

Ref T6-11-184 LA 21426

KJA

15 August 2011

MAJOR PROJECTS ASSESSMENT  
DEPARTMENT OF PLANNING AND INFRASTRUCTURE  
GPO BOX 39  
SYDNEY NSW 2001

Dear Sir/Madam

**PROPERTY: LOT 4 DP1022342 NEW ENTRANCE ROAD, SOUTH WEST ROCKS**  
**APPLICATION NUMBER 09\_0019**  
**PROPOSAL: NINE (9) (5 X 1 BEDROOM AND 4 X 2 BEDROOM) SELF-CONTAINED**  
**TOURIST CABINS AND ASSOCIATED WORKS**

Thank you for the opportunity to comment on the above development proposal, please find Council's comments below:

#### **SEPP 14 Wetlands**

Council has had dealings with the SEPP 14 No. 436 Wetlands on this property in the early 2000's, whereby it has been difficult to ascertain the actual boundary of the wetland, as the previous owner carried out clearing within the wetland. This wetland was originally mapped by air photograph in 1985 and the western boundary was altered by Amendment No. 11 (Gazetted in June 1994). It appears that a compensatory programme of Casuarina planting was initiated however Council records are not clear about the specifics of the program.

From information provided in the Environmental Assessment, it is noted that increased tidal flows into the SEPP 14 area will increase the volume of water of the area. This situation will result in a change to hydrology and ecology to the SEPP 14. This matter was a primary issue for the Yarrahappinni area, where Kempsey Shire Council's legal advice indicated that such an activity would require an EIS and was essentially 'filling'.

#### **Ecological Assessment**

Two issues are raised with the Ecological Assessment:

- The Ecological Assessment stated that no NSW or EPBC Act listed threatened were recorded on the site, however the report indicates that a Latham's snipe (*Gallinago hardwickii*) was recorded on the site as part of the survey. The Latham's snipe is a listed EPBC Act (1999) migratory species. The report is required to indicate the position of the record of this species on the site and address the impacts of the development proposal in relation to this species, including a Seven Part Test.

The vegetation on the site is mapped as Preferred Koala Habitat in the Kempsey Shire Councils Comprehensive Koala Plan of Management (CKPoM). Information needs to be provided on the tree species that will be cleared as part of the development proposal. It is noted that if any Preferred Koala Food Trees (of a certain size) as set out in the CKPoM, are to be removed, a Koala habitat assessment in accordance with the KSC CKPoM will be required.

### **Landscaping**

A landscape plan indicating the use of only native endemic species is to be provided for the development proposal.

### **Newly Listed Fisheries Management Act (1994) threatened species**

The Bousfields marsh-hopper (*Microrchestia bousfieldi*) has been listed as a vulnerable species in Part 1 of Schedule 5 of the Fisheries Management Act 1994. This species has been described as only been collected from a small isolated location at South West Rocks Creek, South West Rocks. As such this development proposal is required to provide an assessment on the possible impacts to this species.

### **Stormwater**

The modelling with the stormwater demonstrates that the stormwater (both quality and quantity) discharging from the site does not exceed the pre-development levels. How will they ensure the ongoing maintenance of the stormwater infrastructure (swales drains, constructed wetland)?

Consent authority needs to be happy with the discharge of stormwater into the SEPP14 Wetlands.

### **Sewer**

The proposal for two pump stations with storage and time delays so that they pump into the sewerage system between 11pm and 5am has several issues that need to be addressed:

- What measures are being incorporated to ensure that the stored waste in the pump station does not turn septic?
- What emergency measures are proposed if the pump fails (both in additional storage and how to remove the waste)?
- The amount of storage provided may not be sufficient during peak holiday season and the plan to ignore the time delay when the storage is full is unsatisfactory.
- Additional storage is needed – the applicants need to provide details with justification of the amount of additional storage that will be provided



### **Roads**

The traffic assessment provided indicates that the likely impacts on the road network will be minimal and there is ample area provided for onsite parking. They will need an approval under section 138 of the Roads Act for the driveway.

The plans do not show a gate at the entrance – any gates to be installed will need to be approved to ensure there is adequate queuing area that doesn't affect Marlin Drive Traffic.

### **Flooding**

Flood assessment provided by WMA Water (report dated March 2010), demonstrates that development can comply with Council's Flood Policy, need to ensure that recommendations from the report are included as conditions of consent and the statement of commitments is enforced if the development is to be approved.

### **Contributions**

Contributions in the report were current for the 2009/2010 financial year, the actual contributions will need to be indexed to the current financial year

### **Noise**

Council requires the applicant to address the following in relation to noise:

That the noise levels taken between 6pm and 10pm and 10pm and 7pm were taken whilst a band with amplified music was occurring at the Tavern.

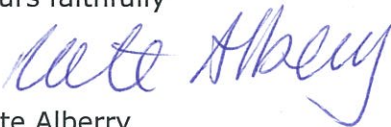
That the noise study needs to address other noise sources e.g. car parking noise; car doors slamming, car engines starts as the car parking is adjacent to the proposed cabins.

The noise levels set by OLG under licence ii110545 for surrounding residents appear from your noise assessment will not be achieved.

To ensure compliance with the OLG conditions consideration should be given to noise attenuation measures which may include screens or mounds and information on the potential sound mitigation shall be provided, with specific recommendations of the suitability of a particular attenuation system.

If you need further clarification on any of the points raised above please contact me on 65663200.

Yours faithfully



Kate Alberry  
A/MANAGER DEVELOPMENT ASSESSMENT  
SUSTAINABLE ENVIRONMENT