



Planning

Mining & Industry Projects

Contact: Carl Dumpleton

Phone: 9228 6283

Fax: 9228 6466

Email: carl.dumpleton@planning.nsw.gov.au

Mr Ian McNicol
ADW Johnson Pty Ltd
7/335 Hillsborough Road
WARNERS BAY NSW 2282

Dear Mr McNicol

Rosebrook Sand & Gravel Quarry (DGR 494) Director-General's Requirements

I refer to your application regarding the above development.

I have attached a copy of the Director-General's requirements for the Environmental Impact Statement (EIS). These requirements have been prepared in consultation with the relevant agencies and are based on the information your company has provided to date. I have also attached a copy of the agencies' comments for your information.

In your request, you indicated that your proposal would require an approval under the *Protection of the Environment Operations Act 1997*, *National Parks and Wildlife Act 1974* and the *Water Management Act 2000*. The Department of Environment Climate Change and Water (DECCW) and NSW Office of Water (NOW) have provided their requirements for these approvals which are included in Attachment 2 and must be addressed in the EIS. If other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake your own consultation with the relevant agencies, and address their requirements in the EIS.

When you lodge your DA for the proposal, you must provide:

- Three (two hard and one electronic) copies of the EIS to the Department;
- Two (one hard and one electronic) copies of the EIS directly to DECCW and NOW; and
- A cheque for \$250 to each integrated approval authority, to offset costs involved in the review of the DA and EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)*. This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of the Environment, Water, Heritage and the Arts in Canberra (6274 1111 or www.environment.gov.au).

Should the consent authority approve the proposal, then under section 44 of the *Mines Inspection Act 1901*, the owner or general manager of a mine or quarry must give notice to a Mines Inspector of the commencement (or continuation) of mining or quarrying operations. The Applicant should contact the Department of Industry and Investment's Mine Safety Operations Branch in their local area in regard to compliance with the *Mines Inspection Act 1901*.

If you have any enquiries about these requirements, please contact Carl Dumpleton.

Yours sincerely

David Kitto

Director

Mining & Industry Projects

as delegate for the Director-General

Director-General's Requirements

Clause 73 of the *Environmental Planning and Assessment Regulation 2000*

DGR Number	494
Proposal	Rosebrook Sand and Gravel Quarry
Location	104 Campbells Road, Maitland Vale, Maitland.
Applicant	Rosebrook Sand and Gravel Pty Ltd
Date of Expiry	May 2012
General Requirements (refer Clauses 71 and 72 of the <i>Environmental Planning and Assessment Regulation 2000</i>)	<p>The Environmental Impact Statement must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of the proposal, including: <ul style="list-style-type: none"> - the need for (objectives of) the development; - alternatives considered, including the consequences of not carrying out the development; - the development to be carried out; - likely staging of the proposal; and - detailed plans of the proposed rehabilitation of the site. • a risk assessment of the potential environmental impacts of the proposal, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> - a description of the existing environment, using sufficient baseline data; - any likely interactions between the proposed operations and existing/approved development and landuse in the area; - an assessment of the potential impacts of all stages of the proposal, including any cumulative impacts, taking into consideration any relevant policies, guidelines, plans and statutory provisions (see below); - a description of the measures that would be implemented to avoid, minimise, mitigate and (if necessary) offset the potential impacts of the proposal, including detailed contingency plans for managing any significant risks to the environment; - a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out; • a compilation (in a single section of the Environmental Impact Statement) of all the proposed environmental management and monitoring measures; • a detailed description of how the environmental performance of the proposal would be monitored and managed over time • a conclusion justifying the development on economic, social and environmental grounds, taking into consideration whether the proposal is consistent with the objects of the <i>Environmental Planning & Assessment Act 1979</i>; and • a signed declaration from the author of the Environmental Impact Statement, certifying that the information contained within the document is neither false nor misleading.
Key Issues	<ul style="list-style-type: none"> • surface and ground water – including a site water balance, assessment of impacts on surface water and groundwater resources, likely contaminants, water supply, stormwater management and wastewater management; • flooding – including scouring, channel change and site inundation; • soil – including erosion, sedimentation, soil contamination and impacts to agricultural land capability; • flora and fauna – particularly threatened species or populations or their habitats, ecologically endangered communities, and groundwater dependant ecosystems; • heritage – including Aboriginal and non-Aboriginal heritage;

