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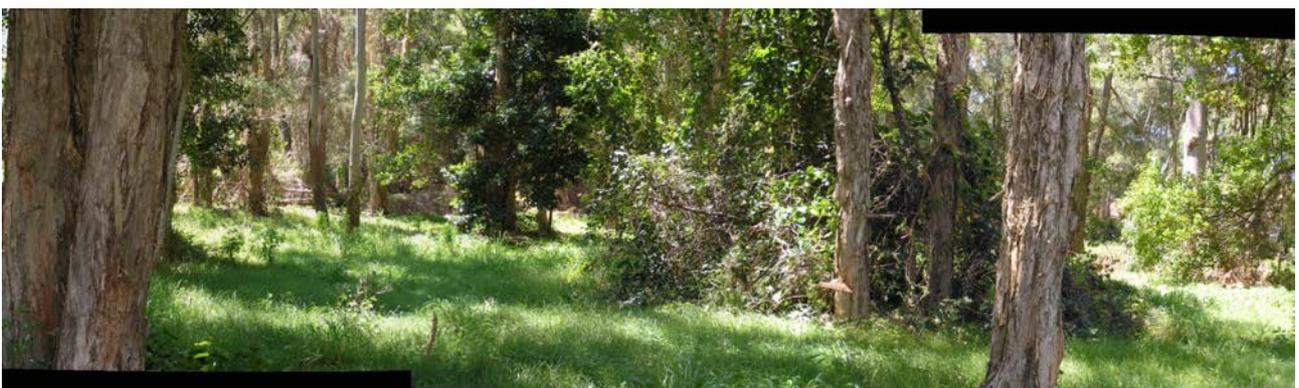
SUBMISSION

to

Development Application

No. 2012/0494

53 Site Extension of the Anchorage Holiday Park



Endangered Swamp Sclerophyll Forest Community - Site of proposed extension.

Compiled by
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(Scientific licence - No 11209)
Honorary Secretary
5th October 2012

Submission on Development Application No. 2012/0494 a 53 Site Extension of the Anchorage Holiday Park

Preamble

The Clarence Environment Centre has maintained a shop-front in Grafton for over 23 years, and has been closely involved with local environmental issues, particularly those relating to inappropriate development that results in unacceptable environmental impacts.

Slightly over 12 months ago, we wrote a submission on this very proposal, opposing it for a variety of environmental reasons. That application was subsequently rejected by Council for, we were told, those reasons. However, now the application has been resubmitted with few significant changes.

The flora and fauna assessment remains as cursory as ever, providing an assessment of the site (page 5) claiming: “*The midstorey and groundcover over the majority of the site has been removed and is regularly maintained by slashing*” and that, “*Native shrubs and groundcovers have been maintained in some small clumps under canopy trees*”, which is every bit as misleading as before.

There is little to indicate that the site is a significant drainage line, and the map, page 9, clearly shows that, while 'underscrubbing' and dumping of construction rubbish garden waste, and old caravans has been occurring, the various Figures provided clearly show a canopy loss of barely 20%, while much of the southern and eastern perimeter of the subject site has a relatively intact understorey of mainly rainforest species.

Assessment of flora and fauna Report

An additional 2 hours, on top of what was described as, “*a brief survey by one scientist on the 6th February, 2009*” (3 hours), spent wandering about the site (“*a random mender search*”) assessing the flora and fauna of the site, making note of “*opportunistic sightings*” of birds, and overturning logs, sheets of tin, and cardboard looking for lizards, hardly constitutes a flora and fauna survey.

Despite it clearly being a riparian zone, no attempt was made to determine what amphibians inhabit the area or which arboreal animals might be residing at the site. This latter seemingly justified by a claim (page 18) that: “*No hollow-bearing trees were observed on the subject site*”.

In fact, if there is a comment that sums up the total inadequacy of the flora and fauna report, or the ineptitude of those involved in the survey, it is that statement.

