



Department of Primary Industries

OUT12/32388

21 DEC 2012

Ms Sally Munk
Metropolitan and Regional Projects North
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Sally.Munk@planning.nsw.gov.au

Dear Ms Munk,

**Residential and Tourist Development at Comberton Grange, Nowra (Shaolin Temple) (MP 06_0135)
Response to exhibition of Environmental Assessment**

I refer to your letter of 23 October 2012 requesting advice from the Department of Primary Industries in respect to the above matter.

Comment by Fisheries NSW

Fisheries NSW advice is detailed in Attachment A.

For further information please contact Dr. Trevor Daly, Fisheries Conservation Manager (Batemans Bay office) on 4478 9103 or at: trevor.daly@dpi.nsw.gov.au.

Comment by Agriculture NSW

Agriculture NSW do not raise any issues in respect to the agricultural aspects of the proposal.

Comment by Crown Lands

Crown Lands have responded by separate letter to the Department advising that the proposal appears to incorporate, without any authorisation, the Crown reserve located along Currumbene Creek. A copy of that letter is attached for your information.

For further information please contact Helen Wheeler, Natural Resource Project Officer (Nowra office) on 4428 9133 or at: Helen.Wheeler@lands.nsw.gov.au.

Comment by NSW Office of Water

The NSW Office of Water provides the following advices detailed in Attachment B, and the recommended conditions detailed in Attachment C should the application be approved.

For further information please contact Janne Grose, Planning and Assessment Coordinator (Penrith office) on 4729 8262 or at: Janne.Grose@water.nsw.gov.au.

NSW Department of Primary Industries
Level 6, 201 Elizabeth Street, Sydney NSW 2000
PO Box K220, Haymarket NSW 1240

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Comment by Forests NSW

Your attention is drawn to the letter by Forests NSW dated 7 November 2012 direct to your Department raising a number of concerns with respect to potential conflict of uses between aspects of the proposed development and on-going forestry activities within the adjoining State forest, and with respect to the proposed use of Forest Road.

For further information please contact Kevin Petty, Planning Manager (Batemans Bay office) on 4472 6211 or at: KevinP@sf.nsw.gov.au.

Other advice

It should be noted that the structure of agencies has changed substantially from those referred to in the Director General Requirements issued for this project.

The Department of Primary Industries (DPI) is now a separate Department within the larger cluster of the Department of Trade & Investment, Regional Infrastructure & Services (NSW T&I). In terms of its divisions applicable to this application, DPI itself comprises:

- Agriculture NSW
- Forests NSW
- Fisheries NSW (which also now incorporates the Marine Parks Authority)
- NSW Office of Water
- Crown Lands
- Catchment Management Authorities (CMAs)

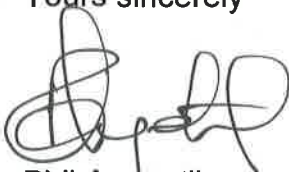
Mineral Resources, which used to be within the former Department of Industry and Investment, is now within the separate Resources & Energy division within NSW T&I. Future correspondence to that agency should be sent direct to NSW T&I (Resources & Energy).

All future referrals to DPI on this matter (other than to CMAs) are to be made to the following addresses. Internal referral of each matter will then be made to relevant DPI divisions.

- for electronic referrals: landuse.enquiries@industry.nsw.gov.au
- for hard copy referrals (printed documents, CD's etc):
Land Use Planning Coordinating Officer
Department of Primary Industries
Locked Bag 21
Orange. NSW 2800

Referral to CMAs should be made direct to each CMA.

Yours sincerely



Phil Anquetil
Executive Director Business Services

Attachment A

Residential and Tourist Development at Comberton Grange, Nowra (Shaolin Temple) (MP 06_0135)

Response to exhibition of Environmental Assessment 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, the Department ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*.

It is Fisheries NSW policy that all developments should aim to achieve no net impacts on receiving waterways.

Fisheries NSW notes that parts of Currumbene Creek and Georges Creek and their tributaries are located in or adjacent to the proposed development area, which drain to Jervis Bay, and have the potential to be impacted by the proposed development.

Fisheries NSW recommends that any approval of the development require dedication of the land in the eastern and southeastern portions of the site, especially those areas containing SEPP 14 wetlands and saltmarsh, to the Jervis Bay National Park, as recommended by the South Coast Independent Review Panel's South Coast Sensitive Urban Lands Review (October 2006). The dedication area recommended by Fisheries NSW is depicted in red in the diagram below.