	<ul style="list-style-type: none"> • noise – during construction and operation and from project related traffic including any potential impact on nearby private receptors; • air quality – including assessment of any potential impact on nearby private receptors; • waste management – including identification of the quantity and type of waste that would be handled/stored/disposed of at the quarry; • hazards and risks – including any storage of dangerous goods; • visual; • transport – including: <ul style="list-style-type: none"> - predictions of the road traffic that would be generated by the proposal and a detailed assessment of the potential impacts of this traffic on the safety and efficiency of road networks; and - a detailed description of any appropriate measures to be implemented to upgrade and/or maintain these networks over the life of the development; • rehabilitation – including: <ul style="list-style-type: none"> - a detailed description of the proposed measures that would be undertaken during quarry closure; - a detailed rehabilitation strategy, including justification for the proposed final land form and taking into consideration the objectives of any relevant strategic land use plans or policies; and - the measures that would be undertaken to ensure sufficient financial resources are available to implement the proposed rehabilitation strategy; • strategic planning; and • socio-economic.
Environmental Planning Instruments	<p>The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Infrastructure) 2007</i>; • <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>; • <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i>; • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i>; • <i>Lower Hunter Regional Strategy</i>; • <i>Maitland Local Environmental Plan 1993</i>; and • relevant development control plans and section 94 plans.
Guidelines	<p>The EIS must take into account relevant State Government policies and guidelines, in particular the National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC 2000), National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000), <i>New South Wales Groundwater Protection Policy</i>, the <i>Industrial Noise Policy</i> (EPA 2001), and <i>Soils and Construction: Managing Urban Stormwater</i> (Landcom 2004).</p> <p>During the preparation of the EIS you must consult the Department's EIS Guideline – Extractive Industries – Quarries. This guideline is available for purchase from the Department's Information Centre, 23-33 Bridge Street, Sydney or by calling 1300 305 695.</p>
Consultation	<p>During the preparation of the EIS, you should/must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult surrounding landowners and occupiers that are likely to be impacted by the proposal.</p> <p>Details of the consultations carried out and issues raised must be included in the EIS.</p>

Department of Planning

ATTACHMENT No. 1

STATUTORY REQUIREMENTS FOR THE PREPARATION
OF AN ENVIRONMENTAL IMPACT STATEMENT UNDER PART 4 OF
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In accordance with the *Environmental Planning and Assessment Act 1979* (the Act), an environmental impact statement (EIS) must meet the following requirements.

Content of EIS

Pursuant to Schedule 2 and clause 72 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), an EIS must include:

1. A summary of the environmental impact statement.
2. A statement of the objectives of the development or activity.
3. An analysis of any feasible alternatives to the carrying out of the development or activity, having regard to its objectives, including the consequences of not carrying out the development or activity.
4. An analysis of the development or activity, including:
 - (a) a full description of the development or activity; and
 - (b) a general description of the environment likely to be affected by the development or activity, together with a detailed description of those aspects of the environment that are likely to be significantly affected; and
 - (c) the likely impact on the environment of the development or activity, and
 - (d) a full description of the measures proposed to mitigate any adverse effects of the development or activity on the environment, and
 - (e) a list of any approvals that must be obtained under any Act or law before the development or activity may be lawfully carried out.
5. A compilation, (in a single section of the environmental impact statement) of the measures referred to in item 4(d).
6. The reasons justifying the carrying out of the development or activity in the manner proposed, having regard to biophysical, economic and social considerations, including the following principles of ecologically sustainable development:
 - (a) The precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
In the application of the precautionary principle, public and private decisions should be guided by:
 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
 - (b) Inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
 - (c) Conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
 - (d) Improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:
 - (i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

An environmental impact statement referred to in Section 78A(8) of the Act shall be prepared in written form. The prescribed form to accompany the environmental impact statement must comply with the requirements of clause 71 of the Regulation and be signed by the person who has prepared it.

Procedures for public exhibition of the EIS are set down in clauses 77 to 81 of the Regulation.

Attention is also drawn to clause 283 of the Regulation regarding false or misleading statements in EISs.

Note

If the development application to which the EIS relates is not made within 2 years from the date of issue of the Director-General's requirements, under clause 73(6) of the Regulation the proponent is required to reconsult with the Director-General.