

# Kempsey - Armidale Road Restoration

Appendix I

Transport and Infrastructure SEPP  
Consultation



Geolink  
1/30A Orlando Street  
PO Box 1446  
COFFS HARBOUR NSW 2450

Attention: Ms Michelle Campione-van Zetten

Dear Ms Campione-van Zetten

**Re: Request for Biodiversity and Conservation Division's Review of Environmental Factors Environmental Assessment Requirements – Kempsey Road Restoration**

Thank you for your e-mail dated 13 October 2023 about the Kempsey Road Restoration project seeking Environmental Assessment Requirements (EARs) from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment. I appreciate the opportunity to provide input.

We note the project will be assessed in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Review of Environmental Factors (REF) EARs provided by the BCD are limited to biodiversity, NSW National Parks and Wildlife Service (NPWS) estate, acid sulfate soils, flooding, and coastal processes and associated hazards.

The proposal will likely affect both the Cunnawarra National Park and Georges Creek Nature Reserve as land reserved under Part 4 of the *National Parks and Wildlife Act 1974* (NPW Act), directly and indirectly. The NPWS has provided advice on the preparation of the REF relating to NPWS estate.

The NPWS recognises that only a portion of the overall Project affects NPWS estate, either sharing an immediate interface, or encroaching on reserved land due to the road alignment or the project's ancillary requirements, as shown on Sheets 12 to 19 of the consultation/notification letter (Geolink 13 October 2023). Where encroachment will occur approval/authorisation under the NPW Act must be firstly obtained.

The Armidale Regional Council proposes to carry out road restoration works (surface, drainage, slope stability and hazardous tree management) on sections of the Kempsey Road and Lower Creek Road alignments, as a critical connection between Armidale and Kempsey. The NPWS acknowledges the difficulties with the terrain, likely scope of works and the need for repair following on from the bushfires of 2019/20 and the subsequent storm events of 2020/2021. The NPWS has and continues to issue in-principle support for the project as it affects NPWS estate, and has provided specific project recommendations for consideration in the preparation of the REF which have been included in **Attachment 1** to this letter.

The proponent should ensure the REF will be sufficiently comprehensive to enable unambiguous assessment of all direct and indirect impacts of the proposed activity and we anticipate the REF will include consideration of:

1. The direct and indirect impacts of the proposal on the significant biodiversity values of the area including, but not limited to the following threatened species that have been recorded within or in close proximity to the Kempsey Road corridor;
  - Koala (*Phascolarctos cinereus*)

- Greater glider (*Petauroides volans*)
- Hastings River mouse (*Pseudomys oralis*)
- Spotted-tailed quoll (*Dasyurus maculatus*)
- Southern myotis (*Myotis Macropus*)
- White-bellied sea-eagle (*Haliaeetus leucogaster*)
- Masked owl (*Tyto novaehollandiae*)
- South-eastern glossy black-cockatoo (*Calyptorhynchus lathami lathami*)
- Eastern osprey (*Pandion cristatus*)
- Speckled warbler (*Chthonicola sagittata*)
- White-throated needletail (*Hirundapus caudacutus*)
- Scrub turpentine (*Rhodamnia rubescens*)

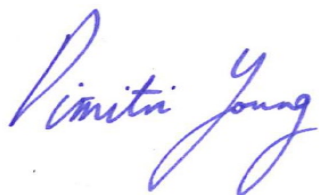
2. The specific NPWS REF recommendations included in **Attachment 1**.

We consider this information is necessary for a comprehensive REF for the proposed activity.

The full list of BCD requirements that may need to be addressed in the REF and NPWS requirements that must be addressed in the REF is provided in **Attachment 1**. In preparing the REF, the proponent should refer to the relevant guidance material listed in **Attachment 2**.

If you have any further questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, at [bill.larkin@environment.nsw.gov.au](mailto:bill.larkin@environment.nsw.gov.au) or on 6659 8216.

Yours sincerely



**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Biodiversity and Conservation**

30/10/2023

Enclosures:

Attachment 1 - BCD and NPWS Recommended Environmental Assessment Requirements for REF – Kempsey Road Restoration

Attachment 2 - REF Guidance Material

# **Attachment 1**

**Biodiversity and Conservation Division**

**and**

**NSW National Parks and Wildlife Service**

**Recommended Environmental Assessment  
Requirements (EARs)**

**Review of Environmental Factors**

**Kempsey Road Restoration**

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## **A. The Proposed Activity**

The Review of Environmental Factors (REF) should fully and clearly describe the proposed activity, including any environmental impact mitigation measures, and identify all the processes and activities intended for the site during the life of the proposed activity.

The description of the proposed activity in the REF should, where relevant, include:

1. the location of the proposed activity and details of the surrounding environment;
2. appropriate land use zoning;
3. the size and type of the proposed activity and its operation;
4. the proposed layout of the site;
5. the staging and timing of the proposed activity;
6. the proposed activity's relationship to any other proposal.
7. all equipment proposed for use at the site;
8. chemicals, including fuel, used on the site and proposed methods for the transportation, storage, use and emergency management;
9. waste generation, storage and disposal;
10. the anticipated environment impacts of the proposed activity, both direct and indirect,
11. a plan showing the distribution of any threatened flora or fauna species and the vegetation communities on or adjacent to the subject site, and the extent of vegetation proposed to be cleared;
12. ownership details of any residence and/or land likely to be affected by the proposed activity;
13. maps/diagrams showing the location of residences and properties likely to be affected and other industrial developments, conservation areas, wetlands, etc. in the locality that may be affected by the proposed activity;
14. methods to mitigate any expected environmental impacts of the proposed activity;  
and
15. the anticipated level of performance in meeting required environmental standards.

