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Our ref: SSI - 5118

Ian Lyall
Manager Aquaculture
NSW Department of Primary Industries
Locked Bag 1
Nelson Bay NSW 2315

Dear Mr Lyall

**State Significant Infrastructure – Director-General’s Requirements
Marine Finfish Cage Trials, Providence Bay (SSI - 5118)**

I have attached the Director-General’s environmental assessment requirements (DGRs) for the preparation of an Environmental Impact Statement (EIS) for the above State Significant Infrastructure proposal.

These requirements are based on the information you have provided to date and have been prepared in consultation with relevant government authorities. I have also attached copies of the government authorities’ comments for your information. Please note that under section 115Y(4) of the *Environmental Planning and Assessment Act 1979*, the Director-General may modify these requirements at any time.

If the development is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Department of Sustainability, Environment, Water, Population and Communities to determine if an approval under the EPBC Act is required for your development (<http://www.environment.gov.au> or 6274 1111).

Prior to exhibiting the EIS, the Department will review the document to determine if it adequately addresses the DGR’s. The Department may consult with other government agencies in making this decision. If the Department considers that the EIS does not satisfactorily address the DGR’s, you may be required to submit an amended EIS. Once the Department is satisfied that the requirements have been addressed, you will be contacted regarding arrangements for public exhibition.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the DA and EIS for the development. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EIS required for review.

If you have any enquiries about these requirements, please contact Kerry Hamann on 02 9228 6516 or via email at kerry.hamann@planning.nsw.gov.au.

Yours sincerely

Signed 2/3/12

Chris Wilson
Executive Director
Major Projects Assessment
as delegate of the Director-General

Director General's Environmental Assessment Requirements

Section 115Y of the *Environmental Planning and Assessment Act 1979*
 Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSI - 5118
Infrastructure Project	<p>Construction and operation of an offshore marine finfish sea cage trial over a 20 hectare area approximately 3km directly east of the Hawks Nest Golf Club. The proposal would operate over a five (5) year period in conjunction with the existing Port Stephens Fisheries Institute and includes:</p> <ul style="list-style-type: none"> • around 8 floating sea cages of various sizes; • associated anchoring and bridle system; and • the farming of Southern Bluefin Tuna, Yellowtail Kingfish and Mulloway.
Location	Providence Bay, 3km directly east of the Hawks Nest Golf Club.
Proponent	Department of Primary Industries
Date of Issue	February 2012
General Requirements	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In addition, the EIS must include a:</p> <ul style="list-style-type: none"> • detailed description of the development, including: <ul style="list-style-type: none"> – need for the proposed development; – justification for the proposed development; – likely staging of the development; – likely interactions between the development and existing, approved and proposed operations in the vicinity of the site; – plans of any proposed building works; • consideration of all relevant environmental planning instruments, particularly Marine Parks legislation and Plans; including identification and justification of any inconsistencies with these instruments, • risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> – a description of the existing environment, <u>using sufficient baseline data</u>; – an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes; and – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment; and • consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.
Key issues	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> – a baseline assessment to determine habitat types and species types/assemblages beneath (including benthic communities) and within the vicinity of the proposed lease area; – an assessment of any impacts on critical habitats; threatened or

