



NSW GOVERNMENT  
**Department of Planning**

Contact: Stuart Withington  
Phone: (02) 9228 6546  
Fax: (02) 9228 6540  
E-mail: stuart.withington@planning.nsw.gov.au

Our ref: 08\_0121  
File: S08/01113-1

Mr Phillip Lee  
c/o Tony Fish  
Orogen Pty Ltd  
PO Box 280  
TUNCURRY NSW 2428

Dear Mr Lee,

**Subject: Proposed two-storey dwelling, one shed, associated roadworks and boundary adjustment at Lots 101, 103 & 104 DP 1049845 and Lot 2 DP 1076610, Bundabah Rd, Bundabah, Great Lakes Local Government Area**

As outlined in our letter, dated 5 June 2008, the Minister for Planning has made an Order (gazetted 26 May 2008) under section 75B(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to declare that development at Fame Cove (comprising DA279/2008, DA243/2008, DA422/2007, DA420/2007, DA415/2007, DA418/2007, DA245/2008 and DA244/2008 previously lodged with Council) will be a project to which Part 3A of the Act applies. This also applies to any future development on the site.

You are now requested to prepare an Environmental Assessment (EA) for this proposal. The Department has reviewed your current DA documentation in formulating the Director General's Environmental Assessment Requirements (DGRs) for this proposal.

The DGRs for the environmental assessment of the project application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including Great Lakes Council.

If the Environmental Assessment is not exhibited within 2 years from the date of issue of these requirements, you should consult further with the Director-General in relation to the preparation of the Environmental Assessment.

**Attachment 2** lists the relevant plans and documents which are likely to be required upon submission of your proposal however, this should be confirmed with the Department prior to lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project. A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision.

If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of the Environment, Water, Heritage and the Arts in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of NES and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary DGRs will need to be issued.

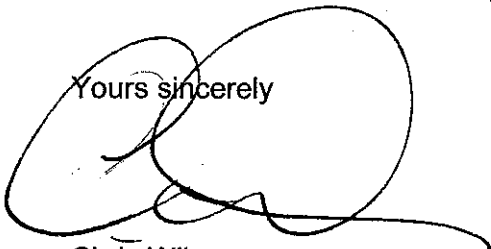
Please note that under 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are not required for Part 3A applications.

Notwithstanding, the Department still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any such permit/approval to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your Environmental Assessment.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. These responses have been provided to you for information only and do not form part of the DGRs for the Environmental Assessment. Please note that the Agency consultation occurred prior to the decision to pursue only the dwelling and the shed as a part major project, so some requirements may not correspond entirely to these DGRs which focus on the current proposal.

If you have any queries regarding these requirements, please contact Stuart Withington on (02) 9228 6546 or email [stuart.withington@planning.nsw.gov.au](mailto:stuart.withington@planning.nsw.gov.au).

Yours sincerely



S.9.0

Chris Wilson  
**Executive Director,**  
**Major Project Assessments**  
as delegate for the Director General

# Attachment 1

## Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>
08_0121
<b>Project</b>
<b>Project Application:</b> A two storey residential dwelling and swimming pool, one shed, associated roadworks and boundary adjustment.
<b>Location</b>
Lots 101, 103 & 104 DP 1049845 and Lot 2 DP 1076610, Bundabah Rd, Bundabah.
<b>Proponent</b>
Orogen Pty Ltd
<b>Date issued</b>
September 2008
<b>General requirements</b>
<p>The Environmental Assessment (EA) for the <b>Project Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. Detailed description of the project;</li> <li>3. An outline of the scope of the project including: <ul style="list-style-type: none"> <li>• justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;</li> <li>• outline of the staged implementation of the project if applicable;</li> </ul> </li> <li>4. <u>A thorough site analysis including constraints mapping and a description of the existing environment;</u></li> <li>5. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans;</li> <li>6. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>7. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>8. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>9. The plans and documents outlined in <b>Attachment 2</b>;</li> <li>10. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and</li> <li>11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.</li> </ol>

Key Issues	
The EA must address the following key issues:	
1. Strategic Planning	
1.1	Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
2. Design, Layout and Desired Future Character	
2.1	Demonstrate the suitability of both the dwelling and the shed and associated works with the character of the site and the locality.
2.2	Demonstrate the appropriateness both the dwelling and the shed and associated works in terms of siting given the topography of the site, scale, height, materials and finishes and aesthetics. An external materials and finishes schedule is to be submitted.
2.3	Demonstrate the consistency of the proposed design and layout with the <i>Coastal Design Guidelines for NSW</i> , <i>NSW Coastal Policy 1997</i> and <i>State Environmental Planning Policy No. 71 – Coastal Protection</i> .
2.4	Provide justification for, and a draft plan of subdivision of, the proposed boundary adjustment.
3. Visual Impact	
3.1	Address the visual impact of the residential dwelling. Amelioration of visual impacts from North Arm Cove, Port Stephens waterway and Great Lakes Marine Park through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed. Photomontages should be provided.
3.2	A plan is required that shows all trees proposed to be removed as part of the proposal. All trees are to be numbered and details are to be provided on their species, height, diameter at breast height, condition and reason for removal including for asset protection/bushfire purposes, building envelope and within access roadways.
3.3	The proposed siting of the dwelling allows for significant views to be obtained. Intended view corridors are to be identified and trees to be removed to allow for views are to be identified, as above.
4. Infrastructure Provision	
4.1	Address existing capacity and requirements of the development for sewerage, water (including for bushfire fighting), electricity, waste disposal, telecommunications and gas in consultation with relevant agencies.
4.2	Provide a detailed siting plan and assessment of on-site effluent disposal on the site, with consideration of the suitability of this method taking into consideration existing drainage capacity and septic absorption potential of the existing soils. Provide details of the proposed on-going maintenance regime for the on-site sewerage disposal system. Potential impacts of the system on the groundwater table must be considered. The management of the swimming pool in light of the on-site effluent disposal regime is also to be considered.
5. Traffic and Access	
5.1	Detail present and proposed access roads and tracks to and within Lots 101 and 104. Provide a plan, with a topographical overlay, depicting <u>all</u> existing vehicle access tracks and roads within Lots 101 and 104 at an appropriate scale.
5.2	Provide engineering plans (cross sections and long sections) at 1:1000 of the proposed access road to the dwelling. Identify that part of the road that may have Council approval under a previous development consent. For the Council approved section, please supply a copy of the approved construction certificate and the engineering plans.
6. Hazard Management and Mitigation	
Contamination	
6.1	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> .

