

Your reference : 2007/1 PN18173
Our reference : DOC08/18860 FIL 06/920-03 Part 3 A
Contact : Mark Hartwell (02) 49086816

The General Manager
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Att.: Dan Croft

Dear Mr Croft

**RE: Part 3A Application (MP06_0212) – Le Clos Verdun' Rural Residential Subdivision –
Sancrox Road Sancrox**

I refer to the Environmental Assessment (EA) report (including appendices) for Major Project Application (MP06_0212) – Proposed Le Clos Verdun' Rural Residential Subdivision – Sancrox Road Sancrox forwarded to the Department of Environment and Climate Change (DECC) for evaluation and comment.

The proposed development occurs on Lots 51 DP775871, Lots 1-13, 15-66,68, 70-72, 74-80, 83-84, 86-88 DP791199 and lots 90-95 DP805549.

The Department of Environment & Climate Change (DECC) has reviewed the EA and offers the following comments for Council to consider:

1. THREATENED SPECIES AND BIODIVERSITY

Impacts of the Proposal and Surveying

The EA report and Ecological Assessment (Salter 2004) describes the majority of the subject site which is 189 hectares as predominantly cleared. It is apparently dominated by pasture, areas of abandoned vineyards and small plantings of conifer hedges. DECC appraisal of recent SPOT imagery (2005) indicates that site appears predominantly cleared of treed vegetation and that it is likely dominated by non-native species (such as introduced grasses), based on the image signature and pattern. Although, DECC accepts that these cleared areas are largely disturbed, likely to be dominated by exotic taxa and are of a likely reduced ecological value, the Department would still expect that any ecological report would provide a detailed floristic and structural description of such vegetation, so as to eliminate any issues of derived native-dominated grasslands and/or forblands (i.e. derived grasslands may still offer foraging habitat to granivorous birds). DECC notes that the EA has not provided any floristic description of the vegetation on the cleared land and would expect this to be rectified in any amended report.

The Department of Environment and Conservation NSW is now known as
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The appraisal of the SPOT imagery indicates the presence of numerous small remnants of native / treed vegetation on the subject site and that in part, the proposal adjoins large areas of apparently intact native vegetation (of which some has been described in the EA as endangered ecological communities – 'Swamp Oak Forest on coastal Floodplains' and 'Lowland Rainforest'). DECC considers that these areas are likely to provide potential foraging, resident and movement habitat for a variety threatened species, including known species such as Koala (i.e. DECC has a *Atlas of NSW Wildlife* record from Area I). As such they should have been systematically surveyed in accordance with DECC guidelines (DEC 2004). These areas specifically adjoin many of proposed Lots and would likely be subject to a variety of potential indirect impacts (e.g. hydrological changes, increased human traffic, noise etc...). DECC would expect that any assessment of the impacts of the proposal to have included an assessment of this adjoining vegetation given the potential edge effect impacts. DECC does not believe that they were included within the study area and as such they do not appear to have been sampled, adequately described and/or assessed within the EA.

The EA states that native vegetation on the site consists of *'about 61 ha of vegetation occurs in 10 disparate areas' with 'most of this (47 ha) in one consolidated area'*, namely the larger vegetated corridor located between the two main cleared areas (Area I). In general, DECC is of the opinion that the EA fails to adequately describe the native vegetation on the site (i.e. the remnants and adjoining larger patches / corridors) with respect to their floristic composition (i.e. dominant and characteristic taxa), structure, cover and habitat value, as such they have not been appropriately classified into vegetation type and/or community (e.g. formation classification system as per Walker & Hopkins 1998). The lack of any formal description means that DECC is unable to fully assess the vegetation with respect to their potential habitat value to threatened species. DECC is of the opinion that the lack of appropriate descriptions of vegetation is a direct result of the survey methodology adopted (i.e. random meander) to sample the vegetation on site, small duration survey and inappropriate timing. The approach adopted appears not to allowed for the systematic collection of cover / abundance data from a set plot / transect (as per DEC 2004 guidelines), which would typically be used to classify and describe vegetation. As such DECC is of the opinion that the surveying conducted for the site is not consistent with DECC guidelines (DEC 2004).

