



Primary Industries

Jillian Kral
Senior Project Planner
City Plan Strategy and Development Pty Ltd
PO Box 688
Newcastle 2300

Dear Mr Ritchie

REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS – PROPOSED ABALONE FARM, PINDIMAR

I write in reference to the above proposal, and your request for the Marine Park Authority's (MPA) requirements for an Environmental Assessment (EA).

Specific and additional assessment requirements of the MPA in relation to the assessment of these key issues are provided in Appendix 1. These are provided on the proviso that stakeholders with overlapping interests, in particular the Office of Environment and Heritage (OEH), the National Parks and Wildlife Service (NPWS) and NSW Fisheries, have or will provide specific input with regard to the *Protection of the Environment Operations Act, National Parks and Wildlife Act 1974, and the NSW Fisheries Act*. The MPA will need to be advised if these are not forthcoming.

To make a reliable appraisal of the impacts of the proposal the MPA will require the EA to address these requirements whilst taking into consideration the following legislation and plans:

Legislation:

The Marine Parks Act 1997
The Marine Parks Regulation 2009
The Marine Parks (Zoning Plans) Regulation 1999

Plans:

The Port Stephens – Great Lakes Marine Park Zoning Plan
The Port Stephens – Great Lakes Marine Park Operational Plan 2010

Yours sincerely

Richard McEvilly
Ranger, Port Stephens Great Lakes Marine Park

Date: 16th August 2012

Appendix 1: Assessment requirements:

A permit for this activity will be required under Section 19 of the *Marine Parks Act, 1997*. The EA will be required to address assessment criteria under Clause 9 of the *Marine Parks Regulations 1999*, as follows:

1) The objects of the Marine Parks Act:

(a) *to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,*

(b) *to maintain ecological processes in marine parks,*

(c) *where consistent with the preceding objects:*

- (i) *to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and*
- (ii) *to provide opportunities for public appreciation, understanding and enjoyment of marine parks.*

The EA will need to show that the proposal does not interfere with ecological process. If brood stock are to be taken the EA must identify where from, how many, method of collection and by whom.

2) The objects of the zone in which the activity is proposed to be carried out:

The waters below mean high water mark in front of the proposal are within the General Use Zone. The objects of the general use zone are:

- (a) *to provide protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and*
- (b) *where consistent with paragraph (a), to provide opportunities for recreational and commercial activities (including fishing), scientific research, educational activities and other activities so long as they are ecologically sustainable.*

The EA will need to show that the proposal will have no adverse impact on biological diversity, habitat, ecological processes, and natural and cultural features (both Aboriginal and non-Aboriginal) in the zone.

We note that the intake and outlet pipe will lie in close proximity to Piggy's Beach Sanctuary Zone. The objects of the sanctuary zone are:

- (a) *to provide the highest level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and*
- (b) *where consistent with paragraph (a), to provide opportunities for the following activities in the zone:*
 - (i) *recreational, educational and other activities that do not involve harming any animal or plant or causing any damage to or interference with natural or cultural features or any habitat,*
 - (ii) *scientific research.*

The EA will need to superimpose detailed plans of these structures onto a Zoning Plan, such that the positions of the pipes can be seen relative to the boundary of the Sanctuary Zone. Potential impact or spillover effects into this zone will need to be investigated.

- 3) The activities that are permissible in the zone in which the activity is proposed to be carried out (as specified in the relevant zoning plan).

The EA must:

- i) document all known and likely activities that may be affected or impacted by the proposal, including but not limited to:
 - Recreational fishing
 - Charter (estuary) fishing
 - Commercial fishing, particularly hauling, trapping (crabs), and mesh netting
 - Commercial dolphin watch and sightseeing operators
 - Recreational swimming, sailing, and boating activity
 - Current research projects
 - General vessel transit
- ii) detail the actions that will be taken to avoid or mitigate impacts on these activities, including visual any navigational devices and how they will operate
- iii) detail any flow on or spill effects the activity will have on these activities. Particular attention must be directed toward an assessment of the abalone farm on the behaviour of marine fauna, particularly birds, turtles, and dolphins
- iv) the proposal's relationship to any other activity, industry, or facility

- 4) Any requirements, constraints or issues of the *Port Stephens – Great Lakes Marine Park Operational Plan 2010*

This document can be found at mpa.nsw.gov.au/pdf/PSGLMP-Operational-Plan-2010.pdf

- 5) Any threatened species or other protected flora and fauna under the Fisheries Management Act 1994, the National Parks and Wildlife Act 1974, or the Threatened Species Conservation Act 1995 that may be affected by the proposed activity

The EA must:

- i) document all the known and likely protected flora and fauna, threatened species, their habitats, populations and ecological communities of the site/study area (including adjacent areas that may be indirectly impacted upon by the proposal). The accompanying report must also include details of survey methodologies and/or techniques utilised (including weather conditions).
- ii) provide a detailed assessment of the direct and indirect impacts of the proposal, including any impacts associated with ancillary activities on such species, habitats, and ecological communities.

