



Department of Primary Industries

OUT14/5522

Ms Kim Johnston
Industry, Key sites and Social Projects
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

24 FEB 2014

kim.johnston@planning.nsw.gov.au

Dear Ms Johnston,

**Integrated Residential and Tourist Development, Comberton Grange, Nowra
(Shaolin Temple) (MP 06_0135)
Comment on the Response to Submissions Report**

I refer to your email dated 8 January 2014 to the Department of Primary Industries (DPI) attaching letters to various DPI agencies in respect to the above matter.

Comment by Agriculture NSW

Agriculture NSW notes that the proposal includes an area of land identified as Class 3 under the Agriculture NSW's Land Suitability Maps, being land suitable for grazing and occasional cropping. There are no objections to this proposal given:

- (i) the development proposal does not develop the majority of the class 3 land identified as cleared, and
- (ii) the development will provide for agricultural activities on the class 3 land for self sustainability and education.

For further information please contact Wendy Goodburn, Resource Management Officer (Goulburn office) on 4828 6635, or at: wendy.goodburn@dpi.nsw.gov.au.

Comment by Crown Lands

Crown Lands has responded by letter direct to your Department.

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 Fisheries NSW

Comment by Fisheries NSW is provided at Attachment A.

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

Marine Parks management is now part of Fisheries NSW. Specific further comment in relation to the Jervis Bay Marine Park is detailed at attachment B.

For further information please contact Frances Clements, Ranger, Jervis Bay Marine Park, (Huskisson office) on 4428 3003, or at: frances.clements@dpi.nsw.gov.au.

Comment by NSW Office of Water

NSW Office of Water provide comment in Attachment C.

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

Comment by Forestry Corporation NSW

As of 1 January 2013 Forests NSW became Forestry Corporation NSW (FCNSW), an independent Government trading enterprise. Separate direct contact should now be made to FCNSW. In the meantime, your Department's letter dated 8 January 2014 to Forests NSW and included with your referral to DPI has been referred to FCNSW for action.

For further information please contact Kevin Petty, Planning Manager (Batemans Bay office) on 4472 6211 or at: Kevin.Perry@fcnsw.com.au.

Yours sincerely



Kristian Holz

Director, Policy Coordination, Corporate Planning & Governance

Attachment A

Integrated Residential and Tourist Development, Comberton Grange, Nowra (MP 06_0135) Response to Submissions Report / Preferred Project Report Comment by Fisheries NSW

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. Jervis Bay, including Currumbene Creek, comprises a Marine Park.

Fisheries NSW makes the following comments and recommendations in respect to the Response to Submissions and Preferred Project Report by Conybeare Morrison (dated December 2013) and Appendices.

- Section 3.1.1 - Fisheries NSW maintains its recommendation that any approval of the development requires the dedication of at least the land in the south-eastern portion of the site adjacent to the lower reaches of Currumbene and Georges Creek which contains 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).
- Section 3.1.3 – Fisheries NSW supports the development of a site-specific Plan of Management (PoM). Fisheries NSW should be included as a relevant agency to be consulted during the PoM preparation in relation to the proposed management of Currumbene Creek, wetlands and riparian areas.
- Section 3.2 – Fisheries NSW concurs with the proposed riparian buffers of 100 metres for Currumbene Creek and SEPP 14 wetland areas and 50 metres for Georges Creek. All of the riparian buffer zones should also be zoned E2 Environmental Conservation. This should be made a condition of any approval.
- Section 3.2.2 - Fisheries NSW supports the development of a Plan of Management (PoM) for riparian areas Fisheries NSW should be included as a relevant agency to be consulted during the PoM preparation for the rehabilitation and management of riparian areas.
- Section 3.10.3 – The report states that treatment of stormwater run-off rates was undertaken *up to 65% of the 1 Year ARI*. It is unclear what is meant by this and whether the design will also account for larger flow events. The water management reports submitted with the environmental assessment suggested that water quality controls will be designed to cope with the 100 yr ARI storm. However Table 3 (Section 5.4) of Appendix 11 suggests just 50% of fine sediment, 45% of TP and 45% of TN will be removed. These targets are inadequate.
- Section 4 - Statement of Commitments – The proposed Integrated Water Cycle Management Plan (4.10.1) and Water Reuse and Stormwater Management (4.14.4) are planned to be developed when the Development Application for detailed design is submitted. Fisheries NSW recommends that these plans should instead be developed now.
- Given the sensitivity of the receiving environment (being within the Sanctuary Zone of Jervis Bay Marine Park), the development should demonstrate that it can achieve a No or Beneficial Effect (NorBE) outcome for water quality. On the information presented to date, Fisheries NSW is not convinced that the development can or will achieve a NorBE outcome for the site. Fisheries NSW recommends that DP&I seek an independent appraisal and assessment of the water quality plans and reports particularly with regard to whether a NorBE outcome is likely to be achieved or whether more robust controls are required.