There are numerous trees with obvious hollows, such as the one pictured at right, in the fallen limb which appears to have been there for some time. That hollow would have provided a den for any of a variety of glider species, possums and birds, and is clearly visible just metres inside the Park boundary along Conrad Close, on the site of the proposed “rainforest cabins”. That fallen limb, from a tree that clearly contains other hollows, will be used to justify the removal of many similar Eucalypt trees because they “*pose a risk to the safety of people and property*” (page 5, Fletcher and Associates' proposal).



Hollow-dependent fauna.

Threatened Squirrel Gliders, a female and two young, were collected at Conrad Close, adjoining the caravan park, by wildlife carer group WIRES on 3rd November, 2006. All were deceased as a result of a cat attack, and entered onto the NSW Wildlife Atlas in October 2008. Despite a previous submission identifying this fact, the consultants continue to deny that the species might live on the site, claiming (page 49) that: “*The subject site may provide forage opportunities for this species*”, but that: “*No obvious den sites (i.e. trees with hollows) were observed.*”

The erroneous claim that there are no hollow-bearing trees on the subject site also allows the consultant, without undertaking any targeted survey, or even simple night-time spot-lighting, to deny the possible roosting at the site of an entire range of threatened, tree-hollow dependant fauna that are known to occur elsewhere in the Iluka area. These include the Brush-tailed Phascogale, and Yellow Bellied Glider, and several micro-bat species including the Eastern Free-tail, Eastern Long-eared Bats (frequently recorded at the Iluka Nature Reserve), and the Greater Broad-nosed Bat, all of which received the identical 'cut and paste', comment - “**i.e. no trees with hollows**”. (see below for critique of fauna assessments). Our observations of the site also noted fresh scars on Flooded Gums consistent with glider feeding.

Koala

When listing where the NSW Wildlife Atlas has recorded Koala sightings (page 44), the consultant acknowledges that 40 sightings have been recorded from the Iluka Nature Reserve, but fails to mention any other records from the greater Iluka precinct, including one on the subject site itself. That sighting was made on the 1st January 1995 and recorded on the 31st December that year.

On the 8th August 2011 the wildlife carer organisation, Clarence Valley WIRES, received information relating to the sighting of 3 koalas within the area of the proposed park extension. Apparently 2 males were in dispute over a female (or 1 male, female and young), resulting in loud vocalisation. That record was entered on the NSW Wildlife Atlas in December 2011. There are several other recent records that confirm the existence of a breeding population of Koalas in the Iluka vicinity including video footage taken in November 2011 of a female with young in bushland less than 700 metres west of the subject site. These reports are part of an on-going program of recording Koalas in the Clarence Valley by WIRES' threatened species Recording Officers.

The original records search undertaken by James Warren and Associates was presumably back in 2009, before many of the recent records were lodged, and it would seem they have not bothered to update that information. At the same time, the mere 2 hours devoted to the second survey is, in our opinion, insufficient time to undertake an adequate Koala scat search alone, much less undertake a full flora and fauna survey of the site. As a result, coupled with heavy rains recorded prior to the 2012 survey, it is hardly surprising that such a brief search failed to find any koala scats .

There is no doubt that there is a breeding population of Koalas at Iluka, and that they utilise the subject site, a site that is dominated by *Eucalyptus grandis*, and *Melaleuca quinquinervia*.

According to the Clarence Valley Council's “**Comprehensive Koala Plan of Management for the Ashby, Woombah & Iluka localities of the Clarence Valley LGA**”, “Forest Red Gum - *Eucalyptus tereticornis*, is a primary feed tree species, and it also lists Flooded Gum “*Eucalyptus grandis*”; Pink Bloodwood (*Corymbia intermedia*), and Broad-leaved Paperbark (*Melaleuca quinquinervia*” as secondary feed species. **Note: the Coffs Harbour Koala Plan of Management also identifies these species as Koala feed trees.**

The subject site is dominated by Flooded Gum and Broad-leaved Paperbark and they, and the other two species have also been recorded at the site by the consultant, see Appendix 1.

