



Environment,  
Climate Change  
& Water

Your reference: MP 10-0205  
Our reference: DOC10/56828, FIL07/12980-05  
Contact: Richard Bath, 4908 6805

Michael File  
Director, Strategic Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Michelle Cramsie

Dear Mr File *Michael*

**RE: GWANDALAN RESIDENTIAL SUBDIVISION PROJECT APPLICATION (MP10-0205) –  
REVIEW OF ENVIRONMENTAL ASSESSMENT**

I refer to your letter dated 13 December 2010 seeking advice in regard to an Environmental Assessment report (EA) from Lakeside Living Pty Ltd for a proposal for a residential subdivision at Gwandalan.

The Department of Environment, Climate Change and Water (DECCW) has reviewed the information provided and is satisfied that the environmental matters of key interest to DECCW, as outlined in our submission on the Director General's Environment Assessment requirements (letter dated 26 November 2010), have been adequately addressed by the applicant. This includes impacts on threatened species, adjoining conservation lands, Aboriginal cultural heritage, water quality and flooding, and contaminated land. **Attachment 1** contains DECCW's assessment of the proposal, including further comments on key issues.

If you require any further information regarding this matter, please contact Richard Bath, Acting Manager, Planning and Aboriginal Heritage, on 4908 6805 or via email to [richard.bath@environment.nsw.gov.au](mailto:richard.bath@environment.nsw.gov.au).

Yours sincerely

- 8 FEB 2011

**GARY DAVEY**  
Director North East  
**Environment Protection and Regulation**

Enclosure: Attachment 1 – Review of Environmental Assessment

## **ATTACHMENT 1**

### **Department of Environment, Climate Change and Water – Review of Environmental Assessment (EA) for Gwandalan Residential Subdivision (MP10-0205)**

#### **Impacts on Adjacent Conservation Areas**

As the development directly abuts Lake Macquarie State Conservation Area (SCA) (Point Wollstoncroft recreation camp), the residential subdivision design and management of the development – conservation area interface is one of the primary concerns of DECCW.

The '*Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)*' outline the issues that consent authorities need to consider when assessing proposals adjoining DECCW land. These issues included impacts from: erosion and sediment control, stormwater runoff, wastewater, management implications relating to pests, weeds and edge effects, fire and the location of asset protection zones, boundary encroachments and access through DECCW conservation lands, visual, odour, noise, vibration, air quality and amenity impacts, threats to ecological connectivity and groundwater dependent ecosystems, and Aboriginal cultural heritage.

Following a review of the proposed subdivision design, draft Development Control Plan, and asset protection zone measures, DECCW is generally satisfied that the majority of its issues have been adequately addressed.

DECCW reconfirms that all asset protection zones should be fully contained within the development area and should not be dependent on management activities within Lake Macquarie SCA. It is also requested that further information be provided on the proposed boundary definition / fencing material to Lake Macquarie SCA. The boundary to the reserve should be clearly defined in this location to minimize issues from boundary encroachment (rubbish dumping, etc). The proponent should contact DECCW's Parks and Wildlife Group to determine the preferred fencing material to be used.

#### **Threatened Species and Biodiversity**

DECCW has reviewed the report titled '*Ecological Assessment Report - Southern Lake Macquarie Lands (RPS, September 2010)*' and is satisfied that the majority of the issued Director General's key assessment requirements for biodiversity impact have been adequately addressed.

In DECCW's submission to the Department of Planning's Director General's environmental assessment requirements, it was requested that the proponent undertake an assessment of whether the proposal was likely to achieve an 'improve or maintain' outcome for biodiversity values. This assessment has not been undertaken. However, the EA report states that, based on the information presented and the offset areas dedicated to DECCW, the proposal is likely to result in maintained biodiversity values within the region and improved long-term conservation of these values. The justification provided within the EA documentation does not provide a quantitative assessment of biodiversity impact and adequacy of proposed offsets. Nonetheless, DECCW considers that the proposed mitigation, avoidance, and offset measures are unlikely to significantly impact upon threatened or regionally significant flora and fauna, ecological communities or populations.

Further, DECCW considers that the offset package, being the lands dedicated to the Minister administering the *National Parks and Wildlife Act 1974* (NPW Act), is likely to be in compliance with DECCW offsetting principles as detailed in the Lower Hunter Regional Conservation Plan. This includes: avoidance of impacts by using prevention and mitigation measures; offsets are underpinned by sound ecological principles; will result in a net improvement in biodiversity over time; provide 'like for like' offsets for impacted vegetation communities and threatened species; and are strategically located to strengthen the existing conservation reserve network.

#### **Aboriginal Cultural Heritage Assessment**

A review of the documentation, including the *'Environmental Assessment Report - Bulk Earthworks, infrastructure and subdivision – Property: Lot 3 DP 588206 Kanangra Drive, Gwandalan'* (undated) and the *'Catherine Hill Bay/Gwandalan – Aboriginal Heritage Assessment'* (dated May 2007), was undertaken to assess the potential impacts of the projects on Aboriginal cultural heritage in accordance with the DECCW's Aboriginal cultural heritage assessment guidelines and the requirements of Part 6 of the NPW Act.

### **Local Aboriginal community consultation**

DECCW has developed the *'Aboriginal cultural heritage consultation requirements for Proponents 2010'* to assist applicants with consultation with the Aboriginal community. While these guidelines are aimed at applicants seeking an Aboriginal Heritage Impact Permit under the NPW Act, the guideline provides a useful reference to guide broader community consultation during the development of the major project application. DECCW also encourages the applicant to continue to engage with all the registered local Aboriginal stakeholders in developing appropriate cultural heritage outcomes for the life of the proposed development.

### **Long-term care of recovered Aboriginal objects:**

The proponent must ensure that if Aboriginal objects are to be salvaged if uncovered due to development activities, then any custodial arrangements proposed must comply with the provisions of section 85A of the NPW Act. In addition, the proponent must provide evidence of the support or otherwise, from all registered Aboriginal stakeholders, of any decisions regarding final custodial arrangements.

### **National Parks and Wildlife Act**

The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the NPW Act. Please note that the requirements of the NPW Act have recently been amended. It is therefore strongly recommended that the proponent reviews the new requirements during the development and any subsequent assessment/development works processes.

### **Conclusion**

DECCW has no additional concerns with the Aboriginal cultural heritage assessment for the project application and recommends that the following proposed conditions of approval for Aboriginal cultural heritage are reflected in any approval conditions for the project.

### **RECOMMENDED CONDITIONS OF APPROVAL FOR ABORIGINAL CULTURAL HERITAGE**

1. The applicant must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage. Evidence of this consultation must be collated and provided to the consent authority upon request.
2. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and representatives of the local Aboriginal community must be contacted to determine the significance (cultural and scientific) of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and DECCW to develop and implement management strategies for all objects/sites.
3. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact

DECCW's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until DECCW provide written notification to the proponent.

4. All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and DECCW. All sites impacted must have a DECCW Aboriginal Site Impact Recording (ASIR) form completed and submitted to DECCW AHIMS unit within three (3) months of completion of these works.
5. An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.

DECCW February 2011