**Industry Assessments**
Contact: Patrick Copas
Phone: (02) 9274 6273
Email: patrick.copas@planning.nsw.gov.au

Ms Robyn Tucker
Principal Consultant
Private Bag 260
HORSHAM VIC 3400

EF18/4366
SEAR 1217

Dear Ms Tucker

**Sow Piggery (Livestock intensive industries)**
**553 Dick Knobels Road, Munyabla (Lot 1 in DP 1211821 and Lot 1 in DP 373967)**
**Secretary's Environmental Assessment Requirements (SEAR) 1217**

Thank you for your request for the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I have attached a copy of these requirements.

In support of your application, you indicated that your proposal is both designated and integrated development under Part 4 of the *Environmental Planning and Assessment Act 1979* and requires an approval under the *Protection of the Environment Operations Act 1997*. In preparing the SEARs, the Department has consulted with the Environment Protection Authority. A copy of their requirements is attached.

The Department has also consulted with the Office of Environment and Heritage, the Department of Primary Industries and WaterNSW. A copy of their additional requirements for the EIS are attached.

If any other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake direct consultation with the relevant agencies, and address their requirements in the 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 and 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 Commonwealth Department of the Environment and Energy on (02) 6274 1111.

Should you have any further enquiries, please contact Patrick Copas, Planning Services, at the Department on the details above.

Yours sincerely

20.4.18

Nicholas Hall
**A/Director**
**Industry Assessments**
*as delegate of the Secretary*

# Environmental Assessment Requirements

**Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*.**

**Designated Development**

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| **SEAR Number** | 1217 |
| **Proposal** | Construction and operation of a 1,200-sow farrow-to-finish piggery and associated infrastructure. |
| **Location** | 553 Dick Knobels Road, Munyabla (Lot 1 in DP 1211821 and Lot 1 in DP 373967), in the Lockhart local government area. |
| **Applicant** | KBM |
| **Date of Issue** | 20 April 2018 |
| **General Requirements** | The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of *Environmental Planning and Assessment Regulation 2000.* |
| **Key Issues** | The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed:<br>• **strategic context** – including:<br>– a detailed justification for the proposal and suitability of the site for the development;<br>– a Land Use Conflict Risk Assessment prepared in accordance with relevant Department of Primary Industries guidelines;<br>– a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies; and<br>– a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.<br>• **waste management** – including:<br>– details of waste handling including, transport, identification, receipt, stockpiling and quality control including off-site reuse and disposal;<br>– detail of waste management including pig litter, manure and disposal of dead pigs for the proposal; and<br>– the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21.*<br>• **animal welfare, bio-security and disease management** – including:<br>– details of how the proposed development would comply with relevant codes of practice and guidelines, including the *Model Code of Practice for the Welfare of Animals Pig 3rd Edition – National Welfare Code for Pigs* and *Animal Welfare code of practice commercial pig production in NSW*;<br>– details of all disease control measures;<br>– a biosecurity (pests, weeds and disease) risk assessment and response plan; and<br>– a detailed description of the contingency measures that would be implemented for the mass disposal of livestock in the event of mass mortality events. |

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| | • **soil and water** – including:<br>  – a description of local soils, topography, drainage and landscapes;<br>  – details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the *Water Act 1912* and/or the *Water Management Act 2000*;<br>  – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment;<br>  – details of sediment and erosion controls;<br>  – a detailed site water balance;<br>  – a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan or water source embargo;<br>  – an assessment of potential impacts on the quality and quantity of surface and groundwater resources;<br>  – details of the proposed stormwater and wastewater management systems (including sewage and effluent), water monitoring program and other measures to mitigate surface and groundwater impacts;<br>  – an assessment detailing the application of wastewater/effluent and the suitability of soil for any wastewater/effluent irrigation; and<br>  – a description and appraisal of impact mitigation, management and monitoring measures.<br>• **air quality** – including:<br>  – a description of all potential sources of air and odour emissions, including dust;<br>  – an air quality impact assessment in accordance with relevant Environment Protection Authority guidelines; and<br>  – a description and appraisal of air quality mitigation, management and monitoring measures.<br>• **noise and vibration** – including:<br>  – a description of all potential noise and vibration sources during construction and operation, including road traffic noise;<br>  – a noise and vibration assessment in accordance with relevant Environment Protection Authority guidelines; and<br>  – a description and appraisal of noise and vibration mitigation, management and monitoring measures.<br>• **traffic and transport** – including:<br>  – details of road transport routes and access to the site;<br>  – road traffic predictions for the development during construction and operation; and<br>  – an assessment of impacts to the safety and function of the road network, including the details of any road upgrades required for the development and potential impacts to existing Crown roads.<br>• **biodiversity** – including:<br>  – accurate predictions of any vegetation clearing on site or for any road upgrades;<br>  – an assessment of the proposal in accordance with the *Biodiversity Assessment Method* (BAM) including an assessment of any potential impacts on any threatened species, populations, endangered ecological communities or their habitats and groundwater dependent ecosystems;<br>  – details of weed management during construction and operation in accordance with existing State, regional or local weed management plans or strategies; and<br>  – a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts.<br>• **heritage** – including an Aboriginal and non-Aboriginal cultural assessment in accordance with the relevant Office of Environment and Heritage guidelines.<br>• **visual** – including an impact assessment at private receptors and public vantage points. |

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| **Environmental Planning Instruments and other policies** | The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:<br>• *State Environmental Planning Policy (Infrastructure) 2007*;<br>• *State Environmental Planning Policy (Rural Lands) 2008*;<br>• *State Environmental Planning Policy No 30–Intensive Agriculture*;<br>• *State Environmental Planning Policy No 33–Hazardous and Offensive Development*;<br>• *State Environmental Planning Policy No 44–Koala Habitat Protection;*<br>• *State Environmental Planning Policy No 55–Remediation of Land*;<br>• *Lockhart Local Environmental Plan 2012*; and<br>• relevant development control plans and section 94 plans. |
| **Guidelines** | During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website at planning.nsw.gov.au under Development Proposals/Register of Development Assessment Guidelines. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development. |
| **Consultation** | During the preparation of the EIS, you 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 with the:<br>• Environment Protection Authority;<br>• Office of Environment and Heritage;<br>• Department of Primary Industries;<br>• Department of Industry;<br>• Roads and Maritime Services;<br>• WaterNSW;<br>• Rural Fire Service;<br>• Lockhart Shire Council; and<br>• the surrounding landowners and occupiers that are likely to be impacted by the proposal.<br>Details of the consultation carried out and issues raised must be included in the EIS. |
| **Further consultation after 2 years** | If you do not lodge an application under Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to any further requirements for lodgement. |

DOC18/151843-01

The Planning Officer
Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: patrick.copas@planning.nsw.gov.au

Dear Mr Copas

**Re SEAR 1217**

I refer to your electronic mail of 13 March 2018 to the Environment Protection Authority (EPA) seeking our requirements for the preparation of an Environmental Impact Statement (EIS) for the proposed 1200 sow farrow to finish piggery at 553 Dick Knobels Road Munyabla.