<b>Bushfire</b>	
6.2	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<b>Geotechnical</b>	
6.3	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<b>7. Water Cycle Management</b>	
7.1	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
<b>8. Heritage and Archaeology</b>	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC 2005) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC 2004).
<b>9. Flora and Fauna</b>	
9.1	Assess the potential impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for Threatened Species Assessment</i> (2005). This should include an appropriate flora and fauna surveys within a radius of 200 m around the dwelling, shed and access road sites. Provide measures for the conservation of flora and fauna, where relevant.
9.2	The threatened plant <i>Melaleuca groveana</i> is known to occur in close proximity to the dwelling site. Targetted surveys for this species must be undertaken.
9.3	The Lowland Rainforest Endangered Ecological Community is known to occur adjacent to the dwelling site. Targetted mapping of this EEC is required.
9.4	Detail measures to buffer and restore the edge of the EEC.
<b>10. Construction Management</b>	
10.1	Outline proposed construction methodology of the residential dwelling, particularly given the steep topography. Detail proposed construction access to the dwelling site.
10.2	Address potential noise impacts during construction and appropriate mitigation measures.
10.3	Address measures to protect trees during construction.
<b>11. Agricultural produce/Livestock industry</b>	
11.1	Outline the intended usage of the shed.
11.2	In relation to the shed, detail present and proposed agricultural and livestock keeping/breeding activities on the site and any associated on-site processing activities including locations of all activities.
11.3	Address and outline measures for the sustainable management of all agricultural and livestock keeping/breeding and processing activities which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, erosion and sedimentation controls, disease prevention and control, pest and vermin control and waste management.
<b>Consultation</b>	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> <li>• Great Lakes Council;</li> <li>• Department of Environment and Climate Change;</li> <li>• Department of Primary Industries;</li> <li>• NSW Rural Fire Service;</li> </ul>	

- Department of Water and Energy;
- Hunter-Central Rivers Catchment Management Authority;
- Port Stephens- Great Lakes Marine Park;
- Karuah Local Aboriginal Land Council/s and other Aboriginal community groups; and
- relevant infrastructure providers.

(b) *Public:*

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.

**Deemed Refusal Period**

120 days

## Attachment 2

### Plans and Documents to accompany the Application

#### Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
  - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
  - the existing levels of the land in relation to buildings and roads;
  - location and height of existing structures on the site; and
  - location and height of adjacent buildings and private open space.
2. A recent **aerial photograph** of the subject site with the site boundary and topographical information superimposed.
3. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, existing easements, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).
4. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
  - significant local features such as parks, community facilities and open space, water courses and heritage items;
  - the location and uses of existing buildings, shopping and employment areas;
  - traffic and road patterns, pedestrian routes and public transport nodes; and
  - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
5. **Architectural plans** for the residential dwelling are to show the following:-
  - the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development;
  - floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building;
  - elevations and sections showing proposed external finishes, materials and heights;
  - proposed finished levels of the land in relation to buildings and roads;
  - building perspectives, where necessary to illustrate the proposed building;
  - proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
  - proposed landscaping and treatment of the land (indicating plant types and their height at maturity);
  - proposed methods of draining the land;
  - waste management;
  - details of services – water, sewer, stormwater;



	<ul style="list-style-type: none"> <li>• provisions of access and facilities for people with a disability;</li> <li>• cross sections of the structure and extent of cut and fill;</li> <li>• proposed building materials and their finished colours; and,</li> <li>• trees to be removed.</li> </ul> <p>6. <b>View analysis</b> – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.</p> <p>7. <b>BASIX</b> – compliance details and relevant certificates.</p> <p>8. <b>Stormwater Management Plan</b> - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided.</p> <p>9. <b>Landscape Plan</b> – showing planting design and plant/tree species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised in relation to the treatment of communal/public open space areas, footpaths, driveways and the public domain including details of street trees, furniture, signage, lighting and surface treatments (i.e. pavers).</p> <p>10. <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site.</p> <p>11. <b>Construction Management Plan</b> – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls.</p>
<b>Specialist advice</b>	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Planning;</li> <li>• Engineering including: road design, stormwater/drainage; on-site sewage management;</li> <li>• Flora and Fauna;</li> <li>• Bushfire;</li> <li>• Landscaping;</li> <li>• Geotechnical and/or hydro geological (groundwater);</li> <li>• Urban Design/Architectural;</li> <li>• Contamination; and</li> <li>• Acid Sulfate Soil Management Plan.</li> </ul>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required.</li> <li>• If the Environmental Assessment is bulky, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.</li> </ul>
<b>Electronic Documents</b>	<p>Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> <li>▪ All files should be approximately 5 Mb.</li> <li>▪ Large files of more than 5 Mb will need to be broken down and supplied as different files.</li> </ul>



## Attachment 3

### State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
<b>Biodiversity</b>	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	Key Habitats and Corridors For Forest Fauna (Scotts 2003)
	Threatened Species Management Manual (NPWS, 1998)
<b>Coastal Planning</b>	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
<b>Bushfire</b>	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
<b>Soils and Contamination</b>	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
<b>Environmental Management Systems</b>	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)

Aspect	Policy /Methodology
	NSW Heritage Manual (NSW Heritage Office, 1996)
<b>Noise</b>	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
<b>Safety and Hazards</b>	
	Electrical Safety Guidelines (Integral Energy)
<b>Traffic &amp; Transport</b>	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
<b>Urban Design: Cycleway/Pathway Design</b>	
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
<b>Water</b>	
	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
<b>Floodplain</b>	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
<b>Groundwater</b>	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Waterways</b>	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

**Attachment 4**  
**Agency Responses to Request for Key Issues**  
**- For Information Only**

Your reference : MP 08\_0121  
Our reference : DOC08/32552; File No.: FIL08/9439  
Contact : Steve Lewer, (02) 4908 6814

**URBAN ASSESSMENTS  
RECEIVED**

31 JUL 2008

**E-MAILED**  
28/7/08

Heather Warton  
Director - Coastal assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

28 JUL 2008

re: MP  
11/8/08  
TO  
Mark  
Schofield.  
(Stuart  
Withington).

**Attention: Stuart Withington**

Dear Madam

**RE: Part 3A - Request for details of key issues and assessment requirements -  
Proposed Dwelling and Sheds (Fame Cove Development) - MP 08-0121**

I refer to your request of 14 July 2008 for the Department of Environment and Climate Change (DECC) requirements for the environmental assessment (EA) for this proposal.

DECC understands that the matter has been determined to be a Part 3A matter by virtue of the Major Projects SEPP, involving the proposed two storey residential dwelling, nine (9) sheds and associated road works at Lots 101, 103 & 104 DP 1049845 and Lot 102 DP 1076610, at Bundabah Rd, Bundabah, NSW within the coastal zone (MP No. 08\_0121).

DECC has reviewed the details of the project as provided in the application and attached documents. To make a reliable appraisal of the impacts of the proposal DECC will require the EA to address the following:

- impacts on threatened species and their habitat;
- indirect impacts (including surface run-off, sedimentation and pollution) on the coastal floodplains / estuarine environments surrounding the proposal and endangered ecological communities (EEC) that occur on site;
- impacts on any local corridor links and wildlife movement;
- any potential indirect impacts on adjacent DECC estate, Gir-um-bit National Park, which lies to the south-east of the proposed area, and Port Stephens Marine Park, which lies to the south and west of the proposed area; and
- impacts on Aboriginal cultural heritage values.

