its supplementary assessment requirements, which relate to relevant MNES.

Accordingly, please find attached a copy of the modified EARs for the project, which includes the DoE's supplementary requirements.

The Department requests that the supplementary requirements are addressed in the revised EIS together with the other matters raised in the previous review letter dated 29 July 2016.

Please note that other agency and community input received in relation to the previous revision of the EARs (dated 11 November 2014 and 22 May 2015) remains applicable.

If you have any enquiries about the modified requirements, please contact Thomas Watt on 9228 6375.

Yours sincerely

Howard Reed

Director

Resource Assessments

4.8.16

Secretary's Environmental Assessment Requirements

State Significant Development

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

Application Number	SSD 6612
Proposal	<p>The Martins Creek Quarry Extension Project, which involves:</p> <ul style="list-style-type: none"> • extracting up to 1.5 million tonnes of hard rock material per annum; • expanding into new extraction areas and clearing approximately 36.8 hectares of vegetation; • increasing the hours of operation for quarrying to 6am – 6pm (Monday to Saturday), processing to 6am - 10pm (Monday to Saturday), mixing and binding to 4:30am - 10pm (Monday to Friday) and 4:30am - 6pm (Saturdays), stockpiling, loading and dispatch of road transport to 5:30am - 7pm (Monday to Saturday) and train loading to 24 hours per day, 7 days per week; • consolidating existing operations and approvals; and • rehabilitating the site.
Location	Station Street, Martins Creek, in the Dungog local government area
Applicant	Buttai Gravel Pty Ltd
Date of Issue	4 August 2016
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> • a full description of the development, including: <ul style="list-style-type: none"> – the resource to be extracted, demonstrating efficient resource recovery within environmental constraints, and having regard to NSW Trade and Investment's requirements (see Attachment 2); – the site layout and extraction plan; – processing activities; – a waste (overburden, leachate, etc.) management strategy, dealing with the EPA's requirements (see Attachment 2); – a water management strategy, dealing with the EPA's and Department of Primary Industries' requirements (see Attachment 2); – a rehabilitation strategy, having regard to the key principles in the <i>Strategic Framework for Mine Closure</i>; and – the likely interactions between the development and any other existing, approved or proposed extractive industry development in the vicinity of the site (such as the Brandy Hill Quarry); • a list of any approvals that must be obtained before the development may commence; • an assessment of the likely impacts of the development on the environment, focussing on the specific issues identified below, including: <ul style="list-style-type: none"> – a description of the existing environment likely to be affected by the development, <u>using sufficient baseline data</u>; – an assessment of the likely impacts of all stages of the development, including any cumulative impacts, taking into consideration any relevant laws, environmental planning instruments, guidelines, policies, plans and industry codes of practice; – a description of the measures that would be implemented to mitigate and/or offset the likely impacts of the development, and an assessment of: <ul style="list-style-type: none"> ○ whether these measures are consistent with industry best

	<p>practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented;</p> <ul style="list-style-type: none"> ○ the likely effectiveness of these measures; and ○ whether contingency plans would be necessary to manage any residual risks; and <p>– a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved;</p> <ul style="list-style-type: none"> • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; • consideration of the development against all relevant environmental planning instruments (including Part 3 of the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>); and • the reasons why the development should be approved having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development. <p>While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies, and plans that may be relevant to the environmental assessment of this development.</p> <p>In addition to the matters set out in Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>, the development application must be accompanied by a signed report from a suitably qualified expert that includes an accurate estimate of the:</p> <ul style="list-style-type: none"> • capital investment value (as defined in Clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the development, including details of all the assumptions and components from which the capital investment value calculation is derived; and • jobs that would be created during each stage of the development.
Key Issues	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> • Traffic & Transport – including: <ul style="list-style-type: none"> - accurate predictions of the road traffic generated by the construction and operation of the development, including a description of the types of vehicles likely to be used for transportation of quarry products, the public roads in the Dungog Shire, Maitland City and Port Stephens LGAs likely to be so used and the times during which those roads would be so used; - a detailed assessment of potential traffic impacts on the capacity, condition, safety and efficiency of the local and State road network (as identified above), having regard to the requirements of the RMS, Dungog Shire, Maitland City and Port Stephens Councils (see Attachment 2); - a detailed assessment of the existing railway siding facility at the site as an alternative transport option for delivering quarry products and avoiding potential impacts associated with road delivery; and - a detailed description of the measures or works (including concept plans) that would be used and/or implemented to upgrade, maintain and improve the capacity, efficiency and safety of the road network used by the development. • Blasting & Vibration – including: <ul style="list-style-type: none"> - proposed hours, frequency, methods and impacts; and - an assessment of the likely blasting impacts of the development on people, buildings, animals, infrastructure and significant natural features having regard to the relevant ANZECC guidelines. • Air Quality – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction and operational impacts, with a particular focus on dust emissions including PM_{2.5} and PM₁₀; - dust generation from blasting and processing, as well as diesel emissions and dust generated from the transportation of quarry

