

# Riverside Tourist Cabins South West Rocks

Part 3A Application No. MP 09\_0019  
Environmental Assessment



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# Riverside Tourist Cabins South West Rocks

## Part 3A Application No. MP 09\_0019 Environmental Assessment

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Ref: 1291968  
Date: March 2011  
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## Statement of Validity

### Submission of Environmental Assessment

Prepared under Part 3A of the *Environmental Planning and Assessment Act 1979*

#### Environmental Assessment prepared by

**Name** Simon Waterworth  
**Qualifications** BURP, MBA  
Principal  
**Address** GeoLINK  
PO Box 1446  
COFFS HARBOUR NSW 2450

In respect of

#### Applicant & Land Details

**Applicant** Shannon Pacific P/L  
PO Box 52  
SOUTH WEST ROCKS NSW 2431

**Project** Riverside Tourist Cabins

#### Land to be developed

**Lot & DP** The subject site is described in real property terms as Lot 4 DP 1022342.

**Project Summary** The Part 3A Application will seek Project Approval for the use of the site as a tourist facility, involving the construction of nine fully self-contained tourist cabins (4 x 2 bedroom and 5 x 1 bedroom) and associated infrastructure and works.

#### Environmental Assessment

The Environmental Assessment is attached

#### Declaration

I certify that I have prepared the contents of the Environmental Assessment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulation and that, to the best of my knowledge, the information contained in this report is not false or misleading.



**Signature**

**Name**

**Date**

SIMON WATERWORTH

15 July 2011





# Executive Summary

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location</b>                         | <p>The site is described as Lot 4 DP 1022342 and is located adjacent to the eastern bank of the Macleay River, about 3km from the coastal township of South West Rocks.</p> <p>To the west, the site fronts New Entrance Road, which separates it from the river. The south-west corner of the site fronts Marlin Drive, which services an adjoining residential estate.</p> <p>To the north of the site is a small parcel of freehold land, which separates the site from a former Crown Road (Government Road), which is now vacant Crown Land. An existing residential estate is located to the east and to the south.</p> <p>The New Entrance boat ramp and associated community facilities are located on the south-western side of the Marlin Drive / New Entrance Road intersection.</p> |
| <b>Site Land</b>                        | The site has a total area of approximately 22.58 hectares.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Site Features</b>                    | <p>The site is relatively flat and is entirely within the Macleay River floodplain.</p> <p>A tavern was developed on the site in 2002 and is located approximately 600 m north of the New Entrance Road / Marlin Drive corner of the site, with access off New Entrance Road. There are no other structures or improvements on the land.</p> <p>Soils on the land consist of silty loam topsoils to approximately 0.5 m, underlain by coarse grain sands. The site has a high probability of ASS material within 1 m of the ground surface.</p> <p>The site consists of a cleared and maintained grassed open area and a SEPP 14 Wetland, which contains a mix of mangrove forest, mudflats / scalds, swamp oak, swamp forest, salt marsh, and some former pasture.</p>                         |
| <b>Assessment and Permissibility</b>    | The land is currently zoned 7(d) Scenic Protection pursuant to the provisions of the Kempsey Local Environmental Plan 1987.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Planning Controls &amp; Policies</b> | <p>The following planning controls are relevant to the site:</p> <ul style="list-style-type: none"> <li>▪ Kempsey Local Environmental Plan 1987;</li> <li>▪ State Environmental Planning Policy (Major Projects) 2005;</li> <li>▪ State Environmental Planning Policy No. 14 – Coastal Wetlands;</li> <li>▪ State Environmental Planning Policy No. 44 – Koala Habitat Protection;</li> <li>▪ State Environmental Planning Policy No. 71 – Coastal Protection;</li> <li>▪ various Council DCPs;</li> <li>▪ Mid North Coast Regional Strategy;</li> <li>▪ Kempsey Shire Council Flood Risk Management Policy; and</li> <li>▪ North Coast Regional Environmental Plan.</li> </ul>                                                                                                                 |
| <b>Proposal</b>                         | The Part 3A Application will seek Project Approval for the use of the site as a tourist facility, involving the construction of nine fully self-contained tourist cabins (4 x 2 bedroom and 5 x 1 bedroom) and associated infrastructure and works.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Key Issues</b>                      | <p>The following key issues are relevant to the proposed project:</p> <ul style="list-style-type: none"> <li>▪ flooding, drainage and stormwater;</li> <li>▪ Acid Sulfate Soils;</li> <li>▪ traffic and access;</li> <li>▪ visual amenity;</li> <li>▪ bushfire;</li> <li>▪ impact on the existing wetland and adjacent coastal estuary;</li> <li>▪ the public interest; and</li> <li>▪ socio-economic impacts.</li> </ul>                                                                                                                     |
| <b>Environmental Impact Assessment</b> | <p>The Environmental Assessment assesses all impacts from the development including impacts relating to:</p> <ul style="list-style-type: none"> <li>▪ ecology;</li> <li>▪ bushfire;</li> <li>▪ flooding;</li> <li>▪ stormwater management;</li> <li>▪ coastal hazard management and mitigation;</li> <li>▪ geotechnical;</li> <li>▪ soils;</li> <li>▪ traffic and access;</li> <li>▪ heritage and archaeology;</li> <li>▪ noise;</li> <li>▪ infrastructure provision;</li> <li>▪ visual impact; and</li> <li>▪ cumulative impacts.</li> </ul> |
| <b>Draft Statement of Commitments</b>  | <p>A draft statement of commitments has been prepared to ensure minimal impact on the wetland, Macleay River, adjoining estuary and other sensitive areas in proximity to the site.</p>                                                                                                                                                                                                                                                                                                                                                       |

# Introduction

## 1.1 Preamble

GeoLINK has been engaged by Shannon Pacific Pty Ltd to prepare a development application and this accompanying Environmental Assessment seeking approval under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) 1979 for nine (9) tourist cabins on New Entrance Road at South West Rocks.

## 1.2 Background

On the 6 February 2009, Shannon Pacific Pty Ltd submitted a Project Application and Preliminary Environmental Assessment pursuant to S75E of the EP&A Act seeking declaration of the proposed nine (9) cabin tourist development as a major project and requesting issue of Director Generals Environmental Assessment Requirements.

The Minister for Planning authorised the tourist facility as a major project to be lodged pursuant to S75E of the EP&A Act on 6 March 2009. Subsequently, the Director General's Environmental Assessment Requirements (DGRs) for the tourist development were issued on 6 March 2009 (refer to **Appendix A**).

The DGRs highlighted the following key issues for addressing in the EA:

- strategic planning;
- urban design and sustainability;
- visual impacts;
- infrastructure provision;
- traffic and access;
- hazard management and mitigation;
- water cycle management;
- heritage and archaeology;
- flora and fauna;
- noise; and
- consultation.

These and other environmental, social and economic matters are addressed in **Section 6** including a description of the site characteristics, a description of the methodology adopted, results of the impacts assessment and recommendations for safeguarding the site against potential impacts.

A Statement of Commitments is provided in **Section 7** outlining the environmental management and mitigations commitments provided in this EA.

## 1.3 Project Team

This EA was prepared by GeoLINK with support from Paul Smith Building Design, Hadlow Design Services, WMA Water, Australian Soil and Concrete Testing, Sue Hudson and James Warren and Associates Pty Ltd.

## 1.4 Structure of this Report

This Environmental Assessment has been prepared pursuant to the requirements specified by the Director-General of the Department of Planning on 6 March 2009. The report is structured in the following manner:

- **Section 2** of the report provides a detailed analysis of the site in its local context;
- **Section 3** discusses the consultation undertaken as part of the project and the issues raised as a result of that consultation;
- **Section 4** describes the site and proposed development and includes a comprehensive description of the project; location and description of proposed land uses, roads and open space areas; indicative densities; areas for environmental conservation and the themes, concepts and vision that have guided the design process;
- **Section 5** summarises the statutory planning framework applying to the site and the project;
- **Section 6** provides a detailed environmental assessment;
- A Statement of Commitments is outlined in **Section 7**; and
- **Section 8** provides a brief conclusion.

This report is accompanied by ancillary information contained in the following Appendices:

- **Appendix A** Director General's Requirements;
- **Appendix B** Drawings;
- **Appendix C** Wetlands Management Plan;
- **Appendix D** Ecological Assessment;
- **Appendix E** Bushfire Hazard Assessment;
- **Appendix F** Flood Assessment and Flood Emergency Plan;
- **Appendix G** MUSIC Modelling Data;
- **Appendix H** Geotechnical Assessment;
- **Appendix I** Preliminary Contamination Assessment;
- **Appendix J** Acid Sulfate Soil Supporting Documents;
- **Appendix K** Indigenous Archaeological Assessment; and
- **Appendix L** Visual Assessment.
- **Appendix M** Heritage Database Search Results
- **Appendix N** Indicative Package Pump Station Details
- **Appendix O** Restoring Tidal Flow Assessment
- **Appendix P** DCP 24 Checklist

## 1.5 Further Information

Should additional information be required in relation to this application, please contact Simon Waterworth of GeoLINK on (02) 6651 7666.

## The Site and Context

### 2.1 The Site

The subject land is located at South West Rocks on the NSW Mid North Coast. South West Rocks is located 39 kilometres north east of Kempsey and 463 kilometres north of Sydney. It has a population of 4612 (2006) and is a popular tourist destination.

The Site has an area of 22.58 ha, with frontage to New Entrance Road and Marlin Drive and is irregular in shape. Much of the lot is a wetland (listed under SEPP 14), is relatively flat and currently is covered by grass.

### 2.2 Real Property Description

The subject site is described in real property terms as Lot 4 DP 1022342. **Illustration 2.1** shows the cadastre information for the site overlayed on an aerial photograph.

### 2.3 Land Ownership

The land is freehold and owned by Shannon Pacific Pty Ltd.