The specific issues that we consider to be critical to an assessment of the proposed development include odour and dust, water and waste water management, and composting of solid wastes. Details of our specific requirements and guidance documents are provided at Attachments A and B respectively.

To assist the EPA in assessing the EIS we request that the EIS follow the format of the former Department of Urban Affairs and Planning EIS Guideline for Piggeries.

We recommend that during the preparation of the EIS that the proponent consults with the EPA to ensure that the specific issues identified in the attachments are adequately addressed.

If you have any further enquiries about this matter please contact me by telephoning 02 6969 0700 or by electronic mail at riverina.farwest@epa.nsw.gov.au.

Yours sincerely

C. Bretherton 20.3.2018

**CRAIG BRETHERTON**
**Manager Regional Operations - Riverina Far West Region**
**Environment Protection Authority**

**Phone** +61 2 6969 0700 **Fax** +61 2 6969 0710 PO Box 397 Suite 7
**Phone** 131 555 **TTY** 133 677 Griffith 130-140 Banna Ave **www.epa.nsw.gov.au**
(from *outside* NSW) **ABN** 43 692 285 758 NSW 2680 Australia Griffith NSW **riverina.farwest@epa.nsw.gov.au**
2680 Australia

# ATTACHMENT A

## Potential environmental impacts of the project

1. The following potential environmental impacts of the project need to be assessed, quantified and reported on.

   - Air
   - Noise
   - Water
   - Land
   - Waste and chemicals.

   The Environmental Impact Statement (EIS) should address how the required environmental goals will be met for each potential impact.

2. Describe the management strategies for the treatment and processing/utilisation of all wastes proposed to be received at the facility.

3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified potential environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment.

   This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

## Potential impacts on air quality

The goals of the project in relation to air quality should include mitigation of air quality impacts such that potential impacts on sensitive receptors are minimised in accordance with the Environment Protection Authority (EPA) odour, particulate matter and deposited dust criteria.

The management and processing of all wastes should be clearly outlined in the assessment. This should include details of the treatment, storage and utilisation of all wastes to minimise the generation of odours from the facility.

Dust is also a concern with potential emissions including but not necessarily limited to construction, traffic movements, open exposed areas, material processing and handling, transfer points, and loading facilities. Details will need to be provided on the proposed measures to manage dust from these activities and their anticipated performance.

EPA expects that an assessment for odour and dust be undertaken in accordance with the *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (DECC, 2005) and the *Assessment and Management of Odour from Stationary Sources in New South Wales* (DECC, 2006). All potentially impacted residential or sensitive premises likely to be impacted by the development must be identified and included in the assessment. This assessment in conjunction with analysis of local meteorologic and terrain data should be sufficient to inform decisions about design and management options for the proposed development.

The EIS should identify any other existing impacts on air quality within the area and if necessary provide an assessment and commentary on the predicted cumulative impacts that may arise.

## Potential impacts of noise

The goals of the project should include design, construction, operation and maintenance of the facility in accordance with relevant EPA policy, guidelines and criteria, and in order to minimise potential impacts from noise.

EPA expects that potential noise sources are assessed in accordance with the *Noise Policy for Industry* (EPA 2017), and where required mitigation measures are proposed (eg appropriate equipment chosen to minimise noise levels). All residential or noise sensitive premises likely to be impacted by the development must be identified and included in the assessment.

The proposed development may result in an increase in traffic movements associated with the transport of livestock and feed. The number of traffic movements associated with the proposal should be quantified and the potential noise impacts associated with these traffic movements need to be assessed in accordance with the *NSW Road Noise Policy* (DECCW, 2011).

## Potential impacts on water quantity and quality

The goals of the project should include the following.

- No pollution of waters (including surface and groundwater), except to the extent authorised by EPA (ie in accordance with an Environment Protection Licence);
- Polluted water (including effluent, process waters, wash down waters, polluted stormwater or sewage) is captured on the site and collected, treated and beneficially reused, where this is safe and practicable to do so;
- It is undertaken in accordance with best management practices such as the Effluent Management Guidelines for Intensive Piggeries in Australia (ANZECC, 1999); and
- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The EIS should document the measures that will achieve the above goals.

Details of the site drainage and any natural or artificial waters within or adjacent to the development must be identified and where applicable measures proposed to mitigate potential impacts of the development on these waters.

A characterisation of potential water pollutants at the site should also be undertaken including the identification of any proposed water pollution controls and their performance. This should include details of the design and location of the manure composting sites as well as wastewater and effluent management controls.

The EIS should provide details of any water management systems for the site to ensure surface and ground waters are protected from contaminants. This should include an assessment of the following.

- Effluent storage and treatment measures, including the design storage capacity and overflow frequency of each wastewater storage pond;
- Effluent and sludge disposal measures, including sufficient detail to demonstrate sustainable irrigation and sludge disposal practices consistent with the *Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004),*
- Measures to monitor effluent irrigation sustainability consistent with the *Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004)*, including an assessment of any effluent irrigation areas to determine soil capacity to accommodate hydraulic and nutrient loads;
- Details of management practices the proponent will implement on effluent areas, (eg effluent application rates, cropping regimes) to maintain sustainable hydraulic and nutrient loads; and
- Surface and groundwater conditions that may potentially be impacted by piggery operations and any proposed environmental monitoring measures that the proponent will implement to monitor the receiving environment.

## Potential impacts on land

The goals of the project should include the following.

- No pollution of land, except to the extent authorised by EPA (ie in accordance with an Environment Protection Licence); and
- The potential impact of land erosion from the development is mitigated.

The EIS should document the measures that will achieve the above goals.

## Waste

The goals of the project should include the following.

- It is in accordance with the principles of the waste hierarchy and cleaner production;
- Where potential impacts associated with the handling, processing and storage of all waste materials generated at the premises are identified, these be satisfactorily mitigated;
- The beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so; and
- No waste disposal occurs on site except in accordance with an Environment Protection Licence.

The goal of the project should be to ensure that environmental risks from manure composting are minimised. The EIS needs to identify the proposed type, quantity and location of wastes to be stored and/or processed at the site.

Spill management measures, including items such as bunding, and emergency procedures should be clearly outlined.

