

**Anna Bay Tourist Development (SSD 13\_5916)**  
**Response to exhibition of Environmental Impact Statement**

I refer to your email dated 4 June 2015 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by Fisheries NSW

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for fish habitat conservation and management Update 2013*. In addition, NSW DPI is responsible for ensuring the sustainable management of commercial and recreational fishing in NSW.

Fisheries NSW has some serious concerns about the proposal given its location in and adjacent to wetlands adjacent to Port Stephens and directly connected to a sanctuary zone in the Marine Park.

- Flooding modelling indicate that the development may cause a rise in flood levels of 35mm, this may cause longer periods of inundation as drainage is restricted. The Department has concerns that periods of high rainfall may lead to excessive inundation times with associated increase in flooded pastures that could lead to “blackwater” events in the adjacent Marine Park sanctuary Zone.
- During construction, due to the level of groundwater at the site any dewatering required would need to be closely managed. The Department would require a condition that precludes discharge to the Sanctuary Zone of the Marine Park to be included in any approval.
- Hard surfacing of the site will lead to increased runoff from rain events. While the proposal has a fairly comprehensive storm water management system, the Department is still concerned about the potential impact of storm water discharge from the site. The adjacent saltmarsh areas can be significantly impacted by decreases in salinity of the soils, leading to changes in vegetation type and incursion of mangroves into this threatened community.
- Section 2.3.1 of the Environmental Assessment states that a significant part of the site is regularly inundated by saltwater tides from Tilligerry Creek. This implies the tidal limit is over the site and therefore potentially resides in the Marine Park (as shown in Figure 11). It is not clear in the EA if this is legal or permissible as the tidal limit does not appear to be actually defined.
- The Department has serious concerns about potential acid sulphate soils impacts which have been addressed by the proposal to develop a relevant

plan. The Department would like to ensure that this plan includes collaring pipework in trenches in PASS to ensure water movement along trenches does not allow the movement of acid water.

- The Department raised the issue of ground heave with the proponent in the consultation phase. The Department has concerns that this appears to have been put off until after the approval has been obtained. The Department would therefore request a condition in the consent that would stop construction works if the geotechnical studies identified ground heave is a risk.
- Fisheries NSW (Aquaculture Management) has reviewed the proposal in relation to SEPP 62 – Sustainable Aquaculture and has no objection to the proposed development as it is unlikely to pose a risk to oyster aquaculture if all proposed mitigation measures for stormwater, acid sulfate soils, and erosion/sediment control are implemented effectively.

For further information please contact Scott Carter, Senior Conservation Manager, (Port Stephens Office) on 4916 3931, or at [scott.carter@dpi.nsw.gov.au](mailto:scott.carter@dpi.nsw.gov.au)

#### Comment by DPI Water

DPI Water has reviewed the documents associated with the above proposal and provides the following key comments, with detailed comments in Attachment A.

- The EIS states that dewatering and onsite discharge of acidic water will be carried out during construction, however the Groundwater Impact Assessment contradictorily states that no excavation or dewatering will occur. Subsequently, the Groundwater Impact Assessment does not include suitable assessment of drawdown impacts on Groundwater Dependent Ecosystems and other groundwater users.
- The assessment does not acknowledge dewatering as an Aquifer Interference Activity and does not include assessment against the Aquifer Interference Policy.
- The proposed modification of 1<sup>st</sup> order water courses discussed in Section 5.5.3 of the must be justified and offset in accordance with the *Guidelines for Riparian Corridors* (DPI 2012).

DPI Water notes that the proposal intends to capture rainwater from roofed areas and that potable water demands will be sourced under commercial arrangement with Hunter Water. A Water Access Licence is not required for these methods of water supply. Please note, however, that a licence may be required for dewatering as discussed in Attachment A, and for any other take of surface water or ground water.

For further information please contact Alison Collaros, Senior Water Regulation Officer, [Newcastle Office], on 4904 2527 or at [alison.collaros@water.nsw.gov.au](mailto:alison.collaros@water.nsw.gov.au).

Note that Crown Lands responded directly to your Department in a letter dated 3 August 2015 (DOC15/142034) raising issues relating to Crown roads.

Agriculture NSW advise no issues.



## Attachment A

### Anna Bay Tourist Development (SSD 13\_5916) Response to exhibition of EIS Additional comments by DPI Water

---

#### *Assessment against Aquifer Interference Policy (AIP)*

The proponent is required to provide the following information:

An assessment of the proposed excavation, dewatering and onsite groundwater discharge against the minimal impact considerations set out in Table 1 of the AIP.

The time frame of impacts should be assessed and must consider the maximum cumulative impact during the whole life of the aquifer interference activity.

Demonstration that adequate arrangements will be in place to ensure that impacts on groundwater and its dependent ecosystems are minimised and mitigated as required by the AIP.

The impact assessment must include accounting for the take of water (unless subject to exemption) and demonstrate that sufficient water allocation can be obtained to cover the total water take requirements.

A detailed remedial action plan including measures and reporting protocols when greater than minimal impacts are experienced at any time during the life of the activity.

The prediction of take volumes must be carried out using a robust methodology to ensure quantities are adequately accounted for. The method of calculation and assumptions used to derive water take must be clearly documented.

As assessment of whether the predicted water take will comply with the extraction limits set by the rules of the Tomago Tomaree Stockton Groundwater Water Sharing Plan.

#### *Dewatering and Licensing Requirements*

The proponent must provide a detailed description of proposed dewatering activities, including a modelled estimate of the predicted volume of take as specified above. Current DPI Water policy is that dewatering activities that take less than 3ML and occur for a period of less than 12 months are currently exempt from requiring a licence. However, the proponent is required to monitor the volume extracted, and if dewatering volumes exceed 3ML or 12 months, the proponent must obtain a licence under Part 5 of the *Water Act 1912*, and a water access licence under the *Water Management Act 2000* if there will be an ongoing take of water.

The proponent must also provide a strategy for the monitoring and discharge of groundwater extracted via dewatering.

#### *Controlled Activities on Waterfront Land*

The proponent must clearly identify waterfront land on the subject site, noting that wetlands and man-made watercourses are considered to be waterfront land pursuant to the definition contained within the *Water Management Act 2000*. Whilst State Significant Development is exempt from requiring a Controlled Activity Approval under the WMA for works on waterfront land, the proposal must still comply with the *Guidelines for Controlled Activities*, and particularly the *Guidelines for Riparian Corridors*. The full set of guidelines is available on the DPI Water website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.

**End Attachment A**