**Threatened species, their habitat and ecological communities:**

To address likely impacts on threatened species (including their habitat), populations and ecological communities (as listed under the *NSW Threatened Species Conservation Act 1995*),

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

PO Box 488G, Newcastle NSW 2300  
117 Bull Street, Newcastle West, NSW 2302  
Tel: (02) 4908 6800 Fax: (02) 4908 6810  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Department of **Environment and Conservation** NSW

the proponent will need to engage a suitably qualified and experienced environmental consultant to conduct an appropriate flora and fauna survey, and provide an assessment report. This report will need to evaluate and mitigate any adverse impacts on such species, populations and communities on the subject site and within the immediate vicinity.

Surveys must be undertaken by appropriately experienced and qualified persons. Survey methods adopted must be those considered by experienced wildlife surveyors to be the ones most likely to detect the targeted subject species (more than one survey method must be utilised for those subject species for which complementary methods have the potential to result in a significant increase in detection). Survey effort (including intensity, repetition and coverage) must be at a level that can be reasonably expected to detect the subject species if present in the study area. Surveys are required to be undertaken during optimal climatic and seasonal conditions for all potentially occurring flora and fauna species and need to consider issues such as migratory species movements, the availability of shelter, breeding, pollination patterns and prerequisites, and also the relative availability of food resources and habitat (e.g. targeted threatened flora should be carried out when a species is flowering and/or fruiting, as these features are typically required to positively identify species).

Survey procedures and assessment of results should be consistent with those procedures and assessment approaches contained within the DECC publications:

- "Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities" (DEC – November 2004). This document is available in draft form on the DECC website: <http://www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf> (\*Note: Section 6.1 Assessment of Significance has now been amended by the following document).
- "Threatened Species Assessment Guidelines: The Assessment of Significance" (DECC – August 2007). This document is available in draft form on the DECC website: <http://www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf>

In addition to general consideration of threatened species (their habitat), endangered populations and ecological communities, particular attention should be given to impacts and proposed mitigation measures for threatened species and their breeding, nesting and foraging habitat known to occur on site or within the vicinity, including any likely indirect impacts on habitat and EEC which occur adjacent to or nearby to the proposal. DECC notes the following known threatened species and EEC for the subject lots (Lots 101, 103 & 104 DP 1049845 and Lot 102 DP 1076610):

#### **Flora:**

##### ***Vulnerable***

- Black-eyed Susan *Tetratheca juncea*
- Grove's Paperbark *Melaleuca groveana*

#### **Fauna**

##### ***Vulnerable (V)***

- Glossy Black-Cockatoo *Calyptorhynchus lathami*
- Green Turtle *Chelonia mydas*
- Eastern Bent-wing Bat *Miniopterus schreibersii* subsp. *oceanensis*
- Little Bent-wing Bat *Miniopterus australis*
- Koala *Phascolarctos cinereus*
- Osprey *Pandion haliaetus*

#### **Endangered Ecological Communities**

- Lowland Rainforest in NSW North Coast and Sydney Basin Bioregions.

- Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions.
- Swamp Oak Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions.

**\*NOTE:** Surveying and assessment of likely threatened species, their habitat, populations and ecological communities etc... should not be limited to just the above known taxa, but should also address other likely species. In determining other likely affected species, consideration shall be given to the habitat types present within the study area, recent records of threatened species or populations in the locality and the known distribution of threatened species.

Databases such as DECC *Atlas of NSW Wildlife*, *Australian Museum* and *Royal Botanic Gardens* should be consulted to assist in compiling the list. It should be noted that if DECC Atlas is the only database that is referred to, due to data exchange agreements, the data provided by DECC will only include that for which DECC is a custodian. In many cases, this may only be a small subset of the data available. Other databases must also be consulted to create a comprehensive list of subject species.

#### Mitigation and compensatory habitat measures:

If likely impacts on threatened species, including their habitat occurs, the proponent will need to provide appropriate mitigation measures and/or strategies. Where modification of the proposal to minimise impacts on threatened species, populations or endangered communities is not possible then compensatory strategies should be considered. These may include offsite or local area proposals that contribute to the long term conservation of affected threatened species, population or endangered ecological community. If on or off-site compensatory habitat is not considered appropriate, justification must be provided. Where such proposals involve other lands, or where involvement of community groups is envisaged in such proposals, such groups are to be consulted and proposals should contain evidence of support from these stakeholders and relevant land managers.

Compensatory benefits likely to result from such measures proposed for alternative sites are to be discussed and evaluated along with a discussion of mechanisms of how they might best occur. The tenure of lands, land use and potential future uses of lands proposed to support compensatory habitat should be considered. Justification for any area(s) proposed as compensatory habitat is to include assessment of the threatened species values impacted on by the proposed works and whether the proposed area(s) provides equivalent values.

DECC's *'Biodiversity Certification of Environmental Planning Instruments: Working Draft'* (<http://www.environment.nsw.gov.au/resources/threatenedspecies/07207biodivcert.pdf>) can be used as general guide for offset principles. These principles are relevant to areas without an existing biodiversity offsets program. Offsets will require the proponent to consider adequate conservation in perpetuity, appropriate management regimes (including other habitat enhancement or mitigation measures) and financial security with respect to ongoing management. DECC would typically consider suitable measures to ensure conservation in perpetuity, such as (but not limited to) a Section 88B-E covenant of the *Conveyancing Act 1919* (Note: that a covenant under the *Conveyancing Act 1919* will require such an instrument to be lodged for registration under a new deposited plan or a plan of survey [refer to: <http://rgdirections.lands.nsw.gov.au/plans/easementsandcovenants>), a Voluntary Conservation Agreement under the *National Parks and Wildlife (NP&W) Act 1974*, a bio-banking agreement under the *Threatened Species Conservation Act 1995*, and/or reservation of land under Part 4 of the *NP&W Act 1974*. The principles do not apply where there is legislation defining requirements for biodiversity offsets (e.g. under the *Native Vegetation Act 2003*).

## **Aboriginal cultural heritage values**

To address and document any potential impacts on Aboriginal cultural heritage the DECC will require the proponent to engage a suitably qualified Aboriginal cultural heritage consultant to assess the occurrence of Aboriginal objects or sites on the proposed development.

If Aboriginal objects or sites are likely to be found on the proposed development site then the proponent should undertake surveys to determine the cultural heritage values of the site, and report how those values may be impacted by the development and provide appropriate avoidance, mitigation or compensatory measures. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing the impacts, developing mitigation options and finalisation recommendations.