Although, DECC acknowledges that 'Section 2.2 – Survey Results' of the Ecological Assessment provides some brief descriptions of the vegetation types on site (i.e. brief descriptions for Areas A – L), they are not of an appropriate scientific nature to enable DECC to make an adequate appraisal of their habitat value to threatened species. Nevertheless the Ecological Assessment indicates that some of the vegetation to be removed is Swamp Oak, which DECC is of the opinion may represent 'Swamp Oak Floodplain Forest on coastal floodplain' endangered ecological community (EEC). However, the EA fails to provide any detailed descriptions of these communities with respect to composition, structure and habitat value to enable DECC to assess their likelihood as an EEC and subsequent quality, with respect to conservation value.

Furthermore, DECC is unable to clearly identify where the different vegetation areas are with respect to their location on the subject site given the poor quality of the vegetation map provided (e.g. Attachment 4 – Vegetation Map). This map / diagram is essentially a colour photocopy of an aerial photograph / satellite image which is too dark to delineate boundaries of the areas of mapped vegetation or read the illegible hand written notes. DECC recommends that these legible maps need to be re-submitted and appropriately geo-referenced.

The EA states approximately 2 ha of native vegetation will be cleared for the proposal (although the Ecological Assessment report appears to be slightly vague on the exact total to be removed) but fails to acknowledge any indirect impacts from the proposal on the larger adjoining remnants. Although the Ecological Assessment provides details of the Lots to which clearing applies, it does not clearly indicate their location on any of the maps provided. This is due to the quality of the maps presented in the EA relating to the ecological assessment.

Surveying – Flora and Fauna

Although DECC acknowledges that large parts of the site have been cleared, there are still small remnants of native vegetation present on site and in part it adjoins larger areas of intact vegetation, including corridors. DECC is of the opinion that all areas of native vegetation and/or habitat which is to be directly (i.e. cleared) or indirectly impacted upon by the proposal should have been surveyed. This appears not to be the case, nor do the methodologies adopted for both flora and fauna appear to be in accordance with DECC guidelines (DEC 2004). Briefly DECC notes the following deficiencies with the Ecological Assessment report:

FLORA:

- The survey methodology section (section 2.1) fails to adequately describe what sampling techniques were used to sample the vegetation of the site. DECC assumes based on the brief description surveying only consisted of random meanders / foot traverses. This method is not consistent with DECC guidelines (2004), which recommends floristic plots (quadrats) or transects should be employed to describe and assess vegetation.
- surveying appears to have only concentrated on the small remnants contained within the subdivision footprint. It did not sample the adjoining larger vegetated areas which DECC is of the opinion will be indirectly impacted upon by the proposal. As such these areas should be sampled given that this information would provide details on habitats present and suitability / quality to potential threatened species (namely fauna).
- no details of the sampling / observation areas have been included, such as a schematic map of their location on the subject site.
- sampling / observing appears to have been restricted to a few days in January 2004. No specific details have been provided. DECC does not concur that '*virtually all species occurring have been identified*', given that it is highly likely that many late winter / early spring flowering species and annuals were either not present in the landscape and/or flowering / fruiting material required for identification of many species would not be present at the time of sampling (i.e. January). DECC believes that sampling only in January (summer) is inappropriate for many threatened flora which require specific searches in relation to flowering times or fruiting, to enable positive identification. As such sampling only in January limits the success of such species being detected on the site or within the adjoining areas.
- the report states that a review of threatened flora known to occur within a 25km radius of the subject site was undertaken, but does not provide any specific details of targeted threatened flora surveys or searches (i.e. random meanders), namely taxa targeted, habitats searched, timing and location of such searches.

FAUNA:

- surveying appears to have only concentrated on the small remnants contained within the subdivision footprint. It did not sample the adjoining larger vegetated areas which DECC is of the opinion will be indirectly impacted upon by the proposal. As such these areas should be sampled to determine whether or not threatened fauna species are present in these areas and if so to what level will they likely be impacted upon by the proposal.
- no specific trapping (e.g. Elliot and cage trapping) and or other sampling techniques (e.g. Anabat / owl call back for bats and forest owls) have been carried out to detect fauna on site. It appears only diurnal observations (i.e. foot traverses) and some specific habitat searches have been employed to assess and describe the fauna of the site. DECC does not believe this is in accordance with DECC guidelines (DEC 2004), and recommends that specific trapping / sampling techniques are required to detect specific species and/or faunal groups/guilds.
- surveying is restricted to only a few days in January 2004. This is not consistent with sampling intensity and timing requirements of DECC guidelines.