Fisheries NSW concurs with the proposed safeguards and mitigation measures to minimise environment impacts, in particular those related to stormwater, ecology and water cycle management and water quality detailed in sections 7.13, 7.15, 8.3 and 8.11 of the Environmental Assessment (EA). All the proposed safeguards and mitigation actions listed in the EA, Statement of Commitments and Appendices should be included in any project approval, and listed in the subsequent Management Plans for Construction, Environmental Management, Integrated Water Cycle Management, and Golf Course Pollution Management, and fully implemented by the proponent and its contractors.

Fisheries NSW recommends that any project approval require that the design and construction of all new or upgraded road and pedestrian crossings of Georges Creek and its tributaries be undertaken in accordance with the Fisheries NSW *Policy and Guidelines for Fish Friendly Waterway Crossings (2004)* and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*. These documents are available on the website www.dpi.nsw.gov.au, under 'Aquatic Habitats' and 'Publications'.



Local Context



End Attachment A

Attachment B

Residential and Tourist Development at Comberton Grange, Nowra (Shaolin Temple) (MP 06_0135)

Response to exhibition of Environmental Assessment Comment by NSW Office of Water

Watercourses, wetlands and riparian land

Sections 8.3.3, 8.21.3, 9.3.4 and 9.8.2 of the Environmental Assessment (EA) indicate a 50m wide environmental corridor will be provided each side of the main tributaries of Georges Creek within the northern portion of the site (see pages 159, 231, 241, 261) but Figures 7.18, 7.20, 7.21 and 7.3.2 are not consistent with the proposed 50m wide riparian corridors. Other sections of the EA refer to a 40m wide ecological corridor. Clarification is required as to whether a 50 m wide riparian setback is proposed to be established along either side of Georges Creek. For clarity the figures and the text in the EA should be consistent to avoid confusion.

The EA notes development will be kept 100m from Currumbene Creek and the SEPP 14 wetlands and flood plains along the creek (page 311). Section 9.3.4 of the EA notes an ecological buffer of 100m has been implemented along Currumbene Creek and it also proposes to revegetate the floodplain of Currumbene Creek with locally indigenous plant species (page 241). Other sections in the EA refer to a 50m setback from development along Currumbene Creek (e.g. see section 9.15.8 page 277). Clarification is required as to whether a 100m wide riparian setback is proposed to be established along Currumbene Creek. For clarity the figures and the text in the EA should be consistent to avoid confusion.

From Figures 7.2 and 7.24 it is not clear if the dotted line is the 100 m riparian setback proposed to be established along Currumbene Creek.

Figures 6.1, 7.2 and 7.24 appear to indicate no riparian area is proposed to be established around the SEPP 14 wetlands.

The Statement of Commitments (SOC) does not specify the riparian corridors widths proposed to be established and rehabilitated along either side of the watercourses and around the wetlands on the site. For clarity, it is recommended the SOC be amended to specify the riparian corridor widths proposed to be established along either side of:

- Currumbene Creek,
- the main tributaries of Georges Creek,
- the minor creek lines of Georges Creek,
- the SEPP 14 wetlands.

It is also recommended a scaled plan is provided which clearly shows the proposed footprint of the development and the riparian corridor widths to be established and if necessary rehabilitated either side of the creeks and around the SEPP 14 wetlands on the site.

The EA indicates the golf course is proposed adjacent to the riparian corridor of Georges Creek within the Asset Protection Zone of the Buddhist Temple Sanctuary precinct and the Residential Precinct A (see Figure 7.3.1, page 76). Maintenance of the golf course could result in accidental encroachment into the riparian corridor by slashing and mowing so it is recommended a permanent physical barrier such as fencing, bollards, logs etc is provided along the outer edge of the riparian corridor to prevent this from occurring. The barrier needs to be appropriate to the site and be designed to:

- be suitable for any flooding issues.
- not impede the function of the vegetation as a corridor linkage.

- allow for small fauna passage underneath the barrier and must be of an open (e.g. mesh or bar type) structure to provide continuity with adjacent non-riparian vegetation.
- be suitable as a maintenance edge for any open space management such as mowing/slashing etc.
- be fire proof, if it is the boundary of an Asset Protection Zone.

