



Department of Primary Industries

OUT17/32114

Ms Jane Flanagan
Acting Team Leader Modification Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

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Dear Ms Flanagan

**Kings Forest Residential Community – Private Water and Wastewater Modification
(MP06_0318 MOD7 & MP08_0194 MOD 5)
Comment on the Environment Assessment (EA)**

I refer to your email of 2 August 2017 to the Department of Primary Industries (DPI) in respect to the above matter. Comment has been sought from relevant branches of DPI. Views were also sought from NSW Department of Industry - Lands that are now a division of the broader Department and no longer within NSW DPI. Any further referrals to DPI can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

DPI has reviewed the Modification Requests and EA and considers that the proponent has not undertaken sufficient environmental assessment to determine the suitability of the proposed site and the operation of the facility for private water and sewerage services. The department provides the following recommendations with further detailed comments at **Attachment A**:

- The proponent should provide an assessment of impacts and proposed mitigation for the following:
 - Key Fish Habitat including SEPP 14 Coastal Wetlands and Blacks Creek
 - Neighbouring agricultural land and operations including nearby State Significant Farmland
 - Surface water, groundwater and water users including the environment and agricultural operations.
 - Crown roads nearby or adjacent to the project site.

Yours sincerely

Mitchell Isaacs
Director, Planning Policy & Assessment Advice
15 September 2017

DPI appreciates your help to improve our advice to you. Please complete this three minute survey about the advice we have provided to you, here:

<https://goo.gl/o8TXWz>

Attachment A

Kings Forest Residential Community – Private Water and Wastewater Modification (8320) Comment on the Environment Assessment (EA) Detailed comments

Protected and Sensitive Lands

The subject site is located in close proximity to State Significant Farmland as identified under the [Northern Rivers Farmland Protection Project \(2005\)](#) and parts of the site contain Key Fish Habitat.

The infrastructure proposed under the project modification appears to be located within the Agricultural Buffer identified within the Kings Forest Land Zoning Map under the State Environmental Planning Policy (State Significant Precincts) 2005. Clause 8a of the policy states:

Consent must not be granted to development on land within an agricultural buffer unless the consent authority has considered the potential impact of the proposed development on agricultural activities on land adjoining the buffer and of those agricultural activities on future occupiers of land within the buffer.

Further detail on proposed construction and operation of the facility would be required to provide an adequate assessment.

Parts of the development site for the proposed modification 5 to MP 08_0194 are Key Fish Habitat, including SEPP 14 Coastal Wetland areas and the mapped waterway known as Blacks Creek. The proponent should provide an assessment of potential impacts to these areas and should ensure proposed mitigation is in accordance with the [Policy and guidelines for fish habitat conservation and management \(update 2013\)](#), in particular section 3.2.

Water

DPI considers that a proper consideration of the impacts of the proposal cannot be given until an assessment of possible impacts on surface water and groundwater sources and users has been provided. This should include any potential for overflow of contaminated waters during prolonged rainfall events and any potential impacts to groundwater from the release of wastewater from the water and wastewater facility.

The modification proposals both request the option to access water and sewerage services via a private water and wastewater treatment plant. However the impact assessment process is to be addressed via Part 5 of the *Environmental Planning and Assessment Act 1979*, separate to the SSD approval process.

DPI considers the ability to access water and sewerage services as a critical element of the project, hence it is recommended the merits of the site for this proposal and its operational elements be assessed and approved as part of MP06_0318 MOD 7 and MP08_0194 MOD 5.

The proponent should note if the option to use a private system is approved this will require a licence under the [Water Industry Competition Act \(2006\)](#). This is prepared by IPART and then recommended to the Minister for Energy and Utilities for approval.

Rezoning

The modification proposes a rezoning of the subject land to SP2 (Infrastructure). DPI considers that the proposal for rezoning requires a detailed assessment to address impacts to surface water, groundwater and water users including the environment, and to consider the future use of this land

should the necessary approvals not be provided to allow for the proposed water and wastewater facility. It is important that any modified use is compatible with surrounding agricultural land use.

Crown roads

The EA does not provide any consideration of a nearby crown road. The proponent should ensure that no activities associated with the project:

- encroach on the Crown road;
- remove any vegetation from the Crown road;
- stockpile materials, equipment or machinery on the Crown road;
- use the Crown road for access purposes;
- direct stormwater discharges to the Crown road;
- use the Crown road as an asset protection zone.

End Attachment A