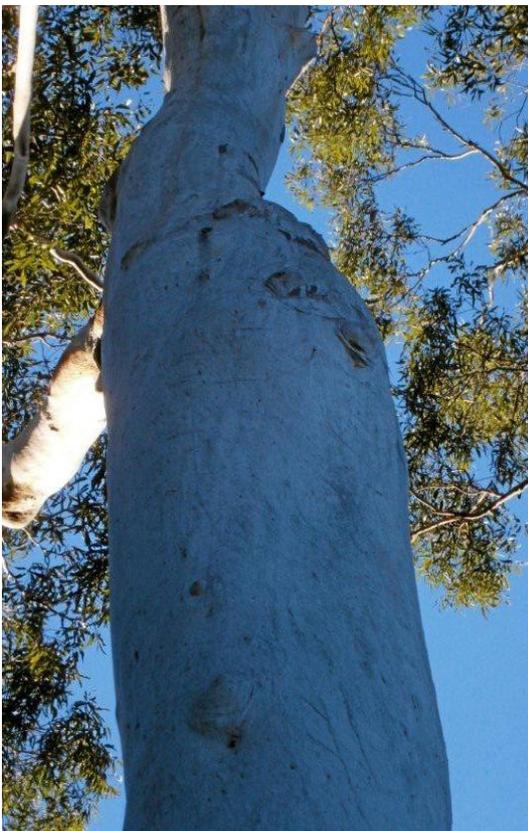
How the author of the development application can claim (section 3e, page 5) that: “The site is not potential or core Koala habitat and there is no requirement for preparation of a Koala Plan of Management”, is beyond comprehension. James Warren and Associates, who undertook the flora and fauna survey, makes that claim based on the State Environment Planning Policy (SEPP 44), a Policy that is widely criticised for its restricted list of feed species. However, the consultant denies the occurrence of a breeding population (page 55), using their failure to find scats to claim instead that: *Koalas may occasionally disperse across the site whilst moving through the locality*”.

Given the available evidence of a breeding population, it is our firm belief that the site is clearly core Koala habitat and as such, given the Council's Koala Plan of Management has yet to be officially ratified, the proposal should require a Plan of Management. Also, subsequent to the recent listing of Koalas as a threatened species under the Federal Environmental Protection & Biodiversity Conservation Act, this proposal should be considered to be a 'Controlled Action' and Referred to the Federal Minister for the Environment for approval.

Flora assessment.

It is gratifying to note that the consultant has accepted our previous assertion that at least some of the forest community at the subject site is the endangered Swamp Sclerophyll Community on Coastal Floodplain and not, as previously claimed, Forest Ecosystem 112 as described for the Regional Forests Agreements of the mid 1990s that have no relevance under the EP&A Act.

As a result we draw attention to the assessment (page 11) that: *“This community is considered to be representative of the Endangered Ecological Community Swamp Sclerophyll Forest on Coastal Floodplain. **The conservation status of this community is therefore considered to be high.**”*



The consultant deems the balance of the site's forest is not Swamp Sclerophyll, due to *“the co-dominance of Flooded Gum”*. However, in our previous submission we asserted that the occurrence of exceptionally high numbers of indicative species suggested this community was in fact the Endangered Sub-tropical Coastal Floodplain Forest.

After further examining the community we have to concede that the high numbers of Flooded Gum (*Eucalyptus grandis*), which is not on the list of indicative species, does appear to cast doubt as to whether it is indeed Subtropical Floodplain Forest.

Nevertheless we believe an expert opinion should be sought to properly identify this community which is unlikely to be adequately conserved, and certainly has high conservation values in terms of old-growth.

There are clearly old-growth values of both dominant species at the site, Flooded Gum and Broad-leaved Paperbark, that have been totally over-looked in the assessment. Furthermore, it is those old-growth

properties that has led the proponent to declare that they are dangerous and will be removed.

As well, contrary to the consultant's claim, we believe the subject site adds important connectivity to the mainly forested corridor connecting the Iluka rainforest reserve to the river, and national park.

Storm water management

The main area of development is clearly a low-lying drainage line, where water currently lies during wet weather. This is seen in the photograph below which shows the entire area resembling a wetland with Broad-leaved Paperbarks, a known wetland species, one of the dominant species.

Anecdotal evidence provided by long time residents suggests that the area was once an ephemeral creek line.

