



Office of
Environment
& Heritage

DOC 18/755602-1
MP 10_0088 MOD 1

Ms Emma Butcher
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Dear Emma

**OEH Review of Response to Submissions Report- Nords Wharf Concept Plan
(MP 10_0088 MOD 1)**

I refer to your e-mail dated 5 October 2018, seeking comments on the Response to Submission (RTS) Report for the Nords Wharf Concept Plan (MP 10_0088 MOD 1), Nords Wharf, in the Lake Macquarie City local government area. OEH has reviewed the relevant parts of the document titled '*Response to Submissions – MP 10_0088 MOD 1- Nords Wharf Residential Development (Southern Estates)*' (ADW Johnson Pty Limited, dated May 2018) in relation to impacts on biodiversity, floodplain and coastal management.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely

Sharon Molloy 26/11/2018

SHARON MOLLOY
Director Hunter Central Coast Branch
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Enclosure: Attachments A and B

Attachment A

OEH's recommendations

Nords Wharf Concept Plan (MP 10_0088 MOD 1)

Biodiversity

1. OEH recommends the proponent provide an adequate assessment of the impact on visual amenity, including reference to the adjoining national park.
2. OEH recommends the proponent provide an analysis of direct and indirect impacts associated with the proposed use of retaining walls.
3. OEH recommends that the ring road be reinstated around the edge of the development, to ensure that there is a defined management boundary between the development and the sensitive bushland which includes endangered ecological communities.

Floodplain Management

4. OEH recommends that clarification is provided of the water cycle management system proposed for the site, including the increase in runoff volumes and rates from each of the outlets and verification of what the localised impacts will be and how they will be mitigated at the local scale.

Coastal Management

5. OEH recommends that to satisfy conditions under the *State Environmental Planning Policy (Coastal Management) 2018* for development on land in proximity to littoral rainforests, the modification needs to consider clause 11 (1) of the State Environmental Planning Policy (Coastal Management) 2018.

Attachment B**OEH's detailed comments****Nords Wharf Concept Plan (MP 10_0088 MOD 1)**

Biodiversity**1. Potential visual amenity impacts have not been assessed**

The Office of Environment and Heritage's (OEH's) review of the environmental assessment for the proposed modification (15 June 2017, DOC17/280390-2) recommended that the impact on the visual amenity of the adjoining national park reserve be assessed. The Response to Submissions report (RTS) does not include an assessment of potential impacts to visual amenity.

Recommendation 1

OEH recommends the proponent provide an adequate assessment of the impact on visual amenity, including reference to the adjoining national park.

2. The RTS should provide an analysis of direct and indirect impacts associated with the proposed use of retaining walls

OEH's review of the modification recommended that an analysis be provided of the direct and indirect impacts caused by the proposed change to fill/cut batters of retaining walls directly adjoining the national park reserve. The RTS does not provide this analysis.

Recommendation 2

OEH recommends the proponent provide an analysis of direct and indirect impacts associated with the proposed use of retaining walls.

3. OEH recommends that the full ring road around lots 301-308 is reinstated

OEH previously recommended that the full ring road approved in the original Concept Plan be re-instated to ensure that there is a defined management boundary between the development and sensitive bushland, including endangered ecological communities (EEC) and national park estate.

The ring road currently goes around most of the project but does not extend around the northern boundary of Lots 101 and 108 (Figure 2 – Amended Subdivision Plan in Appendix F) and the RTS does not identify and mitigate impacts the development may have on the adjoining reserve.

Recommendation 3

OEH recommends that the ring road be reinstated around the edge of the development, to ensure that there is a defined management boundary between the development and the sensitive bushland which includes endangered ecological communities.

Floodplain management**4. Management of change in runoff volumes**

The RTS includes a letter from ADW Johnson addressing the issue of analysis and impact assessment of increases to stormwater runoff and changes to drainage in relation to swamp sclerophyll forest on coastal floodplains EEC. The report by ADW Johnson compares the various reports relating to water management that were submitted and approved as part of the previous approvals for the site.

Under DA/640/2013, ADW Johnson subsequently updated the concept stormwater design modelling to 2018 conditions and council requirements.

Documents submitted in 2010 indicated an increased runoff volume into the adjoining EEC of approximately 57% from existing conditions to the developed conditions in the proposed development area. The concept engineering plans included as part of that approved planning proposal included 3 outlets for this water onto the adjoining land; two via easements onto conservation land and one via an easement on to Hunter Water land. This report also included discussion of structural engineering measures within the stormwater management system for outflows to conform to stream erosion index requirements.

The revised concept engineering and stormwater management plans of 2013 included an increased runoff volume into the adjoining EEC of 123% from the existing volume to the post-development scenario.

The most recent 2018 correspondence includes an increase in runoff into the adjoining EEC of approximately 135% from the existing volume to the post-development scenario. There is no indication of the number of outlets for this runoff water to leave the site. It is therefore not clear what the increase in flows are to the various downstream receiving environments for each location. The report refers to the impact in the change in water volume running off into the adjoining EEC in terms of the whole EEC area, however it does not include any discussion on the localised impact of these flows in the immediate vicinity of the outlets discharging on to the EEC.

Despite a 135% increase in runoff volume, the proponent claims that the additional runoff resulting from the amended concept design and additional yield does not represent a significant change in the hydrologic regime and should not affect the current condition of the Mahogany Forest.

Clarification of the increase in stormwater flows discharging from each outlet is required, including increase in volume and peak flow rates at each location. Details regarding mitigation measures to manage the impacts on downstream waterways, riparian vegetation and EEC, and other receiving environments are required, in accordance with Lake Macquarie City Council's Development Control Plan and planning requirements. Details are also required for the specific receiving environment of the Mahogany Forest.

Recommendation 4

OEH recommends that clarification is provided of the water cycle management system proposed for the site, including the increase in runoff volumes and rates from each of the outlets and verification of what the localised impacts will be and how they will be mitigated at the local scale.

Coastal management

5. Consistency with Coastal Management SEPP 2018

The proposal does not consider impacts of development on the integrity of the adjacent littoral rainforest and the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

Portions of the development are located within the area mapped as 'proximity area for littoral rainforest' in the *State Environmental Planning Policy (Coastal Management) 2018* (the Coastal Management SEPP).

The Coastal Management SEPP states that development must not significantly impact on:

- the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest or

- the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

Any development within the area mapped as 'proximity area for littoral rainforest' should be designed to not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest, and the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

Recommendation 5

OEH recommends that to satisfy conditions under the *State Environmental Planning Policy (Coastal Management) 2018* for development on land in proximity to littoral rainforests, the modification needs to consider clause 11 (1) of the *State Environmental Planning Policy (Coastal Management) 2018*.

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