In carrying out the assessment the proponent may wish to refer to the following guidelines:

- Interim Community Consultation Requirements for Applicants, available at:  
[http://www3.environment.nsw.gov.au/PDFs/interim\\_consultation\\_guidelines.pdf](http://www3.environment.nsw.gov.au/PDFs/interim_consultation_guidelines.pdf)
- Aboriginal Cultural Heritage Standards and Guidelines Kit, available at:  
[http://www3.environment.nsw.gov.au/PDFs/aboriginal\\_heritage\\_guidelines\\_kit\\_final.pdf](http://www3.environment.nsw.gov.au/PDFs/aboriginal_heritage_guidelines_kit_final.pdf)

### **Other environmental considerations:**

Other broad environment protection or conservation issues of concern that also need to be addressed in the EA include the direct and indirect impacts of the proposal on:

- any potential indirect impact on the nearby Gir-um-bit National Park and Port Stephens Marine Park needs to be assessed, evaluated and reported. The assessment should focus on impacts on threatened species, biodiversity in general and landscape / amenity values, but include indirect impacts such as increased surface runoff, changes to hydrology, increased refuse, bushfire implications / management, fragmentation, and weed infestation, but not be limited to these.

The EA should describe mitigation and management options that will be used to prevent, control, abate or minimise the identified impacts associated with the project. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

The EA should describe mitigation and management options that will be used to prevent, control, abate or minimise the identified impacts associated with the project. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

The DECC requests that 2 copies of the EA be provided for assessment and should be lodged at Department of Environment and Climate Change, 117 Bull St, Newcastle West 2302.

If you have any queries regarding this matter please contact Steve Lewer on 4908 6814.

Yours sincerely



**BILL GEORGE**  
**A/Head Regional Operations Unit**  
**North East Branch**  
**Climate Change and Environment Protection**





NSW Government

Department of Water & Energy

Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

28 July 2008

URBAN ASSESSMENTS  
RECEIVED

31 JUL 2008

Contact: Peter Johns  
Phone: (02) 4904 2538  
Fax: (02) 4904 2503  
Email: peter.johns@dnr.nsw.gov.au

Your Ref: MP08\_0121  
Our Ref: ER20196

*Handwritten:*  
KLM  
118/08  
TO MARK Schofield  
(Stuart Withington)

Attention: Stuart Withington

Dear Sir

**MP08\_0121 – Environmental Assessment Requirements  
Proposed Dwelling, Sheds and Dams  
Lots 101, 103 & 104 DP 1049845 and Lot 102 DP 1076610 Bundabah Road, Bundabah  
(Known as 'Fame Cove') Great Lakes LGA**

I refer to your letter of 14 July 2008 requesting key issues for inclusion in the Director-General's requirements. The Department of Water and Energy (DWE) provides the following advice for consideration:

**Relevant Legislation**

The assessment is required to take into account the objectives and regulatory requirements of the following legislation (administered by DWE), as applicable:

- *Water Act 1912 (WA)*
- *Water Management Act 2000 (WMA)*
- *Water Management Amendment (Controlled Activities) Regulation 2008*

**Relevant Policies**

The assessment is required to take into account the following NSW Government policies, as applicable:

- NSW State Rivers and Estuaries Policy
- NSW Sand and Gravel Extraction Policy for Non-Tidal Rivers
- NSW Groundwater Policy Framework Document - General
- NSW Groundwater Quantity Management Policy
- NSW Groundwater Quality Protection Policy
- NSW Groundwater Dependent Ecosystem Policy
- NSW Wetlands Management Policy
- NSW Farm Dams Policy
- NSW Weirs Policy

**Guidelines**

The assessment is required to take into account the following DWE Guidelines for Controlled Activities (February 2008), as applicable:

- Riparian corridors (and associated Vegetation Management Plans)
- Watercourse crossings
- Laying pipes and cables in watercourses
- Outlet structures

- In-stream works

Refer to: [http://www.dnr.nsw.gov.au/water/controlled\\_activity.shtml](http://www.dnr.nsw.gov.au/water/controlled_activity.shtml)

### **Surface Waters**

DWE is responsible for the sustainable management of rivers, estuaries, wetlands and adjacent riverine plains.

### Watercourse/Riparian Protection

The *Rivers and Foreshores Improvement Act 1948* has now been repealed and the controlled activity provisions under section 91 of the *WMA* commenced.

Riparian corridors form a transition zone between terrestrial and aquatic environments and perform a range of important environmental functions. The protection or restoration of vegetated riparian areas is important to maintain or improve the geomorphic form and ecological functions of watercourses through a range of hydrologic conditions in normal seasons and also in extreme events.

Although Part 3A Major Projects do not require a controlled activity approval (section 75U of the *Environmental Planning and Assessment Act 1979*) the assessment is required to take into account section 5 (7) of the *WMA* and relevant DWE guidelines.

The assessment is required to consider the impact of the proposal on the watercourses and associated riparian vegetation within the site and provide the following:

- Identify the sources of surface water.
- Details of stream order (using the Strahler System).
- Details of any proposed surface water extraction, including purpose, location of existing pumps, dams, diversions, cuttings and levees.
- Detailed description of any proposed development or diversion works including all construction, clearing, draining, excavation and filling.
- An evaluation of the proposed methods of excavation, construction and material placement.
- A detailed description of all potential environmental impacts of any proposed development in terms of vegetation, sediment movement, water quality and hydraulic regime.
- A description of the design features and measures to be incorporated into any proposed development to guard against long term actual and potential environmental disturbances, particularly in respect of maintaining the natural hydrological regime and sediment movement patterns and the identification of riparian buffers. (See note below)
- Details of the impact on water quality and remedial measures proposed to address any possible adverse effects.

**Note:** Recommended Core Riparian Zones (as applicable):

- Minimum of 10m for any intermittently flowing 1<sup>st</sup> order watercourse;
- 20m for any permanently flowing 1<sup>st</sup> order watercourse or any 2<sup>nd</sup> order watercourse;
- 20m – 40m (merit based assessment) for any 3<sup>rd</sup> order or greater watercourse.

[Refer to DWE Guidelines for Controlled Activities (February 2008) – Riparian Corridors].

### Water Management Structures/Dams

DWE is responsible for the management and licensing of these structures under water legislation.

If the proposal includes existing or proposed water management structures/dams, the assessment is required to provide information on the following, as applicable:

- Date of construction (for existing structures).
- Details of the legal status/approval for existing structures.
- Details if any remedial work is required to maintain the integrity of the existing structures.
- Clarification if the structures are located on a watercourse.

- Details of the purpose, location and design specifications for the structures.
- Size and storage capacity of the existing and proposed structures.
- Calculation of the Maximum Harvestable Right Dam Capacity (MHRDC).
- Estimate of the evaporation rates and annual evaporation losses.
- Details if the structures are affected by flood flows.
- Details of any proposal for shared use, rights and entitlement of the structures.

DWE's Farm Dams Assessment Guide provides details on harvestable rights and the calculation of the MHRDC. Refer to:

[http://www.naturalresources.nsw.gov.au/water/farm\\_dams/index.shtml](http://www.naturalresources.nsw.gov.au/water/farm_dams/index.shtml)

#### Licensing

There maybe licensing requirements under Part 2 of the WA for existing and proposed water management structures/dams.

#### **Groundwater**

DWE is responsible for the management of the groundwater resources so they can sustain environmental, social and economic uses for the people of New South Wales.

#### Groundwater Source

The assessment is required to identify groundwater issues and potential degradation to the groundwater source and provide the following:

- Details of any works likely to intercept, connect with or infiltrate the groundwater sources.
- Details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
- Details of how the proposed development will not potentially diminish the current quality of groundwater, both in the short and long term.
- Details on preventing groundwater pollution/ contamination so that remediation is not required.
- Details on protective measures for any groundwater dependent ecosystems (GDEs).
- Details of proposed methods of the disposal of wastewater and approval from the relevant authority.
- Where potential impacts are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts.

#### Licensing

All proposed groundwater works, including bores and excavations for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and an approval obtained from DWE prior to their installation.

#### Groundwater Dependent Ecosystems

The assessment is required to identify any impacts on GDEs. GDEs are ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater. GDEs occur across both the surface and subsurface landscapes. Increasingly, it is being recognised that surface and groundwaters are often interlinked and aquatic ecosystems may have a dependence on both.

The NSW Groundwater Dependent Ecosystem Policy provides guidance on the protection and management of GDEs. It sets out management objectives and principles to:

- Ensure the most vulnerable and valuable ecosystems are protected.
- Manage groundwater extraction within defined limits thereby providing flow sufficient to sustain ecological processes and maintain biodiversity.
- Ensure sufficient groundwater of suitable quality is available to ecosystems when needed.

- Ensure the *precautionary principle* is applied to protect GDEs, particularly the dynamics of flow and availability and the species reliant on these attributes.

**Sustainable Water Supply**

The assessment is required to address the issue of provision of a sustainable water supply for any project proposal. The assessment should include Water Management Plans detailing how a sustainable and efficient water supply can be sourced and implemented with minimal reliance on accessing valuable surface and groundwater resources.

**Water and Sewerage Facilities**

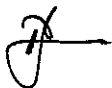
While DWE has no statutory water supply or sewerage responsibilities in relation to the proposal due consideration should be given to ensure that the proposal provides adequate facilities for water supply and treatment of effluent. That is, there is the potential for contamination of groundwater and impacts on groundwater dependent eco-systems from on-site disposal of effluent. There is a need for the assessment to investigate alternate effluent disposal systems and justify a preferred system.

For information purposes refer to the following guidelines related to effluent disposal:

- National Water Quality Management Strategy: Guidelines for Groundwater Protection in Australia (ARMCANZ, ANZECC & NHMRC)
- NSW Department of Environment and Conservation Environmental Guidelines - Use of Effluent by Irrigation (2004)
- NSW Department of Local Government Septic Safe On-Site Sewage Information Management System Handbook
- Environment & Health Protection Guidelines for On-site Sewage Management for Single Households, 1998

For enquiries on groundwater issues and licensing requirements under the WA please contact Hemantha De Silva, Senior Natural Resource Officer, Licensing North Branch on telephone 4904 2525 at the Newcastle office.

Yours sincerely



Peter Johns  
Project Officer  
Major Projects and Planning  
Newcastle

All communications to be addressed to:

Headquarters  
NSW Rural Fire Service  
Locked Mail Bag 17  
GRANVILLE NSW 2142

Headquarters  
NSW Rural Fire Service  
15 Carter Street  
HOMEBUSH BAY NSW 2127

wTelephone: (02) 8741 5555

Facsimile: (02) 8741 5550

e-mail: development.control@rfs.nsw.gov.au



rec'd 30/7/08  
TO MARK Schofield

Urban Assessments  
Department Of Planning  
GPO Box 39  
Sydney NSW 2001

URBAN ASSESSMENT  
RECEIVED

Your Ref: MP 08/0121

Our Ref: S08/0034  
DA08071752733 MM

Attention: Stuart Withington

21 July 2008

Dear Sir/Madam,

**Re: Request for Provision of Key Issues and Assessment Requirements for 101 & 104//1049845, 102//1076610; Fame Cove Development Bundabah Road, Bundabah NSW**

I refer to your letter dated 14 July 2008 seeking the NSW Rural Fire Service key issues and assessment requirements regarding bushfire protection for the above property in accordance with section 75F (4) of the *Environmental Planning and Assessment Act 1979*.

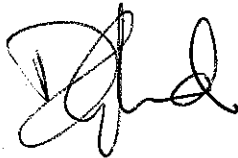
The following key issues and assessment requirements shall be included in the Director-Generals environmental assessment requirements.

1. The NSW Rural Fire Service (RFS) notes that the subject site has significant bush fire issues and is identified as bush fire prone. Future residential or Special Fire Protection Purpose developments are likely to be subject to the requirements of section 100B of the Rural Fires Act 1997 and Section 79BA of the Environmental Planning and Assessment Act 1979.
2. Minimising the impact of radiant heat and direct flame contact by separating the development from the bushfire hazard by identifying the extent to which future development can provide for Asset Protection Zones in accordance with Planning for Bush Fire Protection 2006. Setbacks will depend on proximity to vegetation, vegetation type and slope.
3. The ability to provide for adequate egress/access to the proposed development as outlined within 4.1.3 of Planning for Bush Fire Protection 2006.
4. The ability to site and provide for adequate future water supplies for bush fire suppression operations.

5. Minimising the vulnerability of buildings to ignition from radiation and ember attack by addressing the construction of assets in accordance with Australian Standard AS 3959 -1999 'Construction of buildings in bush fire-prone areas'.
6. A plan of management will need to include fuel management within the development and maintenance of asset protection zones in accordance with Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

For any enquiries regarding this correspondence please contact Michael Murrell on 8741 5555

Yours faithfully,

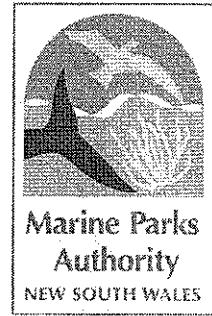


*per* Nika Fomin  
**Development Control Co-ordinator**

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under *Planning for Bush Fire Protection 2006*.

30<sup>th</sup> July 08

Heather Warton  
Director  
Coastal Assessments  
Department of Planning



**Provision of Details of Key issues and assessment requirements – proposed dwellings and sheds (Fame Cove Development)**

The Marine Parks Authority (MPA) thanks you for the opportunity to comment on key issues and assessment requirements for the proposed dwelling and sheds at Fame Cove. The primary objectives of the Marine Park Act and associated regulations administered by the Marine Parks Authority include:

- conserving marine biological diversity and marine habitats
- maintaining ecological processes, and
- where consistent with these objectives, to provide for ecologically sustainable use of fish and marine vegetation in Parks, and to provide opportunities for public appreciation, understanding and enjoyment of Marine Parks.