## **B. Environmental Impacts of the Proposed Activity**

Impacts related to Biodiversity, NPWS Estate, Acid Sulfate Soils, Flooding, Coastal Processes and Associated Hazards, and Cumulative Impacts, should be assessed, quantified, and reported on in the EIS, as required.

The EIS should address the specific requirements outlined under each heading below, where necessary, and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines is at **Attachment 2**.

## C. Biodiversity

1. The REF must assess the impacts of the proposed activity on biodiversity values to determine if the proposed activity is “likely to significantly affect threatened species” for the purposes of Section 7.8 of the *Biodiversity Conservation Act 2016* (BC Act) as follows:
  - A. The REF must demonstrate whether the proposed activity is to be carried out in a declared area of outstanding biodiversity value.
  - B. If the proposed activity is not carried out in a declared area of outstanding biodiversity value, then the REF must document *the test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities* as outlined in Section 7.3 of the BC Act, by preparing an ecological assessment that should include:
    - I. A field survey of the site of the proposed activity conducted and documented in accordance with relevant guidelines, including:
      - a. *Field survey methods for environmental consultants and surveyors when assessing proposed developments or other activities on sites containing threatened species* (OEH undated)  
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf>
      - b. *NSW Survey Guide for Threatened Frogs* (DPIE 2020)  
<https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs>
      - c. *Surveying threatened plants and their habitats: NSW survey guide for the Biodiversity Assessment Method* (DPIE 2020)  
<https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method>
      - d. *“Species credit” threatened bats and their habitats*  
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/species-credit-threatened-bats-survey-guide-180466.pdf>
      - e. *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004),  
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/draft-threatened-biodiversity-survey-guide.pdf>.

If a proposed field survey methodology is likely to vary significantly from the methods in the guidelines above, then the proponent should discuss the proposed methodology with the Biodiversity and Conservation Division prior to undertaking surveys for the REF, to determine whether the Biodiversity and Conservation Division considers the proposed methodology appropriate.

The results of recent (less than five years old) field surveys may be used. However, the results of previous field surveys should not be used if they have:

- been undertaken in seasons, weather conditions or following extensive disturbance events when the subject species are unlikely to be detected or present, or
- utilised methodologies, survey sampling intensities, timeframes or baits that are not the most appropriate for detecting the target subject species,

unless these differences can be clearly demonstrated to have had an insignificant impact upon the outcomes of the field surveys.

If the results of previous field surveys are used, then field surveys for any additional threatened entities listed under the BC Act since the previous field surveys took place, must be undertaken and documented.

The list of potential threatened species, populations, ecological communities, or their habitats for the site should be determined in accordance with:

- the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004) <https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-biodiversity-survey-and-assessment>, and
- the Department's Threatened Species website <http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species>, and
- the *Bionet Atlas of NSW* <http://www.environment.nsw.gov.au/wildlifeatlas/about.htm>, and
- the Vegetation Information System (BioNet Vegetation Classification) <http://www.environment.nsw.gov.au/research/Visclassification.htm>, and
- other data sources (e.g. SEED, PlantNET, Online Zoological Collections of Australian Museums (<http://www.ozcam.org/>), previous or nearby surveys etc.) may also be used to compile the list.

II. The following information as a minimum:

- a. A description, spatial data files, and geo-referenced mapping of the study area, (overlays on topographic maps, satellite images and /or aerial photos, including details of map datum, projection and zone), showing all field survey locations, vegetation communities classified in accordance with the BioNet Vegetation Classification (<http://www.environment.nsw.gov.au/research/Visclassification.htm>), key habitat features and reported locations of threatened species and ecological communities present in the subject site and study area.
- b. A description of survey methodologies used, including timing, location and weather conditions.
- c. Details, including qualifications and experience, of all staff undertaking the surveys, mapping and assessment of impacts as part of the EIS.
- d. Identification of national and state listed threatened biota known or likely to occur in the study area and their conservation status.

- e. A description of the likely impacts of the proposed activity on biodiversity values, including direct and indirect impacts and construction and operation impacts, with impacts quantified, wherever possible, such as the amount of each vegetation community or species habitat to be cleared or impacted, and/or the degree of fragmentation of a habitat connectivity.
  - f. Identification of the avoidance, mitigation and management measures that will be put in place as part of the proposed activity to avoid or minimise biodiversity impacts, including details about alternative options considered and how long-term management arrangements will be guaranteed.
  - g. A description of the residual impacts of the proposed activity.
- III. The ‘*test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats*’ as outlined in Section 7.3 of the BC Act undertaken in accordance with the gazetted *Threatened Species Test of Significance Guidelines* (OEH 2018) available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf>.
2. If the REF determines under 1 above that the proposed activity is likely to significantly affect threatened species, then in accordance with Section 7.8 of the BC Act, an Environmental Impact Statement must be prepared that is accompanied by a Species Impact Statement prepared in accordance with Part 7, Division 5 of the BC Act, or, if the proponent so elects, a Biodiversity Development Assessment Report prepared in accordance with Part 6, Division 3 of the BC Act.
  3. If the REF determines under 1 above that the proposed activity is unlikely to significantly affect threatened species, then the proposed activity should:
    - a. be designed to avoid and minimise impacts on biodiversity values to the fullest extent possible, and
    - b. include a biodiversity offset package to offset remaining direct and indirect impacts on biodiversity values, prepared in accordance with the Department’s 13 offsetting principles available at <http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>:

Note:

For the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, the REF should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.

## **D. National Parks and Wildlife Service (NPWS) Estate**

In the preparation of the REF to fulfil the requirements of Part 5, Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the NPWS recommends the following matters be considered subject to section 171(2)(r) of the Environmental Planning and Assessment Regulation 2021.

## **NPWS recommended EARs specific to the Kempsey Road Restoration project**

1. The proponent must consult with the NSW NPWS directly during the preparation of the REF, prior to finalising the remediated road design, slope stability engineering requirements and location of ancillary facilities as it affects the Cunnawarra National Park and Georges Creek Nature Reserve, via both:
  - a. **NPWS Coffs Coast Area**, Manager [Glenn.Storrie@environment.nsw.gov.au](mailto:Glenn.Storrie@environment.nsw.gov.au), Team leader Rangers [simon.hemer@environment.nsw.gov.au](mailto:simon.hemer@environment.nsw.gov.au) and Ranger [kath.crowe@environment.nsw.gov.au](mailto:kath.crowe@environment.nsw.gov.au).
  - b. **NPWS New England Area**, Manager [Aaron.Simmon@environment.nsw.gov.au](mailto:Aaron.Simmon@environment.nsw.gov.au), Team Leader Rangers [peter.berney@environment.nsw.gov.au](mailto:peter.berney@environment.nsw.gov.au) and Ranger [adam.baillie@environment.nsw.gov.au](mailto:adam.baillie@environment.nsw.gov.au)
2. The proponent must seek consent from the NPWS as the Park Authority under clauses 9 and 26 of the *National Parks and Wildlife Regulation 2019* prior to accessing NPWS estate to undertake the necessary environmental survey and investigations required to inform the REF. Consent can be sought via submission of a formal letter to the NPWS requesting access to the parks, noting failure to do so is an offence under the *National Parks and Wildlife Act 1974* (NPW Act).
3. As the impacts of the activity directly on NPWS estate are only ‘permitted without consent’ pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021 subject to [section 2.109\(1\)\(a-c\)](#), under the statutory considerations of the REF the proponent must document how the project is authorised/permissible under the NPW Act before proceeding. This will include confirming the proposal is authorised by, or under, the NPW Act, or that it maintains a legitimate existing interest within the meaning of [section 39](#) of the NPW Act. In justifying that an activity is authorised under the NPW Act, the REF must consider:
  - a. the objects of the NPW Act, under [section 2A](#), and how the proposal remains consistent with the Act,
  - b. the management principles as set out for a national park under [section 30E](#), and for a nature reserve under [section 30J](#) of the NPW Act, and how the Project is consistent with, and will not negatively impact on, the principles as applicable,
  - c. the Macleay Gorges Wilderness Area, and the statutory provisions of the NSW *Wilderness Act 1987*, demonstrating consistency with [section 9](#) of that Act as the management principles for the protection of wilderness,
  - d. the adopted *Oxley Wild Rivers National Park, Oxley Wild Rivers State Conservation Area, Cunnawarra National Park and Georges Creek Nature Reserve Plan of Management* (DEC 2005), ensuring the proposed activity is consistent with the Plan, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-plans-of-management/oxley-wild-rivers-cunnawarra-georges-creek-parks-plan-of-management-050627.pdf>
  - e. the approval pathway required under [Part 12](#) of the NPW Act, ensuring the REF recognises that pathway based on the nature of the short-term construction and long-term occupation attached to the Project and accords with the statutory requirements of the NPW Act. This may require further consultation with the NPWS after the activity scope and tenure is determined during REF preparation. Authorisation under

the NPW Act will need to be confirmed prior to approval being sought to enable construction works to commence on NPWS estate.

4. Providing a comprehensive activity description (activity scope of works) as it applies to tenure, with NPWS estate boundaries accurately depicted on figures and described under the REF in relation to the legal road corridor. NPWS acknowledges that the road, in relation to the road reserve is not correctly shown in the digital cadastre database. The parish maps show the road reserve for Kempsey Road as an unsurveyed public road, meaning that the road reserve is defined in relation to the original centreline of the road, which appears to have a 20m road reserve corridor through Cunnawarra NP until it adjoins Georges Creek NR where it is bound in part by a Travelling Stock Reserve stated as “2½ chains”. NPWS requests a survey of the road alignment occur as part of the Project, with sufficient information provided to confidently define tenure and any likely encroachment of the Project on park.
5. The proponent must confirm the level and type of encroachment on NPWS estate, ensuring encroachment is identified and deemed critical as part of the Project and categorised as either temporary for the purpose of construction, or permanent use of land for the road’s operation. In the case of permanent occupation or use as part of the road, or its corridor, NPWS will request a road adjustment under the NPWS [Revocation, recategorisation and road adjustment policy | NSW Environment and Heritage](#). This will correct any identified encroachment issues subject to section 188C of the NPW Act. In this case, the REF must:
  - a. include suitable deposited plan/s of the physical road formation for use in preparing a section 188C adjustment under the NPW Act to realign the legal road reserve with that of the physical road alignment, noting this can only be used where the road is bounded directly by the NPWS estate.
  - b. ensure the deposited plan meets the required standards of the Land Registry Services (LRS), although NPWS can provide advice on standards used in past adjustment proposal, if required.
  - c. include an Assessment of Significance Report (NPWS can supply the template) which covers the natural, cultural and social values impacted by the proposed realignment, and specify any offset commitments or arrangements for the Project.
  - d. provide concurrence from the Armidale Regional Council for the realignment.
6. The proponent must revise the location of the proposed Concrete Batching Plant on Cunnawarra National Park in consultation with NPWS Coffs Coast Area. As NPWS field inspection of the area in September 2023 (see Figure 1 below) confirmed the area is now no longer cleared but contains substantial natural eucalypt regeneration, NPWS now deems this area unsuitable for a Batch Plant location, noting there is a smaller clearing surrounded by exotic pines to the north and west, closer to Kempsey Road as shown on the map. NPWS can negotiate use of the area with a clearing arrangement (for the exotic pine) if suitable for the Project.

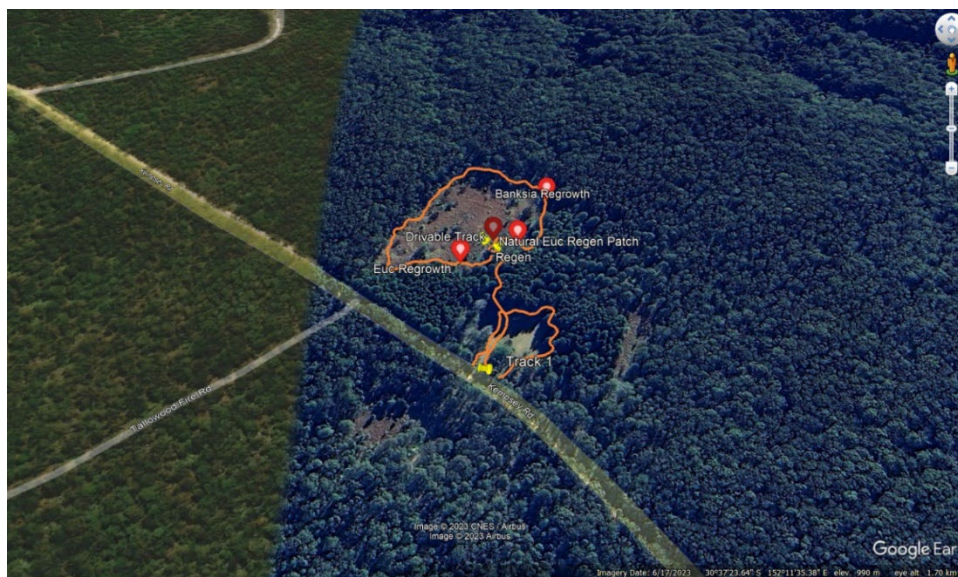


Figure 1. proposed area for concrete batching plant in NPWS estate

7. The proponent must complete the hazardous tree assessment on NPWS estate component in accordance with the NPWS [Tree risk management policy | NSW Environment and Heritage](#) and the [Tree Risk Management Procedures \(nsw.gov.au\)](#) ensuring the assessment is conducted by a qualified arborist accredited with at least Cert IV independent of Armidale Regional Council. Assessment should be consistent with the recommendations made by NPWS in the letter of 21 July 2023 (Reference NPWS-DOC23/648287-2 / Council-21/4742: AO/2023/03772). NPWS preference is to limit clearing of native vegetation and to opt for corrective pruning consistent with the Australian standard (AS 4373—2007 Pruning of amenity trees). Excessive clearing of native vegetation on NPWS estate is not generally supported by NPWS, noting clearing should be limited to the critical needs of the project.
8. The proponent must consider the extent (size, scope, intensity, duration) and nature (predictability, environmental resilience, reversibility, manageability) of impacts (direct, indirect, and cumulative) on NPWS estate adjoining (as an interface), on (all on NPWS estate works), and downstream from the activity area, including any likely adverse impacts on:
  - a. landscape, inclusive of the catchment values, waterways, landform (slope) and soil stability. The REF must be supported by adequate (engineering) reporting on slope stability, and use of artificial engineered solutions, with all works supported by sufficient sediment and erosion controls on NPWS estate.
  - b. threatened entities or their habitats as listed under the *Biodiversity Conservation Act 2016*, *Fisheries Management Act 1994* and [Part 12A](#) of the NPW Act as [Assets of Intergenerational Significance | NSW Environment and Heritage](#). Clear justification is to be provided on the loss of biodiversity values on NPWS estate. Appropriate environmental safeguards, management and mitigation measures applied to unavoidable impacts to reduce the risk or loss of values on NPWS estate (e.g. minimising ground disturbance, replacement of hollows lost with installation of similar sized nest boxes, or glider poles) must be identified.
  - c. Aboriginal objects, or places as defined and protected under Part 6 of the NPW Act. The REF is to be supported by adequate survey and assessment of cultural values on the interface with, and as part of any encroachment of ancillary works on NPWS

estate. Consultation with the Aboriginal community is required to assist in the detection of any unrecorded cultural values.

- d. Historic heritage items, relics or other evidence of non-Aboriginal origin of significance, and features more than 25 years old as protected under the NPW Regulation on NPWS estate, and any site/items listed under the NPWS Historic Heritage Information System as NPWS section 170 of the *Heritage Act 1977* Conservation Register, refer to the SEED datasets [Historic Heritage Information Management System \(HHIMS\) Sites | Dataset | SEED \(nsw.gov.au\)](#)
  - e. NPWS estate management operations including land management and bush fire response access, noting the Project must comply with the relevant Fire Access and Fire Trail Plan and egress standards under the NSW Fire trail Standards if and where the Roads subject to the Project intersect with park fire trail connections, refer to [Fire Trails - NSW Rural Fire Service](#).
  - f. Matters of National Environmental Significance (MNES) as defined by the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, including migratory species, threatened entities, National Heritage or World Heritage values. noting the project is proximate to (within 1.5 km) the boundary of the Gondwana Rainforest of Australia and the Oxley Wild Rivers National Park, (refer to [Gondwana Rainforests of Australia | NSW Environment and Heritage](#) for more information).
9. The proponent must:
- a. provide adequate and appropriate environmental safeguards or mitigation measures to adequately manage residual impacts of the project, focusing on the protection and conservation of the NPWS estate and its natural and cultural values.
  - b. provide details on the site remediation and rehabilitated required on completion of the project.
  - c. document as applicable the project's proposed offsets where unavoidable impacts adversely affect NPWS estate.

In addition, the REF should address the following with respect to land reserved under the NPW Act.

1. Where impacts (both direct, indirect and cumulative) are likely as a result of the proposed activity adjoining land reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act) the REF must consider the activity with reference to the publication ***Developments adjacent to National Parks and Wildlife Service lands Guidelines for consent and planning authorities*** (DPIE, 2020) available at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands>
2. Where the activity is located on land reserved or acquired under the NPW Act, apply NPWS guidelines for assessing the environmental impact of the activity when preparing a Division 5.1 assessment under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The ***Guidelines for preparing a Review of Environmental Factors*** (DPE 2022) provide guidance on determining activity permissibility under the NPW Act, as well as specific statutory and environmental matters requiring consideration for activities on park. The guidelines are available at:

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors>

3. Where a proposals on NPWS managed land requires authorisation subject to a lease or licence under Section 151 of the NPW Act, the REF must also be accompanied by a sustainability assessment. The criteria applied is adopted by the Chief Executive of the former Office of Environment and Heritage under section 151B(3) of the NPW Act. The **Sustainability assessment criteria** (OEH 2011) are available at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/sustainability-assessment-criteria-for-visitor-use-and-tourism-in-new-south-wales-national-parks>

Templates for completing a Sustainability Assessment can be found at: <https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines/sustainability-assessments>

Note: Proposals which may impact marine protected areas should be referred to the Regions, Industry, Agriculture and Resources Group in the Department of Planning, Industry and Environment to determine the assessment and approval requirements.

## E. Acid Sulfate Soils

The REF should address the following:

1. The potential impacts of the proposed development on acid sulfate soils must be assessed in accordance with the relevant guidelines including the following:
  - Assessment Guidelines in the Acid Sulfate Soils Manual (Stone et al. 1998),
  - National Acid Sulfate Soils Identification and Laboratory Methods Manual (Sullivan et al. 2018a),
  - National Acid Sulfate Soils Sampling and Identification Methods Manual (Sullivan et al. 2018b), and where relevant,
  - Overview and Management of Monosulfidic Black Ooze (MBO) Accumulations in Waterways and Wetlands (Sullivan et al. 2018c),
  - Guidelines for the Dredging of Acid Sulfate Soil Sediments and Associated Dredge Spoil Management (Simpson et al. 2018), and
  - Guidance for the Dewatering of Acid Sulfate Soils in Shallow Groundwater Environments (Shand et al. 2018).

Samples must be tested according to procedures in National Acid Sulfate Soils Identification and Laboratory Methods Manual (Sullivan et al. 2018a).

2. A sound conceptual model must be developed for the site, including an understanding of local hydrogeological conditions, of the stratigraphic and lateral distribution of sulfide minerals, and of the presence of sensitive environmental receptors.

This must include:

- a. Identifying whether sufficient pyrite is present in sediments to cause significant acidification on oxidation,
- b. Determining whether mining activities are likely to cause oxidation of pyrite and leach acidity and soluble metals into groundwater or surface waterways,

- c. Determining the likely extent and severity of groundwater or surface water contamination that may be caused by acidic leachate from oxidising sediments, and
  - d. Identifying whether there are ecosystems or groundwater users in the vicinity of the mine site that are likely to be exposed to contamination from acidic leachate.
3. Describe mitigation and management measures that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This must include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. Describe the contingency plan, incorporating a commitment to appropriate monitoring.

## **F. Flooding, Coastal Process and Associated Hazards**

The REF should include an assessment of the following referring to the relevant guidelines in Attachment 2:

1. The potential effect of coastal processes and coastal hazards including potential impacts of sea level rise:
  - a. on the proposed activity; and
  - b. arising from the proposed activity.
2. Whether the proposed activity is consistent with any coastal zone management plans.
3. Whether the proposed activity is consistent with any floodplain risk management plans.
4. Whether the proposed activity is compatible with the flood hazard of the land.
5. Whether the proposed activity will significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other proposals or properties.
6. Whether the proposed activity will significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
7. Whether the proposed activity incorporates appropriate measures to manage risk to life from flood.
8. Whether the proposed activity is likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
9. The implications of flooding over the full range of potential flooding, including the probable maximum flood, should be considered as set out in the NSW Government Floodplain Development Manual. This should include the provision of:
  - a. Full details of the flood assessment and modelling undertaken in determining any design flood levels (if applicable), including the 1 in 100 year flood levels.

- b. A sensitivity assessment of the potential impacts of an increase in rainfall intensity and runoff (10%, 20% and 30%) and sea level rise on the flood behaviour for the 1 in 100 year design flood if applicable.
10. All site drainage, stormwater quality devices and erosion / sedimentation control measures should be identified and the onsite treatment of stormwater and effluent runoff and predicted stormwater discharge quality from the proposed activity should be detailed.

## **G. Cumulative Impacts**

The REF should include an assessment of the following:

1. The cumulative impacts, including both construction and operational impacts, from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage, biodiversity and NPWS Estate in accordance with the *Environmental Planning and Assessment Act 1979*.
2. The cumulative impacts, including both construction and operational impacts, of the proponent's existing proposals and other proposals and associated infrastructure (such as access tracks etc.), as well as the cumulative impact of the proposed activity in the context of other proposals located in the vicinity.

## Attachment 2 – REF Guidance material

Title	Web address
<b><u>Relevant Legislation</u></b>	
<i>Biodiversity Conservation Act 2016</i>	<a href="https://www.legislation.nsw.gov.au/#/view/act/2016/63/full">https://www.legislation.nsw.gov.au/#/view/act/2016/63/full</a>
<i>Coastal Management Act 2016</i>	<a href="https://www.legislation.nsw.gov.au/#/view/act/2016/20/full">https://www.legislation.nsw.gov.au/#/view/act/2016/20/full</a>
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	<a href="http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/">http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N</a>
<i>Fisheries Management Act 1994</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N</a>
<i>Marine Parks Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N</a>
<i>National Parks and Wildlife Act 1974</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N</a>
<i>Water Management Act 2000</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N</a>
<i>Wilderness Act 1987</i>	<a href="http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N">http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N</a>
<b><u>Biodiversity</u></b>	
Biodiversity Assessment Method (DPIE, 2020)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020</a>
Biodiversity Development Assessment Report	<a href="https://www.legislation.nsw.gov.au/#/view/act/2016/63/part6/div3/sec6.12">https://www.legislation.nsw.gov.au/#/view/act/2016/63/part6/div3/sec6.12</a>
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	<a href="http://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf">http://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf</a>

Title	Web address
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	<a href="https://www.legislation.nsw.gov.au/regulations/2017-471.pdf">https://www.legislation.nsw.gov.au/regulations/2017-471.pdf</a>
Biodiversity conservation actions	<a href="http://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf">www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf</a>
Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	<a href="http://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf">www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf</a>
Threatened Species Website	<a href="http://www.environment.nsw.gov.au/threatenedspecies/">www.environment.nsw.gov.au/threatenedspecies/</a>
NSW BioNet (Atlas of NSW Wildlife)	<a href="http://www.bionet.nsw.gov.au/">www.bionet.nsw.gov.au/</a>
Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method (DPIE 2020)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method">https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method</a>
Threatened biodiversity survey and assessment - Guidelines for developments and activities (2004 working draft)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-biodiversity-survey-and-assessment">https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-biodiversity-survey-and-assessment</a>
Field survey methods for environmental consultants and surveyors when assessing proposed developments or other activities on sites containing threatened species (OEH undated)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/field-survey-method-guidelines.pdf</a>
NSW Survey Guide for Threatened Frogs (DPIE 2020)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs">https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs</a>
Koala ( <i>Phascolarctos cinereus</i> ) Biodiversity Assessment Method Survey Guide (DPE 2022)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/koala-phascolarctos-cinereus-biodiversity-assessment-method-survey-guide-220249.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/koala-phascolarctos-cinereus-biodiversity-assessment-method-survey-guide-220249.pdf</a>
'Species credit' threatened bats and their habitats (OEH 2018)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/species-credit-threatened-bats-survey-guide-180466.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/species-credit-threatened-bats-survey-guide-180466.pdf</a>

Title	Web address
Threatened Reptiles Biodiversity Assessment Method survey guide (DPE 2022)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/threatened-reptiles-biodiversity-assessment-method-survey-guide-20220563.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/threatened-reptiles-biodiversity-assessment-method-survey-guide-20220563.pdf</a>
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	<a href="http://www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm">www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm</a>
SEED Data Portal (access to online spatial data)	<a href="http://data.environment.nsw.gov.au/">http://data.environment.nsw.gov.au/</a>
Department of Primary Industry Policy and guidelines for fish habitat conservation and management (update 2013)	<a href="https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation">https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation</a>
List of national parks	<a href="http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx">http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx</a>
Revocation, recategorisation and road adjustment policy (OEH, 2012)	<a href="http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm">http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm</a>
<b><u>NPWS Estate</u></b>	
Developments adjacent to National Parks and Wildlife Service lands - Guidelines for consent and planning authorities (DPIE 2020)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands">https://www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands</a>
Guidelines for Preparing a Review of Environmental Factors - How to assess the environmental impacts of activities within NSW national parks (DPE 2022)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors">https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors</a>
Sustainability assessments for lease and licence proposals on acquired or reserved lands under the NPW Act (OEH 2011).	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines/sustainability-assessments">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines/sustainability-assessments</a>
Oxley Wild Rivers National Park, Oxley Wild Rivers State Conservation Area, Cunnawarra National Park and Georges Creek Nature Reserve Plan of Management (DEC 2005)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-plans-of-management/oxley-wild-rivers-cunnawarra-georges-creek-parks-plan-of-management-050627.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-plans-of-management/oxley-wild-rivers-cunnawarra-georges-creek-parks-plan-of-management-050627.pdf</a>

Title	Web address
New England & Cunnawarra (part) National Parks, Jobs Mountain & Pee Dee Nature Reserves Fire Management Strategy	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Fire-management-strategies/new-england-cunnawarra-jobs-mountain-pee-dee-reserves-fire-management-strategy-1-160527.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Fire-management-strategies/new-england-cunnawarra-jobs-mountain-pee-dee-reserves-fire-management-strategy-1-160527.pdf</a>
Macleay Gorges Reserves Fire Management Strategy	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Fire-management-strategies/macleay-gorges-fire-management-strategy-sheet-1-information-180097.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Fire-management-strategies/macleay-gorges-fire-management-strategy-sheet-1-information-180097.pdf</a>
NPWS Revocation, recategorisation and road adjustment policy	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment</a>
NPWS Tree risk management policy	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/tree-risk-management-policy">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/tree-risk-management-policy</a>
Assets of Intergenerational Significance	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/assets-of-intergenerational-significance">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/assets-of-intergenerational-significance</a>
Historic Heritage Information System	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/historic-heritage-information-management-system">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/historic-heritage-information-management-system</a>  <a href="https://datasets.seed.nsw.gov.au/dataset/historic-heritage-information-management-system-hhims-records">https://datasets.seed.nsw.gov.au/dataset/historic-heritage-information-management-system-hhims-records</a>
Gondwana Rainforest of Australia	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/gondwana-rainforests-of-australia">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/gondwana-rainforests-of-australia</a>
<b>Acid Sulfate Soils</b>	
Acid Sulfate Soils Planning Maps	<a href="http://data.nsw.gov.au/data/">http://data.nsw.gov.au/data/</a>
Acid Sulfate Soils Manual (Stone et al. 1998)	<a href="http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf">http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf</a>
National Acid Sulfate Soils Guidance: National acid sulfate soils identification and laboratory methods manual, Department of Agriculture and Water Resources, Canberra, ACT. (Sullivan, L,	<a href="https://www.waterquality.gov.au/sites/default/files/documents/dewatering-acid-sulfate-soils.pdf">https://www.waterquality.gov.au/sites/default/files/documents/dewatering-acid-sulfate-soils.pdf</a>

Title	Web address
Ward, N, Toppler, N and Lancaster, G. 2018a)	
National Acid Sulfate Soils guidance: National acid sulfate soils sampling and identification methods manual, Department of Agriculture and Water Resources, Canberra ACT.(Sullivan, L, Ward, N, Toppler, N and Lancaster, G. 2018b)	<a href="https://www.waterquality.gov.au/issues/acid-sulfate-soils/sampling-and-identification-methods-manual.pdf">https://www.waterquality.gov.au/issues/acid-sulfate-soils/sampling-and-identification-methods-manual.pdf</a>
National Acid Sulfate soils Guidance: Overview and management of monosulfidic black ooze (MBO) accumulations in waterways and wetlands, Department of Agriculture and Water Resources, Canberra ACT. (Sullivan, LA, Ward, NJ, Bush, RT, Toppler, NR, Choppala, G. 2018c)	<a href="https://www.waterquality.gov.au/issues/acid-sulfate-soils/monosulfidic-black-ooze-accumulation.pdf">https://www.waterquality.gov.au/issues/acid-sulfate-soils/monosulfidic-black-ooze-accumulation.pdf</a>
National Acid sulfate soils guidance: Guidelines for the dredging of acid sulfate soil sediments and associated dredge spoil management, Department of Agriculture and Water Resources, Canberra, ACT (Simpson, SL, Mosley, L, Batley, GE and Shand P. 2018)	<a href="https://www.waterquality.gov.au/sites/default/files/documents/dredging-sediments-spoil.pdf">https://www.waterquality.gov.au/sites/default/files/documents/dredging-sediments-spoil.pdf</a>
National Acid Sulfate Soils Guidance: Guidance for the dewatering of acid sulfate soils in shallow groundwater environments, Department of Agriculture and Water Resources, Canberra, ACT. (Shand, P, Appleyard, S, Simpson, SL, Degens, B, Mosley, LM 2018)	<a href="https://www.waterquality.gov.au/issues/acid-sulfate-soils/dewatering-groundwater-environments.pdf">https://www.waterquality.gov.au/issues/acid-sulfate-soils/dewatering-groundwater-environments.pdf</a>
<b><u>Flooding, Coastal Processes and Associated Hazards</u></b>	
Reforms to coastal erosion management	<a href="http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm">http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm</a>
Floodplain development manual	<a href="http://www.environment.nsw.gov.au/floodplains/manual.htm">http://www.environment.nsw.gov.au/floodplains/manual.htm</a>

<b>Title</b>	<b>Web address</b>
Guidelines for Preparing Coastal Zone Management Plans	<a href="http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf">http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf</a>
NSW Climate Impact Profile	<a href="http://climatechange.environment.nsw.gov.au/">http://climatechange.environment.nsw.gov.au/</a>
Climate Change Impacts and Risk Management	<a href="#">Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation</a>

Our Ref: ID 2159  
Your Ref: 4055-1066

1 November 2023

Michelle Campione-van Zetten  
GeoLINK  
PO Box 1267  
Armidale NSW 2350

email: [mcampione-vanzetten@geolink.net.au](mailto:mcampione-vanzetten@geolink.net.au)  
CC: [sonya.vickery@ses.nsw.gov.au](mailto:sonya.vickery@ses.nsw.gov.au)

Dear Michelle,

**Notification under section 2.13 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to the proposed Kempsey Road Restoration**

Thank you for the notification under section 2.13 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* in relation to the proposed road restoration of Kempsey Road and Lower Creek Road between Armidale and Kempsey. It is understood that the proposed works include:

- Installation of traffic control and establishment of ancillary sites.
- Removal and/or trimming of select safety risk trees along road reserve.
- Upslope and downslope slip remediation.
- Replacement and installation of pipe culverts, open drain reinstatement and installation of scour protection for pip culverts.
- Road maintenance and reinstatement.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The NSW SES has reviewed the proposed upgrade and the flood risk information (e.g. Local Flood Plan, Flood Studies etc.) available to the NSW SES. Historic flood events show the proposed works may be impacted when flooding occurs along the Macleay River. It is understood that the road is currently closed to all traffic, except for essential travel by local residents and emergency and essential services. The works would allow the road to be repaired and reopened. A portion of the works occurs on flood liable land. The proposed works appear to have minimal impact to the NSW SES response operations, however any improvements that GeoLINK can make to reduce any flood risk will benefit the current and future community.

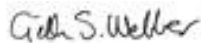
Based on this review, the NSW SES provides the following advice:

- Consider the impact of flooding on the infrastructure up to and including the Probable Maximum Flood (PMF).
- During site works, check the Bureau of Meteorology website prior to start of the workday for any Flood Warnings, and consider closing the worksite prior to the start of the working day if there is a risk of riverine flooding.
- Pursue, if relevant, site design and stormwater management that minimises any risk to the community.
- Ensure workers and people using the site during and after the upgrades are aware of the flood risk, for example by using signage.

In addition, if the construction phase of the upgrades causes disruption to the operation of local roads, this may impact the ability for emergency vehicles to use these routes. The NSW SES requests that notification be provided where there are likely to be significant delays in the operation of the roads affected by the upgrades. Please advise the NSW SES by email to the North Western Zone operations at [nwz.ops@ses.nsw.gov.au](mailto:nwz.ops@ses.nsw.gov.au).

Please feel free to contact Gillian Webber via email at [rra@ses.nsw.gov.au](mailto:rra@ses.nsw.gov.au) should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely



Gillian Webber  
Coordinator Emergency Risk Management  
**NSW State Emergency Service**

Michelle Campione-van Zetten  
Environmental Planner  
GeoLINK

Via email: [mcampione-vanzetten@geolink.net.au](mailto:mcampione-vanzetten@geolink.net.au)

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**Re: Notification of Activity on behalf of Armidale Regional Council – Kempsey  
Road Restoration Review of Environmental Factors**

01 November 2023

Dear Michelle Campione-van Zetten,

Thank you for your letter dated 13 October 2023 providing notice to Transport for NSW (TfNSW) Maritime of the intention to carry out development of which has potential impacts of fixed or floating structures over navigable waters.

In accordance with the Marine Safety Act 1998 and Marine Safety Regulation 2016, TfNSW Maritime is the responsible authority to ensure the safe operation of vessels in ports and waterways. Aquatic activities conducted in or on any navigable waters, that restrict the availability of those waters for normal use by the public or cause an increased risk of danger, must be conducted in accordance with any conditions approved in writing by the authority.

Your notice has been considered with regard to the above mentioned legislation, and I provide the following points for your consideration:

1. Identified waterways (*Table 1*) do not include waterways with marked navigation channels.
2. It is not known to TfNSW whether formal maritime infrastructure exists within the project area (*Appendix A*), and that would support vessel activity i.e., boat ramps or wharves/jetties.
3. Although these waterways are considered navigable from time to time, the expected vessel activity within the project area would be very low and most likely limited to small powered or passive vessels such as kayaks or canoes.
4. It is recommended that any items or objects that may cause obstruction or hazard during the works be directly supervised and removed on completion of the work.
5. Notification of the work should be made to TfNSW Maritime at least 28 prior to commencing by email to: [navigationadvicenorth@transport.nsw.gov.au](mailto:navigationadvicenorth@transport.nsw.gov.au)
6. This response does not exclude the Council, or any other entity acting on their behalf, from the provisions of the Marine Safety Act 1998, or any other relevant marine legislation.

If you have any questions, please do not hesitate to contact me by phone on 0436 445 351 or email at [navigationadvicenorth@transport.nsw.gov.au](mailto:navigationadvicenorth@transport.nsw.gov.au)

Sincerely,



Todd Adamson  
Waterways Operations Officer North  
Transport for NSW - Maritime

