

Secretary's Environmental Assessment Requirements

Section 115Y of the *Environmental Planning and Assessment Act 1979*

Application number	SSI - 6845
Infrastructure Project	Broken Hill Drought Water Supply - The proposal includes construction and operation of a bore field, Reverse Osmosis Plant and disposal basins.
Location	Land adjacent to Menindee Lakes
Proponent	Water NSW
Date issued	5 January 2015
General requirements	<p>The Environmental Impact Statement (EIS) must be prepared in accordance with Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation), including:</p> <ol style="list-style-type: none"> the information required by clause 6 of Schedule 2 of the Regulation; the content listed in clause 7 of Schedule 2 of the Regulation, including but not limited to: <ul style="list-style-type: none"> a summary of the EIS; strategic justification and objectives - description of the strategic need, justification and objectives for the project, taking into account the aims and objectives of relevant strategic planning policies project justification and alternatives – including: <ul style="list-style-type: none"> justification for the preferred project taking into consideration the objects of the <i>Environmental Planning and Assessment Act 1979</i>; a description of alternatives considered / options analysis (including an assessment of the environmental costs and benefits of the project relative to alternatives); and whether or not the project is in the public interest. a detailed description of the project and relationship and/or interaction with other project proposals, including but not limited to the <i>Menindee Lakes Water Savings Project</i>, the <i>Broken Hill Managed Aquifer Recharge (BHMAR) Project</i> and other Commonwealth Water Savings Projects. a discussion on the assumptions and uncertainties inherent in the assessment of impacts; an assessment of the key issues (construction, operation and cumulative impacts) in accordance with clause 7(1) (d) (i – v) of Schedule 2 of the Regulation (where relevant), including an identification of relevant planning, land use and development matters (including relevant strategic and statutory matters) that have been considered in the impact assessment and/or in developing management and mitigation measures; and detail how the principles of ecologically sustainable development will be incorporated in the design, construction and ongoing operation phases of the project. <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk analysis to identify potential environmental impacts associated with the project. Where relevant, the assessment of key issues and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> adequate baseline data; consideration of potential cumulative impacts due to other development in the vicinity; and measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.

Key issues	<p>The EIS must address the following specific matters:</p> <p>Hydrological Impacts – the EIS must include a comprehensive assessment of the impacts of the project on surface and groundwater hydrology, including consideration of the effects of drought intensity, depletion and recovery cycles. The EIS must assess the following specific issues with respect to surface and groundwater quality, quantity, flow regimes and operational requirements, including but not limited to:</p> <ul style="list-style-type: none"> • details of the groundwater and surface systems to be impacted by the project, whether directly or indirectly, and how these systems are connected, interact and behave, including their water quality, quantity and flow characteristics. The EIS must provide details of relevant geological characteristics, including assumptions and uncertainties, and how these characteristics may affect the project and influence its environmental impacts; • an assessment of the impacts of groundwater extraction on groundwater and surface water systems and derivation of sustainable yield information for the affected groundwater systems. The EIS must also include a general water balance for the project, noting any expected losses through evaporation or infiltration; • a disposal pond strategy that includes a framework for the management of brine and other extracts, both short and long term, and identifies the optimum location, management and rehabilitation of disposal ponds; • a description of the nature and degree of impact that proposed discharge will have on the receiving environment, including consideration of all pollutants that pose a risk of harm to human health or the environment; • demonstration of how the proposal will be designed and operated to protect the Water Quality Objectives where they are currently being achieved and contribute towards their achievement over time where they are not currently being achieved; • assessment of potential impacts on other groundwater and surface water users, including details of how existing water access rights will be protected, including with respect to both quantity and quality of water; • details of how bores will be managed to prevent contamination of