	<p>products;</p> <ul style="list-style-type: none"> - reasonable and feasible mitigation measures to minimise dust and diesel emissions; and - monitoring and management measures, in particular, real-time air quality monitoring. <ul style="list-style-type: none"> • Noise – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction, operational and off-site transport noise impacts in accordance with the <i>Interim Construction Noise Guideline</i>, <i>NSW Industrial Noise Policy</i> and the <i>NSW Road Noise Policy</i> respectively; - reasonable and feasible mitigation measures to minimise noise emissions; and - monitoring and management measures, in particular real-time and attended noise monitoring. • Water – including: <ul style="list-style-type: none"> - an assessment of the potential impacts of the development on: <ul style="list-style-type: none"> o the quantity and quality of regional water supplies; o regional water supply infrastructure; o affected licensed water users and basic landholder rights (including downstream water users); and o the Hunter Estuary Wetlands site, which is a wetland of international importance (Ramsar wetland); - a detailed site water balance, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply infrastructure and water storage structures; - an assessment of proposed water discharge quantities and quality against receiving water quality and flow objectives; - identification of any licensing requirements or other approvals under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i>; - demonstration that water for the construction and operation of the development can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP); - a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant WSP or water source embargo; and - a detailed description of the proposed water management system (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts. • Land – including: <ul style="list-style-type: none"> - an assessment of the likely impacts of the development on the soils, land capability; - and assessment of the likely impact of the development on landforms (topography), paying particular attention to the long term geotechnical stability of any new landforms (such as overburden dumps); and - an assessment of the compatibility of the development with other land uses in the vicinity of the development in accordance with the requirements in Clause 12 of <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>; • Biodiversity – including: <ul style="list-style-type: none"> - an assessment of the likely biodiversity impacts of the project, having regard to OEHS and the Commonwealth Department of the Environment's (DoE) requirements (see Attachment 2); - an offset strategy prepared in accordance with OEHS and DoE requirements; • Heritage – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, having regard to OEHS requirements (see Attachment 2); • Visual – including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain, paying particular attention to the creation of any new landforms (noise bunds, etc.);
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	<ul style="list-style-type: none"> • Greenhouse Gases – including an assessment of the likely greenhouse gas emissions of the development, dealing with the EPA's requirements (see Attachment 2); • Hazards – including an assessment of the likely risks to public safety, paying particular attention to potential bushfire risks and the transport, handling and use of any dangerous goods; and • Social & Economic – including: <ul style="list-style-type: none"> - an assessment of potential impacts on local and regional communities including impacts on social amenity; - a detailed description of the measures that would be implemented to minimise the adverse social and economic impacts of the development, including any infrastructure improvements, or contributions and/or voluntary planning agreement or similar mechanism; and - a detailed assessment of the costs and benefits of the development as a whole, and whether it would result in a net benefit for the NSW community. • Rehabilitation – including the proposed rehabilitation strategy for the site having regard to the key principles in the <i>Strategic Framework for Mine Closure</i>, including: <ul style="list-style-type: none"> - rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; - nominated final land use, having regard to any relevant strategic land use planning or resource management plans or policies; and - the potential for integrating this strategy with any other rehabilitation and/or offset strategies in the region.
<p>Consultation</p>	<p>During the preparation of the EIS, you must consult with relevant local, State and Commonwealth Government authorities, service providers, Aboriginal stakeholders, community groups and affected landowners.</p> <p>In particular, you must consult with the:</p> <ul style="list-style-type: none"> • Commonwealth Department of the Environment; • Office of Environment and Heritage (including the Heritage Branch); • Environment Protection Authority; • Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services; • Department of Primary Industries (including the NSW Office of Water, NSW Forestry, Agriculture and Fisheries sections and Crown Lands division); • Roads and Maritime Services; • Hunter Local Land Services; • Dungog Shire Council; • Maitland City Council; • Port Stephens Council; and • community groups including, but not limited to the: Martin's Creek Quarry Action Group, Paterson Progress Association, Bolwarra Heights Community Group and the Voice of Wallalong and Woodville. <p>The EIS must:</p> <ul style="list-style-type: none"> • describe the consultation process used and demonstrate that effective consultation has occurred; • describe the issues raised by public authorities, service providers, community groups and landowners; • identify where the design of the development has been amended in response to issues raised; and • otherwise demonstrate that issues raised have been appropriately addressed in the assessment.