- no details of the areas / habitats searched have been provided, such as a schematic map of their location on the subject site.

DECC strongly recommends to Port Macquarie Hastings Council that the proponent provide an amended or updated fauna and floristic survey that is in accordance with DECC guidelines (*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*, DEC 2004). It should be accompanied by a flora / fauna report which provides the following details (but not be limited to):

- a description of the study area and its regional context; including a geo-referenced map indicating its location;
- a full description of the flora and fauna survey methodologies and design adopted, including (if appropriate) site stratification, timing and conditions of surveying, and copies of all quadrat / transect data sheets, fauna record sheets and details of random meanders;
- a map clearly indicating the location of all surveying, including flora quadrats / transects (traverses and random meanders) , fauna sampling sites and/or trap locations and areas of specific targeted searches;
- a full floristic description of all vegetation communities / habitat present, including a mapped schematic representation of their location;
- survey results for both flora and fauna, including details of all species detected;
- description of all targeted surveys for threatened species and their habitats searched, including species targeted, habitats searched, techniques adopted (e.g. Cropper 1993), timing and prevailing conditions, and locations of areas searched associated (i.e. a geo-referenced map of their location);
- detailed descriptions of any threatened species (including their habitat) and/or 'endangered ecological communities' (as listed under the *Threatened Species Conservation [TSC] Act 1995*) present on the study area (both the subject site and adjacent areas of native vegetation), including their significance from a regional perspective. This must include a geo-referenced map of their location; and
- a full list of all plant and animal taxa (both native and exotic) recorded on the subject site, indicating which communities they occur in. With flora this should include their cover / abundance and frequency correlated to the communities they occur in.

Threatened Species Assessment

Given the lack of details with respect to the flora and fauna surveys and associated targeted surveys, DECC questions the adequacy of the significance assessment on threatened species and endangered ecological communities. As such DECC can not comment on the adequacy of the threatened species assessment until the flora and fauna survey component has been adequately completed in accordance with DECC guidelines (DEC 2004).

In general terms, DECC does not believe the EA has adequately assessed and identified the likely indirect impacts onto threatened species and their habitat, including adjacent vegetated areas. Indirect impacts can include habitat fragmentation and reduction, loss of individuals through starvation, exposure, predation by domestic and/or feral animals (e.g. Red Fox and Feral Cat), loss of breeding opportunities, loss of shade/shelter, deleterious hydrological changes, increased soil salinity, erosion, inhibition of nitrogen fixation, weed invasion, fertiliser drift, increased human activity within or directly adjacent to sensitive habitat areas, noise, , and placement of Asset Protection Zones (APZ). As with direct impacts, consideration must be given, when applying each factor, to all of the likely indirect impacts of the proposed activity or development. These indirect impacts coupled with the increased area to boundary ratio (given the irregular shape of the proposal) will likely adversely affect the adjacent retained native vegetation and its potential value as habitats (including for threatened species).

DECC believes the generic seven part test approach undertaken to assess the impacts of the proposal onto most of the predicted threatened species for the subject site is inappropriate and

not in accordance with DECC 'Assessment of significance' guidelines (DECC 2007a) or the general intent of the *Environmental Planning and Assessment Act 1979* and the *TSC Act 1995*. DECC is of the opinion separate assessments should be conducted for each specific species, unless they represent related faunal guilds, such as Microchiropteran bats and large forest owls. DECC recommends that the threatened species assessment should be conducted in accordance with DECC 'Assessment of significance' guidelines (DECC 2007a).

Provision for Compensatory Habitat (Offsets)

Although DECC acknowledges that the clearing impacts are likely to be small with respect to scale and size (i.e. 2 hectares). It is of the opinion, regardless of size if the proposal removes potential habitat for threatened species and/or areas of EEC, then appropriate compensatory habitat measures should be applied. DECC notes that the proposal may potentially remove a small area 'Swamp Oak Floodplain Forest on coastal floodplain' EEC (e.g. 0.5 ha or more) or indirectly impact on such communities, as well as 'Lowland Rainforest' EEC. As such the EA does not adequately identify suitable offset provisions to compensate the clearing of this EEC, such as preserving similar habitats in perpetuity. Nor does it provide any details on long-term conservation management (e.g. transfer to DECC estate or restriction on land title) and financial commitment to the management of biodiversity of such areas. DECC considers that the proposal will involve the removal of native vegetation which represents, in part, endangered ecological communities, and hence would require suitable offset measures to be implemented to compensate this loss before DECC could consider supporting the project. Furthermore, appropriate surveying and assessment of the on-site remnants and adjacent vegetation, could further identify important areas of native vegetation and/or species which are likely to be impacted upon by the proposal. As such these may require additional offset provisions to be applied or appropriate mitigation / habitat enhancement measures (e.g. nest-box implementation etc...).

Where significant 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 long term conservation of affected threatened species, its habitat or endangered ecological community. If on or off-site compensatory habitat is not considered appropriate, justification must be provided.

DECC believes that the current proposal does not adequately provide suitable offsets and compensatory habitat measures. DECC strongly recommends to Department of Planning (DoP) that the proponent provides adequate offsets and compensatory habitat measures in accordance with:

- DECC guidelines (*Draft Guidelines for Biodiversity Certification of Environmental Planning Instruments* [Appendix 2, DECC 2007b], available at <http://www.environment.nsw.gov.au/threatspec/biocertepis.htm>).

In considering any development proposals, DECC may take any proposed measures to offset or remediate impacts on threatened species (or their habitat) into account. 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. Offsets may include, among other things, voluntary conservation actions proposed by the proponent under section 126N of the *TSC Act 1995*. Action might include securing the protection of land for conservation (for example, a voluntary conservation agreement or reservation of land under Part 4 of the *National Parks and Wildlife [NP&W] Act 1974*), restoring threatened species habitat, or the contribution of money for appropriate conservation purposes.

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 *NP&W Act 1974*, a bio-banking agreement under the *TSC Act 1995*, and/or reservation of land under Part 4 of the *NP&W Act 1974*. The principles, referred to above, do not apply where there is legislation defining requirements for biodiversity offsets (e.g. under the *Native Vegetation [NV] Act 2003*).

DECC would typically consider offsets based on:

- size, condition and type of habitat preserved, that is, as a minimum starting point the area must improve or maintain the biodiversity values of a site and match the vegetation communities / habitats / threatened species which they are compensating. Typically an offset will be greater in size than the area being impacted upon;
- suitable habitat for the threatened species, populations and/or ecological communities being considered; and
- longevity of any covenant placed on the land in that conservation and appropriate management is ensured in perpetuity, such as Section 88B-E of the *Conveyancing Act 1919*, Voluntary Conservation Agreement under the *NP&W Act 1974*, a bio-banking agreement under the *TSC Act 1995*, and/or reservation of land under Part 4 of the *NP&W Act 1974*.

Management of conservation lands on site

To appropriately manage any proposed compensatory offsets (including any retained habitat features within the development footprint) on site, DECC suggests that an appropriate Management Plan (such as vegetation or habitat) be developed as a key mitigation measure. The management plan should clearly document how any retained vegetated areas or habitat features will be managed with respect to long-term conservation and viability. They should cover aspects of (but not limited to):

- weed management,
- native vegetation management, including specific management of any threatened species habitat and EECs (e.g. 'Swamp Oak Floodplain Forest on coastal floodplain' and 'Lowland Rainforest',
- feral animal control,
- fire management (including APZs),
- public access (including increased traffic, and associated impacts, such increased refuse and pets),
- minimisation of edge effects,
- stormwater control and changes to hydrology (including stormwater / runoff control and sediment / erosion control measures),
- management of specific habitat enhancement measures (e.g. hollow / habitat trees, animal fencing, erection of artificial hollows and nest boxes),
- fauna displacement,
- details of long-term monitoring, and
- clearly indicate long-term financial commitment to any proposed conservation measures, including any mechanisms to be implemented to achieve this.

References:

- Cropper, S. (1993) *Management of Endangered Plants*. CSIRO: Australia.
- DEC (2004) Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Draft, Department of Environment and Conservation, Hurstville; available at: http://www3.environment.nsw.gov.au/pdfs/tbsa_guidelines_draft.pdf.
- DECC (2007a) *Threatened Species Assessment Guidelines: The Assessment of Significance*. August 2007. Department of Environment and Climate Change (NSW).
- DECC (2007b) *Biodiversity Certification of Environmental Planning Instruments: Working Draft*. April 2007. Department of Environment and Climate Change (NSW), Goulburn Street, Sydney.
- Salter, B.J. (2004) *Ecological Assessment for Proposed Rezoning, Subsequent Subdivision and Dwelling Construction – Lots 1-90, 83, 84, 86-88 (DP 791199) and Lots 90-95 (DP 805549) Le Clos Verdun Estate, Sancrox*. North Coast Forestry & Ecology Services, Kendall.
- Walker, J. and Hopkins, M.S. (1998) Vegetation. In: *Australian Soil and Land Survey Field Handbook*. (eds. R. C. McDonald, R. F. Isbell, J. R. Speight, J. Walker and M. S. Hopkins) 3 ed., Vol. 3, pp. 58–86. Inkata Press, Melbourne.

2. ABORIGINAL CULTURAL HERITAGE

DECC's key concerns with the ACH aspects of the EA include:

- The proponent has not demonstrated that the local Aboriginal community has been appropriately consulted throughout the assessment process.
- The archaeological assessment is not consistent with current guidelines, does not include sufficient archaeological field methodology or scope and does not document the field results.
- Further justification for the proposed mitigation recommendations is required.

Further detailed comments on DECC concerns with the EA are provided in Appendix A.

It is imperative that these concerns are conveyed to the proponent and that they are addressed prior to any decision on whether consent should be granted.

Subject to resolution of the issues identified above (and in Appendix A), it is recommended that the following conditions of approval are reflected in any approval conditions for the project.

PROPOSED CONDITIONS OF APPROVAL FOR ABORIGINAL CULTURAL HERITAGE VALUES

1. If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, Aboriginal community and the DECC are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, the DECC should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the Police and the DECC.
2. If Aboriginal cultural objects are uncovered due to the development activities, the site is to be registered in the AHIMS (Managed by the DECC) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives for the development and the DECC are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.

3. All effort must be taken to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and the DECC.
4. The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values.
5. An Aboriginal Cultural Education program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.

APPENDIX A

Statement of Commitments (SoCs):

DECC notes the proponent has not included any SoCs relating to the protection of ACH values within the list of Draft Statement of Commitments presented in Section 7 of the EA. DECC understands that there is the likelihood that Aboriginal objects or sites may be disturbed or unearthed during the development activities.

DECC therefore recommends the SoCs include a commitment to cease works if Aboriginal cultural objects are uncovered due to development activities. The proponent must contact the Aboriginal community representatives and the DECC to assess appropriate management options and to accurately complete NPWS site recording forms for each of these locations. Any new objects or sites located must also be registered on the Aboriginal Heritage Information Management System (AHIMS). AHIMS contact details: Phone: (02) 9585 6470, address: Level 6, 43 Bridge Street, Hurstville, NSW, 2220, e-mail: ahims@environment.nsw.gov.au

DECC also recommends the SoCs clearly contain a commitment to actively consult with the local Aboriginal community representatives throughout the development process. The commitment should also be based on a detailed assessment of the site's ACH values, including a review of the significance of the area by the local Aboriginal community, as well as a scientific archaeological review. The review should assess the site from a regional perspective and consider any cultural linkages the site may have with other cultural values in the local area.

Qualifications of consultant:

DECC recommends that the Aboriginal Cultural Heritage assessment reflect best practice in archaeological assessment and must be undertaken by a qualified archaeologist in consultation with the local Aboriginal community. A clear distinction between the cultural and scientific (archaeological) aspects of the assessment has not been made in the report. We note the Birpai LALC has prepared the '*Archaeological Sites Investigation*' and no details of the qualifications and/or experience of the consultants have been included in the EA.

Aboriginal Community Consultation:

DECC is concerned that the proponent has not undertaken broad based Aboriginal community consultation. The *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DoP, 2005) and the DECC's *Interim Community Consultation Requirements for Applicants* (DEC, 2004) provide an appropriate framework for Aboriginal consultation.

The proponent should actively seek to identify Aboriginal stakeholder groups or community representatives wishing to be consulted about the proposed project and invite them to register their interest. The EA should include evidence confirming this has occurred. The EA should also demonstrate how the Aboriginal community have been consulted throughout the process (by

including copies of correspondence, meeting minutes, letters of support etc.). This is particularly important in relation to development of the field assessment methodology and the proposed mitigation strategies and recommendations included in the report.

DECC is also aware that a large portion of the Aboriginal community are not involved in the field assessment process. It is important that the results of this assessment are communicated to the broader community which would provide the opportunity for Aboriginal people who hold knowledge to contribute to the assessment process. It is strongly recommended that the proponent demonstrate how input by affected Aboriginal communities has been considered when determining and assessing impacts, mitigation strategies and making final recommendations to ensure ACH outcomes can be met by the proposal.

Field survey methodology:

The field survey was undertaken in 2006 and does not comply with current Guidelines. It is recommended that the following issues are addressed in order to update the assessment:

- The proponent has not divided the proposed project area into landscape attributes for purposes of archaeological investigations (e.g. slopes, flats etc). The landscape features play a crucial role in the hunting and gathering behaviour, shelter and spirituality of traditional Indigenous groups. DECC recommends that a physical description of the proposed site area be included in the EA and applied in the process to develop the cultural survey methodology. This should include, but be not limited to, a description of vegetation cover and/or infrastructure or services occurring on the site, a description of the topography, landform divisions and drainage patterns.
- DECC requires a description of the survey methodology undertaken by the proponent in the proposed project area for the assessment of ACH values. It is recommended the proponent include correspondence from the Aboriginal community representatives in support or otherwise of the survey methodology. This correspondence could be in the form of written support, minutes to meetings, e-mail records or recorded telephone conversations, etc. DECC also recommends the proponent review the requirements of ACH assessment guidelines to fulfil these requirements and append details in the EA.
- DECC also note that details of a search of previous archaeological field investigations in the local region have not been included in the EA. It is recommended that a literature review of archaeological field investigations be included in the EA to support any historical ACH assessment.

Development activity:

DECC recommends that should any additional Aboriginal objects be located during the development works, the value of such finds should be ascertained in consultation with the Aboriginal community representatives and a qualified archaeologist before any management decision is finalised.

DECC should be informed of any finds (including isolated artefacts) using the appropriate site recording cards. Furthermore, any objects located should be registered on AHIMS. The AHIMS registrars contact details are provided above.

The DECC encourages the proponent to identify an appropriate storage location for any Aboriginal objects recovered in the project area, in consultation with the local Aboriginal community.

Heritage Mitigation Measures:

DECC can not comment on the proposed ACH recommendations for the project until the proponent has provided additional information detailed above. Should this information become available, the DECC is willing to review any proposed mitigation strategies.

General:

The EA places considerable emphasis on the potential impact on physical objects. In particular, site-based indicators of Aboriginal heritage within the study area, without considering the other non-object aspects of Aboriginal cultural heritage, such as food resources, landscapes, views and associations between landscape features, as well as the connection between physical evidence of Aboriginal occupation and its contemporary cultural significance. A more comprehensive assessment of the Aboriginal cultural significance of the

3. EFFLUENT DISPOSAL

DECC recommends that Council carefully consider the limitations identified in the assessment of the proposed on site effluent disposal systems. DECC recommends that council should ensure that the systems do not cause pollution of waters as defined by the Protection of The Environment Operations Act 1997. Were Council is not satisfied that the effluent disposal system can achieve this, connection to a reticulated sewage system or pump out to a facility that can lawfully accept this type of waste, should be included as a condition of any approval.

4. PART 3A PLANNING MATTERS IN GENERAL

When commenting on Part 3 planning matters the Department of Planning normally requests DECC assess the adequacy of the EA prior to it being put on Public Exhibition. This is to ensure the EA meets certain requirements and standards prior to public exhibition. DECC can find no record of any request for an assessment of adequacy of this EA from Port Macquarie Hastings Council. Council may wish to consider adopting this approach for future EA's to minimise issues not addressed in accordance with relevant guidelines before the EA is placed on public exhibition. DECC suggests that Council contact the Department of Planning for advice on the Part 3A planning process.

If you have any questions, or wish to discuss this advice further please contact Mark Hartwell in our Newcastle office on 4908 6816.

Yours sincerely



BILL GEORGE
A/Head Regional Operations Unit
North East Branch
Environment Protection and Regulation