### 2.4 Context

The subject site is located adjacent to the eastern bank of the Macleay River, about 3 km from the coastal township of South West Rocks and the Pacific Ocean. South West Rocks is a coastal village overlooking Trial Bay, approximately 40 km north-west of Kempsey.

New Entrance Road lies between the site and river and forms the western boundary of the land. In the south-western corner, the site fronts Marlin Drive, which services an adjoining residential estate. To the north of the site there is a small parcel of freehold land, which separates the site from a former Crown Road which is now vacant Crown Land.

The New Entrance Road boat ramp and associated community facilities are located on the south-western side of the Marlin Drive / New Entrance Road intersection.

**Illustration 2.2** shows the locality of the subject site identifying the subject land. **Plate 2.1** is an oblique aerial photograph of the site while **Plates 2.2** to **Plates 2.4** are views of the site from various locations around the site. **Illustration 2.3** shows the latest survey plan for the site. **Illustration 2.4** shows the site context and local features.

**Plate 2.1**      **Oblique Aerial Photograph of the Site showing approximate lot boundary**



**Plate 2.2**      **View of Site Looking North towards Tavern**



**Plate 2.3**      **View of Site Looking North West towards Macleay River and Tavern**







## 2.5 Site History

The Tavern located on the site was constructed in 2002.

Shannon Pacific Pty Ltd had also previously lodged an application for a caravan park over part of the land to the north of the site, which was subsequently refused by the Department of Planning, a decision which was later upheld by the Land and Environment Court (Shannon Pacific v Minister for Planning [2007] NSWLEC 669).

This proposed development is to the south of the site although has addressed the shortcomings of the previous application, and the concerns expressed by the Department of Planning.

## 2.6 Existing Land Use

The site contains a SEPP 14 wetland, a tavern and cleared grassland. The SEPP 14 wetland covers the majority of the lot. The tavern is located in the west of the lot, adjacent to New Entrance Road, and covers an area of approximately 0.6 ha including buildings and carparking areas. Cleared grassland is located both to the north and south of the tavern, adjacent to New Entrance Road.

The Tavern provides a range of facilities including outside eating areas and has a general finished floor level of approximately 3 m AHD. To the south of the tavern is a public boat ramp, public car parking area and small marina. Land to the east and south has been developed for residential purposes.

Further to the north of the site are freehold and reserved Crown land. A Crown Reserve (R35304) containing wetlands (SEPP14) with extensive areas of mangroves is located behind the freehold land and the adjoining escarpment. **Illustration 2.5** shows flood prone land on the site.

The proposed development site is located on a cleared grassed area immediately south of the existing tavern.

## 2.7 Topography

The site is relatively flat and is situated within the Macleay River floodplain. Part of the area to be developed is within 40 m of the Macleay River bank. The land to be developed adjoining the New Entrance Road has an elevation between 0.78 m AHD and 2.2 m AHD. The land falls away from the road to the east with observed slopes of less than 1%.

## 2.8 Soils

A geotechnical investigation of the site was undertaken in October 2009 by Australian Soil and Concrete Testing Pty Ltd (ASCT). Three boreholes were sunk to depths of 2.0 m within the proposed building envelope. The surface elevation at the borehole locations was approximately 1.0 m AHD. The water table was intercepted at depths of 1.3 m in all three boreholes. The subgrade characteristics were very similar at each borehole location. The subgrade is described as:

- sandy silt to depths of 0.5 to 0.6 m: brown, low plastic, low dry strength, medium to fine some organic matter, firm to stiff, moist;
- silty sand to depths of 0.9 to 1.2 m: pale grey brown, low plastic, low dry strength, medium to fine sand, medium dense to dense, moist to very moist; and
- silty sand to depths of 2.0 m: dark grey, low to non plastic, low dry strength, medium to fine sand, medium dense to dense, very moist to wet below 1.3 m.

Geotechnical investigations also indicate that groundwater occurs at depths of 1.3 m. Further details of the geotechnical investigation are provided in **Section 6.6** and **Appendix H**.

The relevant Acid Sulfate Soils Planning Map (South West Rocks 9536S3, Edition 2, 1997) indicates that the site is an alluvial levee with high probability of ASS material within 1m of the ground surface. A review of Acid Sulfate Soils was undertaken by Australian Soils and Concrete Testing at **Appendix J**.

**Illustration 2.6** shows the Acid Sulfate Soil Risk Map that includes the site.

## 2.9 Vegetation

The part of site proposed to be developed is cleared and maintained as a grassy open area. However, a large section within the eastern portion of Lot 4 is classified as a SEPP 14 Wetland (Coastal Wetland No. 436). This wetland area contains five vegetation communities which are (JWA, 2010):

- Community 1 - Mid-high forest (*Casuarina glauca*);
- Community 2 – Saltmarsh (*Sporobolus virginicus*, *Juncus kraussii*);
- Community 3 - Sedgeland (*Eleocharis equisetina* +/- *Juncus usitatus*, *Persicaria hydropiper*, *Cyperus polystachyos*);
- Community 4 - Rushland (*Typha domingensis*); and
- Community 5 – Grassland with scattered trees.

**Illustration 2.7** shows the Bush Fire Prone Land Map that includes the site. The Vegetation Communities can be identified in Figure 2 of the Ecological Assessment prepared by JWA P/L (**Appendix D**).

## 2.10 Aspect and Climate

The site generally enjoys a northerly and a westerly aspect with good solar access throughout the year. The climate is typical of the north coast region and has long been recognized as being attractive to holiday-makers. The following data provide an indication of the regional climatic conditions.



**Table 2.1 Average monthly minimum and maximum temperatures and rainfall**

| <i>Month</i> | <i>Average Rainfall<br/>(mm)</i> | <i>Average Maximum<br/>Temperature (°C)</i> | <i>Average Minimum<br/>Temperature( °C)</i> |
|--------------|----------------------------------|---------------------------------------------|---------------------------------------------|
| January      | 134                              | 28.6                                        | 18.0                                        |
| February     | 156                              | 28.5                                        | 18.4                                        |
| March        | 151                              | 27.6                                        | 16.8                                        |
| April        | 115                              | 25.4                                        | 13.7                                        |
| May          | 94                               | 22.3                                        | 10.5                                        |
| June         | 98                               | 19.7                                        | 8.1                                         |
| July         | 70                               | 19.2                                        | 5.8                                         |
| August       | 65                               | 21.0                                        | 6.4                                         |
| September    | 57                               | 23.4                                        | 9.1                                         |
| October      | 83                               | 24.9                                        | 12.2                                        |
| November     | 88                               | 26.6                                        | 14.5                                        |
| December     | 109                              | 28.3                                        | 16.9                                        |

Average Annual Rainfall – 1220 mm

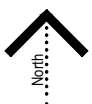
(source: [www.kempsey.nsw.gov.au/climate](http://www.kempsey.nsw.gov.au/climate))

Although the land is generally flat there are panoramic views from the site to the higher lands to the west as well as particularly pleasant vistas within the site as well as glimpses of the Macleay River.

Views to the site are possible from the river and its environs to the west, New Entrance Road and the higher ground to the east. The visual impact of the proposal is considered in **Section 6.13** of this report.

The site generally enjoys a northerly and westerly aspect with good solar access throughout the year. The climate is typical of the north coast region and has long been recognised as being attractive to holiday makers.

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**GeoLINK**  
environmental management and design

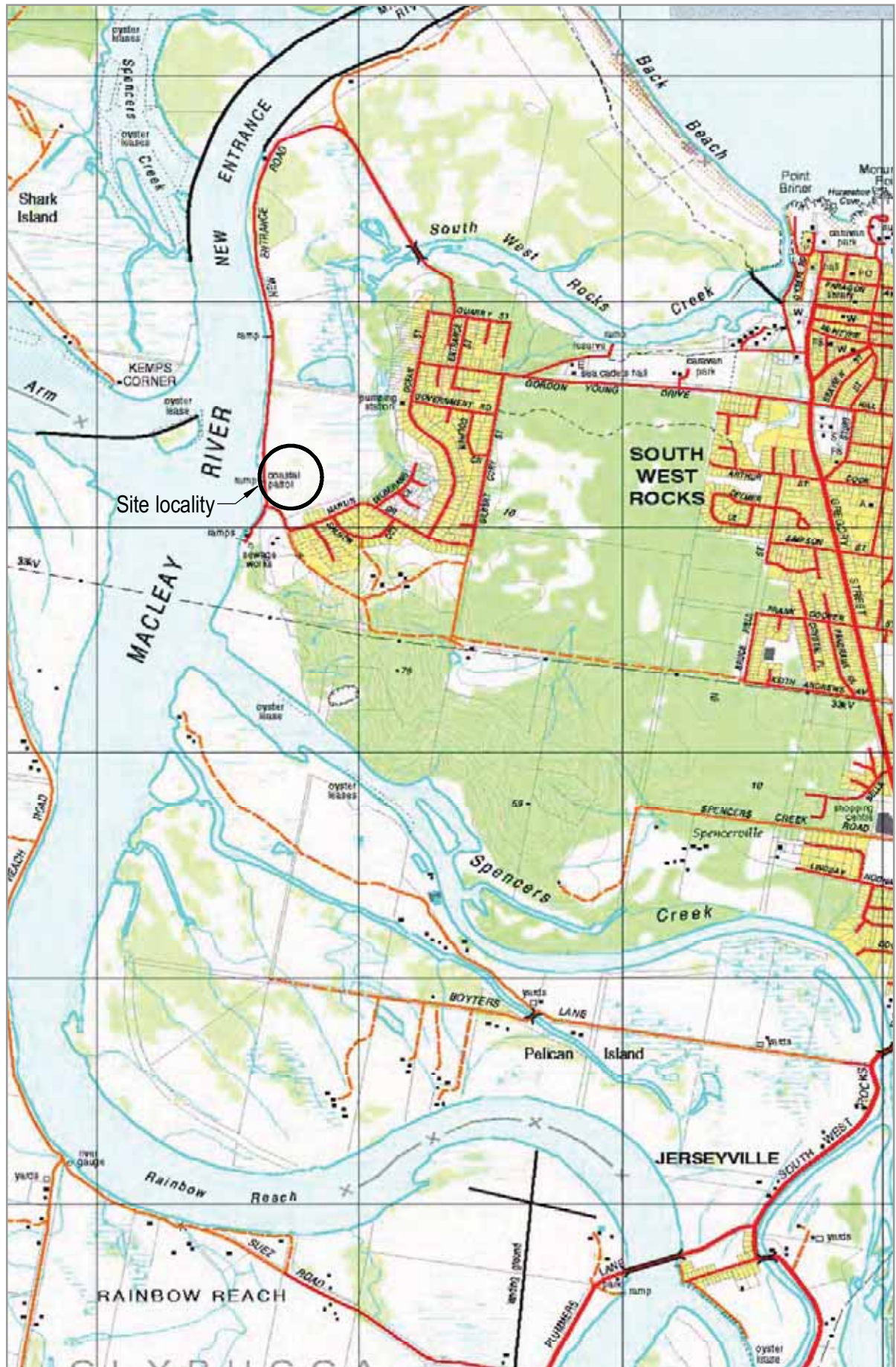
Riverside Tourist Cabins - Environmental Assessment  
1291846