## ATTACHMENT B

| Title | Web address |
|---|---|
| **Relevant Legislation** | |
| Environmentally Hazardous Chemicals Act 1985 | http://www.legislation.nsw.gov.au/maintop/view/inforce/act+14+1985+cd+0+N |
| Environmental Planning and Assessment Act 1979 | http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+O+N |
| Protection of the Environment Operations Act 1997 | http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+O+N |
| **Licensing** | |
| Guide to Licensing | http://www.epa.nsw.gov.au/licensing/licenceguide.htm |
| **Air Issues** | |
| Approved methods for modelling and assessment of air pollutants in NSW (2005) | http://www.environment.nsw.gov.au/resources/air/ammodelling053 61 .pdf |
| Assessment and management of odour from stationary sources in NSW (DEC, 2006) | Technical framework: http://www.environment.nsw.gov.au/resources/air/20060440framework.pdf<br>Technical notes: http://www.environment.nsw.gov.au/resources/air/20060441notes. pdf |
| POEO (Clean Air) Regulation 2010 | http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+O+N |
| **Noise and Vibration** | |
| Construction Noise Guideline (DECC, 2009) | http://www.epa.nsw.gov.au/noise/constructnoise.htm |
| Noise Policy for Industry (EPA, 2017) | http://www.epa.nsw.gov.au/your-environment/noise/industrialnoise/nsw-industrial-noise-policy |
| A guide to the Noise Policy for Industry (EPA, 2017) | http://www.epa.nsw.gov.au/publications/noise/17p0543-guide-tonoise-policy-for-industry |
| NSW Road Noise Policy (DECCW, 2011) | http://www.epa.nsw.gov.au/noise/traffic.htm |
| Road Noise Policy Application Notes | http://www.epa.nsw.gov.au/noise/roadnoiseappnotes.htm |

| Waste | |
|---|---|
| Waste Classification Guidelines (EPA, 2014) | http://www.epa.nsw.gov.au/resources/wasteregulation/140796classify-waste.pdf |
| Resource recovery orders and exemptions | http://www.epa.nsw.gov.au/wasteregulation/recoveryexemptions.htm |
| **Soils** | |
| Soil and Landscape Issues in Environmental Impact Assessment (DLWC 2000) | Available for purchase at http://www.shop.nsw.gov.au/pubdetails.jsp?publication=839 |
| Managing urban stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC 2008) | Vol land 2http://www.environment.nsw.gov.au/stormwater/publications.htm |
| **Water** | |
| Water Quality Objectives | http://www.environment.nsw.gov.au/ieo/index.htm |
| Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004) | http://www.environment.nsw.gov.au/resources/water/effguide.pdf |
| ANZECC (2000) Guidelines for Fresh and Marine Water Quality | http://www.environment.gov.au/water/policy-programs/nwqms / |
| Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004) | http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf |
| NSW Groundwater Quality Protection Policy (DLWC, 1998) | http://www.water.nsw.gov.au/Water-Management/Waterquality/Groundwater/Groundwater/default.aspx |
| NSW Water Quality and River Flow Objectives (DEC 2006) | http://environment.nsw.gov.au/ieo/catchlist.htm |
| Managing Urban Stormwater: Soils and Construction — Volume 2C Unsealed roads | http://www.environment.nsw.gov.au/stormwater/publications.htm |

PO Box 453, Deniliquin NSW 2710
8-20 Edwardes Street
Deniliquin, NSW 2710
www.waternsw.com.au
ABN 21 147 934 787

Monday, 19 March 2018

Executive Director
Planning Services
Department of Planning and Environment
PO Box 39
Sydney NSW 2000

Contact: Simone Tonkin
Phone: 03 5898 3936
Email :simone.tonkin@waternsw.com.au
Our ref: D2018/28195
19th March 2018

Attn: Patrick Copas

Dear Mr Copas,

**Re: SEARs ID No.1217 – Proposed Sow Piggery, 553 Dick Knobels Road, Munyabla, Lockhart.**

WaterNSW has reviewed the supporting documentation accompanying the request for Secretary's Environmental Assessment Requirements (SEARs) and provides the following comments below, and further detail in **Attachment A**.

It is recommended that the EIS be required to include:

**Access to surface and groundwater resources**

- Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.
- Assessment of any volumetric water licensing requirements (including those for ongoing water take following completion of the project).
- Assessment of the impact and approvals (Works and Use Approvals under the WMA 2000) required for the taking or storage of water.
- The identification of an adequate and secure water supply for the life of the project. Confirmation that water can be sourced from an appropriately authorised and reliable supply. This is to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.

**Impact on surface and groundwater resources**

- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Full technical details and data of all surface and groundwater modelling.
- Proposed surface and groundwater monitoring activities and methodologies.
- Proposed management and disposal of produced or incidental water

**Flooding**

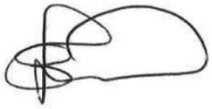
WaterNSW is responsible for the management and licensing of flood work approvals.

If the proposal is for an earthwork, embankment or levee, wherever situated or proposed to be constructed that is reasonably likely to affect the flow of water to or from a river or lake then the assessment is required to address potential impacts detailed further in attachment A.

It is noted that the current work approval for Lot 1 DP 1211821 (40WA417210) is for a Basic Land Rights Bore for Stock and Domestic purposes. The development would be required to apply to amend the current work approval. The developer would also be required to apply for a Water Access Licence and water would need to be purchased from within the water source to supply the development.

Please direct any questions or correspondence to **Simone Tonkin at simone.tonkin@waternsw.com.au**.

Yours sincerely



**Simone Tonkin**
**Water Regulation Officer**
**Customer and Community**
**WaterNSW**

**ATTACHMENT A**

## WaterNSW General Assessment Requirements

The following detailed assessment requirements are provided to assist in adequately addressing the assessment requirements for this proposal.

For further information visit the website, www.water.nsw.gov.au

### Key Relevant Legislative Instruments

This section provides a basic summary to aid proponents in the development of an Environmental Impact Statement (EIS), and should not be considered a complete list or comprehensive summary of relevant legislative instruments that may apply to the regulation of water resources for a project.

The EIS should take into account the objects and regulatory requirements of the *Water Management Act 2000* (WMA 2000), and associated regulations and instruments, as applicable.

*Water Management Act 2000 (WMA 2000)*
Key points:

- Volumetric licensing in areas covered by water sharing plans
- Works within 40m of waterfront land
- SSD & SSI projects are exempt from requiring water supply work approvals and controlled activity approvals as a result of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*.
- No exemptions for volumetric licensing apply as a result of the *EP&A Act*.
- Basic landholder rights, including harvestable rights dams
- Aquifer interference activity approval and flood management work approval provisions have not yet commenced and are regulated by the *Water Act 1912*
- Maximum penalties of $2.2 million plus $264,000 for each day an offence continues apply under the *WMA 2000*

*Water Management (General) Regulation 2011*
Key points:

- Provides various exemptions for volumetric licensing and activity approvals
- Provides further detail on requirements for dealings and applications.