The MPA views erosion and sediment control in catchment systems surrounding a marine park as a prerequisite for any development. We fear that long term damage has already been done to the seagrass beds, sponges, benthic algae and other marine flora from suspended sediments and increased nutrient loads caused by massive soil erosion from the slopes surrounding Fame Cove. Note that the upper portion of Fame Cove is in fact a sanctuary zone within the Port Stephens-Great Lakes Marine Park and afforded the highest level of protection due, in part, to its relatively undisturbed marine flora communities.

Notwithstanding the damage to native vegetation and potential loss of habitat to seabirds, waterfowl, and other fauna that frequent the Marine Park, of most concern to the Marine Parks Authority has been, and continues to be, excessive sediment runoff into Fame Cove caused by vegetation removal on the slopes surrounding the creek and cove, particularly where the roads have been constructed. For these reasons the MPA emphasises the need for detailed sediment and erosion control plans, and to implement appropriate erosion and sedimentation control measures prior to development, during construction and until soil is stabilised post construction. We reiterate those comments provided in letter to Orogen dated



22<sup>nd</sup> February 2008, i.e. erosion and sediment control plans be prepared and implemented which include:

- the extent of earthworks, stockpiles, access roads, impervious surfaces, construction entrances and drainage lines;
- proposed run-off diversion measures and sediment trapping devices; and
- proposed re-vegetation and stabilisation measures.
- schedules and time-frames of when this work is proposed.

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Due to the sensitivity of the catchment system surrounding Fame Cove we would also seek justification for proposed roads.

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The MPA considers it imperative that these issues are addressed before any further work is approved or undertaken. Whilst several of the development applications pose a potential concern for the MPA, the road infrastructure that connects these establishments is our foremost interest and the plans do not detail the extent or characteristics of existing and/or proposed roads.

Then following are general comments on the development applications we have received, based on the information provided.

**DA 279/2008, 11 bedroom dwelling house on Lot 104 DP1049845.**

The dwelling house is situated on the top of a hill surrounded by steep slopes. The MPA repeats its concerns over the potential for soil erosion during and post construction. Should the dwelling be approved, clearance of native vegetation should be kept to a minimum, as it should be for all structures on the subject land. Disturbed areas should be rehabilitated and appropriately stabilised as soon as possible following construction.

**DA 422/2007, Shed and dam Lot 104 in DP 1049845.**

If I have followed the paperwork correctly I assume from a fax (19/3/08) sent to Great Lakes Council (undated) that the dam is to be deleted. The proposed dam, situated on a slope in relatively close proximity to the water, would have been of concern to the MPA.

**DA 415/2007, Rural shed and dam Lot 101 in DP 1049845.**

It appears the dam is situated a safe distance from the watercourse. Assuming this is the case, and there is no substantial slope, impact is insignificant. Vegetation between dam and waterway should be retained.

**DA 245/2008, Winery shed Lot 2 1076610.**

There are no immediate concerns for the shed itself. Removal of vegetation for a proposed vineyard may increase surface soil runoff into Fame Cove and a statement of environmental effects may be necessary.

**DA 418/2007, 2 sheds and dams Lot 2 1076610.**

It is unclear as to whether 1 or both dams are to be deleted. Proposal is for 2 dams, letter from Council requires deletion of "dams," proponent agrees to delete "dam next to remaining shed."

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**DA 244/2008, Animal shed Lot 103 DP 1049845.**

Based on the plans supplied, there are no foreseeable issues.

**DA 243/2008, Boat Shed Lot 104 DP 1049845**

The plans indicate the shed is used for storage only and there are no sliprails or ramps. Based on these specifications there are no foreseeable issues.

**DA 420/2007, Agricultural Sheds and dams Lot 101 DP 1049845.**

There is insufficient detail provided to determine what impact the dam will have. It appears both dams will be close enough to waterway to warrant further attention, particularly if they are to be situated on land with an incline. The MPA is concerned about the potential for the walls of dams to breach or collapse, or the dam itself to overflow, as was observed to have happened to two dams on the eastern perimeter of Lot 104/101. This would affect the water quality of the adjoining waterway. The "significant vegetation buffer between the proposal and Port Stephens" (page 5) needs to be validated. Attention to design, such as culverts and spillways, will be necessary if approved. We would also like more detail on the proposed wastewater treatment systems mentioned. We are also curious on the difference between "rural shed" and "agricultural shed."

Yours sincerely

Richard McEvilly  
Marine Park Ranger  
Port Stephens-Great Lakes Marine Park

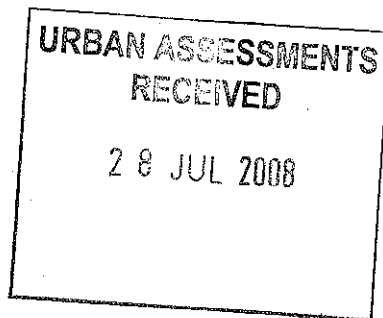


NSW DEPARTMENT OF  
PRIMARY INDUSTRIES

McGinn

30/7/08

To Mark Schofield



Our ref: CF07-198A  
Your ref: MP08-0121

Ms Heather Wharton  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Heather

**Re: Key issues and assessments requirements for dwelling and sheds at Fame Cove MP08-121**

Thank you for your letter requesting key issues and assessment requirements from NSW Department of Primary Industries (DPI) for the proposal cited above. The information listed below may be of some assistance in the preparation of the EIA for this proposal.

In particular management of stormwater should be carefully considered so as to minimise any negative impacts on the surrounding environment. Appropriate sediment and erosion controls during construction will need to be implemented to avoid impact on the surrounding marine environment. Appropriate revegetation and sealing of proposed roads will need to be undertaken to prevent sediment entering the adjacent marine environment. The soil should be checked for acid sulphate potential and if found an Acid Sulphate Management Plan should also be implemented.

#### Definitions

The definitions given below are relevant to these requirements:

**Fish** means any part of marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead). Fish include oysters and other aquatic molluscs, crustaceans, echinoderms and beachworms and other aquatic polychaetes.

**Marine vegetation** means any species of plant that at any time in its life must inhabit water (other than fresh water).

**Waters** refers to all waters including tidal waters below mean high water mark as well as flowing streams, irregularly flowing streams, gullies, rivers, lakes, coastal lagoons, wetlands and other forms of natural or man made water bodies on both private and public land.

#### Useful Information

To help you in the preparation of an EIA, the publication "*Guidelines for the Assessment of Aquatic Ecology in EIA*" (Draft 1998) produced by the Department for Urban Affairs and Planning may prove useful in outlining appropriate procedures and methodologies for conducting aquatic surveys. Should you require any further information on these requirements please contact the Aquatic Habitat Protection Unit at Port Stephens on 4916 3955.

Yours sincerely

  
James Sakker  
Conservation Manager

## **Matters to be Addressed**

### **1. General Requirements**

The EIA must include the information outlined below:

A topographic map of the locality at a scale of 1:25 000 should be provided. This map should detail the location of all component parts of the proposal, any areas locally significant for threatened species (such as aquatic reserves), and areas of high human activity (such as townships, regional centres and major roads).

A recent aerial photograph (preferably colour) of the locality (or reproduction of such a photograph) should be provided, if possible. This aerial photograph should clearly show the subject site and indicate the scale of the photograph.

### **GENERAL REQUIREMENTS**

- Area which may be affected either directly or indirectly by the development or activity should be identified and shown on an appropriately scaled map (and aerial photographs).
- All waterbodies and waterways within the proposed area of development are to be identified.
- Description of aquatic vegetation, snags, gravel beds and any other protected, threatened or dominant habitats should be presented.
- Area, density and species composition should be included and mapped.
- Identification of recognised recreational and commercial fishing grounds, aquaculture farms and/or other waterways users.
- Presented maps or plans
- Description of proposal and study area
- Details of the location of all component parts of the proposal, including any auxiliary infrastructure, timetable for construction of the proposal with details of various phases of construction
- Size of the area affected
- Aspects of the management of the proposal, both during construction and after completion, which relate to impact minimisation eg Environment Management Plans
- Plan of study area
- Locations and types of landuses present
- Locations of streams and other waterbodies
- Land tenure details for all land parcels
- For each freshwater body identified on the plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: flow characteristics, including any seasonal variations, bed substrate, and bed width
- For each marine or estuarine area identified on the plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: tidal characteristics, bed substrate, and depth contours

### **DREDGING AND RECLAMATION ACTIVITIES**

- Purpose of works
- Type(s) of marine vegetation in the vicinity of the proposed works
- Distance of adjacent marine vegetation from the outer boundary of the proposed works
- Method of dredging to be used
- Duration of dredging works
- Time of dredging works
- Dimension of area to be dredged
- Depth of dredging activities
- Nature of sediment to be dredged, including Acid Sulphate Soil

- Method of marking area subject to works
- Environmental safeguards to be used during and after works
- Measures for minimising harm to fish habitat under the proposal
- Spoil type and source location for reclamation activities
- Method of disposal of dredge material
- Location and duration of spoil stockpiling, if planned
- Volume of material to be extracted or placed as fill

### **ACTIVITIES THAT DAMAGE MARINE VEGETATION**

- Type of marine vegetation to be harmed
- Amount of marine vegetation to be harmed, map distribution of marine vegetation
- Reasons for harming marine vegetation
- Methods of harming marine vegetation
- Construction details
- Duration of works/activities
- Measures for minimising harm to marine vegetation under the proposal
- Environmental measures to be employed, if necessary
- Method and location of transplanting activities or disposal of marine vegetation

### **ACTIVITIES THAT BLOCK FISH PASSAGE**

- Type of activity eg works in a stream that change flow or morphological characteristics
- Length of time fish passage is to be restricted
- Timing of proposed restriction
- Remediation works

### **THREATENED SPECIES**

- Threatened aquatic species assessment (Section 5c, EP&A Act 1979)
- Seven Part Test

## **2. Initial Assessment**

A list of threatened species, endangered populations and endangered ecological communities must be provided. In determining these species, consideration must be given to the habitat types present within the study area, recent records of threatened species in the locality and the known distributions of these species.

In describing the locality in the vicinity of the proposal, discussion must be provided in regard to the previous land and water uses and the effect of these on the proposed site. Relevant historical events may include land clearing, agricultural activities, water abstraction/diversion, dredging, de-snagging, reclamation, siltation, commercial and recreational activities.

A description of habitat including such components as stream morphology, in-stream and riparian vegetation, water quality and flow characteristics, bed morphology, vegetation (both aquatic and adjacent terrestrial), water quality and tide/flow characteristics must be given. The condition of the habitat within the area must be described and discussed, including the presence and prevalence of introduced species. A description of the habitat requirements of threatened species likely to occur in the study area must be provided.

In defining the proposal area, discussion must be provided in regard to possible indirect effects of the proposal on species/habitats in the area surrounding the subject site: for example, through altered hydrological regimes, soil erosion or pollution. The study area must extend downstream and/or upstream as far as is necessary to take all potential impacts into account.

**Please Note:** Persons undertaking aquatic surveys may be required to hold or obtain appropriate permits or licences under relevant legislation.

For example:

*Fisheries Management Act 1994*

- Permit to take fish or marine vegetation for research or other authorised purposes (Section 37)
- Licence to harm threatened (aquatic) species, and/or damage the habitat of a threatened species (Section 220ZW).

*Animal Research Act 1985:*

- Animal Research Authority to undertake fauna surveys.

It is recommended that, prior to any field survey activities taking place, those persons proposing to undertake those activities give consideration to their obligation to obtain appropriate permits or licences which may be required in the specific context of the proposed survey activities.

### **3. Assessment of Likely Impacts**

The EIA must:

- describe and discuss significant habitat areas within the study area;
- outline the habitat requirements of threatened species likely to occur in the study area;
- indicate the location, nature and extent of habitat removal or modification which may result from the proposed action;
- discuss the potential impact of the modification or removal of habitat;
- identify and discuss any potential for the proposal to introduce barriers to the movement of fish species; and
- describe and discuss any other potential impacts of the proposal on fish species or their habitat.

For all species likely to have their lifecycle patterns disrupted by the proposal to the extent that individuals will cease to occupy any location within the subject site, the EIA must describe and discuss other locally occurring populations of such species. The relative significance of this location for these species in the general locality must be discussed in terms of the extent, security and viability of remaining habitat in the locality.

### **4. Ameliorative Measures**

The EIA must consider how the proposal has been or may be modified and managed to conserve fisheries habitat on the subject site and in the study area.

In discussing alternatives to the proposal, and the measures proposed to mitigate any effects of the proposal, consideration must be given to developing long term management strategies to protect areas within the study area which are of particular importance for fish species. This may include proposals to restore or improve habitat.

Any proposed pre-construction monitoring plans or on-going monitoring of the effectiveness of the mitigation measures must be outlined in detail, including the objectives of the monitoring program, method of monitoring, reporting framework, duration and frequency.

In the event of a request for concurrence or consultation with the Director of NSW DPI, one (1) copy of the EIA should be provided to NSW DPI in order for the request to be processed.

It should be noted that NSW DPI has no regulatory or statutory role to review draft EIAs unless they are accompanied by or are requested as part of a licence application under Part 7A of the FM Act. However, NSW DPI is available to provide advice to consent and determining authorities regarding DPI's opinion as to whether the requirements have been met if requested, pending the availability of resources and other statutory priorities.



**Stuart Withington - FW: Keys Issues and Assessment Request**

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**From:** "Nick Green" <Nick.Green@greatlakes.nsw.gov.au>  
**To:** <stuart.withington@planning.nsw.gov.au>  
**Date:** 29/07/2008 16:05  
**Subject:** FW: Keys Issues and Assessment Request  
**Attachments:** LOT 101 & LOT104 DP1049845 BUNDABAH RD BUNDABAH KEY ISSUES.doc

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**From:** Nick Green  
**Sent:** Tuesday, 29 July 2008 1:15 PM  
**To:** 'Stuart Withington '  
**Subject:** Keys Issues and Assessment Request

Hi Stuart

I refer to your request dated 15/7/2008 regarding Fame Cove with You Reference MP 08 0121

I believe these issues were raised in the reports presented to Council which you already have copies of. Your request was referred to Councils internal departments and

Councils Environment Officer provided the following comment

I have been significantly involved in the assessment of these DA's whilst the applications were made under Part 4 of the EP&A Act. As such, I have prepared environmental assessment reports for all separate dwelling and shed applications and these have been made available to the Department. These reports identify and discuss the full range of issues and statutory considerations in my area of interest.

The only pertinent outstanding issues that I had not resolved concerning these applications related to:

1. Whether or not parts of the land had been subject to unauthorised clearing activities and if so, whether there was any influence or consideration of such in the determination of the individual applications. Resolution of this issue requires consultation with DECC – Newcastle Office.
2. Issues associated with the appropriateness and reasonableness of the proposed duck shed in the south-east corner of Lot 103 as it relates to water quality management, control of avian disease, etc. These concerns are set-out in the memo of Bell to Green, dated 14<sup>th</sup> May 2008 and which concluded:

*"The Applicant has attempted to validate and justify the location of the duck shed. They purport that the location is the "coolest" portion of the property. However, in the Applicant's submission, it is stated that the "purpose of the shed is to provide the ducks with shelter from the elements and predators at night." If the shed is strictly for night-time shelter purposes, then thermal issues do not seem relevant in the selection of the location of the shed. There is no valid information provided by the Applicant that justifies that this part of the land is demonstrably and effectively cooler than other more centralised locations on the 401-hectare site.*

*Further, while the Applicant has provided details on the faecal collection and management, there remains no detail on:*

- o *Where collected faecal matter is to be stored;*
- o *Volumes of faecal matter expected;*
- o *The capacity of the other agricultural enterprises to accommodate and utilise the faecal matter/ compost mix without causing nutrient loading of the land and water quality impacts through run-off;*

*I understand that ducks can legally be introduced to the land given its zoning and thus my concerns relating to spread of disease, eutrophication caused by free-ranging ducks and fencing appears not to be pertinent or valid.*

*Despite this, I am unconvinced that this proposal is ecologically appropriate or validly justified. There remains a paucity of information from the Applicant. I maintain my objection to this particular DA for the reasons set out in my previous memo.*

*I hereby recommend that this DA still cannot be positively determined. Statutory requirements of the DA process have not been adequately addressed and the site of the proposed duck shed and duck keeping program it facilitates are not justified and there is a lack of adequate and required detail on issues such as faecal matter management and water pollution.*

*It remains my recommendation that, as the duck shed is for shelter at night for ducks, other parts of the wider landholding, including parts of Lot 2 near shed 18, are far more reasonable and appropriate for the keeping of not greater than 200 ducks with appropriate and due consideration of the full range of direct and indirect environmental effects."*

I recommend that the Department should consider such issues in its assessment.

Finally, I note however, that it is my opinion that the seeking of an appropriate development/ conservation balance on the land through scientific analyses and negotiation would yield a far more appropriate outcome for this landholding than scattered rural sheds/ pursuits. Every effort should be made to investigate concentrated development outcomes on unconstrained portions of the land in the west, with conservation outcomes (dedication and gazettal) of the lands in the east and surrounding Fame Cove. Pursuit of such by the Department would be positive and proactive.

Mat Bell

Senior Ecologist

Phone (02) 6591 7243

Mobile 0438 245 299

And Councils Transport assets Branch provided the following

<<LOT 101 & LOT104 DP1049845 BUNDABAH RD BUNDABAH KEY ISSUES.doc>>

I hope this information assists with your assessment

Regards

Nick Green

District Building Inspector

Great Lakes Council

(02) 6591 7343 - 0418 692 557

nick.green@greatlakes.nsw.gov.au

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**ENGINEERING KEY ISSUES FOR LOT 101 & LOT104 DP1049845 BUNDABAH RD  
BUNDABAH**

**DEVELOPMENT APPLICATIONS: DA 279/08, 243/08, DA422/07, DA420/07, DA415/07,  
DA418/07, DA245/08, DA244/08.**

**PROPOSAL: SUBDIVISION, NEW DWELLING, INTERNAL ACCESS ROAD  
AND CONSTRUCTION OF SHEDS**

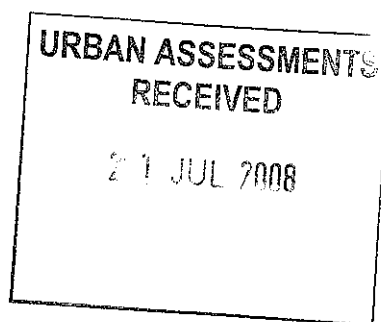
- Access:** Access to Lots 101 and 104 is via an internal dirt access road leading from Bundabah Road. Internal roads are to be 4m width and constructed to meet RFS standards with passing bays as required.
- The proposed boundary adjustment, will leave Proposed Lot 1012 without legal access from Bundabah Road and no right of carriageway is shown across Lot 1011 on the plan submitted. The developer is to create a right of carriageway across Lot1011 in favour of Lot1012. The right of way is to be constructed with all necessary drainage works to provide all weather 2 wheel drive access to Lot 1012.
- Flooding:** Some minor flooding may occur along gullies present on the site due to the size and steep terrain of the property, this may adversely effect access within the property.
- Drainage:** Details on the proposed disposal of storm water from internal roads, sheds, dwellings and other hardstand surfaces to be provided.
- Services:** The Subdivision will require the submission of evidence that services do not cross boundaries without the creation of easements.
- Erosion Control:** Erosion and sedimentation will require attention given the nature of the works.

**25/07/08**

**A NEILL**



410DA121  
08/1514  
JH



Director, Coastal Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

**Attention: Mr Stuart Withington**

**PROPOSED DWELLING AND SHEDS (FARM COVE DEVELOPMENT), LOT 101, 103 & 104 DP 1049845 AND LOT 102 DP 1076610, BUNDABAH ROAD, BUNDABAH (MP 08\_0121) - REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT**

Dear Mr Withington

I refer to your letter of 14 July 2008 (Your reference: MP 08\_0121) regarding the above-mentioned development, which was referred to the RTA to provide key issues to be included in the Director General's Environmental Assessment Requirements for the proposal.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

The RTA has reviewed the information provided and has no objections to or requirements for the proposed development, as the traffic generated by the proposed development will not have a significant traffic impact on the classified State road network.

Please contact me on (02) 4924 0240 if you have any queries.

Yours sincerely

John Farrell  
A/Manager, Land Use Development  
Hunter Operations & Engineering Services

18 July 2008

Cc The General Manager  
Great Lakes Council