	<p>protected species, populations or ecological communities and their habitats in the region;</p> <ul style="list-style-type: none"> - impacts from draw down effects from natural reef areas and aggregation of any native fauna; - potential disturbance of known Great White Shark juvenile aggregation areas, change in behaviours and any increased risk to users of nearby beaches; - potential impacts on the Gould's Petrel and it's breeding areas such as from lease lighting or navigational features; - potential for entanglement in the lease infrastructure, such as by sharks, turtles, seals, dolphins and whales; and proposed mitigation measures; and - impacts on fauna from lease lighting or navigational features, potential for vessel strike and acoustic impacts. <ul style="list-style-type: none"> • Water quality – including: <ul style="list-style-type: none"> - background conditions and associated trigger values or criteria for the identified environmental values; - impacts from additional nutrients (including uneaten pellets) and fish faeces beneath and near the lease area, particularly on the benthic environment; and - impacts from possible biofouling through cleaning and maintenance of the lease infrastructure. • Disease Risks and Management – including: <ul style="list-style-type: none"> - identification of any disease risks to fish and aquatic health from introducing hatchery fish into the marine environment; - details of proposed measures to be used in maintaining the genetic integrity of local wild stocks; and - detailed disease and pest management protocols including the use of any chemicals; and potential impacts on other aquaculture operations. • Coastal Processes – including: <ul style="list-style-type: none"> - coastal hazards, wave run up/ reflection, and adequacy of the structures stability and height in light of the projected sea level rises; and - potential changes in wave behaviour, including wave dispersion and creation via amendments to orbital/oscillatory motions. • Navigation and safety – including: <ul style="list-style-type: none"> - an assessment of the potential impacts of the lease infrastructure and associated navigational features on other boating traffic; and - the potential impact of increased boat traffic associated with the proposal on other vessel activities. • Visual Amenity – including an assessment of visual impacts of lease infrastructure and associated navigational equipment on any private properties, key vantage points, publically accessible areas and other waterway users. • Project Monitoring – including: <ul style="list-style-type: none"> - the integrity and effectiveness of the cage structure and supporting lines; - total organic carbon in sediments at the farm site relative to relevant reference locations; the structure of benthic macrofaunal assemblages at the farm site relative to relevant reference locations; - any impacts on water quality, threatened/protected species and communities; - changes to shark behaviour in the vicinity of the project site; - any impacts on all water based traffic; and - the number of fish that have escaped into the wild (if any). • Construction – including the measures to minimise potential noise, air quality, traffic, soil and water and waste impacts. • Decommissioning – including a process description and waste disposal measures during decommissioning of any infrastructure.
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	<ul style="list-style-type: none"> • Cumulative impacts – of the proposed development and any similar developments nearby.
Environmental Risk Analysis	Notwithstanding the above key assessment requirements, the EIS must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of this additional key environmental impact must be included in the EIS.
Consultation	<p>During the preparation of the EIS, you should consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners.</p> <p>In particular, you must consult with:</p> <ul style="list-style-type: none"> • Environment Protection Authority; • Roads and Maritime Services; • NSW Marine Parks Authority; • NSW Food Authority; • NSW Land and Property Management Authority; • Great Lakes Council; • Port Stephens Council; • Department of Primary Industries (Aquatic Habitat Unit); • Myall Waterways Chamber of Commerce and Tourism; and • the Hawks Nest Tea Gardens Progress Association. <p>The consultation process and the issues raised must be described in the EIS.</p>
Further consultation after 2 years	If you do not lodge an EIS for the infrastructure within 2 years of the issue date of these DGRs, you must consult with the Director General in relation to the requirements for lodgement.

Technical and Policy Guidelines

Aspect	Policy /Methodology
Risk Assessment	AS/NZS 4360:2004 Risk Management (Standards Australia) HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Soil and Waters	NSW Coastal Policy (NSW Government) Coastline Management Manual (NSW Government) State Environmental Planning Policy No 71 – Coastal Protection National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ) National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ) National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ) Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC) Water Quality Objectives Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC) Environmental Risk Assessment of Marine Finfish Aquaculture in South Australia (SARDI, 2004) Guide to the assessment of sediment condition in marine finfish farms in Tasmania (2002) Evaluation of techniques for environmental monitoring of salmon farms in Tasmania (2002)
<i>Water</i>	
Flora and Fauna	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries) Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft (DEC) Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC) Threatened Species Assessment Guidelines: The Assessment of Significance (DECC) OEH Threatened Species Website Atlas of NSW Wildlife
Noise	NSW Industrial Noise Policy (DECC) Environmental Criteria for Road Traffic Noise (NSW EPA) Environmental Noise Control Manual (DECC)
Air Quality	Protection of the Environment Operations (Clean Air) Regulation 2002 Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)

Approved Methods for the Sampling and Analysis of Air Pollutants in NSW
(DEC)