groundwater; • rehabilitation of access tracks, bore sites and other impacted areas; • operational rules that detail the trigger levels whereby operation will cease and re-commence; • presentation of framework monitoring program(s) and management plan(s) with respect to impacts on ecology associated with the project. The monitoring and management frameworks must reflect the interconnect of groundwater and surface water systems, and reflect an approach encompassing these systems; and • groundwater hydrology, groundwater dependent ecosystems, and groundwater users and licences (as applicable) taking into account the <i>NSW Groundwater Dependent Ecosystems Policy 2002</i>. <p>Heritage – including but not limited to:</p> <ul style="list-style-type: none"> • <i>Aboriginal heritage</i> (including cultural and archaeological significance), in particular impacts to Aboriginal objects and potential archaeological deposits (PAD), must be assessed. Where impacts to Aboriginal heritage are identified the assessment shall: <ul style="list-style-type: none"> – outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the measures) generally consistent with the <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW, 2010) – be undertaken by a suitably qualified heritage consultant(s); – demonstrate effective consultation with Aboriginal communities
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	<p>consistent with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW, 2010) in determining and assessing impacts and developing and selecting options and mitigation measures (including the final proposed measures);</p> <ul style="list-style-type: none"> - adopt an appropriate archaeological assessment methodology, including research design (where relevant) to guide physical archaeological test excavations of areas of potential archaeological deposits that establishes the full spatial extent and significance of any archaeological evidence has been undertaken; - assess and document the archaeological and cultural significance of cultural heritage values of affected sites; and - develop an appropriate assessment methodology, including research design, in consultation with the Office of Environment and Heritage, to guide physical archaeological test excavations of the sites and areas of PAD identified in a manner that establishes the full spatial extent and significance of any archaeological evidence across each site/area of PAD, and include the results of these excavations. <ul style="list-style-type: none"> • <i>Historic Heritage</i> including but not limited to: <ul style="list-style-type: none"> - Items and archaeology (historical and maritime) of state and local heritage significance within or adjacent to the project or affected by construction or operation activities; - an analysis of the potential impacts to the values, settings and integrity of the items and archaeology, including statements of heritage impacts and significance assessments taking into account the <i>NSW Heritage Manual</i> (NSW Heritage Office, 1996), <i>Assessing Heritage Significance Guidelines</i> (NSW Heritage Office, 2001) and <i>Assessing Significance of Archaeological Sites and Relics</i> (NSW Heritage Council, 2009). <p>Soils, Water and Land Contamination – including but not limited to:</p> <ul style="list-style-type: none"> • land contamination and identification of the need for remediation of contaminated land and disposal ponds, having regard to the ecological and human health risks posed by the contamination in the context of past, existing and future land uses; • where remediation of contaminated land is required, presentation of a Remedial Action Plan in accordance with relevant EPA guidelines; • geological and soil characteristics (physical and chemical) that may impact on land stability and geological integrity; • quantification of bulk earthworks, spoil balance and disposal of excess spoil; • a strategy for managing earthworks with a particular focus on those works that have the greatest potential to disturb soils that are contaminated, have a high erosion potential and run off hazard; and • management of waste including handling, stockpiling and transportation, and the classification of waste taking into account the <i>Waste Classification Guidelines</i> (DECCW, 2009). <p>Ecology – including but not limited to:</p> <ul style="list-style-type: none"> • consideration of the OEH's <i>Threatened Species Survey and Assessment Guidelines</i> (www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm), any relevant draft or final recovery plans, <i>Fish Passage Requirements for Waterway Crossings</i>, <i>Policy and Guidelines for Fish Friendly Waterway Crossings</i> (DPI) and <i>Commonwealth Significant Impact Guidelines</i>; • demonstration of a design philosophy of impact avoidance on ecological values, and in particular, ecological values of high significance; • provision of worst case estimates of vegetation clearing and operational impacts; • demonstration that the project can be managed to minimise and avoid impacts to downstream aquatic environments; • impacts related to the proposed project are to be assessed and documented
