

generating waterlogged conditions with impacts on existing wetlands and high water table impacts on infrastructure.

d) *NSW Floodplain Development Manual*

At this point in time an Implementation Plan for the Lower Macleay Floodplain Management Plan has not been prepared.

- e) It would be appropriate for the applicant to submit a Flood Assessment of the site for the full range of floods up to and including the PMF and include a determination of the true flood hazard category (using NSW Flood plain Development Manual 2005), consideration of the likely impact of climate change particularly rising sea levels, increased storm frequencies (reference to Department of Environment and Climate Change publication "Practical Consideration of Climate Change"), consideration of the *Macleay River Estuary Process Study 2009* and any proposed filling of the site.

8. *Acid Sulfate Soils (ASS)*

Clause 56 of Kempsey local Environmental Plan 1987 requires development consent to be obtained where ASS are to be disturbed.

Council's map information database shows the whole of the site to be a High Risk of containing ASS within one metre of the surface.

There is no soil test data available for the development site south of the existing Tavern, Marlin Drive end.

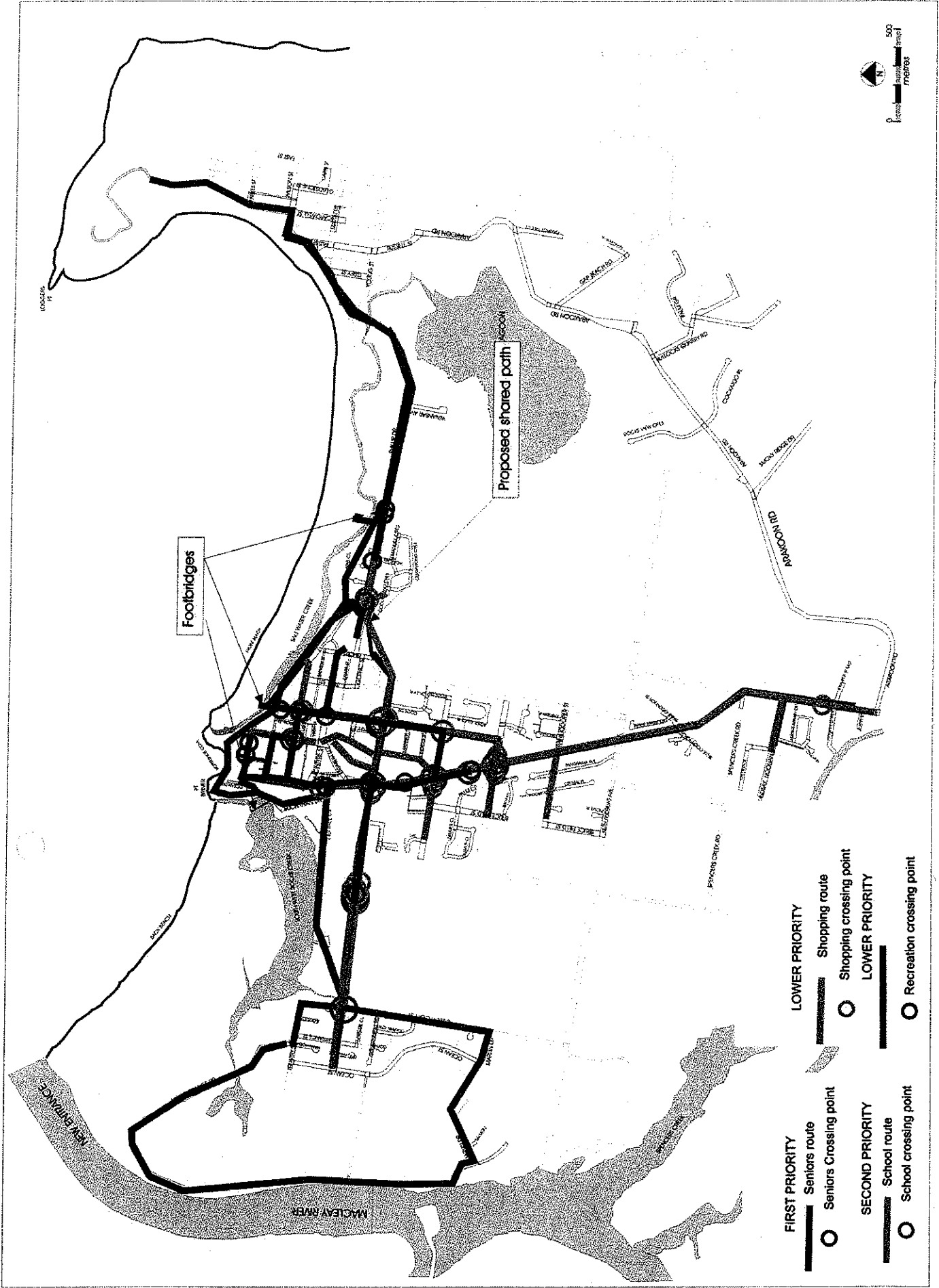
Soil testing on the Tavern site at the time of development is available and it was found that 1 in 8 of the samples analysed were potential acid sulfate soils (Holmes and Holmes 2000).