*Water Sharing Plans* – these are considered regulations under the *WMA 2000*

*Access Licence Dealing Principles Order 2004*

*Harvestable Rights Orders*

### Water Sharing Plans

It is important that the proponent understands and describes the ground and surface water sharing plans, water sources, and management zones that apply to the project. The relevant water sharing plans can be determined spatially at www.ourwater.nsw.gov.au. Multiple water sharing plans may apply and these must all be described.

The EIS is required to:

- Demonstrate how the proposal is consistent with the relevant rules of the Water Sharing Plan including rules for access licences, distance restrictions for water supply works and rules for the management of local impacts in respect of surface water and groundwater sources, ecosystem protection (including groundwater dependent ecosystems), water quality and surface-groundwater connectivity.

- Provide a description of any site water use (amount of water to be taken from each water source) and management including all sediment dams, clear water diversion structures with detail on the location, design specifications and storage capacities for all the existing and proposed water management structures.
- Provide an analysis of the proposed water supply arrangements against the rules for access licences and other applicable requirements of any relevant WSP, including:
    - Sufficient market depth to acquire the necessary entitlements for each water source.
    - Ability to carry out a "dealing" to transfer the water to relevant location under the rules of the WSP.
    - Daily and long-term access rules.
    - Account management and carryover provisions.
- Provide a detailed and consolidated site water balance.
- Further detail on licensing requirements is provided below.

**Relevant Policies and Guidelines**

The EIS should take into account the following policies (as applicable):

- NSW Guidelines for Controlled Activities on Waterfront Land (NOW, 2012)
- NSW Aquifer Interference Policy (NOW, 2012)
- Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW, 2012)
- Australian Groundwater Modelling Guidelines (NWC, 2012)
- NSW State Rivers and Estuary Policy (1993)
- NSW Wetlands Policy (2010)
- NSW State Groundwater Policy Framework Document (1997)
- NSW State Groundwater Quality Protection Policy (1998)
- NSW State Groundwater Dependent Ecosystems Policy (2002)
- NSW Water Extraction Monitoring Policy (2007)

Policies can be accessed at the following links:
http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/default.aspx
http://www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/default.aspx

An assessment framework for the NSW Aquifer Interference Policy can be found online at: http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference.

**Licensing Considerations**

The EIS is required to provide:

- Identification of water requirements for the life of the project in terms of both volume and timing (including predictions of potential ongoing groundwater take following the cessation of operations at the site – such as evaporative loss from open voids or inflows).
- Details of the water supply source(s) for the proposal including any proposed surface water and groundwater extraction from each water source as defined in the relevant Water Sharing Plan/s and all water supply works to take water.
- Explanation of how the required water entitlements will be obtained (i.e. through a new or existing licence/s, trading on the water market, controlled allocations etc.).

- Information on the purpose, location, construction and expected annual extraction volumes including details on all existing and proposed water supply works which take surface water, (pumps, dams, diversions, etc).
- Details on all bores and excavations for the purpose of investigation, extraction, dewatering, testing and monitoring. All predicted groundwater take must be accounted for through adequate licensing.
- Details on existing dams/storages (including the date of construction, location, purpose, size and capacity) and any proposal to change the purpose of existing dams/storages
- Details on the location, purpose, size and capacity of any new proposed dams/storages.
- Applicability of any exemptions under the *Water Management (General) Regulation 2011* to the project.

Water allocation account management rules, total daily extraction limits and rules governing environmental protection and access licence dealings also need to be considered.

The Harvestable Right gives landholders the right to capture and use for any purpose 10 % of the average annual runoff from their property. The Harvestable Right has been defined in terms of an equivalent dam capacity called the Maximum Harvestable Right Dam Capacity (MHRDC). The MHRDC is determined by the area of the property (in hectares) and a site-specific run-off factor. The MHRDC includes the capacity of all existing dams on the property that do not have a current water licence. Storages capturing up to the harvestable right capacity are not required to be licensed but any capacity of the total of all storages/dams on the property greater than the MHRDC may require a licence.

For more information on Harvestable Right dams, including a calculator, visit: http://www.water.nsw.gov.au/Water-licensing/Basic-water-rights/Harvesting-runoff/Harvesting-runoff

**Dam Safety**

Where new or modified dams are proposed, or where new development will occur below an existing dam, the NSW Dams Safety Committee should be consulted in relation to any safety issues that may arise. Conditions of approval may be recommended to ensure safety in relation to any new or existing dams.

See www.damsafety.nsw.gov.au for further information.

**Surface Water Assessment**

The predictive assessment of the impact of the proposed project on surface water sources should include the following:

- Identification of all surface water features including watercourses, wetlands and floodplains transected by or adjacent to the proposed project.
- Identification of all surface water sources as described by the relevant water sharing plan.
- Detailed description of dependent ecosystems and existing surface water users within the area, including basic landholder rights to water and adjacent/downstream licensed water users.
- Description of all works and surface infrastructure that will intercept, store, convey, or otherwise interact with surface water resources.
- Assessment of predicted impacts on the following:
    - flow of surface water, sediment movement, channel stability, and hydraulic regime,

- water quality,
- flood regime,
- dependent ecosystems,
- existing surface water users, and
- planned environmental water and water sharing arrangements prescribed in the relevant water sharing plans.

**Flooding**

If the proposal is for an earthwork, embankment or levee, wherever situated or proposed to be constructed that is reasonably likely to affect the flow of water to or from a river or lake then the assessment is required to address potential impacts detailed below;

- the contents of any relevant floodplain management plan or any other relevant Government policy,
- the need to maintain the natural flood regimes in wetlands and related ecosystems and the preservation of any habitat, animals (including fish) or plants that benefit from periodic flooding,
- the effect or likely effect on water flows in downstream river sections,
- any geographical features, or other matters, of Aboriginal interest that may be affected by a controlled work,
- the effect or likely effect of a controlled work on the passage, flow and distribution of any flood waters,
- the effect or likely effect of a controlled work on existing dominant flood ways or exits from flood ways, rates of flow, flood water levels and the duration of inundation,
  the protection of the environment

**Groundwater Assessment**

To ensure the sustainable and integrated management of groundwater sources, the EIS needs to include adequate details to assess the impact of the project on all groundwater sources including:

- Works likely to intercept, connect with or infiltrate the groundwater sources.
- Any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
- Bore construction information is to be supplied to DPI Water by submitting a “Form A” template. DPI Water will supply “GW” registration numbers (and licence/approval numbers if required) which must be used as consistent and unique bore identifiers for all future reporting.
- A description of the water table and groundwater pressure configuration, flow directions and rates and physical and chemical characteristics of the groundwater source (including connectivity with other groundwater and surface water sources).
- Sufficient baseline monitoring for groundwater quantity and quality for all aquifers and GDEs to establish a baseline incorporating typical temporal and spatial variations.
- The predicted impacts of any final landform on the groundwater regime.
- The existing groundwater users within the area (including the environment), any potential impacts on these users and safeguard measures to mitigate impacts.
- An assessment of groundwater quality, its beneficial use classification and prediction of any impacts on groundwater quality.

