



CLARENCE ENVIRONMENT CENTRE INC

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The General Manager
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Dear Sir

Submission DA 172/14 Pridel Investments' 40 lot subdivision at Emerald Beach

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for close to a quarter of a century, and has a proud history of environmental advocacy. The conservation of the Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

General comment

We would suggest that, in these digital times, that developers be required to present all their DA documents in digital form, with full capabilities to allow 'word search' and 'cut & paste'. We believe the prevalence of the inclusion of large volumes of scanned material which do not allow the public quick and easy access to relevant information, is deliberate, and must be corrected.

Coastal development – general comment

Coastal development in the face of sea-level rise is a highly contentious issue. Already we have numerous instances along the NSW coast where erosion is threatening coastal communities. These include Lake Cathie, Wooli, Belongil spit, and Tweed Heads where, in all cases, property owners are expecting the broader community to fund the protection of their properties.

The Mid North Coast Regional Strategy clearly identified this threat, and the need to plan accordingly, therefore we strongly believe that coastal development, particularly where it destroys native vegetation, must not occur.

It is our understanding that more than 13 years ago, Council identified this site as unsuitable for development, and this is now the fourth attempt to receive an approval, with all previous applications rejected by Council and verified by agreement in the Land and Environment Court. Nothing has changed for this proposal to now receive favourable consideration. Therefore we believe the application should be rejected.

Biobanking

The Clarence Environment Centre has always had serious reservations about Biobanking. The scheme has been promoted as ensuring an increase in conservation lands which are protected “in perpetuity”. But are biobank properties truly protected? The answer is an emphatic NO!

That fact is that a BioBanking agreement, which is supposed to protect the biodiversity of the site for ever more, can be overturned by the stroke of a pen ***“if a mining lease or critical infrastructure is imposed on the site”***.

In reality, a coal seam gas of other mining company can come in and destroy it all, as can Roads and Maritime Services if it decides the land is needed for a new motorway or even a 'service hub' attached to the motorway to provide travellers with convenient fast food. Virtually all private property in NSW, and most public land outside of national parks, are covered by existing mining leases for coal seam gas, antimony, gold, copper, and other minerals.

Any conservation agreement, which supposedly promises “in perpetuity” protection for threatened species and high conservation value vegetation, can also be nullified by an agreement between the owner and the Minister. The Minister may also cancel the 'agreement' if the owner of the biobank site defaults, or fails in their responsibilities. Therefore, it is clear that BioBanking, as a tool to conserve biodiversity, has very limited value.

Even without these threats, a biobanking offset will always result in a net loss of biodiversity when the development site is cleared for whatever project is proposed.

The fact also, that the entire BioBanking scheme can be cancelled at the whim of government, is just further evidence that the “in perpetuity” promise is little more than a clever 'con job'.

Therefore, the Clarence Environment Centre strongly believes that all surviving native vegetation in NSW should be protected wherever possible, and only destroyed when absolutely necessary, for truly critical infrastructure.

Comments on ecological issues.

With reference to the proposed development we make the following observations relating to environmental impacts we have concerns for the following:

- 1. Flooding**
- 2. Impacts on Endangered Ecological Communities**
- 3. Fragmentation of a mapped wildlife corridor, and**
- 4. Potential impacts on Koalas**

- **Flooding**

Much of the overall site is flood effected, and with the onset of climate change will likely become inundated more frequently, with higher flood levels that will impact on the proposed building 'envelope'.

Also we point out that NSW Government regulations: ***“NSW Sea Level Rise Policy Statement (DECCW, 2009)”***, and the ***“NSW Coastal Planning Guideline: Adapting To Sea Level Rise (DoP, August 2010)”***, relate specifically to planning decisions up to the 2100 “planning horizon”; that is just 86 years away, well within the life expectancy of someone born today.

Given that all credible science predicts that sea levels will continue to rise for many hundreds, possibly thousands, of years, we believe this legislation places a 'use-by date' on such developments. While acknowledging that the proponent has to work within the existing legislation, we believe that legislation is flawed, and that a longer term view (i.e. beyond 2100) should be taken when assessing this type of development proposal.

- **Impacts on Endangered Ecological Communities**

It is concerning, though not surprising, that the DA fails to identify the reported occurrence of Swamp Sclerophyll Forest as an Endangered Ecological Community. There has been much debate over what constitutes the Endangered *Floodplain Swamp Sclerophyll Forest*.

Developers have taken advantage of soil typing outlined in the NSW Scientific Committee's determination, claiming that when Swamp Sclerophyll forest occurs within sandplains, beach ridges, and lacustrine flats of the coastal plain, the underlying soils are considered to "sandplain", not an alluvial landscape as described by the Scientific Committee, arguing therefore that no floodplain EECs occur in coastal areas.

Clearly, the Emerald Beach site is flood prone, therefore we believe this argument is hair-splitting to an unacceptable degree. Enormous areas of Swamp Sclerophyll Forest have been cleared since European settlement began and, as published in the Scientific Committee's determination (referencing Keith 2004), it is estimated that more than 70% of that original forest community has now been lost. At the current rate of ongoing destruction of Swamp Sclerophyll forest under this soil type 'loophole', the remainder is rapidly diminishing. Therefore we believe that any further loss is unacceptable.

Even though there is no plan to immediately impact this community, the 'edge effects' will be significant, with evidence from similar developments showing that these remnant communities become dumping grounds for garden waste, introducing invasive weeds. Frequently these communities are partly cleared or poisoned by adjoining landowners for a variety of reasons.

- **Fragmentation of a mapped wildlife corridor**

The subject site is acknowledged as being part of a mapped regional wildlife corridor. Every biodiversity management strategy, from Federal, through State to Local Government, stress the importance of, not only maintaining wildlife corridors, but enhancing these corridors by improving connectivity between remnant forested land. Therefore, the proposed destruction and fragmentation of existing corridors, particularly one as important as the Emerald Beach site, is unacceptable, and must be avoided.

- **Potential impacts on Koalas**

We believe the claim that, "*as koalas are not known to occur within the study area it is considered that the proposal is unlikely to impact on potential koala movement within the study area*", is not well considered. There are, according to the DA, small numbers of Forest Red Gum (*Eucalyptus tereticornis*) and Swamp Mahogany (*Eucalyptus robusta*) trees on the subject site, both preferred Koala feed species. There are also extensive stands of Broad-leaved Paperbarks (*Melaleuca quinquinervia*) present, also a known feed species for Koala.

A major consideration that has been ignored in relation to Koalas, is the Pacific Highway upgrade which will present a major barrier to Koala movement, and will likely alter the traditional dispersal routes of Koalas known to occur in the general area. Therefore, we believe the subject site will likely provide Koalas with suitable dispersal habitat in the future, between the mapped secondary habitat on either side of the site, and if allowed to regenerate, the site could also provide primary habitat in the longer term.

In conclusion

The Clarence Environment Centre believes the proposed development at Emerald Beach is inappropriate for the reasons stated above. Therefore we are opposed to any further degradation of coastal strip vegetation, and urge Council/Planning Department to reject the proposal once again.

We thank Council for this opportunity to comment.

Yours sincerely

John Edwards
(Scientific Licence No. SL 100126)
Honorary Secretary