

Appendix J – LMCC Comments and Responses

LMCC Comment	Response	Where addressed in EIS
<p>Clause 5.10(8) of Part 5 of the LM LEP2014 requires the following before granting consent to the carrying out of development in an Aboriginal place of heritage significance:</p> <ul style="list-style-type: none"> • Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment, (which may involve consideration of a heritage impact statement), and • Notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent. 	<p>An Aboriginal Cultural Heritage Assessment Report (ACHA) and historical heritage assessment have been prepared as part of the Project EIS.</p>	<p>Appendix F Appendix G</p>
<p>The LM DCP2014 includes specific controls regarding aboriginal heritage, in line with the Lake Macquarie Aboriginal Heritage Management Strategy 2011.</p>	<p>An ACHA has been prepared in accordance with the SEARs for the Project.</p>	<p>Appendix G</p>
<p>Under the provisions of LM DCP 2014, an Aboriginal Cultural Heritage Assessment Report is required to consider the project noting:</p> <ul style="list-style-type: none"> • The development site is in the vicinity (50 m) of an AHIMS site • The development site is mapped as part of the Sensitive Aboriginal Cultural Landscape • The development is in close proximity to wetlands and the coast, being foods sources 	<p>An ACHA has been prepared in accordance with the SEARs for the Project.</p>	<p>Appendix G</p>
<p>The ACHA will require consultation with the Aboriginal Community prior to finalising the report. Council also requires the ACHA to be referred to the Aboriginal Community as part of the assessment process (Council can provide contact details for the groups it consults with).</p> <p>Note, a Due Diligence report is not considered appropriate for this project noting the bullet points above and the need for consultation.</p> <p>An Aboriginal Heritage Impact Assessment, which includes an assessment of Cultural significance of the site, is required to consider the potential impact by the project on Aboriginal Heritage in accordance with LM LEP2014, Part 5, Clause 5.10(8)b) and the LMAHMS 2011.</p>	<p>An ACHA has been prepared in accordance with the SEARs for the Project.</p>	<p>Appendix G</p>

LMCC Comment	Response	Where addressed in EIS
<p>A Construction and Environmental Management Plan (CEMP)(or similar) should:</p> <ul style="list-style-type: none"> • Identify the extent of the trenched and trenchless pipeline sections. • Consider limiting exposure of these soils during works, and if exposed, the appropriate management of soil and water disturbed by the construction. This management would include how the soils are placed back in any trenches or excavations, pH management of soil and water including before any dewatering of excavations, and amelioration of soil and water during construction and stabilisation (including landscaping). • Identify and describe the appropriate erosion and sediment controls to be installed, managed correctly during works (including on weekend, during wet periods and shutdown periods) and removed properly following works. • Identify proposed stockpile locations and treatment areas for the amelioration of ASS. • Identify proposed staging of works to limit disturbance and therefore environmental risk. 	<p>The EIS includes the requirement to prepare a CEMP for construction and include recommended mitigation measures to be included within the CEMP, including preparation of acid sulphate soils management plan (ASSMP).</p>	<p>Section 7.1 and Section 8.1</p>
<p>The proposed development is likely to generate noise, however the potential for impact on the nearest sensitive receivers is not yet understood. It is recommended that a noise assessment is undertaken for the construction, operation and decommissioning of the proposed temporary desalination plant, in accordance with the requirements of the NSW EPA.</p>	<p>A quantitative noise assessment has been completed for the Project</p>	<p>Section 7.12 and Appendix P</p>
<p>The Lake Macquarie Coastal Zone Management Plan (CZMP) and its supporting studies identify that the site is vulnerable to coastal hazards.</p> <ul style="list-style-type: none"> • Detailed consideration of coastal hazards including the preparation of a site specific coastal hazards assessment (which includes recession, wave overtopping and coastal inundation) prepared in accordance with the NSW Coastal Management Manual. • In the event that coastal protection works are required to protect the asset from coastal hazards, the design of these works must be undertaken in a manner consistent with the principles of the Coastal Management Act, and NSW Coastal Management Manual. 	<p>A specialist desktop study on coastal hazards and risks is being conducted as part of the EIS and will be attached as an appendix to the EIS. This assessment heavily refers to and considers the Lake Macquarie CZMP. The desalination plant is proposed to be set back from the coastal hazard zone and therefore coastal protection works are not considered required for this project.</p>	<p>Section 7.5 and Appendix M</p>