- An assessment of the potential for groundwater contamination (considering both the impacts of the proposal on groundwater contamination and the impacts of contamination on the proposal).
- Measures proposed to protect groundwater quality, both in the short and long term.
- Measures for preventing groundwater pollution so that remediation is not required.
- Protective measures for any groundwater dependent ecosystems (GDEs).
- Proposed methods of the disposal of waste water and approval from the relevant authority.
- The results of any models or predictive tools used.

Where potential impact/s are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users, including information on:

- Any proposed monitoring programs, including water levels and quality data.
- Reporting procedures for any monitoring program including mechanism for transfer of information.
- An assessment of any groundwater source/aquifer that may be sterilised from future use as a water supply as a consequence of the proposal.
- Identification of any nominal thresholds as to the level of impact beyond which remedial measures or contingency plans would be initiated (this may entail water level triggers or a beneficial use category).
- Description of the remedial measures or contingency plans proposed.
- Any funding assurances covering the anticipated post development maintenance cost, for example on-going groundwater monitoring for the nominated period.

**Groundwater Dependent Ecosystems**

The EIS must consider the potential impacts on any Groundwater Dependent Ecosystems (GDEs) at the site and in the vicinity of the site and:

- Identify any potential impacts on GDEs as a result of the proposal including:
  - the effect of the proposal on the recharge to groundwater systems;
  - the potential to adversely affect the water quality of the underlying groundwater system and adjoining groundwater systems in hydraulic connections; and
  - the effect on the function of GDEs (habitat, groundwater levels, connectivity).
- Provide safeguard measures for any GDEs.

**Watercourses, Wetlands and Riparian Land**

The EIS should address the potential impacts of the project on all watercourses likely to be affected by the project, existing riparian vegetation and the rehabilitation of riparian land. It is recommended the EIS provides details on all watercourses potentially affected by the proposal, including:

- Scaled plans showing the location of:
  - wetlands/swamps, watercourses and top of bank;
  - riparian corridor widths to be established along the creeks;
  - existing riparian vegetation surrounding the watercourses (identify any areas to be protected and any riparian vegetation proposed to be removed);

  - the site boundary, the footprint of the proposal in relation to the watercourses and riparian areas; and
  - proposed location of any asset protection zones.
- Photographs of the watercourses/wetlands and a map showing the point from which the photos were taken.
- A detailed description of all potential impacts on the watercourses/riparian land.
- A detailed description of all potential impacts on the wetlands, including potential impacts to the wetlands hydrologic regime; groundwater recharge; habitat and any species that depend on the wetlands.
- A description of the design features and measures to be incorporated to mitigate potential impacts.
- Geomorphic and hydrological assessment of water courses including details of stream order (Strahler System), river style and energy regimes both in channel and on adjacent floodplains.
- Works on waterfront land may be subject to Controlled Activity Approval (CAA) under the *Water Management Act 2000. This is managed by DPI Water.* Further information can be obtained from the DPI Water's website:
  www.water.nsw.gov.au Water licensing › Approvals › Controlled activities

**Drill Pad, Well and Access Road Construction**

- Any construction activity within 40m of a watercourse, should be designed by a suitably qualified person, consistent with the NSW *Guidelines for Controlled Activities on Waterfront Land* (July 2012).
- Construction of all wells must be undertaken in accordance with the *Minimum Construction Requirements for Water Bores in Australia* (3rd edition 2012) by a driller holding a bore drillers' licence valid in New South Wales.
- The length of time that a core hole is maintained as an open hole should be minimised.

**Landform rehabilitation (including final void management)**

Where significant modification to landform is proposed, the EIS must include:

- Justification of the proposed final landform with regard to its impact on local and regional surface and groundwater systems;
- A detailed description of how the site would be progressively rehabilitated and integrated into the surrounding landscape;
- Outline of proposed construction and restoration of topography and surface drainage features if affected by the project;
- Detailed modelling of potential groundwater volume, flow and quality impacts of the presence of an inundated final void (where relevant) on identified receptors specifically considering those environmental systems that are likely to be groundwater dependent;
- An outline of the measures to be put in place to ensure that sufficient resources are available to implement the proposed rehabilitation; and
- The measures that would be established for the long-term protection of local and regional aquifer systems and for the ongoing management of the site following the cessation of the project.

**Consultation and general enquiries**
General licensing enquiries can be made to Advisory Services:
water.enquiries@waternsw.com.au, 1800 353 104.

Assessment or state significant development enquiries, or requests for review or consultation should be directed to the Strategic Stakeholder Liaison Unit, water.referrals@dpi.nsw.gov.au.

A consultation guideline and further information is available online at:
www.water.nsw.gov.au/water-management/law-and-policy/planning-and-assessment

**End Attachment A**

Department of Primary Industries

OUT18/5274

26 March 2018

Patrick Copas
Student Planner
Industry Assessments
GPO Box 39
Sydney NSW 2001

patrick.copas@planning.nsw.gov.au

Dear Mr Copas

**SEAR's Request: SEAR 1217 Sow Piggery 553 Dick Knobels Road, Munyabla, Lockhart LGA**

Thank you for the opportunity to provide Secretary Environmental Assessment Requirements (SEAR) for the above proposal as per your correspondence dated 13 March 2018.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to ensure that piggery developments are designed and operated to meet industry standards, and associated codes of practice. The Department is also committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

NSW DPI Agriculture provides SEARs (Attachment A) and a range of publications to assist consent authorities, community and proponents in addressing the recommended SEARs (Attachment B).

Should you require clarification on any of the information contained in this response, please contact Agricultural Land Use Planner, Dr Alex Wells on (02) 6640 1673.

