



CLARENCE ENVIRONMENT CENTRE

31 Skinner Street

South Grafton 2460

Phone/ Fax: 02 6643 1863

Web site: www.cec.org.au

E-mail: admin@cec.org.au

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The NSW Planning Minister
NSW Parliament House
Macquarie Street
Sydney, NSW 2000
office@hazzard.minister.nsw.gov.au;

Dear Minister

Proposed Harwood Marine Precinct – Clarence Valley

On 9th September last year, we wrote to you expressing serious concerns about many aspects of a proposed industrial site development on the banks of the Clarence River on Harwood Island (see copy also attached).

As a result of widespread opposition, not only by residents of Harwood Island, but also residents across the river on Palmers Island, and various Clarence Valley environment groups, Council staff have recommended that the proponent present a scaled down version of the original proposal.

However, before that new proposal is resubmitted for public comment, Council last week voted to go ahead with the rezoning of the land regardless.

In our opinion, this entire process has been a farce, right up to the point where the Clarence Environment Centre was ultimately denied the opportunity to make that oral deputation at Council's committee meeting, despite having been heavily involved in the process for more than a year, and receiving a letter from Council inviting us to make a deputation.

The Proposal

Harwood Slipways, a boat building and maintenance enterprise has run a relatively small operation on Harwood Island for decades, and has a long history of non-compliance with EPA regulations, the latest of which was attempting to illegally dispose of 32 truck loads toxic materials, which saw them fined (a \$15,000 pittance) and issued with a clean-up order.

Their original proposal was for the development of a “marine precinct” to be built on neighbouring land they had acquired, which they envisaged could include: *“multiple boat builders with multiple slipway facilities as well as wharves and moorings”*.

To allow the development to proceed, the Slipway requires ratepayers to fund the rezoning of their property, currently zoned agricultural, along with several hectares of adjoining river-front crown land, which they described as “crucial”, to enable as many as 10 subdivisions access to the Clarence River.

Council's Committee decision, 13th May, voted unanimously to recommend that the rezoning go ahead, despite a number of unresolved issues that have been identified in the run up to this decision.

These include:

- The fact that the crown land is under a native title claim, and the success of that claim would put a serious question over access to the river. Also, part of that crown land was recently rezoned E2 because of an endangered Mangrove community.
- The fact that the entire site is subject to flooding, even by nuisance levels, but two major floods since 2010 saw the entire site inundated to a depth up to 1.5 metres. Flood waters rise and travel inland and pick up industrial pollutants (a significant issue with all slipway operations which deal with lead paints, asbestos cladding, anti-fouling substances, paint strippers, various solvents and other toxic substances).
- The fact that the site was not identified as potential industrial land by the Mid North Coast Regional Strategy, in fact it was mapped as regionally significant farm land.
- The fact that the site contains significant native vegetation including an endangered species and at least one endangered community. This possibility was identified in a letter from the Director General of NSW Planning and Infrastructure, dated 27th February 2013, advising Council that: *“Prior to undertaking public exhibition, Council is to amend the planning proposal to: assess the type, quality and significance of native vegetation and habitat found on the site. Once this additional work has been undertaken, Council may wish to revisit the proposed zoning of land within Lot 1 which contains areas of native vegetation”*.

However, no flora and fauna survey was undertaken to make that assessment, and it appears Council undertook a cynical approach to Planning's requirement, by simply rezoning any areas with trees as E2, completely ignoring connectivity issues, or the fact that the definition of “native vegetation” covers more than just trees.

- The fact that the entire site is mapped as having 'acid sulphate soils', with the soil below the depth of 1m acknowledged as being “highly acidic potential acid sulphate soils” (**Potential acid sulphate soils contain iron sulfides that are contained in a layer of waterlogged soil, clay or sand. The water prevents oxygen in the air reacting with the iron sulfides. When disturbed, the iron sulfides are exposed to the air and oxidise to sulphuric acid**). Not good for marine life.
- The fact that, because the water table is so close to the surface, only a metre or so, the soils on the site, and across much of the Island, are highly unstable, with anecdotal reports of homes shaking and walls cracking when heavy vehicles pass on their way to the current slipway site. This the river bank has eroded some 30m at one point since first surveyed 17 years ago, while at the other end of the subject site, the land has accreted by a massive amount, in excess of 100m.
- The fact that the original development proposal admits that no consideration had been given to climate change and possible sea-level change stating (page 2), *“future climate impacts have not been simulated to date”*.

The Officer's recommendation to Council, clearly on the defensive, identifies the difficulties with *“trying to balance competing issues when there is clearly no black and white answer”*. We suggest a black and white answer could have been achieved had Council insisted on the proponent undertaking full environmental and species impact assessments as is normally required for development proposals, something the recommending officer suggests will be done after the land has been rezoned.

Those assessments would include flora and fauna surveys, impacts on endangered species and communities, risk assessments of acid sulphate soil disturbance, and soil stability issues, and effects of sea level rise. Also a proper flood risk assessment would be undertaken to identify risks beyond the development site, such as what contaminants will be deposited on regionally significant farmland as flood waters rise and flow inland across the industrial area.

It should be noted that in order to deal with particulate pollution mixed with flood mud, the existing slipway has had to construct 3 holding ponds covering a massive 2.5 hectares. Should the development go ahead, all the other enterprises will face the same problem, so where and how, given the acid sulphate problems that are known to exist, these holding areas be constructed has not been explored or explained.

Council is well aware of the social issues surrounding the existing industrial complex at Harwood Island, which include visual amenity, noise, air and ground pollution, and personal threats when complaints are made. Multiplying those, possibly ten fold would, we suggest, be untenable.

In summary: Given the issues identified above, we believe Harwood Island is not suitable for development as an industrial site, something we believe will be revealed when the appropriate environmental or social impact assessments are undertaken.

Therefore we urge the Minister to reject Clarence Valley Council's Gateway application for rezoning land at Harwood Island until all the necessary impact assessments have been undertaken.

Yours sincerely

John Edwards
Honorary Secretary
Clarence Environment Centre