- Fisheries NSW further recommends that any approval include a requirement for a long term stormwater quality monitoring program to test and verify the performance of the proposed stormwater controls to ensure they are achieving the objective of no nett impact upon water quality in downstream waterways. In addition, there should also be a requirement for independent auditing of the performance of water quality controls used during the construction phase of the development.
- Appendix 5 – Section 4 – Fisheries NSW concurs with the commitment 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).

End Attachment A

Attachment B

Integrated Residential and Tourist Development, Comberton Grange, Nowra (MP 06_0135) Response to Submissions Report / Preferred Project Report Comment by Fisheries NSW-Marine Parks

Fisheries NSW-Marine Parks makes the following additional comments and recommendations in respect to the Response to Submissions and Preferred Project Report by Conybeare Morrison (dated December 2013) and Appendices:

Section 3.1.1 – Eastern conservation area – Marine Parks support measures for permanent protection and management of the eastern and south-eastern portions of the site, to ensure that catchment and other benefits are maintained.

Section 3.1.2 – Eastern conservation area – Marine Parks recommend zoning both the eastern and south-eastern areas as E2 Environmental Conservation. This is consistent with agency advice, recommendations of the South Coast Sensitive Urban Lands Review (Oct 2006) and South Coast Regional Strategy, and the proposal to use biodiversity banking as a protection option.

Section 3.1.2 and 3.2.1 – Eastern conservation area land use zoning, and riparian areas – It would appear but is unclear whether the wetland and riparian corridors proposed to be zoned E2, as detailed in section 3.1.2 para G and fig.2, are consistent with the corridor widths/setbacks detailed in section 3.2.1, ie 100 m for Currumbene Creek and the SEPP 14 wetlands, 50 m for Georges Creek. This needs to be clarified and stated more clearly.

Section 3.2.2 – Riparian areas – Marine Parks acknowledge inclusion of points to be addressed in the riparian plan of management (PoM) and support appropriate mechanisms for ongoing protection and management of the environmental values of the riparian areas.

Section 3.2.2 – Riparian areas – Marine Parks recommend that preparation of the 'Plan of Management for Currumbene Creek, wetlands and riparian areas of the site' be required as a condition of approval rather than included in the Statement of Commitments, and that it be prepared in conjunction with the Site Plan of Management. In the Environmental Assessment it was originally proposed that the 'riparian' plan of management be prepared as a sub-plan of the Site Plan of Management (S.8.8.3 p.161). While the need for separate 'land' and 'riparian' plans is acknowledged in view of the different mechanisms being proposed for protection and ongoing management of the eastern conservation area and the riparian areas, it is essential that environmental outcomes and important environmental and practical linkages between the land and riparian components are not overlooked as a consequence of separating the management plans.

Section 3.10.3 – Water quality – The receiving waters of Georges Creek and in particular Currumbene Creek are not 'urban environments' and this should not be taken as the acceptable water quality standard for emissions from the site. Currumbene Creek is part of Jervis Bay Marine Park and zoned 'sanctuary' for the majority of the interface between the creek and the project site, and 'habitat protection' for the remainder and downstream of the project site. The objects of a sanctuary zone are to provide the highest level of protection to the biological diversity and values and ecological processes in the relevant area. The water quality objectives for the project must be set to ensure that the receiving water quality is maintained or improved, ie, a neutral or beneficial effect (NorBE) outcome. This would be better in keeping with the Marine Park sanctuary zoning and with the project's own Environmental Assessment statement (S.7.13.8 Stormwater Drainage) that 'the design solution will maintain or improve the water quality of water bodies and prevent its degradation, and to (sic) protect ecosystems and natural habitats'(p.94).

Marine Parks recommend that an independent assessment of the water quality plans be sought to determine whether a NorBE outcome can be expected to be achieved or whether alternative arrangements are needed to meet NorBE requirements.

Statement of Commitments 14.10.2 – Golf course pollution management plan – It is noted that the Plan has been included in the Statement of Commitments and addresses the points outlined in section 5.6 of Water Management Study, (App.11 to the Environmental Assessment) as previously requested (refer Marine Park Authority comments dated Dec 2012). As also requested at the time, the commitments should be amended to include that the plan be maintained and updated during the life of operation of the golf course.

Statement of Commitments – 4.3 ecology and native vegetation, 4.10 Water cycle management, noted that many of the mitigation and management measures from the Environmental Assessment relating to ecology (S.8.3) and water cycle management (S.8.11) have been taken up in the Statement of Commitments but others, such as Environmental benefits of the development (S.8.21), have not. Where mitigation measures are being proposed, or required, it should be made clear whether and how they're carried across into the final approval, either as conditions of approval or in the statement of commitments.