Yours sincerely

**Alex Wells**
**Agricultural Land Use Planner**

Attachment A: SEARs Recommendations

| Issue and desired outcome | Detail / Requirement |
|---|---|
| **Site Suitable for development** | • Determine if site is permissible in accordance with the Council Land and Environment Plan (LEP) and land zone.<br>• Determine whether the size of the site is adequate for the sheds and feed silos, any amenity buildings, storage sheds, internal roads, litter composting and stockpile areas, dead pig management and storage areas and mitigation measures for odour, dust and noise impacts and general amenity. Issues such as topography and drainage can impact on the ability of a site to accommodate the farm and should be considered.<br>• Refer Best Practice management guideline for rotational outdoor piggeries APL publication.<br>• Complete a Landuse Conflict Risk Assessment (LUCRA) to identify potential landuse conflict, in particular relating to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide.<br>• Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors. |
| **Consideration for impacts to agricultural resources and land** | • Describe the current and potential *Important Agriculture Land* on the proposed development site and surrounding locality.<br>• Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated.<br>• Consider possible cumulative effects to agricultural enterprises and landholders. |
| **Appropriate and secure power supply** | • Power supply is to be reliable, adequate and sufficient for farm requirements. This includes access to 3 phase power, back up arrangements in the event of power failure and sufficient power for potential future farm expansion. |
| **Bushfire risk identified and managed** | • Risk assessment level and mitigation plan developed to address bush fire risk. |
| **Suitable and secure water supply** | • Estimated water demand and water availability should be clearly outlined in the proposal. Water supply is to be adequate, suitable and reliable for drinking, shed cooling, shed clean out, bush fire management and other facilities such as rest rooms, landscaping requirements etc.<br>• Daily Water requirements met as determined from the Model Code of Practice for the Welfare of Animals – Pigs 3rd edition Appendix 2. NSW DPI recommends backup of at least 2 days total water requirement in case of breakdown or loss of supply with a stronger preference for a weeks supply<br>• The source of water and any sanitisation methods to be detailed in the application. |
| **Surface & Groundwater protected** | • Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession.<br>• The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil profile and increase the risk of leaching. A monitoring program should be developed. |

| Issue and desired outcome | Detail / Requirement |
|---|---|
| **Biosecurity Standards met** | • Include a biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks as per guidelines in Attachment 2.<br>• Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures as described in the appropriate APIQ Standards Manual. Including monitoring and mitigation measures in weed and pest management plans.<br>• Dead animals must be effectively stored, handled and recycled or disposed of in a lawful manner that protects environmental values and biosecurity. Details of dead animal management and disposal must be fully detailed. If onsite disposal is proposed the management facility and operations must be fully documented.<br>• Adequate fencing to keep pigs in and feral pigs out.<br>• Refer to the National Farm Biosecurity Manual for Pork production. |
| **Effluent and spent litter disposal handled appropriately** | • Effluent and spent litter must be effectively stored, handled and recycled or disposed of in a lawful manner that protects environmental values and biosecurity.<br>• Any reuse areas should be appropriately designed on the basis of a nutrient budget that considers proposed annual volumes and nutrient loads, soil types, current soil nutrient levels and pasture use rates via a reuse management plan.<br>• Refer to the Piggery Manure and Effluent Management and Reuse Guidelines |
| **Animal welfare compliance met** | • Sheds and any range areas should be located, designed and managed to meet animal welfare standards and Best Practice Management as outlined in the guidelines in Attachment 2.<br>• Refer to the Model Code of Practice for the Welfare of Animals Pigs 3rd Edition – national welfare code for pigs.<br>• Refer Animal Welfare code of practice commercial pig production for NSW state legislation – based on the national code with some aspects passed as law. |
| **Suitable traffic movements** | • Traffic movements (internal and public roads) should be suitable to provide all weather vehicle access to a suitable standard to accommodate the anticipated types and numbers of vehicles.<br>• Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). |
| **Visual amenity achieved** | • Amenity impacts are assessed and any necessary response to mitigate visual impacts is described and illustrated. |
| **Adequate consultation with community** | • Consult with relevant agencies such as on the design, construction and operation of the proposed infrastructure.<br>• Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation.<br>• Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues. |
| **Contingency and Environmental Management Plan developed** | • Contingency plans should be developed to enable the operation to deal with emergency situations. Commitment to the preparation of an Emergency Management plan that outlines procedures and responsibilities for responding to bushfire threats and possible mass mortality events which might result from extreme climatic conditions, routine or emergency animal disease outbreaks. |

Attachment B: Guidelines for assessment

| Title | Location |
|---|---|
| Land Use Conflict Risk Assessment Guide | www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra |
| Model Code of practice for the welfare of animals – Pigs 3rd Edition | http://www.publish.csiro.au/book/5698/ |
| Animal welfare code of practice – commercial pig production | http://www.dpi.nsw.gov.au/content/agriculture/livestock/animal-welfare/codes/commercial-pig-production |
| APIQ Standards Manual | http://www.apiq.com.au/index.php?option=com_content&view=article&id=79&Itemid=97 |
| National Environmental Guidelines for piggeries 2nd edition revised 2010 | http://australianpork.com.au/wp-content/uploads/2013/10/National-Environmental-Guidelines-for-Piggeries.pdf |
| | |
| Environmental Risk Assessment | http://australianpork.com.au/wp-content/uploads/2013/10/NEGP-Risk-Assessment.pdf |
| Electronic environmental management plan templates for indoor and outdoor piggeries | http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/ |
| Nutrient Balance calculators for indoor and outdoor piggeries | http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/ |
| Piggery manure and effluent management and reuse guidelines (also a glove box guide) | http://australianpork.com.au/wp-content/uploads/2013/10/PMEG_2014_14_lr.pdf |
| BMP Guidelines Odour | http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/ |
| BMP Guidelines energy use | http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/ |
| BMP design guidelines for anaerobic ponds | http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/ |
| | |
| BMP guidelines for SEPS Sedimentation and evaporation ponds | http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/ |
| | |
| | |
| Renewable energy – Biogas code of practice and other fact sheets | http://australianpork.com.au/industry-focus/environment/renewable-energy-biogas/ |

## Patrick Copas

**From:** Luke Pearce <luke.pearce@dpi.nsw.gov.au>
**Sent:** Friday, 16 March 2018 10:25 AM
**To:** Patrick Copas
**Subject:** HPE CM: FW: Request for Input: Sow Piggery (Livestock intensive industries) – 553 Dick Knobels Road, Munyabla, Lockhart LGA (Lot 1 DP 1211821 & Lot 1 DP 373967) – SEAR 1217

**Categories:** No Comment, SEAR Response

Hi Patrick,

Nil comment from DPI Fisheries regarding this development.