- iii) provide a benthic survey, biodiversity assessment, baseline flora and fauna survey (including appropriate targeted surveys for threatened species) for the subject site, describing marine communities, assemblages, and habitat types likely to be affected by the proposal.
- iv) detail the actions that will be taken to avoid or mitigate impacts on protected flora and fauna, threatened species, their habitats, populations and ecological communities; and in instances where impacts cannot be avoided, provide appropriate details on offset/compensatory packages or strategies; and

To address likely impacts on protected flora and fauna, threatened species, populations and ecological communities (including their habitat), the proponent will need to engage a qualified and experienced environmental consultant to conduct appropriate flora/fauna/habitat surveys of the subject site, and provide an assessment report

- 6) The form of transport to be used to gain access to the zone in, on or from which the activity is proposed to be carried out, having regard to the adequacy of facilities for mooring or landing any vessel, and for loading and unloading

The EA must detail if any vessels will be used, and if any ancillary structures below mean high water are proposed, including moorings, floats, or buoys.

- 7) The type of equipment to be used in connection with the proposed activity

The EA must provide extensive details of the structure including:

- materials, size, dimensions
- depths of pipes and other subsurface/marine structures
- layout
- drawings/engineering diagrams

Of paramount interest to the MPA is the potential impact on water quality. The MPA's EA requirements in this regard will be consistent with those required by the OEH.

- 8) Arrangements that have been made for the making good of any damage to the marine park that arises from the activity

The EA needs to assess the risk the proposal places on the resources and users of the marine park. Risk analyses should be undertaken with regard to:

- Disturbance to wildlife, including dolphins, dugongs, turtles, bird, sharks and other fish
- Vessel anchoring and collision
- Storm damage and structure failure

The EA needs to detail how these risks will be addressed and minimised, and what measures will be made available to deal with any incidents arising from the above.

9) Such other requirements as the relevant Ministers consider appropriate to the proposed activity.

The MPA develops strategies, policies and plans at the statewide level to manage priority issues that apply across the network of NSW marine parks and aquatic reserves. These strategies, policies and plans are typically developed in consultation with the Marine Parks Advisory Council and in some cases local marine park advisory committees. Current strategies, policies and plans are accessible on the Marine Parks Authority website (www.mpa.nsw.gov.au) and include the following:

System-wide strategies and plans

- Marine parks education and communications strategy 2009–12
- Strategic framework for evaluation and monitoring of marine parks 2004
- Marine parks strategic research framework 2010-15
- Marine parks statewide compliance plan 2009–2012

System-wide policies

- Marine parks permits policy
- Marine parks artificial reef policy
- Marine Parks Authority mooring and anchoring policy
- Policy and guidelines for Aboriginal engagement and cultural resource use in NSW marine parks



Forster Customer Service Centre
16 Breese Parade, Forster
PO Box 671
Taree, NSW, 2430
Ph: (02) 6591 7543
Fax: (02) 6555 8516

8 August 2012
Application ID: 31499
MCW Ref: 58194

City Plan Services
PO Box 688
NEWCASTLE NSW 2300

via email: pindimarfeedback@cityplan.com.au

Attn: Jillian Kral

RE: Proposed Pindimar Abalone Farm - Feedback

Jillian,

MidCoast Water has no objections to the current proposal as described by the Preliminary Environmental Assessment.

As stated in the Preliminary Environmental Assessment for this project, MCW does not currently provide reticulated water or sewerage services to the site of the proposed development, nor could these services currently be made available.

The North Port Stephens villages have been identified as a high priority area for the provision of water supply and sewerage services, however given the costs involved and the current state government policies on external funding for such projects, progress towards the provision of these services is not expected within the next five years.

Should these services become available at some point in the future, it is likely that only domestic waste would be accepted for disposal into a sewerage scheme.