North of the Tavern the Martens and Associates (2004) soil testing found ASS present.

The applicant will need to confirm whether the remainder of the development site is affected by ASS.

It is highly likely that an ASS Management Plan is required to be prepared in accordance with the provisions of Development Control Plan 30 acid sulfate soils.

9. Council's Waste Management Strategy needs to be considered by the applicant at this proposed development site in conjunction with the Flood Assessment.
10. An approval under the Water Management Amendment (Controlled Activities) Regulation 2008 will need to be investigated by the applicant and addressed in the Environmental Assessment. The current prescribed distance is 40 metres.
11. The applicant to undertake a complete Fauna and Flora Assessment. The 2004 Darkheart Flora and Fauna Assessment makes it clear that the information contained in it was proposal specific for the then proposed caravan park.



**SOUTH WEST ROCKS
PEDESTRIAN ACCESS MOBILITY PLAN**

**Figure B
PEDESTRIAN ROUTE NETWORK**



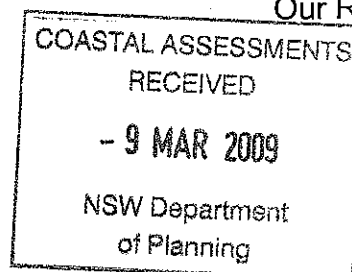
KLM
9/3/09 To Alan
Bright

6 March 2009

Your Ref: 09-0019

Our Ref: 09-296

Ms Heather Warton
Director Coastal Assessments
GPO Box 39
SYDNEY NSW 2001



Attention: Mr Sabastian Tauni

Dear Mr Tauni,

**Re: Key Issues and Assessment Requirements MP09-0019
Proposed Tourist facility, New Entrance Road, South West Rocks**

Thank you for your letter, received 11 February 2009, requesting the Department of Primary Industries (DPI) outlines assessment requirements for the above mentioned proposal.

Fisheries Ecosystems within NSW Department of Primary Industries (DPI-FE) has responsibility for managing fish (including aquatic invertebrates and threatened species), and fish habitat throughout NSW. In addition, the department works to provide quality commercial and recreational fishing, and aquaculture opportunities.

There are no mining, agricultural or forestry issues in relation to this proposal.

DPI is generally satisfied with the scope of issues and assessment requirements already identified in the "Director Generals Environmental Assessment Requirements". The following matters are highlighted to ensure they are adequately investigated and considered:

Environmental Buffers

Please note that the Department's policy on buffer zones requires:

"Terrestrial areas adjoining freshwater, estuarine and coastal habitats should be carefully managed in order to minimise land-use impacts on these aquatic habitats. As a precautionary approach, foreshore buffer zones at least 50 m wide should be established and maintained, with their natural features and vegetation preserved. Such buffer zones may need to be fenced or marked by signs. The width of these buffer zones may need to be increased to 100 m or more where they are adjacent to ecologically sensitive areas."

It is unlikely that the proponent will be able to satisfy this policy. Active remediation of aquatic habitats (eg SEPP 14 Wetland No. 436) consistent with a management plan endorsed by appropriate authorities including the DPI-FE may be considered as an off-set if the final proposal is inconsistent with the above policy.

Wetland Rehabilitation

Section 3.1.6 of the Preliminary Assessment notes that the adjacent SEPP 14 wetland (No. 436) will be rehabilitated under a separate "Bio-Banking Scheme proposal". DPI-FE considers the rehabilitation of the subject wetland as a "key issue" associated with the project. As such any rehabilitation proposal should be considered as part of the subject project.

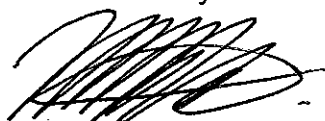
Further information and consultation with DPI – FE is requested on this matter.

Commercial Fishing and Oyster industries

The surrounding waters are regularly used by commercial fishers and oyster farmers. The Department of Planning should ensuring that the proposal dose not impact on the viability or opportunities of these resource users.

If you have any further enquiries regarding fisheries issues and the Department's ongoing interest in this proposal please contact me on (02) 66261269.