There is considerable evidence that this is the case, and that fill introduced for urban developments to the south and east of the subject site, has seen some alteration to natural flows in the vicinity.



The fact that the area does suffer regular inundation is confirmed by a warning sign at the north western corner of the subject site, prominently sited to warn of the potential danger.

To overcome this flooding of the site, the proponent proposes to fill the entire area to a level of between 1 metre and 1.2 metres above the existing ground level. Other than an explanation that the displaced water will move to slightly higher land along the eastern boundary, there is no explanation as to where that displaced water will end up.

We believe there has to be some legislation in place that prevents development, particularly permanent structures, from occurring in a creek line. The proponent acknowledges that they are proposing to fill and develop a floodway by explaining (page 6) that: *“The (rainforest) cabins would obviously be elevated and this has been done purposely to **allow the passage of surface water under them**. Similarly the floor levels for the permanent sites, R1 to R5, will be elevated about 0.6-0.7 metres above the proposed site levels.”*

Two storm water detention basins have been marked on the attached plan, neither of which are on the subject site, but are located in two Council owned reserves on either side of the site, again something we do not believe is acceptable. Storm water management is, and always has been, the responsibility of the landowner, and not something that can be 'hand-balled' to neighbours.

The southern detention basin is currently utilised as a pedestrian access across the reserve, and that accessibility will, one would think, be significantly diminished during wet weather with water predicted to be deeper, and lying there for longer periods of time, once the current drainage line is blocked with 1m high fill.

The northern detention basin site, again on Council land, is partly man-made, possibly dug by the proponents of a residential development to the east, from which an underground storm-water drain disgorges its load into the basin. That basin does not appear to have adequate holding capacity for its current task, much less enough to take the additional water that will be displaced by the more than 12,000 cubic metres of fill that the proponent plans to introduce.

Concern has been expressed by some neighbours, that this filling will not only cause flooding problems for their properties, but will transfer flood water into areas of the proposed buffer zone that have not previously experienced that level of flooding in the past, and that this would have the potential to destabilise some larger trees that are currently growing there.

We point out that disrupting or altering water flows along creeks or drainage lines is listed as a key threatening process under the Threatened Species Conservation Act. This impact is acknowledged (page 28) where the consultant accedes that: "*Alterations to site hydrology and land use may alter water quality or hydrological regime in nearby paperbark communities.*" The consultant's response is that "*storm water management **should aim to achieve no net increase** in run-off from the site*", but we believe that, while there may be no **net increase in run-off**, there will be other significant, and unpredictable, changes to the hydrology on the site, the impacts of which are not considered.

Landscaping

The assurance (page 7) that the: "*area along the south-east boundary will be further enhanced by landscaping*", is again misleading and completely ignores the fact that, in order to construct 4 "rainforest cabins complete with car ports, a large number of existing old-growth Broad-leaved Paperbarks, along with a few rainforest trees and 'dangerous' Eucalypts, will have to be bulldozed.

Bushfire Asset Protection Zone

Another major environmental concern is the plan (Figure 6) identifying an area that, "*will continue to be maintained via periodic slashing as an APZ (asset protection zone against bushfire)*". Currently the area slashed for APZ is less than a third of the hatched area in figure 6. However, the consequent additional clearing and slashing at the eastern end of lot 42, and the Council reserve, to provide an APZ to the proposed addition to the park, will have an enormous ecological impact. The vegetation in much of that hatched area is described as "very overgrown" (see ground plan following page 86). Again we believe this impact to be unacceptable, particularly given the area is a public reserve.

We have always advocated for asset protection zones to be accommodated for within any development site. This is not the responsibility of neighbours.

Critique of threatened species' impact assessment

FLORA

No threatened flora species were recorded at the site. However, the Report does claim (2.2.2) that the scientist focused on targeting threatened species that are likely to occur, having identified a list of 10 species that have been recorded within 10km. However, a targeted survey in February or March would not find the Byron Bay Diuris, for example, as that species flowers in August - September, and would not be visible at the time of the survey (Native Orchids of Australia, Jones). A mere 2-3 hours survey, that is intended to incorporate both fauna and flora is pitifully inadequate.

