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Submission

to

Clarence Valley Council

council@clarence.nsw.gov.au

on

(DA 2015/0034)

Proposed residential subdivision Lot 99 DP 823635, Hickey Street ILUKA (Mark 3)

Compiled by John Edwards
For the Clarence Environment Centre
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Iluka development Submission (Mark 3)

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 27 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance. To that end we are again making a submission to reinforce our earlier opposition to the above proposal.

It should be noted that, as an environment group, the following submission is focused largely on ecological matters relating to the impacts on flora and fauna. Other significant issues related to engineering; building code & bushfire hazard; traffic assessment; field radiation, storm water management; erosion & sediment control, acid sulphate soil assessment, cultural heritage matters, and other significant social impacts, we leave it to those more qualified to comment.

This is the CEC's third submission on this subdivision proposal over a period of 18 months, and sadly we have to report that the reasons for our strong opposition to the destruction of some 20ha of native forests cannot be tempered by the reduction of a mere 11 building lots.

Therefore we apologise for the large amount of repeat information which we are compelled to provide yet again in opposing this development.

Preamble

The following passage appears on page 4 of Clarence Valley Council's letter to the proponent, referring specifically to the endangered Coastal Cypress Pine community that has been recognised as occurring on the subject site.

There is a second concentration of Cypress on the development site north east of the area where the 0.25 ha patch is to be protected by Park C that would seem to be of sufficient density and floristic in nature to qualify as part of the endangered community. This has not been the conclusion reached by Keystone. Given the extent of endangered community on the adjacent lot and the area to be retained in Park C it is reasonable to conclude that the viability of the EEC in this locality, although impacted by the proposed development, would not be lost. It is clear that a substantial amount of the EEC Coastal Cypress is to be removed and this needs to be offset and a Species Impact Statement prepared for its removal.

It is clear from the above passage that Council has not read, or fully understood, the NSW Scientific Committee's determination of this EEC. The determination clearly acknowledges that: ***“Stands of the community that have been partially cleared in the past may be reduced to scattered trees and a few characteristic ground cover species, possibly with other native species represented in a soil seed bank. Fires may also influence the structure of the community, as the dominant tree species, C. columellaris, is generally killed when burnt. Postfire regeneration of the community may therefore have the structure of shrubland or heathland for many years.”***

This means that the Cypress Pine community cannot be defined by density, or split into “patches”. Density of the actual Pines themselves within the landscape is immaterial, and it is clear from the extensive mapping carried out, not by the consultant we might add, that the endangered community exists at least to the boundary shown on the map (see below), an area covering at least 10ha.

While on the subject of the above Council passage, specifically the claim that: ***“It is clear that a substantial amount of the EEC Coastal Cypress is to be removed ...”***. While this confirms our view, the subsequent comment that, ***“this needs to be offset ...”***, is a major concern, as it appears to suggest Council is prepared to allow what we believe would be the illegal destruction of a listed EEC as long as the developer provides an offset.

In that respect, we would like it noted that the CEC is totally opposed to off-setting, because it always results in a net loss of biodiversity and, in this case, a net loss of a rare EEC, and should, we believe, only be allowed when there are no available alternative options.

It should also be noted that the Coastal Cypress Pine EEC is one of the rarest endangered communities in NSW, and it has been declared endangered because **unless current trends are reversed, that community will become extinct**. Also, recent attempts by the Roads and Maritime Service (RMS) to find a like for like offset of this community, to compensate for losses caused by the Pacific Highway Upgrade, were unsuccessful.

It is our belief that the RMS has since opted to 'pay cash' as an alternative. Whether that could be reversed, and the RMS offered the Hickey St population instead as its offset, we do not know, but is something we believe should be explored and could result in a win - win situation.

Having said that, the CEC fully supports Council's call for a ***“Species Impact Statement to be prepared”***, and not only for the EECs.

Foreword

Iluka is a small coastal village with about 950 occupied dwellings housing around 1,700 people, and has limited opportunities for employment, with few public facilities. Its isolated location requires residents to undertake a 150km round trip to travel to the nearest regional centre in Grafton, where many residents commute for employment, specialist medical treatment, and the many essential services that only regional centres provide. It is a 60km round trip to the nearest high school or hospital at Maclean, and all of which is hampered by an almost total lack of public transport.

Such enforced travel in an age of dwindling oil supplies, and an urgent need to reduce carbon emissions, is entirely contrary to the NSW Regional Strategies which encourage residential development to occur close to existing centres. With no available land at Iluka to expand to provide industry, or facilities, the proposed 20% increase in population would be irresponsible at best, and should be deemed unacceptable.

The village area is completely surrounded by the Clarence River, and National Parks, including renowned World Heritage Littoral Rainforest, the largest of the few remaining remnants in Australia, part of the coastal group of listed [Gondwana Rainforests of Australia](#), inscribed in 1986.

The reserve was added to the Australian National Heritage List in 2007, and contains many different plant species ranging from coastal dune to tropical rainforest species, and provides habitat for a wide range of native animal species including threatened Koalas and the endangered Coastal Emu.

It is important to recognise the extremely high level of biodiversity surviving on the Iluka peninsular, with literally thousands of flora and fauna species known to occur, close to 100 of which are now listed as threatened under State and Federal Acts. Therefore the inclusion of any large residential development at the expense of native vegetation will have significant impacts on the natural environment, as well as the 'sense of place' for this small village population.

In the case of Iluka, which is surrounded by extremely high conservation value native forests, much of which has World Heritage status, those impacts are significantly multiplied. Not only will there be a direct loss of between 15 and 20 hectares of native vegetation which the DA's authors admit supports threatened Koalas and endangered Coastal Emus. The addition of 141 residential blocks will add approximately 350 to 450 residents, a significant 20% increase to the small community, all of whom will require services that are non-existent. As well, it will add some 300 motor vehicles, and many hundreds of dogs and cats that are known to pose a serious threat to native wildlife.

According to the DA, 90 flora and 112 fauna species have been recorded on the subject site, including 13 listed as threatened under the NSW Threatened Species Conservation Act (TSC) and/or the Federal Environment Protection and Biodiversity Conservation Act (EPBC), or otherwise protected under international treaties,

- China-Australia Migratory Bird Agreement.
- Japan-Australia Migratory Bird Agreement.
- Republic of Korea-Australia Migratory Bird Agreement.

It would be impossible to identify all flora and fauna on the site, and in fact independent surveys have raised the total number of flora species on the subject site to over 140. The DA also acknowledges the **high probability** that as many as 17 threatened species could occur on the site.

We believe the threat to the viability of many of those species will be significant.

Specific matters of concern

• Coastal Cypress Pine Endangered Ecological Community (EEC).

The occurrence of this EEC was first publicised by the Clarence Environment Centre (CEC) in a letter published in the Daily Examiner almost 5 years ago. That letter explained that 27 of 50 indicative species for the community had been identified at the site, with vegetation consistent with the NSW Scientific Committees description of a recovering community.

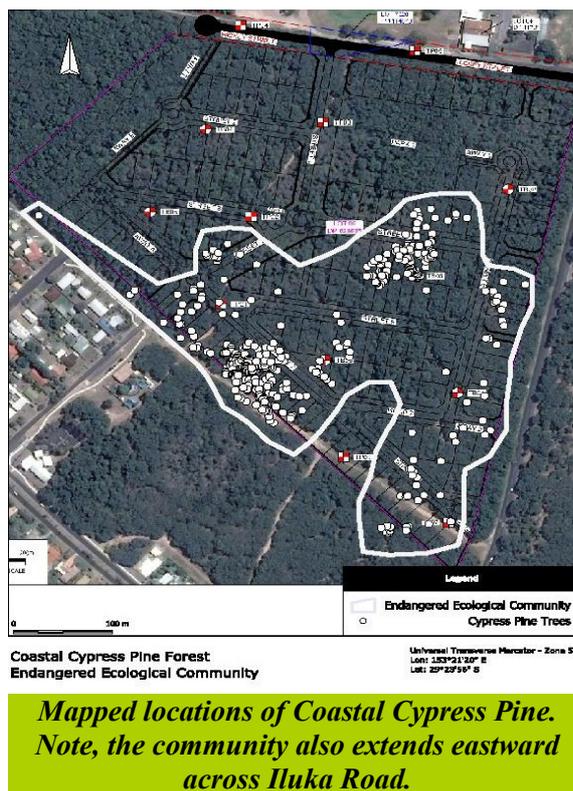
However, the original DA failed to even mention it, or remnants of regrowth Litoral Rainforest, another EEC. The Office of Environment and Heritage (OEH) agreed that the community occurred, claiming that: ***“Following a site inspection the OEH believes the subject site does contain two EECs, including: “The Coastal Cypress Pine Forest in the NSW North Coast Bioregion”.***

In the interim, local residents had prepared highly accurate mapping using a GPS (see at right) locating every Cypress plant, clearly showing the full extent of the endangered Coastal Cypress Pine community, extending across more than half the development site.