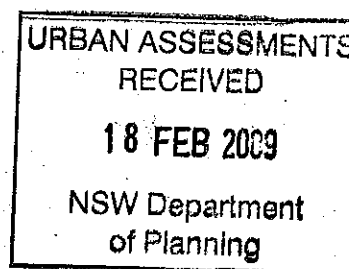
Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Riches', with a stylized, cursive flourish at the end.

MARCUS RICHES

Senior Fisheries Conservation Manager – North Region
Authorised delegate of the Minister for Primary Industries

Your reference : MP09_0019
Our reference : GR167/07 DOC09/6788
Contact : Peter A. Ekert, 66402514



KLW
18/2/09
TO Alan
Bright.

Heather Warton
Department of Planning
Director Urban Assessments
GPO Box 39
SYDNEY NSW 2001

16 FEB 2009

Attention: Sebastian Tauni

Dear Mr Tauni

RE: RIVERSIDE TOURIST CABINS, SOUTH WEST ROCKS - REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS - 09_0019

I refer to your request for the Department of Environment and Climate Change (DECC) requirements for the environmental assessment (EA) in regard to the above proposal received by DECC on 11 February 2009.

DECC has considered the details of the project as provided by the Applicant and has identified the information it requires to assess the project concept plan in Attachment A. The proponent should ensure that the EA is sufficiently comprehensive and detailed to determine the extent of the impact of the proposal.

In summary, DECC's recommended key information requirements for the project are:

1. the impacts on local surface water quality;
2. the impacts of the project on threatened species and their habitat;
3. the impacts of the project on Aboriginal cultural heritage values;
4. an assessment of any land contamination and;
5. the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts identified in 1-4 above.

Should you require any further information please contact Peter A. Ekert 66402514.

Yours sincerely

JON KEATS
Head Industry and Waste Unit North Coast
Environment Protection and Regulation Group

Att: Attachment A DECC EA Requirements
Attachment B Guidance Material

Attachment A – Department of Environment and Conservation's Environmental Assessment Requirements

Environmental impacts of the project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Water quality
 - Contaminated Land
 - Noise
 - Threatened Species
 - Aboriginal cultural heritage
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified 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.
4. Based on the information provided to the Department of Environment and Climate Change (DECC), the applicant will not require an Environment Protection Licence because the activity is not scheduled under the *Protection of the Environment Operations Act 1997*.

Water quality

The environmental outcomes for the project in relation to water should be:

- There is no pollution of waters during the construction and operational phases of the development;
- There is no inconsistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission; and
- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The Environmental Assessment (EA) should document the measures that will achieve the above outcomes.

Contaminated Land

The EA must document the identification, assessment and management of any land contamination to ensure that the land is not allowed to be put to a use that is inappropriate because of the presence of contamination. Under the *Contaminated Land Management Act 1997* there is a responsibility to notify the DEC of sites that pose a significant risk of harm to human health or the environment.

Noise

The environmental outcomes should include the following:

- The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

Impacts of the project on threatened species and their habitat

Vegetation Clearing

The vegetation on site has the potential to support a wide range of threatened flora and fauna species. Any identified threatened species should be discussed in detail.

The EA will need to include a comprehensive assessment of the following:

1. A field survey of the site should be conducted and documented in accordance with the draft "Guideline for threatened species assessment" and "Threatened Biodiversity and Threatened Species Assessment – Guideline For Developments and Activities".
2. Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.

Impacts of the project on Aboriginal cultural heritage values

1. The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. The extent and significance of this site will need to be assessed and preferably any development in this area would avoid disturbance of the site.
4. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
5. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Note: If the EA is relying on past surveys that they should check that the work is consistent with the requirements within the above 3A guidelines.

Attachment B - Guidance Material

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent
- The relevant targets within the State Water Management Outcomes Plan

Wastewater

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
- Environment and Health Protection Guidelines: 'Onsite Sewage Management for Single Households', February 1998 (Silver Book).

Stormwater

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998).

Contaminated Land

- Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land, Department of Urban Affairs and Planning and NSW EPA, 1998:
- Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (Environment Protection Authority (EPA) 1997);
- Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999).

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Chapter 171 Noise Control Guideline, *Construction Site Noise, Environmental Noise Control Manual*, 1994.

Threatened Species Impacts

- Threatened Biodiversity and Threatened Species Assessment – Guideline For Developments and Activities – Working Draft 2004. Available from DECC.
- Draft Guidelines For Threatened Species Assessment - Available from Department of Planning.

Assessing Aboriginal Cultural Heritage Impacts

- Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning
- Interim Community Consultation Requirements for Applicants
- Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DEC's webpage.

<http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>