

Our Ref: 405062_LEO_037

11 July 2007

Major Development Assessment
Department of Planning
GPO Box 30
SYDNEY NSW 2001

Attention: Paul Weiner

Dear Paul

**PROPOSED DREDGING OF OYSTER LEASE AND OPERATION OF SAND STOCKPILE –
OYSTER LEASE # 80-178 AND LOTS 59, 101, 123, 124, 125 DP 753207, LOT 12 DP 816473,
2 – 6 RODMAY ST, TUNCURRY**

We refer to the above Major Project Application and to our meeting of 28 June 2007. In accordance with the agreed outcomes of the meeting, the proponent has reassessed the possibility of avoiding the Saltmarsh area within the SEPP 14 wetland.

The proponent has indicated that he is willing to re-route this portion of the pipeline along the bed of the Wallamba River and thereby avoid the Saltmarsh area within the SEPP 14 wetland. A map showing the revised pipeline route is provided (**Attachment A**).

The decision to relocate the pipeline has been made in order to facilitate an approval of the application. In no way does this decision detract from the information provided by Orogen to the Department in respect of advice furnished by the DECC (2007). We stand by our response that the DECC assessment is fundamentally flawed, misleading and is based on unsubstantiated, unscientific analysis.

In respect of the impacts of relocating the pipeline to this section of the river bed, the following information is provided.

Section 5.1.1 of the EA (Geolyse, 2006) provided a description of the pipeline route between the oyster lease and the area of landfall for the pipeline. Appendix G of the EA contained an aquatic ecology impact assessment, which included assessment of the impact of the pipeline.

The physical and ecological habitats of river bed substrate further upstream from the previous proposed landfall site to the new proposed landfall site for the pipeline are contiguous with the rest of the pipeline route. That is, the habitats of the new proposed pipeline route are characterised by silty muds with a high percentage of shell fragments, with low density *Zostera* sp. and *Halophila* sp. seagrass in isolated patches.

In terms of impact assessment, the effects of continuing the pipeline further upstream have been assessed as being similar in extent to the existing proposed pipeline route, given the similar physical and ecological characteristics of the bed substrate. Details of these impacts were assessed in Section 5 and conclusions provided in Section 6 of Appendix G of the EA.

In summary, there will be no additional impacts over and above the description provided in the EA and Appendix G of the EA. The relocation of the pipeline along this area of the river bed is in an area that does not provide habitat for any threatened species. The seagrasses consist of low density *Zostera* sp. and *Halophila* sp., which are sparse, distributed patchily and unlikely to be of significance in terms of larval recruitment for Wallis Lake, nor habitat for the Hairy Pipefish. Mitigation measures as described in the EA and Appendix G of the EA, would be sufficient to accommodate this variation in the pipeline route.

The land-based component of the amended pipeline route is located adjacent to the existing discharge waters pipeline along existing cleared boundary fence alignments, the details and impacts of which were described in the EA. There are no additional impacts associated with the land-based component of the amended pipeline route, located between the Wallamba River and the point where the previous dredge pipeline diverged from the discharge waters pipeline. This is due to the pipeline being located in an existing 6 m wide, cleared boundary fence alignment. In addition, the third booster pump will now be located on a punt in Wallamba River, similar to Booster Pump No. 2. The impacts and management of this booster pump are as described for Booster Pump No. 2 in the EA.

We trust that this information is sufficient for the Department to move forward and prepare a report for the Minister's determination.

We would appreciate if you would confirm the position of the Department with respect to responses provided by Orogen in respect of issues raised by other Agencies in their advice to the Department, in particular issues raised by NSW Fisheries. As you would appreciate, it is important that we are made aware of this, given the contrary nature of our responses to the issues raised by some of the Agencies.

We would also appreciate if you would confirm the timing of preparation of a report for the Minister in respect of this Major Project Application. Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully

Orogen Pty Ltd



DR JUSTIN MELEO
Project Director

References

DECC (2007). *Assessment of the Potential Impacts of Project Application # 05_0174 on Coastal Saltmarsh (EEC) in the Wallis Lake Estuary.*

Geolyse (2006). *Environmental Assessment - Oyster Lease Dredging, Lease No. 80 – 178, Wallis Lake.* Unpublished report prepared for Trevor Dent.