ATTACHMENT 1

Environmental Planning Instruments, Policies, Guidelines & Plans

Air	
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline (EPA)
	Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion into the 'Approved Methods for the Modelling and Assessments of Air Pollutants in NSW, Australia'
	National Greenhouse Accounts Factors (Commonwealth)
Noise	
	NSW Industrial Noise Policy and associated Application Notes (EPA)
	Interim Construction Noise Guideline (DECC 2009)
	NSW Road Noise Policy (EPA)
Water	
Water Sharing Plans	Water Sharing Plan for the Paterson Regulated River Water Source 2007
Groundwater	NSW State Groundwater Policy Framework Document (NOW)
	NSW State Groundwater Quality Protection Policy (NOW)
	NSW State Groundwater Quantity Management Policy (NOW)
	NSW Aquifer Interference Policy 2012 (NOW)
	Office of Water Guidelines for Controlled Activities (2012)
	Groundwater Monitoring and Modelling Plans – Information for prospective mining and petroleum exploration activities (NOW)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
Surface Water	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	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)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	NSW Water Conservation Strategy (2000)
	State Water Management Outcomes Plan
	NSW State Rivers and Estuary Policy (1993)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	Environmental Guidelines: Use of Effluent by Irrigation (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities on Waterfront Land (NOW)

Land	Soil and Landscape Issues in Environmental Impact Assessment (NOW) Agfact AC25: Agricultural Land Classification (NSW Agriculture) Agricultural Issues for Extractive Industries (NSW Trade and Investment) State Environmental Planning Policy No. 55 – Remediation of Land Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
Traffic	Guide to Traffic Generating Development (RMS) Road Design Guide (RMS) & relevant Austroads Standards
Biodiversity	NSW Biodiversity Offsets Policy for Major Projects (OEH) Guidelines for Threatened Species Assessment (DP&E) Framework for Biodiversity Assessment (OEH) NSW State Groundwater Dependent Ecosystem Policy (NOW) Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW) State Environmental Planning Policy No. 44 – Koala Habitat Protection
Heritage	The Burra Charter (The Australia ICOMOS charter for places of cultural significance) Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DP&E) Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH) NSW Heritage Manual (OEH) Statements of Heritage Impact (OEH) Hunter Regional Environmental Plan 1989 (Heritage)
Public Safety	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Waste	Waste Classification Guidelines (EPA)
Rehabilitation	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth) Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth) Strategic Framework for Mine Closure (ANZMEC-MCA)
Environmental Planning Instruments - General	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Dungog Local Environment Plan 2014

ATTACHMENT 2

Agency Correspondence

ATTACHMENT 3

Community Group Submissions