Please contact me on (02) 6591 7543 should you have any further questions.

Yours faithfully

DAVID MCKELLAR
Development Engineer

Pindimar Feedback

From: edward.douglas@dpi.nsw.gov.au
Sent: Monday, 6 August 2012 12:52 PM
To: Pindimar Feedback
Subject: Fw: Proposed development - Pindimar- request for feedback

Hi

I am forwarding the below comment on behalf of the NSW Advisory Council on Recreational Fishing (ACoRF).
Thanks

Dear City Plan Services,

Mr John Clark, ACoRF member has contacted a cross section of local stakeholders including recreational fishers and there is a general support for the project. With stringent environmental safeguards in place, it appears that there will be little to no impact on recreational fishing in the Pindimar region. As such ACoRF see no basis, at this stage, to register any objection or concern. ACoRF feels that continual monitoring of the project would be advisable.

Regards
NSW Advisory Council on Recreational Fishing

Eddie Douglas | Fisheries Relations Coordinator | Recreational Fisheries Programs

NSW Department of Primary Industries | 202 Nicholson Parade | Cronulla | NSW 2230
T: 02 9527 8439 | F: 02 9527 8536 | E: edward.douglas@industry.nsw.gov.au
W: www.dpi.nsw.gov.au

----- Forwarded by Edward Douglas/DII/NSW on 06/08/2012 12:36 PM -----

From: ACORF Enquiries/DII/NSW
To: Edward Douglas/DII/NSW@NSW
Date: 20/07/2012 09:46 AM
Subject: Fw: Proposed development - Pindimar- request for feedback
Sent by: Edward Douglas

----- Forwarded by Edward Douglas/DII/NSW on 20/07/2012 09:45 AM -----

From: pindimarfeedback <pindimarfeedback@cityplan.com.au>
To: "acorf.enquiries@industry.nsw.gov.au" <acorf.enquiries@industry.nsw.gov.au>
Date: 18/07/2012 03:56 PM
Subject: Proposed development - Pindimar- request for feedback

Good afternoon

Please find attached a request for feedback in relation to a proposed development at Pindimar, Port Stephens.

Please don't hesitate to contact me if you would like to discuss.

Kind regards,

Jillian Kral
Senior Project Planner

CITY PLAN STRATEGY & DEVELOPMENT
SUITE 2, 14 WATT STREET
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Ph: 02 4925 3288

Part of the City Plan Services group
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[attachment "Pindimar preliminary consultation letter- Recreational Fishers 180712.pdf" deleted by Edward Douglas/DII/NSW]

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Pindimar Feedback

From: Peter Jamieson <Peter.Jamieson@epa.nsw.gov.au>
Sent: Wednesday, 25 July 2012 8:24 AM
To: Pindimar Feedback
Cc: DECC Newcastle Requests
Subject: RE: Pindimar- proposed development- request for advice

Dear Ms Kral

EPA's requirements are as per our DGRs

Regards

Peter Jamieson
Head Regional Operations Unit - Hunter
NSW Environment Protection Authority
☎: (02) 4908 6818 | ☎: (02) 4908 6810 | ✉: peter.jamieson@epa.nsw.gov.au

From: pindimarfeedback [<mailto:pindimarfeedback@cityplan.com.au>]
Sent: Tuesday, 24 July 2012 3:57 PM
To: Jamieson Peter
Cc: austasia.leefield@gmail.com
Subject: Pindimar- proposed development- request for advice

Good afternoon Peter

PINDIMAR ABALONE FARM- MP_10-0006
YOUR REF: DOC10/1613; LIC07/848-02

As you may recall, we have made contact with your Department with regard to the proposed Pindimar Abalone Farm in the past. We are continuing with the preparation of the Environmental Assessment report. As part of that, I was seeking to find out if the EPA had any additional comments or suggestions with regard to the proposal, beyond the detailed DGR input previously provided to the Department of Planning & Infrastructure? (as attached for your information).

In particular, we were interested to know if the EPA had any background marine water quality monitoring requirements that should be addressed now, or whether it will be sufficient to rely on existing data that pertains to the water quality of Port Stephens? I understand the EPA may ultimately require the monitoring of certain water quality criteria after operation commences, should the proposal be approved.

Please get back to me if you would like to discuss. Thanks in advance for your assistance

Kind regards,

Jillian Kral
Senior Project Planner

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