Regards

Luke

--
Luke Pearce | Fisheries Manager | Aquatic Ecosystems
NSW Department of Primary Industries | Unit 5,620 Macauley St | Albury NSW 2640
T: 02 6051 7768 M: 0428227464 | E: luke.pearce@dpi.nsw.gov.au
W: www.dpi.nsw.gov.au

Contact: Tim Baker
Phone: 02 6841 7403
Email : Tim.Baker@dpi.nsw.gov.au

Our ref: V18/314#24
File No:
Your Ref: SEARs 1217

27 March 2018

Planning & Environment
Planning Officer
Industry Assessments
GPO Box 39
SYDNEY NSW 2001

Attn: Patrick Copas

Patrick.copas@planning.nsw.gov.au

Dear Patrick

**Re: Sow Piggery (Livestock intensive industries) 553 Dick Knobels Road, Munyabla, Lockhart LGA – Secretary Environmental Assessment Requirements ID No. 1217 - Designated Development**

Thank you for your email of 13 March 2018 seeking Secretary Environmental Assessment Requirements (SEARs) for the above development. DoI Water has reviewed the supporting documentation accompanying the request for SEARs and recommends the EIS be required to include the following.

- Assessment of impacts on groundwater and surface water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.
- Details of licensing requirements under the *Water Management Act 2000* or the *Water Act 1912*; and consideration of current relevant policies and guidelines.
- Full technical details and data of groundwater modelling.
- Proposed management and disposal of effluent.
- A statement of where each element of the SEARs is addressed in the EIS in the form of a table.
- Proposed surface water and groundwater monitoring activities and methodologies.

***N.B.*** DoI Water has determined that the applicant will be a WaterNSW customer in relation to water supply for the project under the *Water Management Act 2000*. It has been identified that approval 40WA417210 referred to in the preliminary information is currently not authorised to supply water for the piggery. Further licensing will be required in consultation with WaterNSW. If works are to be on waterfront land (ie. within 40m of

the banks of a watercourse) DoI Water will be the relevant authority to provide comment and an approval will be required under the *Water Management Act 2000*.

For further information please contact me on **t:** (02) 6841 7403; **e:** tim.baker@dpi.nsw.gov.au

Yours sincerely

**Tim Baker**
**Senior Water Regulation Officer**
**Land and Water**
**Department of Industry**

## Patrick Copas

**From:** kirstyn.goulding@crownland.nsw.gov.au on behalf of Lands Ministerials <lands.ministerials@industry.nsw.gov.au>
**Sent:** Thursday, 22 March 2018 7:52 AM
**To:** Patrick Copas
**Subject:** Request for Input: Sow Piggery (Livestock intensive industries) – 553 Dick Knobels Road, Munyabla, Lockhart LGA (Lot 1 DP 1211821 & Lot 1 DP 373967) – SEAR 1217

**Categories:** Agency Response, SEAR Response

Hi Patrick

A Crown Road has been identified in close proximity to the proposal. This Crown road is not identified in the proposal as being impacted by the development. However, if the proponents wish to use the Crown Road located to the south of the property for access, it is recommended that:

1) That the proponents close and purchase the road, or
2) That the road be transferred to council

Thank you
Kirstyn

Lands Ministerial Unit
NSW Department of Industry - Crown Lands
Level 4, 437 Hunter Street, NEWCASTLE NSW 2300
E: lands.ministerials@industry.nsw.gov.au W: www.industry.nsw.gov.au

Please contact Kirstyn Goulding on (02) 4920 5058 for any inquiries

Office of Environment & Heritage

| | |
|---|---|
| Your reference: | SEAR 1217 |
| Our reference: | DOC18-152372 |
| Contact: | Simon Stirrat |
| Phone: | (03) 5051 6218 |
| Date: | 27 March 2018 |

Patrick Copas
Planning Officer – Industry Assessment
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Via email: patrick.copas@planning.nsw.gov.au

Dear Mr Copas

**RE: Request for Input into Secretary's Environmental Assessment Requirements Sow piggery (livestock intensive industries) – 553 Dick Knobels Road, Munyabla (Lot 1 DP 1211821 & Lot 1 DP 373967) - SEAR 1217**

I refer to your email dated 13 March 2018 to the Office of Environment and Heritage (OEH) seeking input into the Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above designated development. This response is in regard to statutory matters relating to application of the *National Parks and Wildlife Act 1974* and the *Biodiversity Conservation Act 2016.*

OEH has reviewed the available supporting documentation and provides SEARs for the proposed development in **Attachment A** and guidance material in **Attachment B**. The assessment must include all ancillary infrastructure, such as transmission lines, parking facilities, equipment sheds and new vehicle tracks. The EIS should also include Rural Fire Service requirements for asset protection.

The EIS should fully describe the proposal, the existing environment and impacts of the development including the location and extent of all proposed works that may impact on Aboriginal cultural heritage (ACH), biodiversity values and floodplain management. The scale and intensity of the proposed development should dictate the level of investigation. It is important that all conclusions are supported by adequate data.

OEH recommends that the EIS appropriately address the following:

1. **Biodiversity and offsetting**
2. **Aboriginal cultural heritage**
3. **Cumulative impact.**

Please note that the *Biodiversity Conservation Act 2016* (BC Act) commenced in August 2017 and that all proposals must now be assessed in accordance with this legislation. An application for a development consent must be accompanied by a Biodiversity Development Assessment Report (BDAR) if a project will significantly affect threatened species or communities. Proponents should use the Biodiversity Offsets Scheme Entry Threshold Tool or carry out an Assessment of Significance to determine if a BDAR is required. The Biodiversity Assessment Method (BAM - www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf) must be used by a proponent to assess all biodiversity values on the development site. The avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts must be addressed in the EIS. A range of options are now available to offset the impacts of the proposal, as identified in **Attachment A**.

The proposed development is in a cropping area and may involve the clearing of paddock trees. The EIS should describe all native vegetation and threatened species habitat on site and provide details of the potential impacts of the project on these values. The biodiversity impacts should be

PO Box 1040 Albury NSW 2640
Second Floor, Government Offices
512 Dean Street Albury NSW 2640
Tel: (02) 6022 0624 Fax: (02) 6022 0610
ABN 30 841 387 271
www.environment.nsw.gov.au

documented in a BDAR unless the proponent can justify, with well documented and credible evidence, why the project is unlikely to result in a significant impact on threatened species or communities.

The assessment should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Australian Government or if it is already determined to be a controlled action.