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	<p>in accordance with the <i>Framework for Biodiversity Assessment</i> (OEH, 2014), unless otherwise agreed by OEH, by a person accredited in accordance with s142B(1)(c) of the <i>Threatened Species Conservation Act 1995</i>; and</p> <ul style="list-style-type: none"> • a comprehensive offset strategy, in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> including the <i>Framework for Biodiversity Assessment</i> (OEH, 2014), consistent with the 'avoid, minimise or offset' principle. <p>Noise and Vibration – including but not limited to:</p> <ul style="list-style-type: none"> • taking into account the <i>Interim Construction Noise Guideline</i> (DECC, 2009), NSW Industrial Noise Policy (EPA, 2000) and <i>Assessing Vibration: a Technical Guideline</i> (DEC, 2006); • noise and vibration from construction and operation and sources on and off site, and impacts to receivers, including surrounding residential areas; and • consideration of project and cumulative noise impacts. <p>Traffic, Transport and Access – including but not limited to:</p> <ul style="list-style-type: none"> • access to the site and associated property severance and access restrictions; • construction and operational traffic and transport impacts to the local and regional road network, including the potential traffic impacts of the project on road network function (including intersection level of service) and safety; • control soil erosion and dust generated by traffic volumes; • consideration of relevant RMS and Council traffic / road policies; • interaction and integration with existing and proposed infrastructure (and services); and • interaction with existing and proposed utilities infrastructure. <p>Hazards and Risks – including but not limited to:</p> <ul style="list-style-type: none"> • potential hazards and risks associated with the site as a whole and offsite, taking into account activities that have the potential to cause harm to people and/or the environment, including potential impacts associated with storing and handling dangerous goods on-site and transporting such goods to and from the site consistent with the Department's guideline <i>Applying SEPP 33 and taking into account the Hazardous Industry Planning Advisory Paper No 10: Land Use Safety Planning</i> (DoP); • a Preliminary Hazard Analysis, if relevant, in accordance with the <i>Hazardous Industry Planning Advisory Paper No. 6 Guidelines Hazard Analysis</i> (DoP); and • bushfire protection, taking into account <i>Planning for Bushfire Protection</i> (RFS). <p>Community Liaison – including but not limited to:</p> <ul style="list-style-type: none"> • a Community Communication Framework for construction, identifying relevant stakeholders, procedures for distributing information and receiving/responding to feedback and procedures for resolving community complaints during construction. Key issues that should be addressed in the draft framework should include (but not necessarily be limited to): <ul style="list-style-type: none"> - water management - traffic management (including property access, pedestrian access), - landscaping/urban design matters, - construction activities including out of hours work, and - noise and vibration mitigation and management. <p>Social and economic – including, but not limited to social and economic impacts on the local community and community facilities directly impacted by the project; and</p>
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	<p>Environmental Risk Analysis – notwithstanding the above key assessment requirement, the EIS must include an environmental risk analysis to identify potential environmental impacts associated with the infrastructure (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of this additional key environmental impact must be included in the EIS.</p>
Consultation	<p>During the preparation of the EIS, you should undertake an appropriate and justified level of consultation with relevant parties, including (but not limited to):</p> <ul style="list-style-type: none"> • local, State or Commonwealth government authorities and service providers, including: <ul style="list-style-type: none"> - Commonwealth Department of Environment; - Office of Environment and Heritage; - Environment Protection Authority; - NSW Office of Water; - Department of Trade and Investment (Primary Industries and Mineral Resources); - Department of Trade and Investment (Crown Lands); - Relevant Western Lands Lease Holders - NSW Health; - Transport for NSW; - Central Darling Shire Council; and - Broken Hill Council. • service and infrastructure providers such as: <ul style="list-style-type: none"> - Roads and Maritime Services; - Australian Rail Track Corporation; and - Essential Energy. • specialist interest groups; • Local Aboriginal Land Councils; and • the public, including community groups and adjoining and affected landowners. <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 SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>