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<p>The EIS should consider and address the following relevant plans, documents and studies:</p> <ul style="list-style-type: none"> • Lake Macquarie Local Environment Plan • Lake Macquarie Development Control Plan • Lake Macquarie Coastal Zone Management plan (and supporting studies) • NSW Coastal Management Manual • Marks Point and Belmont South Local Adaptation Plan • NSW Coastal Design Guidelines • Lake Macquarie Greenhouse Gas Emissions Reduction Targets • Lake Macquarie Waterway Flood Study and Plan 	<p>These documents will be reviewed and considered as part of the EIS preparation.</p>	<p>Section 5.4</p>
<p>The potential for unexploded ordnances to be impacted by the project needs to be assessed in the EIS.</p>	<p>An assessment of unexploded ordnances has been conducted by an appropriately qualified subcontractor to inform field survey and the EIS.</p>	<p>Section 7.1</p>
<p>The proposed potable water connection easement passes through a location potentially subject to contamination (resulting from concentrate from former sand mining). Detailed assessment of potential impacts (including WHS impacts for construction staff) should be included in the EIS.</p>	<p>The potable water connections do not form part of this Project.</p>	
<p>The assessment should consider the potential for conflict with current and future recreational users. Future recreational use include a potential Northern expansion of the Belmont Golf Course facility, and a proposed Southern extension of the Fernleigh Track.</p>	<p>A social impact assessment will be conducted which will include an assessment of potential impact on current and future recreation.</p>	<p>Section 7.6 and Appendix N</p>
<p>Consideration of security of the facility including liaison with NSW and Federal Police organisations. Consideration of natural disaster management.</p>	<p>Coordination with NSW Police force is ongoing on safety and security. Key outcomes from this consultation will be included in the EIS and incorporated into the design where relevant.</p>	<p>Section 6.7</p>
<p>Address the approval pathway including consideration of works upon E2 and E3 zoned land.</p>	<p>Only a small area of E2 will be impacted. Detailed EIS document to be submitted and approved by DPE. Land zoning will be considered during this project.</p>	<p>Section 5</p>
<p>Identification of quantities and methods of fuel storage on the site and if relevant, assessment against the provisions of SEPP 33.</p>	<p>It is noted that relatively small amounts of fuel will be utilised onsite, and this will primarily be for generators to enable controlled shut down in the event of power failure. All fuel storage areas will be constructed in accordance with relevant Australian standards.</p>	<p>Section 7.8</p>
<p>Consultation should occur with the following:</p> <ul style="list-style-type: none"> • Lake Macquarie City Council • Lake Macquarie Coastal Zone Management Committee • Belmont Golf Course • Belmont Wetlands State Park Trust 	<p>Consultation with all of the parties listed has been conducted and responses will be included in the EIS.</p>	<p>Section 6</p>

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<p>All efforts should be made in the concept design and construction to avoid impacts on State Environmental Planning Policy Coastal Management Wetlands including removal of native vegetation and changes in hydrology.</p>	<p>The Project area has been reviewed and revised to avoid SEPP Coastal Wetlands.</p> <p>An assessment of the potential direct and indirect impacts (and associated mitigation measures) on Coastal wetland will be included in the EIS.</p>	<p>Section 5.1.3 Section 7.3</p>
<p>Hydrological studies should be undertaken to assess direct and indirect impacts on wetland ecosystems. These would need to address changes in frequency, height and duration of flooding and inundation as well as any possible changes to ground water levels.</p>	<p>A flooding and drainage assessment EIS chapter will be prepared, which will include an outline flood risk and measures to be implemented to mitigate potential flooding and drainage impacts.</p> <p>The site is located outside of Council's flood planning area (LEP 2014), and is therefore not expected to result in appreciable changes to flooding within the local area. Therefore no detailed flood modelling is proposed or required as part of the SEARs.</p> <p>Further, groundwater impacts and associated indirect impacts will be assessed and included in the EIS.</p>	<p>Section 7.2</p>
<p>Any unavoidable impacts on native vegetation should be adequately offset. This includes direct and indirect impacts whether or not the project triggers the Biodiversity Offset Scheme (BOS). Unavoidable impacts should be offset within and around the wetland being affected and if this is not possible within a similar ecosystem in the local area.</p>	<p>The requirement for offsetting will be assessed by ecologists accredited under the Biodiversity Assessment Method (BAM) under the BC Act. Offsetting will be conducted in accordance with legislation.</p>	<p>Section 7.3</p>
<p>Avoidance of bycatch from the intake pipes and method, the impacts on marine fauna and ecosystems of such bycatch and the management of bycatch should be addressed in the concept design and impact statement.</p>	<p>At this stage, the intake system design for the temporary desalination plant will not be directly from open ocean. Instead, the intake system will consist of on-shore sub-surface pipes directed towards the ocean to capture saline groundwater. As such, a review and assessment of potential bycatch is not considered applicable.</p>	<p>Section 4</p>
<p>The impacts of increased saline discharge on water quality and nearshore ecosystems should also be addressed.</p>	<p>Quantitative marine dispersion modelling will be conducted and included in the EIS.</p>	<p>Section 7.4</p>
<p>The Concept Design and Environmental Impact Statement should address the Lake Macquarie Coastal Zone Management Plan March 2015 prepared by Umwelt 2015.</p>	<p>Refer to item 8 above regarding coastal hazards.</p>	<p>Section 7.5</p>
<p>Modelling of beach processes should be undertaken to ascertain the impact of the intake pipes and assess any alternative designs to avoid or reduce such impacts. Impacts include but are not limited to wave action, sand movement, beach profile and beach erosion as well as changes to these regimes expected in the future with climate change.</p>	<p>As mentioned in item 19 above, the proposed intake pipes will be below ground (rather than open ocean) and therefore will not impact beach processes such as wave action, sand movement or beach profile. As such, this modelling is not considered necessary.</p>	<p>Section 4</p>

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<p>The direct and indirect impact of the intake pipes on beach users should be assessed.</p>	<p>As the intake pipes will be sub-surface, impact on beach users is not considered applicable.</p> <p>However, any potential impacts to beach users from the project in general will be included as part of the social impact assessment specialist study.</p>	<p>Section 7.6</p>
<p>To increase climate change resilience (of this part of the beach), and minimise visual impact, the fore and hind dunes between the proposed plant and the back beach berm escarpment should be reshaped to a natural profile and rehabilitated with suitable native species mimicking the natural succession of species. This rehabilitation should be maintained in perpetuity.</p>	<p>Hunter Water is separately conducting a dune rehabilitation project. The scope of those works will not be assessed as part of this EIS as it is a separate project. However, the project will be mentioned in the EIS under 'relationship to other projects' chapter.</p>	<p>Section 3.3</p>