We note the subject land has experienced some prior disturbance and been mostly cleared for grazing and cropping. We note the occurrence of landscape features considered indicative for the presence of ACH (Mittagong Creek and associated unnamed watercourses) and consider that, despite previous activities at the subject site, potential remains for the occurrence of ACH. The EIS should clearly indicate all areas of intended ground disturbance and tree removal associated with this proposal and identify any potential ACH constraints across the activity footprint. OEH recommends a cultural heritage assessment of the potential impacts of the proposed development be undertaken. In addressing these requirements, the proponent must comply with the processes described in the documents that are listed in the ACH section of **Attachment A**. A current AHIMS search will be required and should have large enough buffer size applied to allow adequate landscape interpretation and if available, sites in large numbers to allow understanding of site distribution within the landscape. The buffer should also include an area larger than, and wholly containing, the subject area. Site assessment and visual inspection should be undertaken and inclusive of all native trees in the development footprint for the occurrence of Aboriginal cultural modification (i.e. scarring and carving).

If you require further information about this matter please contact Simon Stirrat on (03) 5051 6218 or simon.stirrat@environment.nsw.gov.au.

Yours sincerely

**ANDREW FISHER**
**A/Senior Team Leader Planning**
**South West Region**
**Regional Operations**
**Office of Environment and Heritage**

ATTACHMENT A – OEH's Recommended Environmental Assessment Requirements for Sow piggery (livestock intensive industries) – 553 Dick Knobels Road, Munyabla - SEAR 1217

ATTACHMENT B – Guidance Material

## Attachment A – OEH's Recommended Environmental Assessment Requirements for Sow piggery (livestock intensive industries) – 553 Dick Knobels Road, Munyabla - SEAR 1217

### The Proposal

The objectives of the proposal should be clearly stated and identify:

- the size, scale and type of the proposed activity / development;
- all anticipated environmental impacts including: direct and indirect; construction and operational; and extent of vegetation / habitat clearing or disturbance;
- threatened species, populations, ecological communities or habitats impacted upon;
- the staging and timing of the proposal; and
- the proposal's relationship to any other proposals and developments.

### 1. Environmental Impacts of the Proposal

The proponent must consider, assess, quantify and report on the likely environmental impacts of the proposal if applicable, particularly:

- Aboriginal cultural heritage
- biodiversity

The Secretary's Environmental Assessment Requirements should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines and reference material is presented in **Attachment B**. Appropriate justification should be provided in instances where the below matters are not addressed.

### 2. Aboriginal Cultural Heritage

- The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the proposal. This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (OEH 2010), and should be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW 2011) and consultation with OEH regional branch officers. The Due Diligence process is not appropriate to use as an assessment here.
- Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EIS.
- Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.
- The assessment of cultural heritage values must include a surface survey undertaken by a qualified archaeologist in areas with potential for subsurface Aboriginal deposits. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the EIS.
- Where harm to an Aboriginal object or declared Aboriginal place cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will be required from OEH under the *National Parks and Wildlife Act 1974*. You must apply to OEH for an AHIP prior to commencing works that will directly or indirectly harm an Aboriginal object or a declared Aboriginal place.

- The EIS must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.
- The EIS must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the development to formulate appropriate measures to manage unforeseen impacts.

**3. Biodiversity**

Where the proposal is likely to significantly affect threatened species within the meaning of Section 7.2 of the *Biodiversity Conservation Act 2016*, the application for development consent is to be accompanied by a Biodiversity Development Assessment Report, and the following requirements apply:

- Biodiversity impacts related to the proposal are to be assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and Biodiversity Assessment Method.
- The BDAR must document the application of the avoid, minimise and offset hierarchy including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.
- The BDAR must include details of the measures proposed to address the offset obligation as follows:
    - The total number and classes of biodiversity credits required to be retired for the proposal.
    - The number and classes of like-for-like biodiversity credits proposed to be retired.
    - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules.
    - Any proposal to fund a biodiversity conservation action.
    - Any proposal to make a payment to the Biodiversity Conservation Fund.

  If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
- The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.

**4. Cumulative Impact**

- The cumulative impacts from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage and biodiversity need to be comprehensively assessed in accordance with the *Environmental Planning and Assessment Act 1979*.
- This should include the cumulative impact of the proponent's existing and proposed development and associated infrastructure (such as access tracks etc.) as well as the cumulative impact of other developments located in the vicinity. This assessment should include consideration of both construction and operational impacts.

## Attachment B – Guidance material

| Title | Web address |
|---|---|
| **Relevant Legislation** | |
| *Biodiversity Conservation Act 2016* | www.legislation.nsw.gov.au/#/view/act/2016/63/full |
| *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* | www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/ |
| *National Parks and Wildlife Act 1974* | www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N |
| *Environmental Planning and Assessment Act 1979* | www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N |
| *Fisheries Management Act 1994* | www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N |
| *Water Management Act 2000* | www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N |
| **Biodiversity** | |
| Biodiversity Assessment Method (OEH, 2017) | www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf |
| Biodiversity Offsets Scheme Entry Threshold Tool | www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap |
| Biodiversity Values Map | www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap |
| Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017) | www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf |
| Ancillary rules: biodiversity conservation actions | www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf |
| Ancillary rules: reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules | www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf |
| OEH Threatened Species Profiles | www.environment.nsw.gov.au/threatenedspeciesapp/ |
| BioNet Atlas | www.environment.nsw.gov.au/wildlifeatlas/about.htm |
| BioNet Vegetation Classification – see **NSW Plant Community Type (PCT) classification** link for PCT database login page. | www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm |
| NSW guide to surveying threatened plants (OEH 2016) | www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf |
| OEH threatened species survey and assessment guideline information | www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm |
| NSW Guide to Surveying Threatened Plants (OEH, 2016) | www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-guide-to-surveying-threatened-plants |
| Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians (DECC, 2009) | www.environment.nsw.gov.au/resources/Threatenedspecies/09213amphibians.pdf |

| Title | Web address |
|---|---|
| Threatened Species Assessment Guideline - The Assessment of Significance (DECC 2007) | www.environment.nsw.gov.au/resources/Threatenedspecies/tsaguide07393.pdf |
| OEH Data Portal (access to online spatial data) | http://data.environment.nsw.gov.au/ |
| Fisheries NSW policies and guidelines | www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation |
| **Aboriginal Cultural Heritage** | |
| Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) | www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf |
| Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010) | www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf |
| Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010) | www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf |
| Aboriginal Site Recording Form | www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf |
| Aboriginal Site Impact Recording Form | www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf |
| Aboriginal Heritage Information Management System (AHIMS) Registrar | www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm |
| Care Agreement Application form | www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf |
| **Flooding** | |
| Floodplain Development Manual | www.environment.nsw.gov.au/floodplains/manual.htm |
| Floodplain Risk Management Guidelines | www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines |
| NSW Climate Impact Profile | http://climatechange.environment.nsw.gov.au/ |
| Climate Change Impacts and Risk Management | Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation |