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The General Manager
Clarence Valley Council
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Dear Sir

**DA2017/0529 Harwood Slipway Pty Ltd T/A Harwood Marine
Development Proposal: Filling of land and shed for boat storage.**

Background.

The Clarence Environment Centre has previously presented a series of submissions to Clarence Valley Council (CVC) over the re-zoning of the subject land as 'working waterfront', and at the outset we would like to make the following point.

In 2013, A letter to CVC, relating to the original rezoning proposal, signed by the then Planning Minister, noted the fact that the project site contains *"areas of native vegetation"*, and the subsequent remark that, *"Council may wish to revisit the proposed zoning of land within Lot 1 DP 1155528 which contains areas of native vegetation"*. This resulted in Council doing just that in a draft amendment, which cynically drew a circle around each remnant and rezoned them E2 – Environmental Conservation.

Presumably Council felt this would do away with any need to follow the minister's request that Council, *"assess the type and significance of native vegetation and habitat found on the site"*. As a consequence, no comprehensive ecological survey of the site was ever undertaken. In fact neither word, flora or fauna, appeared in that early rezoning application. There was an admission that *"Some gallery stands of vegetation will be lost"*, the consultant adding, *"however, these are minor areas that are not currently mapped for environment protection"*.

The river bank immediately adjoining the subject land was previously mapped for environmental protection, but later deleted during the new LEP development process. Nevertheless the river bank adjacent to the rezoning proposal contains extensive stands of mangroves which are protected under Section 205 of the Fisheries Management Act 1994.

Ultimately, these significant environmental issues demanded that a full flora and fauna impact assessment be undertaken. But rather than do that, Council simply allowed the proponent to reduce the area of the proposed rezoning to exclude those more ecologically sensitive areas. However, it is now clear that the reduced application is simply being regarded by both the proponent and Council, as 'stage 1', facilitating future staged development now that the precedent has been set.

In response to the Environment Centre's query as to why no environmental impact, acid sulphate soil, flood risk, or soil stability assessments were required for the rezoning, CVC informed us that this was simply a rezoning proposal, and that these assessments would be undertaken if and when any development proposal was presented to council.

The current proposal

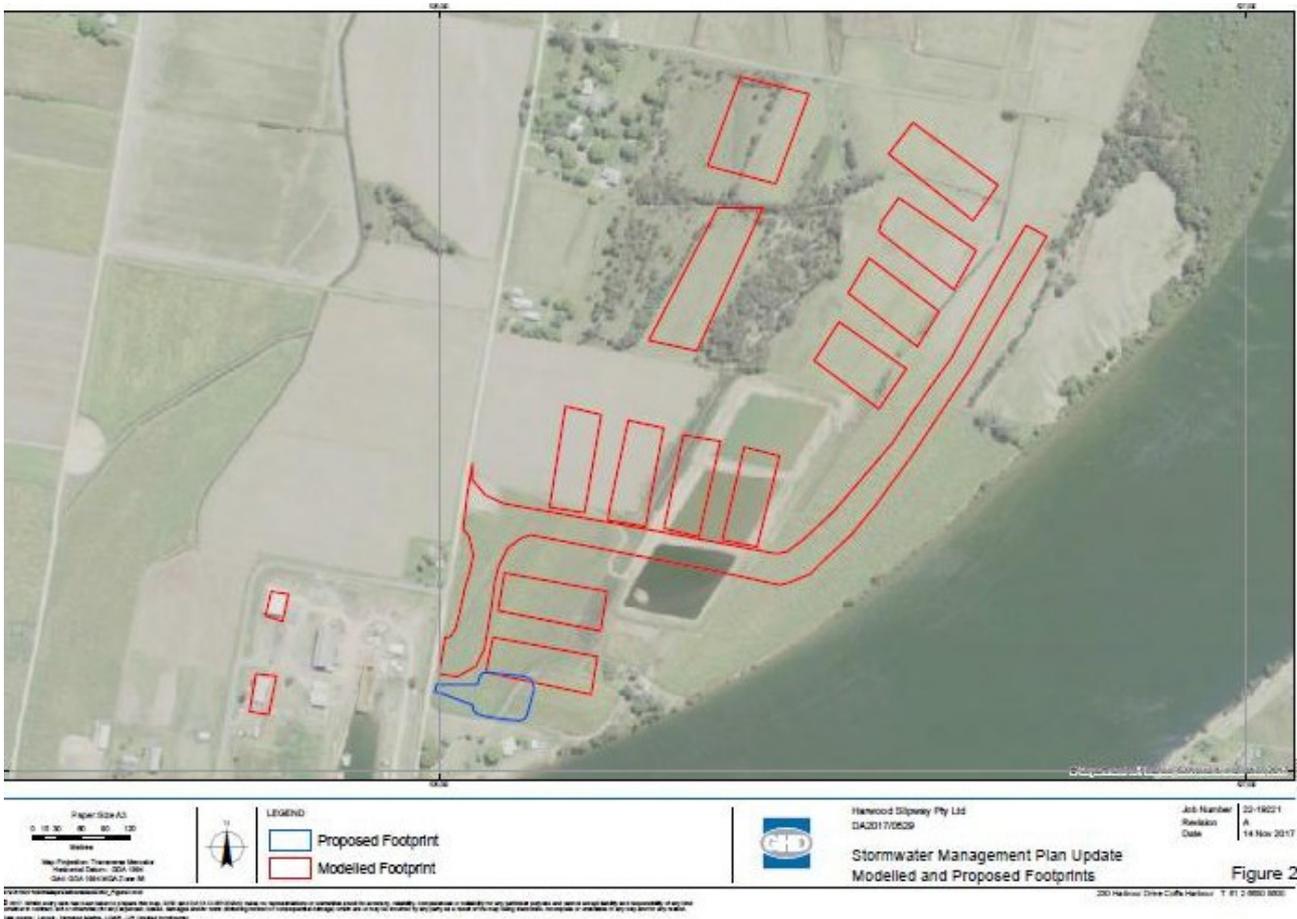
In September 2017, the above proposal was assessed by Council following the usual consultation period, during which we lodged a submission highlighting a number of concerns with the DA.

Primarily, our concerns were that the promised environmental impact, acid sulphate soil, flood risk, and soil stability assessments have yet to be undertaken.

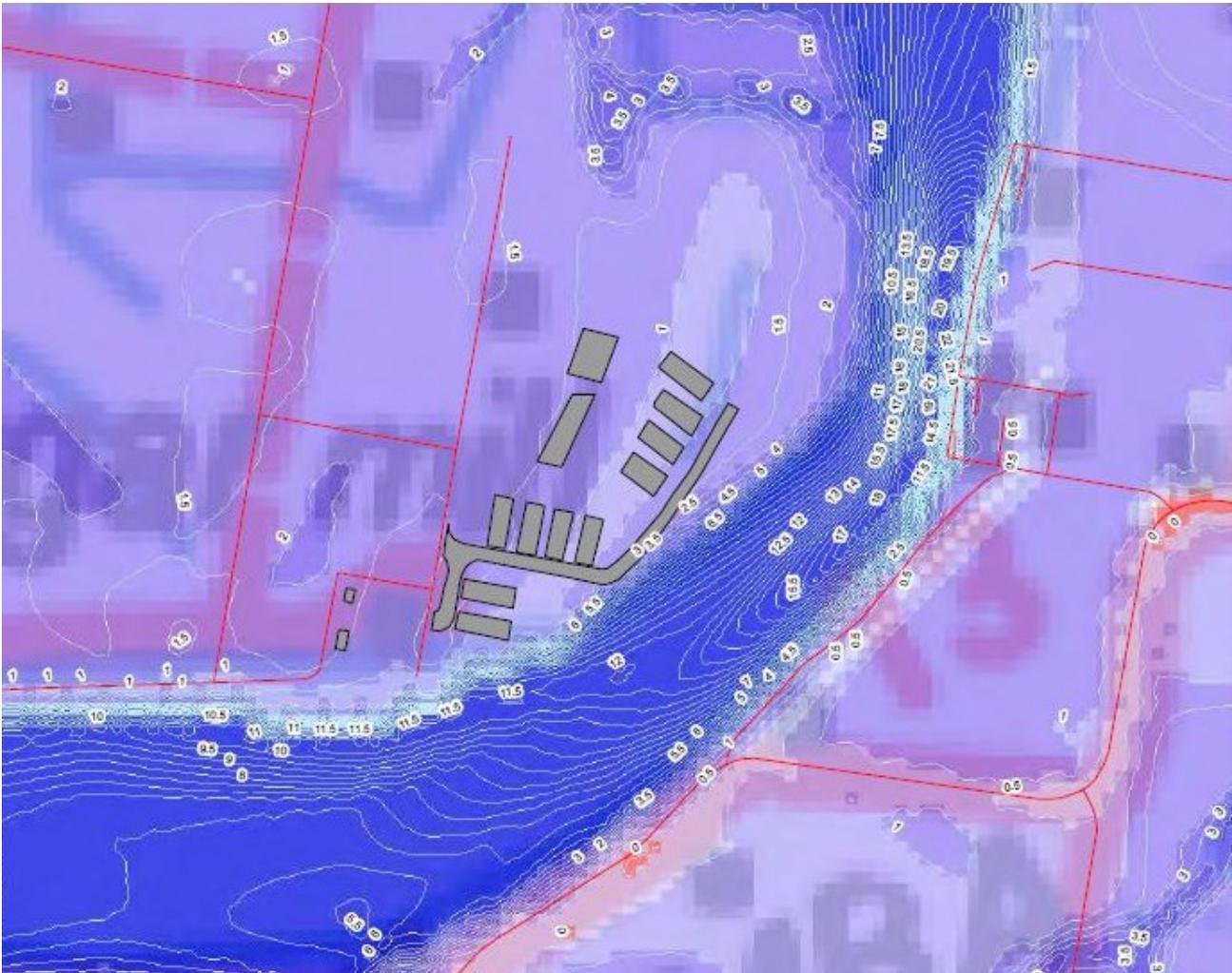
Our concern relating to the proponent's suggestion that tax-payers fund the multi million dollar cost of building new access roads to the shed was addressed by Council, requesting an Amended Traffic Impact Assessment, which has now been presented. Council also requested an amended Stormwater Management Plan, and it is these two plans that clearly show this current DA to be a part of the future Marine Precinct master-plan. However, half the area covered by the 'master plan' (see map below), including storm-water disposal drains for the entire complex flowing into Lot 1 and through the E2 zoned land, is yet to receive a rezoning application, much less approval.

The acceptance of the costly option to construct the new access is also proof that this DA is a part of the bigger subdivision proposal, as no one would go to that expense to build a shed!

The image below, which is from the Stormwater Manage Plan, is also of great concern to us, as it shows the original plan for 10 pads, 2 of which are to be built on top of existing toxic waste ponds. But of more significance, is the proposal for **“Onsite Dams, with embankment at 20-yr ARI flood level”**, to be constructed between the two strips of E2 zoned land. We point out that this is, or should be (we understand the estuary entrance at the river has been illegally blocked), a tidal estuary and wetland complex that the proponent plans to dam.



In terms of flood risks we draw attention to the following image from the Storm-water Management Plan, and note that all 10 pads and roadways are all to be constructed above the 1 in 100 year flood level. We believe that, as with the case of Southgate after the construction of the South Grafton levee wall, that flood flows could increase in speed and possibly be directed by the blockage, across the river and impact on residents on the river bank at Palmers Island.



In conclusion

The recently rezoned working waterfront land, was rezoned specifically for the purpose of developing an industrial marine precinct. As the proposed shed, for the housing of boats, and pad is being constructed on that recently rezoned land, the Clarence Environment Centre believes the shed is part of that precinct proposal. As such the proponent should be required to consider the cumulative impacts of eventual subdivision, and provide:

1. An environmental impact statement.
2. A thorough acid sulphate soil assessment and management plan.
3. Soil stability studies, along with geo-technical assessment across the 'precinct' and along the entire access road, given the heavy transport vehicles to be deployed, including the thousands of movements created by the importation of fill to construct the pads.
4. A detailed flood impact assessment of the hydrological interference caused by the construction of the raised pads, and a flood management plan.
5. Provide a plan for the rehabilitation of the three toxic waste ponds, which should be undertaken **before** any construction or development occurs.
6. A climate change (sea-level rise) assessment be undertaken, something that has not been done to date.

We also ask that council thoroughly review the proposed damming of the tidal estuary, particularly given the impacts such construction would have on the adjoining E2 zones, not to mention immediate neighbours whose properties would be flooded by a dam with a 1 in 20 year flood wall. We point out that the entire site is flooded in a 1 in 20 year flood, so where would the dam wall end?

We thank Council for the opportunity to comment

Yours sincerely

John Edwards
honorary Secretary.