Sections 7.18.8 and 7.18.9 of the EA refers to regenerating trees surrounding the tributaries of Georges Creek and Currumbene Creek (page 134). The Landscape Masterplan (drawing no. MP05) also includes tree species to be planted along these riparian corridors. Where riparian vegetation has previously been disturbed, degraded or cleared etc on the site, it is recommended the riparian corridors are rehabilitated with a diversity of local native plant species (trees, shrubs and groundcover species).

Section 8.4.2 of the EA includes a mitigation measure to remove the landfill located adjacent to Currumbene Creek. The Office of Water supports the removal of this landfill.

Water supply

Reference is made to the submission of 9 July 2008 by the former Department of Water and Energy (DWE) in respect to the setting of the Director General Requirements. This submission requested the EA provide details on:

- the water supply source(s) for the proposal.
- any proposed surface water extraction for the proposal, including purpose, location of any existing and proposed pumps and dams.
- any proposed groundwater extraction related to the project.
- volumes of water to be used.
- the function and location of all existing and proposed storages/ponds on the site.
- the design, layout, pumping and storage capacities, all associated earthworks and infrastructure works must be clearly shown and explained.

The submission also suggested contacting Mr Wayne Ryan (tel: 4429 4442) in regard to water licensing issues. This recommendation is repeated here.

The EA indicates 65% of the total site water demand can potentially be provided from non-potable water sources including treated stormwater and groundwater aquifers (page 93). Details need to be provided to the Office of Water on the volume of water proposed to be extracted from the aquifers. All proposed groundwater works including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified and any necessary approvals be obtained from the Office of Water prior to their installation.

It is noted dams are proposed to be constructed near the golf course for water storage (Section 7.6.10 of the EA). Details also need to be provided to the Office of Water on the function, capacity and location of all dams on the site to determine water licensing requirements.

Any licensing or approvals required for water supply works or use of water will be subject to the applicable legislation at the time, either the *Water Act 1912* or the *Water Management Act 2000*.

Groundwater

Section 9.21.2 of the EA indicates basement level car parking will be provided as part of the development (see page 301) but no details are provided on the number of levels that are required or if the basements are likely to intercept the watertable. If the excavations intercept or use groundwater a licence may be required from the Office of Water pending further information on the magnitude of groundwater inflows. The Office of Water will determine the need for a licence once detailed information is provided. The construction of any structure that may be impacted by groundwater is requested to incorporate a water proof retention system (i.e. a fully tanked structure).

The Office of Water does permit temporary or intermittent pumping of groundwater for such a purpose, provided the likely impacts can be managed and mitigated, and they are limited in duration and volume.

The Office of Water's recommended conditions of approval with respect to temporary groundwater dewatering (Attachment C) detail the conditions under which the Office of Water would, in principle, accept the proposed development activity (note this is not the actual licence). The technical documentation required by the conditions of approval must be provided to the Office of Water at the time of application for a Water Licence for temporary construction dewatering.

End Attachment B

Attachment C

Residential and Tourist Development at Comberton Grange, Nowra (Shaolin Temple) (MP 06_0135)

Response to exhibition of EIS NSW Office of Water – recommended conditions of approval

Groundwater:

Licences under Part V of the *Water Act 1912* are required for the works for purposes of **temporary dewatering** as part of proposed construction.

General and Administrative Issues

1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
2. Pumped water (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
3. The licensee shall allow (subject to Workplace Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/bore field), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
4. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.
5. Suitable documents are to be supplied to the NSW Office of Water in respect to the following:
 - a) A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Where impacts are identified, adequate mitigating options will need to be developed.
 - b) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - c) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
 - d) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
 - e) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

Specific Conditions

1. The design and construction of the structure should mitigate the need for permanent dewatering.
2. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
3. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
4. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
5. Groundwater quality testing must be conducted (and reports supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA-certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
6. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
7. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - a) The treatment to be applied to the pumped water (tailwater) to remove any contamination.
 - b) The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - c) The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
8. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - a) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - b) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - c) Locations of settlement monitoring points, and schedules of measurement.

Formal Application Matters

1. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
2. Upon receipt of a copy of a Consent from the Department of Planning and Infrastructure, a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the *Water Act 1912*.
3. A licence application under Part 5 of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

End Attachment C