End Attachment B

Attachment C

Integrated Residential and Tourist Development, Comberton Grange, Nowra (MP 06_0135) Response to Submissions Report / Preferred Project Report Comment by NSW Office of Water

Water supply

The Environmental Assessment (EA) anticipates the total water demand for the site is 798 KL/day (comprising 435 KL/day for the built development and 363 kL/day for irrigation) (page 92) and notes 65% of the total site water demand can potentially be provided from non potable water sources including treated stormwater and groundwater aquifers (page 93). The Response to Submissions Reports (RTS) differs from the EA in that the expected water consumption for the development has decreased from 435 kL/day to 301 kL/day.

While a reduction in the proposed water consumption for the development is supported, no details are provided on why the expected water consumption in the RTS differs to the volume provided in the EA, other than the RTS notes the anticipated demand would be reduced to 177.7 kL/day with the assisted use of reclaimed and recycled water (page 10). It is unclear if 363 kL/day is still required for irrigation of the golf course, landscape and agricultural irrigation and if the total water demand for the site differs to the amount specified in the EA.

The Office of Water advised in its submission on the EA that details need to be provided on the function, capacity and location of the proposed dams that are to be used for irrigation. The RTS indicates the design, layout and storage capacity and associated construction works will be determined at the Detailed Design of the ponds (page 10 of Appendix 5) and any surface water extraction will be provided at the Detailed Design of the development (page 9, Appendix 5).

The site currently has no water licences other than one stock and domestic bore (10BL142269).

As indicated in the Office of Water's submission on the EA, any licensing or approvals required for water supply works or the use of water will be subject to the applicable legislation at the time, either the *Water Act 1912* or the *Water Management Act 2000*. In the future water licensing at the site will be subject to the rules of the Water Sharing Plan (WSP) for the Clyde River Unregulated and Alluvial Water Sources. The WSP is currently in draft but it is anticipated to commence in 2014.

The Office of Water has previously recommended the proponent contact Mr Wayne Ryan on telephone 4429 4442 to discuss water licensing issues. It is recommended adequate details are provided on the water supply for the development as part of the Concept Plan application rather than deferring until the detailed design of the development to ensure an adequate non potable water supply can be achieved for the proposed irrigation of the golf course, landscape and agricultural irrigation.

In the absence of a detailed water balance report (for both surface and groundwater) extraction and use (all types), the Office of Water is unable to advise on any water licensing requirements. Details should be provided of the Maximum Harvestable Right Dam Capacity (MHRDC) for the property (the property being the contiguous land holding of the proponent). This is calculated by multiplying the property size (in hectares) by 0.10 (the MHRDC factor for the Comberton Grange area) to give the MHRDC volume in megalitres. A calculator is found online at <http://www.water.nsw.gov.au/Water-Licensing/Basic-water-rights/Harvesting-runoff/Calculator/default.aspx>.

Riparian corridor width inconsistencies

The revised Statement of Commitment (SOC) 4.3.2 includes a commitment for a minimum 10 m setback from each side of the minor creeklines flowing into the Georges River tributaries (page 43). However this is not consistent with Appendix 6 of the RTS which indicates at least 20 m wide buffer zones are to be provided each side of the minor tributaries of Georges Creek (see page 12, Detailed Response to Public Submissions), or Appendix 5 of the RTS which implies that the proposed development maintains at least a minimum 30 m setback along the other creeks on the site which would include the minor creeks of the Georges Creek system (see environmental setbacks, page 20). It is suggested:

- the riparian width that is proposed to be established along the minor creek lines of Georges Creek is clarified as to whether it is 10, 20 or 30 metres either side of the creeks.
- the proposed riparian widths to be established along the watercourses and SEPP 14 wetlands at the site are included as a condition of approval.

The Office of Water supports the inclusion of revised Statement of Commitment (4.3.4) to revegetate and manage the 100 m wide riparian buffer adjacent to Currambene Creek in conjunction with council (see page 44, RTS). It is noted Statement of Commitment 4.3.5(b) does not specify it is proposed to revegetate maintain and manage the riparian corridors along the wetlands and other watercourses at the site, although commitment 4.3.6 indicates this (see pages 44 and 45 of RTS). It is suggested the rehabilitation and management of the riparian corridors on the site is included as a condition of approval.

The Office of Water supports the inclusion of the commitment 4.4 to remove landfilling which is located adjacent to Currambene Creek following appropriate classification (see page 46, RTS).

Zoning

The RTS indicates the proponent proposes to zone the wetlands and riparian corridors along the major tributaries of Georges Creek and Currambene Creek as E2 - Environmental Conservation (pages 3 and 6) but commitment (4.17) only commits to "appropriate land use zoning" of the SEPP 14 Wetlands (see page 55 of RTS). The Office of Water supports zoning the SEPP 14 Wetlands and riparian corridors along the major tributaries of Georges Creek and Currambene Creek as E2 and it is recommended a commitment is given, or a condition provided to ensure the wetlands and riparian corridors are zoned E2. The RTS proposes to zone the minor tributaries of Georges Creek as RU2 and RU3 (see page 7, RTS). It is recommended the E2 zoning is also applied to the minor tributaries.

End Attachment C