**The Site**

Illustration 2.1

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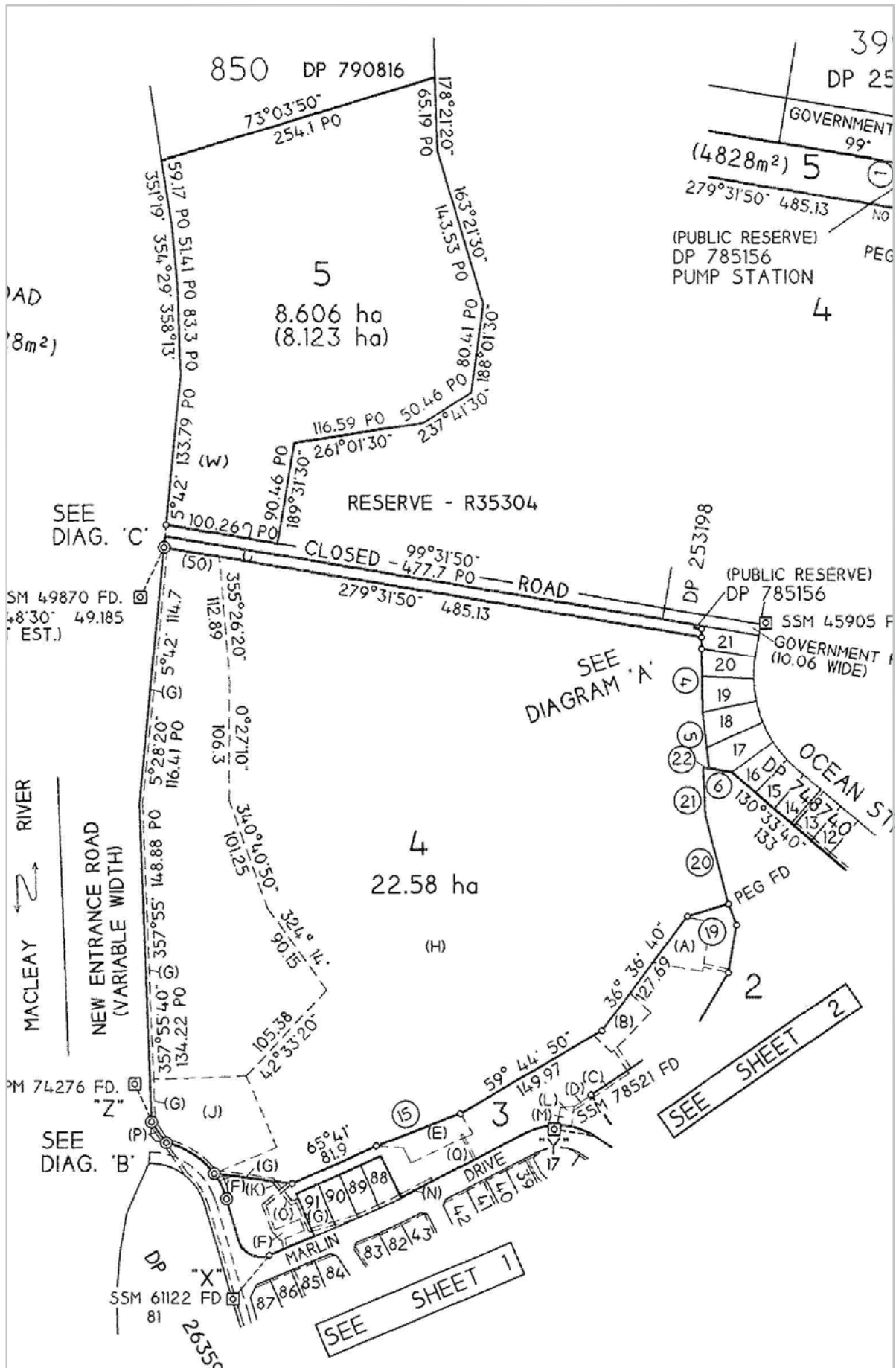
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**Site Locality**

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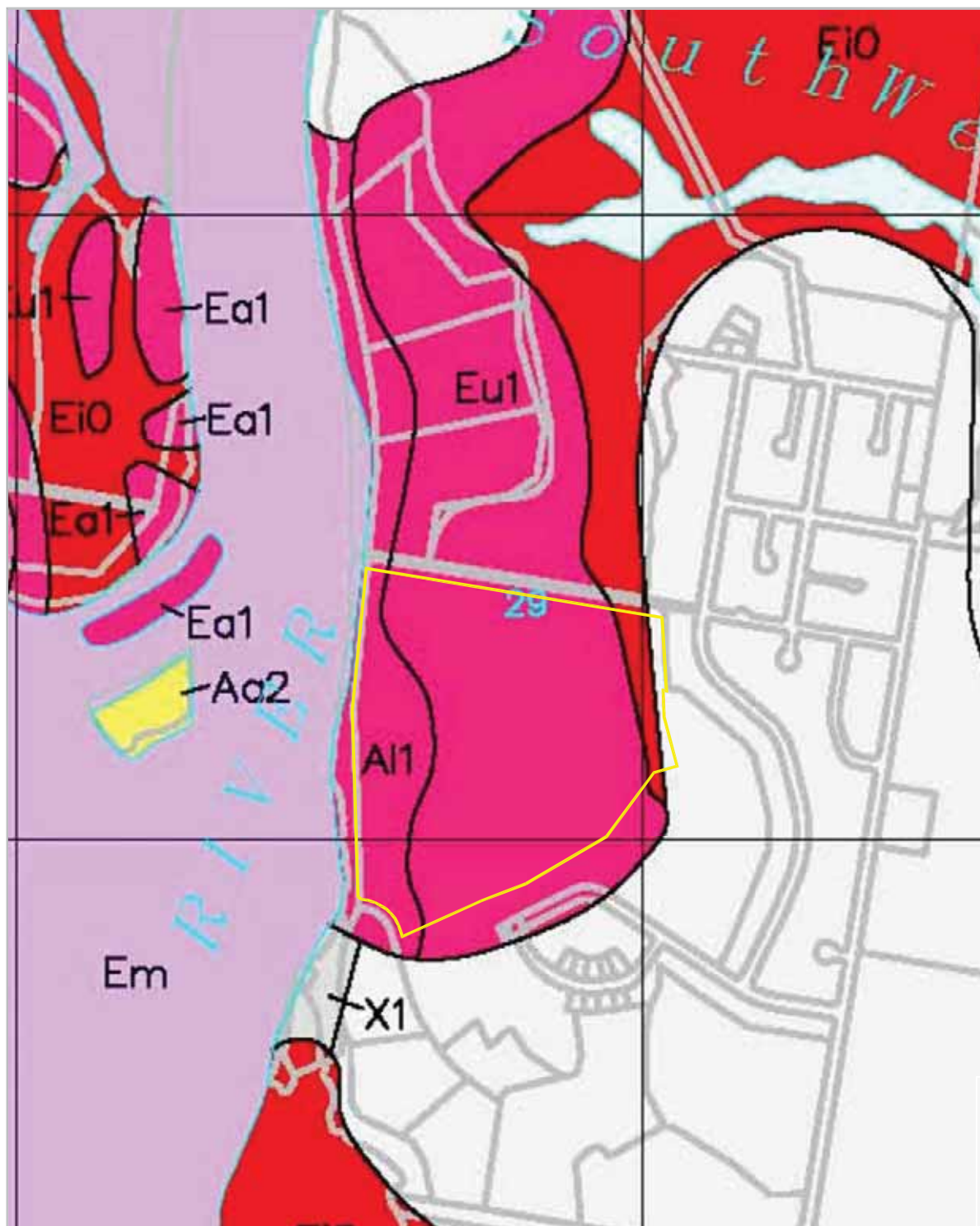


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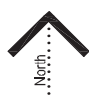
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## LEGEND

- Subject site
- At or near the ground surface
- Within 1 metre of the ground surface
- Between 1 and 3 metres below the ground surface
- No known occurrences of acid sulfate soil materials



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## Consultation

### 3.1 Government Consultation

This EA has been prepared in accordance with Part 3A of the EP&A Act and the EP&A Regulation 2000. The requirements of the Director-General of the NSW Department of Planning were sought as required by Clause 73 of the EP&A Regulation 2000. Each of the matters raised by the Director-General for consideration in the EA is outlined in **Table 3.1**, together with the relevant section of the EA which addresses that matter.

A copy of the Director General's Requirements is provided in **Appendix A**.