FAUNA

- **Brush-tailed Phascogale** is a species that has been officially recorded at the Iluka Nature Reserve, and has also been sighted on properties adjacent to the subject site (pers com by residents), so clearly occurs in the vicinity. The consultant assesses however (page 37), that: *“Whilst the proposed development may result in the removal of a small area of potential forage habitat, **no obvious denning sites (i.e. trees with hollows) were observed.**”* The consultant also admits the species is susceptible to predation by cats, and claims: *“the proposed extension to the existing caravan park is not likely to result in an increase of cats to the site.”*

It needs to be fully understood that, while never mentioned in the proposal, we believe this park is advertised as a “pet friendly” facility. In that case, a 30% increase in the number of sites (116 to 152) would logically see an equivalent increase in pets. Not only that but those additional 30% would now be housed right alongside the much lauded 20m wide forested buffer zone.

- **Common Blossom Bat** is another species known to occur in the nearby littoral rainforest at Iluka, and while the James Warren and Associates' 7 part test acknowledges all the impacts the proposal will have on the species, it dismisses those impacts out of hand, claiming it: *“is not likely to be significant for the survival of the species”*.

The Blossom Bat lives in tree foliage, and one of its favourite foods is the nectar from paperbark blossoms. The dominant tree species at the subject site is the Broad-leaved Paperbark. The key threatening processes identified by the NSW Scientific Committee include, “clearing of coastal habitat for development”, and “introduced predators particularly cats.

Having acknowledged all of this, the consultant makes the tried and true judgement that the habitat loss caused by the development: *“is not likely to be significant ...”*. The problem with developers not being required to consider cumulative impacts, is that we have thousands of development impact assessments annually, all making the same claim. A death to the species by way of a thousand cuts.

- **Eastern Bent-wing Bat**, a species also recorded within 10km of the subject site, is dealt with in like fashion. Despite an acknowledgement that its preferred habitat, swamp forest and moist Eucalypt forest, matches the habitat on the site, the consultant again deems the impact of, *“the removal of a small area of potential forage habitat on the subject site is not likely to be significant”*.
- **Little Bent-wing Bat**, is another species recorded in Iluka, and treated in the same 'off-hand' fashion as the Eastern Bent-wing. Both species, while commonly found roosting in caves and human built structures, are also known to roost in tree hollows, and there a few caves in the Iluka vicinity, suggesting tree-hollows at the site may well be utilised by these species.
- **Barred Cuckoo-shrike**. This species' preferred habitat is *“rainforest, eucalypt forests and woodlands, clearings in secondary growth, swamp woodlands and timber along watercourses”* (NPWS Threatened Species of the Upper North Coast), closely matching the subject site's vegetation. The fauna assessment determines that: *“Suitable habitat for this species (i.e. abundant fruiting species) is not considered to occur on the subject site”*.

Apart from the fact that the Barred Cuckoo-shrike has a mixed diet of fruit and **insects**, the flora species list (Appendix 1) includes several suitable fruiting species such as the Strangler and Sandpaper Figs (see photo below). Clearly, the site contains ideal habitat for the Barred Cuckoo-shrike, so the “likelihood of occurrence” should read “possible” at the very least.

- **Grey-crowned Babbler.** We believe the assessment that the site does not have suitable habitat for the Grey-crowned Babbler is also erroneous. Babblers inhabit forest fringes and prefer rough-barked species where they feed off insects under the bark.

Babblers have a wide home range, and have been recorded in the vicinity. Therefore there is a high possibility that they would utilise the habitat on the site.

- **Hoary Wattled Bat.** The “Threatened Species of the Upper North Coast of NSW” states that “*In north-east NSW, it (the Hoary Wattled Bat) reaches the Lower Clarence and Richmond River areas, extending from near Murwillumbah in the north to between Grafton and Coffs Harbour*”. However, the assessment selectively quotes from that booklet, deleting all reference to the lower Clarence, claiming: “... *its range extends from Murwillumbah to between Grafton and Coffs Harbour*”. They then manipulate the habitat description by stating: “*It occurs in open forest, favouring forests dominated by Spotted gums, boxes and ironbarks*”, eliminating the additional habitat description that includes “*healthy coastal forests where Red Bloodwood and Scribbly Gum are common*”.

While not dominated by either of the nominated species, the site clearly contains healthy coastal forest which, does contain another Bloodwood species, so clearly the assessment that the species is unlikely to occur at the site, is questionable. The fact that no attempt has been made to determine if any microbat species occur at the site, adds to the general failure of the consultant to adequately assess the full impacts of the project.

- **Rose-crowned Fruit-dove** is acknowledged by the consultant as occurring in moist Eucalypt forest and swamp forest, yet still assesses the occurrence of the species at the site as unlikely, because there is no suitable “*abundance of fruiting species*”. “Threatened Species of the Upper North Coast of NSW” explains that the Fruit-dove feeds entirely on “*fruit from vines, shrubs, large trees and palms*”, and they are “*thought to move locally as they follow the ripening fruits*”.



Fruiting Sandpaper Fig (*Ficus coronata*), a species common on the subject site.

As there are palms, figs and fruiting vines present at the site (also recorded by the consultant,

Appendix 1), there is no reason why the doves would not occur. Again we believe that, given their having been recorded in the nearby World Heritage area, the species should be acknowledged as likely occurring at the development site when fruit is available.

- **Spotted-tailed Quoll** has a large home range, and has been recorded in the vicinity. Therefore the assessment's acknowledgement that the Quoll also “*inhabits a range of habitats a range of habitats including dry and moist sclerophyll forests, woodlands, coastal heathlands and rainforests*”, makes it difficult to understand how the consultant can conclude that the Quoll is unlikely to occur at the site because, “*suitable habitat is not considered to occur*”. This assessment is further seen to be questionable when we know that Quolls have often been known to live close to human habitation, even to taking up residence in sheds.



- **Green-thighed frog.** Despite undertaking no targeted frog survey, the ecologist / scientist asserts, that: *“Due to a history of disturbance from clearing activities, the majority of the subject site is likely to provide habitat for commonly occurring frog species only.”* We can think of no scientific reason to assume that threatened frog species, at least two of which would find the habitat suitable and are known to occur in the vicinity, would not utilise the habitat on the site.

According to the NPWS booklet on Threatened Species of the Upper North Coast of NSW, the threatened Green-thighed Frog inhabits isolated localities along the coast and ranges in moist Eucalypt forest particularly in areas where surface water gathers after rain. The above photograph of the subject site would appear to be a perfect match for those requirements.

We also believe that an adequate survey for frogs, undertaken at night following rain, could well identify a number of other threatened frog species at the site.

In terms of migratory species, the report concludes there is no impact on migratory species, claiming (page 59) that: *“It is considered that although a number of listed migratory species are known to occur occasionally in the Study area, no area of important habitat occurs on the subject site for listed migratory species.”*

This dismissal of potential impacts on any migratory species is not acceptable. Rainbow Bee-eaters, a migratory species protected under international treaty, have been sighted regularly around the subject site indicating, to us at least, that suitable habitat exists there. The degree of “importance” of that habitat to those birds, and other migratory species, should not be dismissed without due consideration.

In Conclusion

While the proponent's claim (page 7) that, *“the proposal has **recognised** the site constraints and surrounding environment”*, is possibly true, we believe the consultant has little understanding of those restraints, particularly mandatory ones, and has either failed to fully identify the proposal's impacts, or has put forward ways to circumvent those constraints, rather than mitigating them.

They have failed to recognise habitat that is crucial to the survival of a number of threatened fauna known to occur at the site, such as tree hollows, and where it has been impossible to ignore the facts, have simply pointed out that there is other habitat near-by, into which the displaced fauna can simply move to.

Despite acknowledging that habitat loss is driving a large number of threatened species towards extinction, they continually claim that the habitat loss for this development will not be significant, apparently having little understanding of the impact of ever decreasing habitat. When facing extinction through habitat loss, we believe any further loss has to be judged a significant impact.

We thank Council for this opportunity to comment.

Yours sincerely
John Edwards
Honorary Secretary.