**Table 3.1 Summary of Director Generals Requirements**

| <i>Requirement</i>                                                                                                                                                                                                                                                                                                                                                                           | <i>Discussion and Reference</i>                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Strategic Planning</b>                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                 |
| 1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.                                                                                                                                                                                                             | The proposed development is consistent with all relevant local, regional and State planning strategies as discussed in <b>Section 5</b> .                                                                                                                                                       |
| 1.2 Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).                                                                                                                                                                                                                                                | <b>Table 5.2</b> addresses the Sustainability Criteria contained in the Mid North Coast Regional Strategy. The proposed development is consistent.                                                                                                                                              |
| <b>2. Urban Design and Sustainability</b>                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                 |
| 2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the <i>Coastal Design Guidelines of NSW (2003)</i> , <i>NSW coastal Policy 1997</i> , <i>State Environmental Planning Policy No. 71 – coastal Protection</i> .                                                               | The visual suitability of the development is discussed in detail in <b>Section 6.13</b> of this Report.                                                                                                                                                                                         |
| 2.2 Outline the long-term management and maintenance of the adjoining wetlands, areas of open space and/or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management. Outline how the proposed open space areas and recreational facilities link and complement surrounding facilities. | These matters are discussed in detail in <b>Sections 4.5, 6.1 and 6.2</b> and in the accompanying Wetland Management Plan, Ecological Assessment and Bushfire Hazard Assessment, which are attached at <b>Appendix C</b> , <b>Appendix D</b> and <b>Appendix E</b> of this report respectively. |

| <i><b>Requirement</b></i>                                                                                                                                                                                                                                                                                                                                                                               | <i><b>Discussion and Reference</b></i>                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.3 Provide a Building Management Plan providing details in relation to occupancy, management systems, use of amenities and facilities and body corporate roles and responsibilities etc. Include detail on ownership (private or central management), proposed subdivision method (if proposed) and any covenants proposed to control use and occupation of the long-term sites and tourist buildings. | The Building Management Plan for this development can be found in <b>Section 4.11</b> of this report.                                                                                                                                                                                                                                                                                                                   |
| 2.4 Demonstrate that the tourist cabins will not be used for permanent accommodation and that the facility will primarily be used for tourist accommodation or recreation, or both. Provide details of appropriate mechanisms, including restrictive covenants to ensure that tourist cabins are used for short stay tourist uses only.                                                                 | The proposed method of managing the nine tourist cabins to ensure they are not used for permanent accommodation is discussed in detail in <b>Section 4.11</b> of this report.                                                                                                                                                                                                                                           |
| <b>3. Visual Impact</b>                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.1 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.                                                                                                                     | A detailed Visual Impact Assessment is contained in <b>Section 6.13</b> of this report. Although the proposed development will alter how the site is viewed from nearby properties, parks, the Macleay River and identified public viewing locations, various urban design strategies have been implemented to ensure that changes to view sheds and view corridors do not result in a reduced level of visual amenity. |
| 3.2 Use visual aids such as scale model or photomontage to demonstrate visual impacts.                                                                                                                                                                                                                                                                                                                  | Photomontages demonstrating the resultant change in view as a result of this development can be found within the Visual Impact Assessment in <b>Section 6.13</b> .                                                                                                                                                                                                                                                      |
| 3.3 Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.                                                                                                                                                                                                                                                   | The proposed ameliorative measures that are proposed to be used for this development are summarised in <b>Section 6.12</b> of this report.                                                                                                                                                                                                                                                                              |
| 3.4 A schedule of external materials and finishes is to be submitted.                                                                                                                                                                                                                                                                                                                                   | This information is contained within the architectural drawing set that accompanies this Environmental Assessment. The drawings can be found under <b>Appendix B</b> of this report.                                                                                                                                                                                                                                    |
| <b>4. Infrastructure Provision</b>                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.1 Address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.                                                                                                                                                  | The assessment of existing capacity and requirements of the development for infrastructure, as well as the proposed method of servicing the development is discussed in <b>Section 6.12</b> of this report.                                                                                                                                                                                                             |

| Requirement                                                                                                                                                                                | Discussion and Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|----------|---------|---------|-----------------|-------|-------|-------------------|---------|---------|-------------------|---------|---------|-----------------------|----------|--------------------------|---------|------------|----------|------------|----------|--------------|-----------------|
| 4.2 Address and provide the likely scope of any planning agreements and/or developer contributions with Council / Government agencies.                                                     | <p>The proposed tourist cabins at New Entrance would attract the following contributions, based on current contributions plan and financial year:</p> <table><thead><tr><th></th><th>One bedroom</th><th>Two bedroom</th></tr></thead><tbody><tr><td>S94 SWR:</td><td>\$1,953</td><td>\$2,232</td></tr><tr><td>S94 Plan Admin:</td><td>\$117</td><td>\$134</td></tr><tr><td>Section 64 Water:</td><td>\$3,258</td><td>\$3,258</td></tr><tr><td>Section 64 Sewer:</td><td>\$2,749</td><td>\$2,749</td></tr></tbody></table> <p>The project consists of 5 x 1 bedroom cabins and 4 x 2 bedroom cabins, and therefore the total contributions would be as follows:</p> <table><tbody><tr><td>S94 South West Rocks:</td><td>\$18,693</td></tr><tr><td>S94 Plan Administration:</td><td>\$1,121</td></tr><tr><td>S64 Water:</td><td>\$29,322</td></tr><tr><td>S64 Sewer:</td><td>\$24,741</td></tr><tr><td><b>TOTAL</b></td><td><b>\$73,877</b></td></tr></tbody></table> |             | One bedroom | Two bedroom | S94 SWR: | \$1,953 | \$2,232 | S94 Plan Admin: | \$117 | \$134 | Section 64 Water: | \$3,258 | \$3,258 | Section 64 Sewer: | \$2,749 | \$2,749 | S94 South West Rocks: | \$18,693 | S94 Plan Administration: | \$1,121 | S64 Water: | \$29,322 | S64 Sewer: | \$24,741 | <b>TOTAL</b> | <b>\$73,877</b> |
|                                                                                                                                                                                            | One bedroom                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Two bedroom |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| S94 SWR:                                                                                                                                                                                   | \$1,953                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$2,232     |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| S94 Plan Admin:                                                                                                                                                                            | \$117                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$134       |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| Section 64 Water:                                                                                                                                                                          | \$3,258                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$3,258     |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| Section 64 Sewer:                                                                                                                                                                          | \$2,749                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$2,749     |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| S94 South West Rocks:                                                                                                                                                                      | \$18,693                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| S94 Plan Administration:                                                                                                                                                                   | \$1,121                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| S64 Water:                                                                                                                                                                                 | \$29,322                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| S64 Sewer:                                                                                                                                                                                 | \$24,741                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| <b>TOTAL</b>                                                                                                                                                                               | <b>\$73,877</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| 4.3 Identify any public infrastructure traversing the site and along adjoining road reserves.                                                                                              | Services located in the adjoining road reserve are discussed in <b>Section 4.9</b> and <b>4.10</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| <b>5. Traffic and Access</b>                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| 5.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .                                                             | An assessment of the additional traffic associated with the development against the RTA's <i>Guide to Traffic Generating Developments</i> is included in <b>Section 6.8</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| 5.2 Identify the development's access arrangements and internal circulation patterns including ingress/egress to the road network and proposed heavy vehicle flow paths and loading areas. | An assessment of the ingress/egress, internal circulation and heavy traffic movement is included in <b>Section 6.8</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| 5.3 Protect existing public access to and along the coastal foreshore and provide, where appropriate, new opportunities for controlled public access.                                      | An assessment of the public access on the site and new opportunities for controlled public access is provided in <b>Section 6.8</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |
| 5.4 Consider the project's requirements for pedestrian access in accordance with <i>Development Control Plan 24 Access and Mobility</i> .                                                  | Pedestrian Access is discussed in <b>Section 6.8</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |             |             |             |          |         |         |                 |       |       |                   |         |         |                   |         |         |                       |          |                          |         |            |          |            |          |              |                 |



| <i>Requirement</i>                                                                                                                                                                                                                                                           | <i>Discussion and Reference</i>                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6. Hazard Management and Mitigation</b>                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                           |
| <p><i>Coastal Processes</i></p> <p>6.1 Address coastal hazards and the provisions of the <i>Coastline Management Manual</i>. In particular, consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms.</p> | Coastal Processes are assessed and discussed in <b>Section 6.5</b> .                                                                                                                                                                                                                      |
| <p><i>Contamination</i></p> <p>6.2 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> (SEPP 55).</p>                                        | A soil contamination assessment has been prepared and is discussed in <b>Section 6.7.1</b> . The assessment concludes there are no contamination issues on the site.                                                                                                                      |
| <p>6.3 Provide a Preliminary Contamination Assessment, identifying any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55.</p>                                                                                           | A Preliminary Contamination Assessment has been undertaken and is discussed in <b>Section 6.7.1</b> and provided in <b>Appendix I</b> .                                                                                                                                                   |
| <p><i>Acid Sulfate Soils</i></p> <p>6.4 Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).</p>  | An assessment has been prepared of the likely presence and management of acid sulfate soil and is discussed in <b>Section 6.7.2</b> . The Acid Sulfate Soil Management Plan is provided in <b>Section 6.7.2</b> of this report, with supporting documents attached at <b>Appendix J</b> . |
| <p><i>Bushfire</i></p> <p>6.5 Address the requirements of Planning for Bush Fire Protection 2006 (RFS).</p>                                                                                                                                                                  | An assessment has been made of the impacts of bushfire and is discussed in <b>Section 6.2</b> . A copy of the Bushfire Assessment is included in <b>Appendix E</b> .                                                                                                                      |
| <p><i>Geotechnical</i></p> <p>6.6 Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.</p>                                                                   | A preliminary geotechnical assessment has been carried out on the site and is discussed in <b>Section 6.6</b> . A copy of the Geotechnical Assessment is attached at <b>Appendix H</b> .                                                                                                  |



| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Discussion and Reference</b>                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Flooding</i></p> <p>6.7 Provide an assessment of any flood risk on site (for the full range of floods including events greater than the design flood, up to the probably maximum flood; and from coastal inundation, catchment based flooding or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i>, in addition to Council's relevant flood policy. The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development (including waste disposal), address the impact of the development (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event.</p> | <p>A detailed flood assessment has been undertaken by WBM Water and is discussed in <b>Section 6.3</b>. A copy of the Report is also provided in <b>Appendix F</b>.</p> |
| <p>6.8 Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>The implications of sea level rise on the development have been assessed and a discussion is provided in <b>Sections 6.3.2</b> and <b>6.5.2</b>.</p>                 |
| <p><b>7. Water Cycle Management</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                         |
| <p>7.1 Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.</p>                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>The assessment of Integrated Water Cycle Management is provided in <b>Section 6.4</b>.</p>                                                                           |
| <p>7.2 Prepare a conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system. The conceptual design should also give consideration to the existing Tavern on the subject site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>A conceptual stormwater design layout is provided at <b>Illustration 4.4</b>.</p>                                                                                    |
| <p>7.3 Assess the impacts of the proposal on surface water hydrology and quality during both construction and occupation of the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Surface water hydrology has been assessed and is discussed in <b>Section 6.4.3</b>.</p>                                                                              |

| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Discussion and Reference</b>                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.4 Consider the nature and profile of the groundwater regime under the site, including any hydrologic impacts which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation.                                                                                                                                                                                            | The matters of groundwater, acid sulfate soils and native vegetation have been considered and are included in <b>Sections 6.1, 6.6 and 6.7</b> .                                  |
| <b>8. Heritage and Archaeology</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                   |
| 8.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community consultation</i> (DEC 2005) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC 2004).                                                                                                     | An Aboriginal Cultural heritage assessment has been carried out by Sue Hudson and is summarised in <b>Section 6.9</b> . The full report is provided in <b>Appendix K</b> .        |
| 8.2 Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items. A Heritage Assessment of the non-indigenous heritage values of the site is to be submitted, including any built, archaeological, landscape and moveable items of potential significance. A draft Statement of Heritage Impact is to be submitted detailing and evaluating any impacts that the development concept would have on the non-indigenous heritage significance of the site. | An assessment of European heritage was undertaken and is provided in <b>Section 6.9</b> .                                                                                         |
| 8.3 Address impacts on World Heritage areas, places listed on the National Heritage List and protected under the EPBC Act.                                                                                                                                                                                                                                                                                                                                                                                                      | An assessment of European heritage protected under the EPBC Act was undertaken and is provided in <b>Section 5.10</b> . Database search results can be found in <b>Appendix M</b> |
| <b>9. Flora and Fauna</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                   |
| 9.1 Assess the potential direct and indirect impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for Threatened Species Assessment</i> (2005), having particular consideration for any known threatened species on the site. Provide measures for the conservation of flora and fauna, where relevant.                                | A Flora and Fauna Assessment was undertaken by JWA P/L and is provided in <b>Appendix D</b> . A summary of the assessment is given in <b>Section 6.1</b> .                        |
| 9.2 Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.                                                                                                                                                                                                                                                                                                                                                                              | A Flora and Fauna Assessment has been undertaken by JWA P/L and is provided in <b>Appendix D</b> . A summary of the assessment is given in <b>Section 6.1</b> .                   |

| <i>Requirement</i>                                                                                                                                                                                                                                | <i>Discussion and Reference</i>                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.3 Address measures to protect and manage the riparian corridor and adjacent aquatic habitats including measures that increase tidal flows into the site' <i>State Environmental Planning Policy No. 14 – Coastal Wetland</i> (SEPP 14) Wetland. | A Flora and Fauna Assessment has been undertaken by JWA P/L and is provided in <b>Appendix D</b> . A summary of the assessment is given in <b>Section 6.1</b> .                                                                                                                                                                                                                                                   |
| 9.4 Survey the extent of the site's SEPP 14 wetland area and show suitable buffers.                                                                                                                                                               | A Flora and Fauna Assessment has been undertaken by JWA P/L and is provided in <b>Appendix D</b> . A summary of the assessment is given in <b>Section 6.1</b> .                                                                                                                                                                                                                                                   |
| 9.5 Consider the impacts of the project on vegetation in accordance with the <i>Native Vegetation Act 2003</i> .                                                                                                                                  | A Flora and Fauna Assessment has been undertaken by JWA P/L and is provided in <b>Appendix D</b> . A summary of the assessment is given in <b>Section 6.1</b> .                                                                                                                                                                                                                                                   |
| <b>10. Noise</b>                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10.1 Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.                                                                                                                 | An environmental noise impact assessment for the proposed development was undertaken and is discussed in <b>Section 6.10</b> . This assessment found that the potential impacts of traffic noise can be mitigated through various design and setback measures. The environmental assessment makes a number of recommended acoustic treatments to achieve noise levels that are consistent with adopted standards. |

| <i>Requirement</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>Discussion and Reference</i>                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>11. Consultation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                   |
| <p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> <li>▪ Commonwealth Department of the Environment, Water, Heritage and the Arts;</li> <li>▪ Kempsey Shire Council;</li> <li>▪ Department of Environment, Climate Change and Water;</li> <li>▪ Department of Primary Industries;</li> <li>▪ NSW Rural Fire Service;</li> <li>▪ Department of Water and Energy;</li> <li>▪ Roads and Traffic Authority;</li> <li>▪ State Emergency Service;</li> <li>▪ Northern Rivers Catchment Management Authority;</li> <li>▪ Local Aboriginal Land Council/s and other Aboriginal community groups; and</li> <li>▪ utility and infrastructure providers.</li> </ul> <p>(b) <i>Public:</i></p> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p> | <p>Government agencies listed in Section (a) were contacted and their requirements are provided in <b>Tables 3.2</b> and <b>3.3</b>.</p> <p>Community concerns of the area have been derived from consultation undertaken for the adjoining and previous application for cabins on the eastern side of the Tavern. These are discussed in <b>Section 3.2</b>.</p> |

A Planning Focus Meeting (PFM) was held on 10 June 2009 in order to provide an outline of the proposal to relevant authorities. Representatives from Department of Planning attended an onsite meeting. The requirements of the Government Authorities provided in writing to the Director-General of DoP are summarised in **Table 3.2**. A relevant section of the EA, where consideration is given to these issues, is also presented in **Table 3.2**.

**Table 3.2 Summary of Government Authorities Requirements**

| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Location in EA</b>                              |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Section</b>                                     | <b>Appendix</b>                  |
| <b>Kempsey Shire Council</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                                  |
| The proposed land tenure system is to be indicated in the Environmental Assessment. This will allow identification of what title restrictions are required to ensure that the land is utilised as a tourist facility rather than long term residential.                                                                                                                                                                                                                                                                                                                                                  | <b>Section 2.3</b>                                 |                                  |
| The Preliminary Environmental Assessment does not show the exact location of the existing New Entrance Wetlands (436).<br>A suitably qualified ecological consultant is to identify the extent of the wetland area within the subject development, and then a surveyor is to provide a survey along the Environmental Assessment.                                                                                                                                                                                                                                                                        | <b>Illustration 4.3</b>                            |                                  |
| The Preliminary Environmental Assessment does not show the exact location of the existing Endangered Ecological Community (EEC) as represented in the 2004 Darkhart Environmental Assessment on the development site.<br>A suitably qualified ecological consultant is to identify the extent of the EEC within the subject development, and then a surveyor is to provide a survey along the identified line provided by the ecological consultant for inclusion into the Environmental Assessment.                                                                                                     |                                                    | <b>Appendix D<br/>(Figure 7)</b> |
| Any Environmental Assessment is to show the total area of the subject development site that is described by the proponent as <i>disturbed</i> taking into account the location of the wetlands, EEC, issues associated with any controlled activity under the Water Management Regulation 2008 and required setbacks from New entrance Road.                                                                                                                                                                                                                                                             | <b>Section 4.2<br/>Section 4.6<br/>Section 6.1</b> |                                  |
| The applicant to provide a plan showing the location of all existing public infrastructure where it traverses the subject allotment and in New Entrance Road and Marlin Drive and likely impacts upon that infrastructure.                                                                                                                                                                                                                                                                                                                                                                               | <b>Section 4.10</b>                                |                                  |
| Both the South West Rocks Section 94 Contributions Plan and Section 94 Administration Plan apply to this development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Requirement 4.2<br/>within Table 3.1</b>        |                                  |
| 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 the 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. | <b>Section 6.3</b>                                 | <b>Appendix F</b>                |

| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Location in EA</b> |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Section</b>        | <b>Appendix</b>    |
| 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.                                                                                                  | <b>Section 6.7.2</b>  | <b>Appendix J.</b> |
| Council's Waste Management Strategy needs to be considered by the applicant at the proposed development site in conjunction with the Flood Assessment.                                                                                                                                                                                                                                                                                                      | <b>Section 6.3</b>    | <b>Appendix F</b>  |
| An approval under the Water Management Amendments (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.                                                                                                                                                                                                                        | Noted                 |                    |
| The applicant to undertake a complete Fauna and Fauna Assessment. The 2004 Darkhart Flora and Fauna Assessment makes it clear that the information contained in it was proposal specific for the then proposed caravan park.                                                                                                                                                                                                                                | <b>Section 6.1.</b>   | <b>Appendix D.</b> |
| Council's Water Integrated Water Cycle Management Strategy, NSW Department of Environment and Climate Change's Managing Urban Stormwater (MUS) series of documents will need to be considered and in particular the impact on the current system for the existing Tavern.                                                                                                                                                                                   | <b>Section 6.4.</b>   |                    |
| Two recreation walking loops have been identified in the Pedestrian Access Mobility Plan 2003 for South West Rocks. The loop of interest to this proposal is the shared path system along New entrance Road out to the Macleay River then along the river banks to Marlin Drive. Although the priority is listed as low the development proposal needs to consider the contents of this plan and Council's Development Control Plan 24 Access and Mobility. | <b>Section 6.8</b>    |                    |



| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Location in EA              |          |
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| <p>A <i>Traffic Impact Statement</i> would suffice for this development proposal. This statement should include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>proposed on-site parking provision as it relates to parking demand and Council's requirements (Parking Code);</li> <li>existing road network conditions within the vicinity of the site including traffic volumes and general traffic safety;</li> <li>identifying traffic likely to be generated by the subject development with particular regard to the movement of heavy vehicles;</li> <li>proposed access arrangement and internal circulation patterns including ingress / egress to New entrance Road and Marlin Drive and Proposed heavy vehicle flow paths and loading areas; and</li> <li>assess the ability of the surrounding road network to accommodate additional traffic movements projected by the proposal.</li> </ul> <p>Refer to the <i>Roads and Traffic Authority's Guide to Traffic Generated Developments</i> and the Council's Parking Code Policy. Consult with the Road and Traffic Authority's Development Impact Unit in relation to the subject proposal as required.</p> | Section 6.8                 |          |
| The applicant is to identify any works to be carried out on or over New entrance Road and or Marlin Drive and note Council's DCP36 Engineering Guidelines for Subdivision and Development will need to be considered.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Section 6.8                 |          |
| The applicant when investigating the impact of this proposal on the Macleay River Estuary considered the <i>Macleay River Estuary Process Study 2009</i> document.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Section 5.9                 |          |
| Council's sewerage infrastructure that services this area is already at capacity and there are no plans in the pipeline to provide additional capacity that would allow this proposal to connect to Council's existing network.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Sections 4.9.4 and 6.11     |          |
| The applicant is to liaise with Council's Macleay Water to ensure there is ample provision for supply of reticulated water to the site (including provision of water for fire fighting purposes).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Sections 4.9.2 and 6.11     |          |
| The North Coast Regional Environmental Plan (cl75 1(d)) states that consent is not to be granted unless reticulated water and sewerage services are available or satisfactory arrangements have been made for the provision of these services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Sections 4.9, 4.10 and 6.11 |          |

| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Location in EA</b>       |                   |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Section</b>              | <b>Appendix</b>   |
| <p>The North Coast Regional Environmental Plan (cl75 1©) states: the development will not be detrimental to the scenery or other significant features of the natural environment.</p> <p>The Visual Impact Assessment will need to be prepared identifying the constraints of the site (such as the existing Tavern, proximity of the development proposal to the Macleay River, flooding, location of existing EEC and Wetland areas, adjacent residential properties, existing roads, existing recreational areas and adjoining Aboriginal midden sites), a detailed landscape design (incorporating elements such as streetscape, entry features, stormwater detention/treatment areas, asset protection zones, EEC/Wetland areas, effects of flooding and residential component of the development) and address the impact of the proposed tourist cabin buildings and associated infrastructure (such as materials, heights, setbacks, architecture, textures, colours) on the scenery and other significant features of the natural landscape.</p> <p>The visual impact assessment should include a visual access and view point analysis.</p> | <b>Section 6.13</b>         |                   |
| Council's Development Control Plan 25 Advertising Signs in Kempsey Shire is applicable to tourist developments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Section 5.7</b>          |                   |
| <b>NSW Department of Environment, Climate Change and Water</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                   |
| <p><u>Water Quality</u></p> <p>The environmental outcomes for the project in relation to water should be:</p> <ul style="list-style-type: none"> <li>there is no pollution of waters during the construction and operational phases of the development;</li> <li>there is no inconsistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission; and</li> <li>it is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.</li> </ul> <p>The Environmental Assessment (EA) should document the measures that will achieve the above outcomes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Sections 4.9 and 6.4</b> | <b>Appendix G</b> |
| <p><u>Contaminated Land</u></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Section 6.7.1</b>        | <b>Appendix I</b> |

| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Location in EA</b> |                    |
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| <p><u>Noise</u></p> <p>The Environmental outcomes should include the following:</p> <ul style="list-style-type: none"> <li>the proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Section 6.10</b>   |                    |
| <p><u>Vegetation Clearing</u></p> <p>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.</p> <p>The EA will need to include a comprehensive assessment of the following:</p> <ul style="list-style-type: none"> <li>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”;</li> <li>likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the consideration listed in Step 3 of the draft guideline;</li> <li>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; and</li> <li>the EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.</li> </ul> | <b>Section 6.1.</b>   | <b>Appendix D.</b> |

| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Location in EA</b> |                    |
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| <p><u>Aboriginal Cultural Heritage</u></p> <ul style="list-style-type: none"> <li>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;</li> <li>identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area;</li> <li>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;</li> <li>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; and</li> <li>the EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, development options and making final recommendations.</li> </ul> <p>Note: If the EA is relying on past surveys that they should check that the work is consistent with the above 3A guidelines.</p> | <b>Section 6.9</b>    | <b>Appendix K.</b> |
| <b>NSW Industry and Investment (now includes agencies the NSW Department of Primary Industry and the NSW Department of Water and Energy)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                    |
| <p><b>NSW Department of Water and Energy</b></p> <p>Measures to prevent or minimise water quality impacts on wetlands and the river due to runoff, erosion and sedimentation should be detailed. Landscaping of the site to ensure stability during major storm or flood events should also be ecologically compatible with wetland and riparian habitats.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Section 6.4</b>    | <b>Appendix F</b>  |
| <p>While the PEA recognized the flood risk over the site, there was no mention of the longer term issue of sea level rise and the range of likely inundation depths. The issue requires more consideration than just compliance with existing building height requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Section 6.3</b>    | <b>Appendix F</b>  |
| <p>A comprehensive assessment of the risk posed by ASS material under the site and its likely disturbance should be undertaken, according to the ASS Manual guidelines. During this assessment, the depth, standing water levels and characteristics of the local groundwater regime should be determined, and the EA should include a consideration of measures to ensure its continued stability.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Section 6.7.2</b>  | <b>Appendix J</b>  |
| <p>Water management for the development generally should embrace sustainability and efficiency as per principles in the general attachment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Section 6.4</b>    | <b>Appendix F</b>  |

| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Location in EA              |                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section                     | Appendix                |
| <b>NSW Department of Primary Industry</b><br><u>Environmental Buffers</u><br><p>"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".</p> <p>It is unlikely that the proponent will be able to satisfy this policy. Active remediation of aquatic habitats (e.g.: SEPP14 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.</p> | <b>Section 6.1</b>          | <b>Appendix C and D</b> |
| <u>Wetland Rehabilitation</u><br><p>Section 3.1.6 of the Preliminary Assessment notes that the adjacent SEPP14 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Sections 4.6 and 6.1</b> | <b>Appendix C</b>       |
| <u>Commercial Fishing and Oyster Industries</u><br><p>The surrounding waters are regularly used by commercial fishers and oyster farmers. The Department of Planning should be ensuring that the proposal does not impact on the viability or opportunities of these resource users.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Sections 4.6 and 6.1</b> | <b>Appendix C</b>       |
| <b>NSW Rural Fire Service</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                         |
| <p>The Rural Fire Service (RFS) notes that the subject site has bush fire issues and is identified as bush fire prone. Special Fire Protection Purpose developments are likely to be subject to the requirements of section 100B of the Rural Fires Act 1997.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Section 6.2</b>          | <b>Appendix E</b>       |
| <p>It is noted that the site also contains bush land that has been identified as State Environmental Protection Policy 14 – Wetland (SEPP 14). Therefore the applicant should address how, asset protection zones (APZ's) and other bush fire protection measures required as part of the development can be met without conflicting with the ecological values of the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Section 6.2</b>          | <b>Appendix E</b>       |
| <p>Minimising the impact of radiant heat and direct flame contact by separating the development from the bush fire hazard through the implementation of asset protection zones in accordance with <i>Planning for Bush Fire Protection 2006</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Section 6.2</b>          | <b>Appendix E</b>       |

| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Location in EA        |            |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Section               | Appendix   |
| The ability to provide for adequate access to the proposed development as outlined within 4.2.7 – Internal Access, of <i>Planning for Bush Fire Protection 2006</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 6.2           | Appendix E |
| The ability to site and provide for adequate future water supplies for bush fire suppression operations as outlined within sections 4.1.3 and 4.2.7 – Water, electricity and gas, of <i>Planning for Bush Fire Protection 2006</i> .                                                                                                                                                                                                                                                                                                                                                                                       | Sections 6.2 and 6.11 | Appendix E |
| Minimising the vulnerability of buildings to ignition from radiation and ember attack by addressing the construction of asset in accordance with Australian Standards AS 3959 – 1999 “ <i>construction of buildings in bush fire-prone areas</i> ”.                                                                                                                                                                                                                                                                                                                                                                        | Section 6.2           | Appendix E |
| The future management regimes for any areas of hazard remaining within the subject area. This should focus on the level of hazard posed to future development by the land or adjacent land and how the hazard may change as a result of development.                                                                                                                                                                                                                                                                                                                                                                       | Section 6.2           | Appendix E |
| A plan of management will need to include fuel management within the development and maintenance of asset protection zones in accordance with <i>Planning for Bush Fire Protection 2006</i> and the Service’s document “ <i>Standards for asset protection zones</i> ”.                                                                                                                                                                                                                                                                                                                                                    | Section 6.2           | Appendix E |
| <b>Northern Rivers Catchment Management Authority</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |            |
| The EA should demonstrate consistency with the targets and intent of the Northern Rivers Catchment Action Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Section 5.8           |            |
| The native Vegetation Act 2003 should be included for consideration within both the General Requirements, and Section 9 “Flora and Fauna”. The NRCMA is responsible for the information access and approval processes of the native Vegetation Act, which regulates the clearing of native vegetation on all lands in NSW except for land listed in Schedule 1 of the Act as “excluded land”.                                                                                                                                                                                                                              | Section 6.1           | Appendix D |
| In relation to potential land use conflict occurring between urban development and high conservation value habitat areas, the NRCMA supports the recommendations listed in the publication <i>North Coast guide for avoiding and reducing rural land use conflict and interface issues</i> (Centre for Coastal Agricultural Landscapes – Southern Cross University, June 2007) which was produced by the NRCMA to help reduce land use conflict in rural environments.<br><br>The EA should demonstrate consistency and compliance with the recommendations to reduce land use conflict detailed in the above publication. | Section 6.1           | Appendix D |

A number of other government authorities were contacted and comments sought during the environmental, social and economic assessment of the proposed tourist facility. This enabled other key stakeholders to be involved in the scoping of the major issues and allowed the assessment to address



concerns of other key stakeholders. **Table 3.3** provides a summary of comments provided by the other government departments.

**Table 3.3 Summary of Requirements from other Government Stakeholders**

| <i>Requirement/Comment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>Location in EA</i>                 |                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <i>Section</i>                        | <i>Appendix</i>   |
| <b>Department of Environment, Water, Heritage and the Arts (Cth)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                       |                   |
| DEWHA advised they only respond to referrals pursuant to the EPBC Act. A referral was not warranted as described in this EA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Section 6.1</b>                    |                   |
| <b>NSW Roads and Traffic Authority</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                       |                   |
| No comment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |                   |
| <b>NSW State Emergency Service</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                       |                   |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                       |                   |
| <b>The Land and Property Management Authority (formerly the NSW Department of Lands)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                       |                   |
| <p>Crown Land immediately north of unformed Council public road (Government Road wide Gaz 24/11/1989 Folio 10160) is Lot 339 DP 754396. It holds status as crown Reserve R86006 for Future Public Requirements and forms part of SEPP14 Coastal Wetland No. 436. Lot 339 DP 754396 also forms part of LPMA (Formerly Department of Lands) <i>The Rocks Regional Crown Reserve (R1011708) for the public purposes of access and public requirements, tourism purposes and environmental and heritage conservation</i> (notified 4-8-2006).</p> <p>The Authorities main concern in this instance is the impact of the proposed development in relation to Wetland No. 436. The issues are adequately identified in Section 5.1 of the <i>Preliminary EA Report</i> flag further clarification of the sustainability of Wetland No. 436 is to be sought in terms of the above and that status of adjoining Crown land is noted.</p> | <b>Sections 6.1, 6.3, 6.4 and 6.5</b> |                   |
| <b>Local Aboriginal Land Council</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                       |                   |
| Consultation with the LALC was undertaken as part of the Archaeological Report by Sue Hudson. Elizabeth Holden (registered stakeholder) accompanied Sue Hudson during the site inspection and upon review of the Archaeological assessment report Elizabeth Holden provided correspondence indicating that she had no further comment to make in regard to the proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Section 6.9</b>                    | <b>Appendix K</b> |

## 3.2 Community Consultation

The primary aim of a community involvement program is to gain an understanding of the main issues of concern to the community and establish how these issues have been addressed. From a strategic sense, issues can be identified and mitigated through design characteristics or safeguards included in the development to mitigate any potential for adverse impacts.

The site was previously the subject of a development application for a Caravan Park development which was subsequently refused. During the assessment period, the DA was exhibited and a number of submissions were received on the proposal.

**Table 3.4** summarises the main concerns raised by the community in regards to cabin development on the subject land. These matters have been taken into account in the present development proposal and accordingly addressed in this Environmental Assessment.

**Table 3.4 Key Issues Raised by Community**

| <i>Issues</i>                                  | <i>Location in EA</i>        |                   |
|------------------------------------------------|------------------------------|-------------------|
|                                                | <i>Section</i>               | <i>Appendix</i>   |
| Adverse Impact on Wetlands                     | <b>Sections 6.1 and 6.3</b>  | <b>Appendix C</b> |
| Traffic and Noise                              | <b>Sections 6.8 and 6.10</b> |                   |
| Presence of existing caravan parks in the area | <b>Section 6.14</b>          |                   |
| Impacts on flora and fauna                     | <b>Section 6.1</b>           | <b>Appendix D</b> |
| Flooding hazard                                | <b>Section 6.3</b>           | <b>Appendix F</b> |
| Impacts on water quality                       | <b>Section 6.4</b>           | <b>Appendix G</b> |
| Capacity of infrastructure                     | <b>Section 6.11</b>          |                   |
| Adverse impact on scenic quality               | <b>Section 6.12</b>          | <b>Appendix L</b> |
| Absence of a structure plan                    | <b>Section 5</b>             |                   |

Ref: Department of Planning, Planning Assessment Report, Section 5 (DA148-6-2004)

These issues have been incorporated into the design of the nine (9) proposed cabins and the issues that have been raised are addressed in this EA. The subject design is a modest development suitable for the site and surrounding area having considered the concerns of the community.

## Development Proposal

### 4.1 Background

Project Approval is sought for the use of the land as a tourist facility, involving the construction of nine self-contained tourist cabins. The cabins will be located adjacent to the existing Riverside Tavern.

Design drawings of the cabins are attached as **Appendix B**, together with a development site plan.

The project has an estimated capital investment value of \$1.8 million and will result in 20 full time equivalent construction jobs and 10 full time equivalent operational jobs.

The project consists of 5 x 1 bedroom cabins and 4 x 2 bedroom cabins. Each cabin will be fully self-contained, with toilet and bathroom facilities, and all cabins will be of light weight construction utilising the following materials:

- custom orb metal roof;
- fibre cement external cladding; and
- timber decks.

### 4.2 Tourist Cabins

The proposed Riverside Tourist Cabins provide for a high quality development at South West Rocks. The drawings including perspectives and proposed colour chart are provided in **Appendix B**.

The key elements of proposal include:

- creation of nine contemporary holiday cabins for tourist accommodation providing 5 x 1 bedroom and 4 x 2 bedroom accommodation;
- all cabins will have a minimum habitable floor level of 3.25 m AHD which is equivalent to the 1 in 100 year flood level under the 2050 climate change scenario plus 0.5 m freeboard. The cabins should be raised by the year 2050 to the projected 1 in 100 year flood level under the 2100 climate change scenario plus 0.5 m freeboard as part of an adaptive management strategy;
- all cabins will be serviced by bitumen sealed internal roads with crushed rock driveways. One new access point is proposed off Marlin Drive;
- the site of the proposed development will be comprehensively landscaped to provide a high level of amenity and privacy for occupants and also to reduce the visual impact of the cabins on the surrounding locality;
- includes construction of a wetland buffer between the cabins and the SEPP14 wetland filtering the stormwater;
- internal paths will be provided to allow for ease of access to the existing local footpath network, the adjoining tavern, the Macleay River foreshore and the existing nearby community infrastructure;
- all cabins will be connected to the reticulated sewerage and water systems. Stormwater will be disposed of via contemporary Water Sensitive Urban Design measures;
- stormwater management measures developed for the project will protect the SEPP 14 Wetland from any direct or indirect impacts of the project; and
- rehabilitation of the wetland in accordance with an approved Wetland Management Plan.

### 4.3 Site Fill Levels

The developed portion of the site will be filled to a minimum level of 1.9 m AHD based on flood evacuation considerations and avoidance of nuisance flooding (refer to **Section** Error! Reference source not found.). This is approximately 1.0 m higher than existing surface levels on the site. The finished surface levels of the roadway and the areas surrounding the cabins will gently rise from a level of 1.9 m AHD at the northern end of the development to approximately 2.4 m AHD at the southern end where the internal road intersects with Marlin Street. The area of fill is shown in **Illustration 4.1**. The volume of fill on the site is approximately 7,500 m<sup>3</sup>.

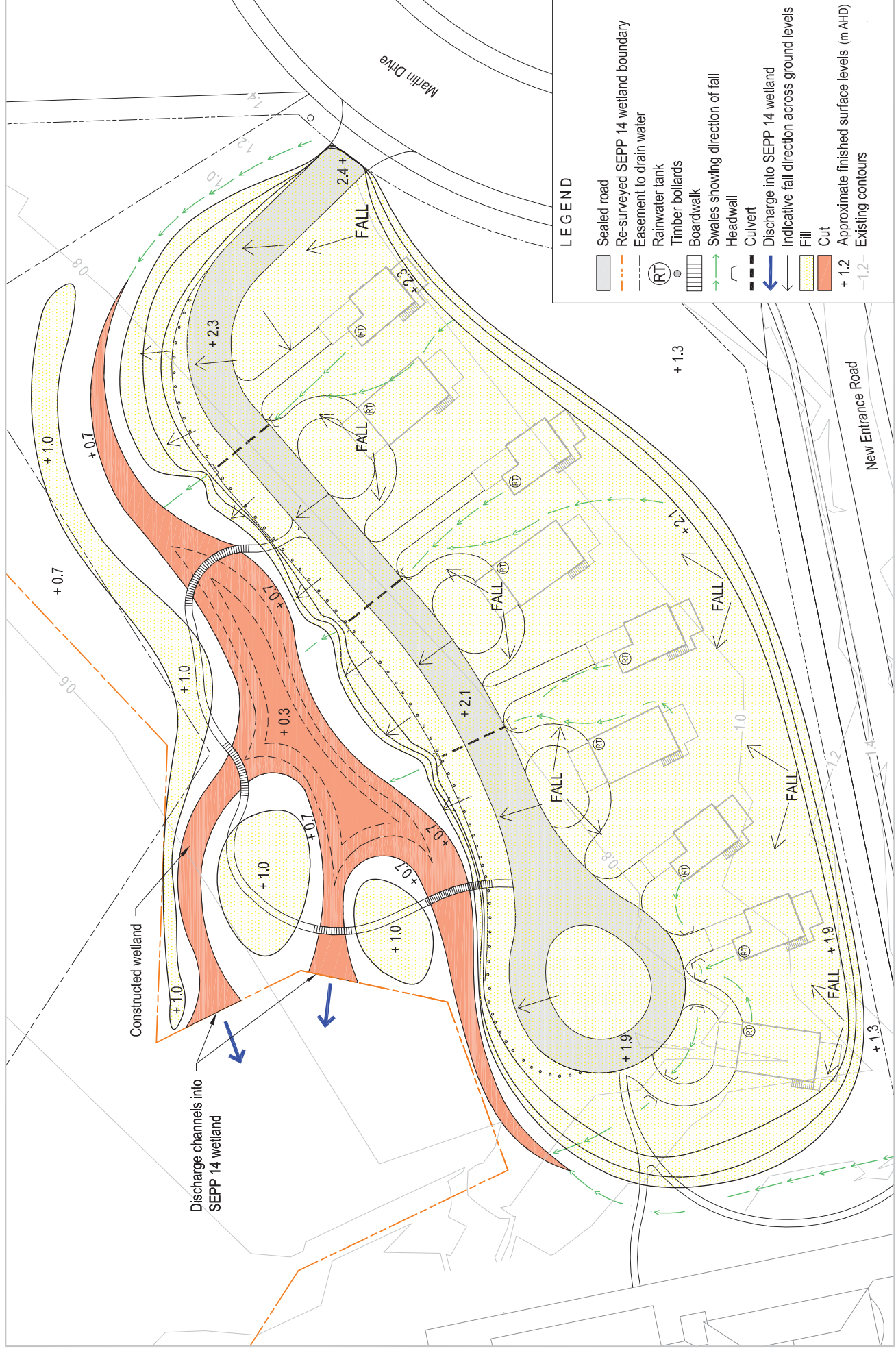
The main area of excavation on the site is the proposed wetland which is described further in **Section 4.9**. The depth of excavation associated with the wetland is approximately 0.4 m down to a level of approximately 0.3 m AHD. This level is above the level of acid sulfate soils and the groundwater as indicated by geotechnical testing. The volume of excavation is approximately 200 m<sup>3</sup>.

### 4.4 Urban Design and Sustainability

The vision for the Riverside Tourist Cabins has been developed by the owner, Shannon Pacific P/L, Paul Smith Building Design, Hadlow Design Services and GeoLINK as a result of the design outcomes and community issues uncovered during the previous development application. The design statement includes the following key design characteristics.

- cabins will have a light-weight, contemporary appearance incorporating pitched metal roofs and timber cladding to generate an easy going holiday ambience that will complement the visual character of the surrounding natural landscape;
- the cabins will be elevated to satisfy council's minimum flood level requirements creating an open undercroft that will accentuate the buildings as floating objects on the landscape. This sense of openness will be further enhanced by the use of timber handrails with wire balustrades, louvre windows, wide eaves and a large covered veranda along the cabin front that will cast deep shadows into the building facades;
- cabin footprints will occupy only a small proportion of the overall site with the vast majority of the area retained for open space. Cabins will have a narrow frontage to the street and each structure will be approximately 10 metres apart providing optimal scope for extensive new planting. Cabins to the west of the tavern will also have alternating set backs to minimise the visual prominence of building facades to the street;
- proposed new vegetation will incorporate a dominance of locally indigenous native plants to ensure that the existing landscape character prevails. Planting of casuarinas in particular will envelope the site and integrate it with the surrounding remnant forest;
- planting of trees and shrubs will be strategically located around cabins to create a dominant canopy above roof lines that will help disguise and visually absorb the structures. Planting will also create private spaces between cabins, screen unwanted views and provide shelter to the front verandas from undesirable south-western summer sun;
- surface drainage will be facilitated by open swales to provide opportunity for passive treatment through a bioretention system prior to discharging into the natural wetland area further east. The most significant swale will align with the southern access road and adjoining parking areas to prevent undesirable vehicle access into the wetland area further east; and
- the existing undeveloped area east of the swale will be rehabilitated to restore the natural values of the original wetland environment. New tree planting within this area will incorporate buffer zones and clearances between canopies as required satisfying bushfire regulations.

Context for this vision and for the Concept Plan developed from it is outlined in detail in design drawings contained in **Appendix B**.



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## 4.5 Development Staging

It is proposed that the development will be constructed in stages as demand dictates. The development will commence through construction of the wetland and then move to the civil works and finally construction of the cabins. A general list of the construction items is provided in chronological order:

- Stage 1 - general site preparation, earth works, construction of the wetland and construction of the floodgate and commencement of the wetland rehabilitation;
- Stage 2 - civil services (power, water and sewerage) and road;
- Stage 3 –Cabins 1 and 2 (closest to tavern) and Cabin 6 (disabled cabin) and landscaping and foot paths
- Stage 4 Cabins 3 and 4 and landscaping and foot paths ;
- Stage 5 Cabins 5 and 7 and landscaping and foot paths;
- Stage 6 Cabins 8 and 9 and landscaping and foot paths
- Complete all landscaping; and
- Boardwalk and pathway into constructed wetland

The site is currently cleared, devoid of any significant vegetation and relatively flat. The proposed earthworks would be minimal in nature and would be largely related to construction of the wetland, filling of the site and road formation.

## 4.6 Management of Adjoining Wetlands

The Department of Planning in conjunction with Amos and McDonald Surveyors and Darkhart Eco Consultancy resurveyed SEPP 14 No. 436 boundary within the vicinity of the cabins on 25 June 2009 (refer to **Illustration 4.3**).

James Warren and Associates Pty Ltd prepared a Wetland Management Plan (WMP) for SEPP 14 Wetland 436 within the site. The WMP is attached in full at **Appendix C**. The aims of the WMP are to:

- direct the conservation, protection and management of SEPP 14 Wetland on the Subject site;
- reintroduce tidal flows to the SEPP 14 Wetland;
- re-establish a healthy Saltmarsh ecosystem;
- protect the SEPP 14 Wetland from storm water runoff with the establishment of a suitable vegetated buffer between the proposed development and the SEPP 14 Wetland (i.e. by way of a constructed freshwater wetland);
- manage the SEPP 14 Wetland area (including protection of Endangered Ecological Communities) through weed control and assisted natural regeneration; and
- prepare a detailed monitoring and maintenance program.

Issues identified by the WMP as requiring management are:

- stormwater and restricted tidal flows;
- Endangered Ecological Communities; and
- weed infestation.

The WMP has identified six management areas:

- Management Area 1 (MA1) – Constructed freshwater wetland;
- Management Area 2 (MA2) – Stormwater outlet dispersal area;
- Management Area 3 (MA3) – Buffer to adjacent residential area;
- Management Area 4 (MA4) – Area between Saltmarsh and Macleay River;

- Management Area 5 (MA5) – Central Swamp Oak Forest; and
- Management Area 6 (MA6) – Saltmarsh and Mudflats.

Management Areas 2, 3, 4, 5 and 6 will cover SEPP 14 Wetland number 436 on the subject site.

The WMP proposes a number of management measures aimed at resolving environmental issues currently affecting the SEPP 14 wetland, and further, to mitigate any potential impacts of the proposed development. Management measures are summarised in **Table 4.1** below.

**Table 4.1 Summary of Wetland Management Plan management actions**

| MANAGEMENT AREA             | MA1 | MA2              | MA3              | MA4              | MA5              | MA6              |
|-----------------------------|-----|------------------|------------------|------------------|------------------|------------------|
| <i>Staging</i>              | 1st | 2nd              | 3rd              | 4th              | 5th              | 6th              |
| <b>MANAGEMENT ACTION</b>    |     |                  |                  |                  |                  |                  |
| <i>Temporary Fencing</i>    |     | ✓                |                  | ✓                | ✓                |                  |
| <i>Weed control</i>         |     | ✓                | ✓                | ✓                | ✓                | ✓                |
| <i>Primary Weeding</i>      |     | ✓                | ✓                | ✓                | ✓                | ✓                |
| <i>Secondary Weeding</i>    | ✓   | ✓                | ✓                | ✓                | ✓                | ✓                |
| <i>Natural Regeneration</i> | ✓   | ✓                | ✓                | ✓                | ✓                | ✓                |
| <i>Enhancement Planting</i> | ✓   | To be determined | To be determined | To be determined | To be determined | To be determined |
| <i>Monitoring</i>           |     | ✓                | ✓                | ✓                | ✓                | ✓                |
| <i>Adaptive Management</i>  | ✓   | ✓                | ✓                | ✓                | ✓                | ✓                |
| <i>Permanent Fencing</i>    |     | ✓                |                  | ✓                | ✓                |                  |
| <i>Interpretive Signage</i> |     | ✓                |                  |                  |                  |                  |

A five year maintenance and monitoring program is outlined in the WMP. Maintenance will be carried out by an experienced Bush Regeneration company. Long term monitoring of the overall vegetation communities within MA1 (the SEPP 14 Wetland on the site) is to be completed using aerial photography and ground truthing of the vegetation composition. A plan for the long term monitoring is also included in WMP. Monitoring data can be used by project managers to demonstrate the ability of the project to meet stated goals and objectives.

#### **4.6.1 Restoring Tidal Flows to the SEPP 14 Wetland**

Tidal flow will be restored to the SEPP 14 Wetland by modification to the existing floodgate beneath Government Road along the northern boundary of the site (refer to **Illustration 2.4** for location).

Currently, the levee created by Government Road blocks tidal flow entering the SEPP 14 Wetland on the south side of the road (in the subject site). An existing floodgate on a 375 mm pipe beneath Government Road allows flood or stormwater flows to discharge out of the subject site to the north into Back Creek. It is noted the existing floodgate is currently broken, allowing a limited amount of tidal flow into the site.