Attachment 2 of this latest DA is a letter from Keystone Ecological's Principal Consultant, quoting from her wide experience, and defending her revised assessment that the Coastal Cypress Pine EEC is not as extensive as others would like to believe.

At least the latest admission that there are two small patches of the EEC on the site, 0.2 and 0.25 hectares, is an improvement on the original Flora and Fauna report which ignored the EEC altogether.

It needs to be understood that the Coastal Cypress Pine community is unlike most other EECs, in that the Scientific Committee has acknowledged the widespread destruction of that community wrought by sand mining across the region. The Determination of the community as an EEC explains that: ***“Stands of the community that have been partially cleared in the past may be reduced to scattered trees and a few characteristic ground cover species, possibly with other native species represented in a soil seed bank. Fires may also influence the structure of the community, as the dominant tree species, C. columellaris, is generally killed when burnt. Postfire regeneration of the community may therefore have the structure of shrubland or heathland for many years.”***



Despite the extensive mapping, and the Scientific Committee's pertinent notes relating to tree numbers and impacts of fire that kills mature trees, the Principal Consultant argues that her veg mapping experience should prevail, claiming that some transects contained only single trees or were saplings which, in her opinion, did not qualify those areas as EEC.

She then selects what she believes to be ***“the patch of vegetation on site that best qualifies as the EEC”***, allowing the proponent to magnanimously propose the retention of that “patch” as Park C, stating: ***“This area of 0.49 hectares is intended to retain the best developed example of Coastal Cypress Pine Forest on site”***. To us this conjures memories of the *“The big yellow taxi”*, the old protest song, whose words, *“pave paradise and put up a parking lot”* and, *“take all the trees and put them in a tree museum”*, symbolised the development at all cost mentality that prevailed fifty years ago. We had hoped this attitude was long dead, but apparently not.

We remind readers that the offence of knowingly damaging a single plant in an endangered ecological community (EEC) is punishable by a fine in excess of \$1,000 and/or imprisonment. Yet here we have a proponent proposing to destroy tens of thousands of plants across some 10 hectares of that EEC, and a Council which is apparently prepared to consider approving that destruction. something we believe is totally unacceptable.

- **Endangered *Acronychia litoralis*.**

After their ecologist originally identified the plants as the common *Acronychia oblongifolia*, and then suggesting there was *“tantalizing evidence to suggest that this specimen may have been collected from the Landcare works area”*, just across the road, the proponent has apparently now acknowledged their authenticity.

In an attempt to appease the concerns of opponents, Council and the Office of Environment and Heritage (OEH), the development has now been redesigned to allow a 30m wide forested buffer along Iluka Road to protect them.

The proponent's acceptance that this species does in fact occur on the site, and not some sort of conspiracy, is welcomed. However, we believe the 30m wide forested strip along Iluka Road is an inadequate response as the clearing of the large tract of adjacent forest for a large residential subdivision, will have a significant adverse impact on these trees. Not only will it eliminate any chance of the population expanding, but the resultant impacts from 'edge effects' and disturbance will result in the ultimate demise of the species at that location.

- **Proximity to World Heritage area.** We believe the decision to clear such a large tract of land so close to the nature reserve and world heritage rainforest area, will impact on those assets, an impact that cannot be offset by the retention of a mere 30m wide strip of bushland.

- **Impacts on threatened species dismissed.** This amended DA, still fails to acknowledge that the development will have a negative impact on a range of threatened species, arguing that the habitat on the subject site is sub-optimal. We reject that notion, and point out that of the 8 species identified by the Office of Environment and Heritage (OEH) as requiring further assessment, 2 of them were actually identified on the site by the proponent's ecologist, and there are reliable records of others all around the site. Despite this evidence, the second DA assessed the impacts in line with the OEH request, and determined the impact of removing more than 15ha of habitat, and severing the east-west movement corridor, would be insignificant. That assessment remains unchanged in this latest DA which asserts these: *“Entities for which the footprint alteration has an obvious positive or neutral conservation outcome have not been assessed again”*.

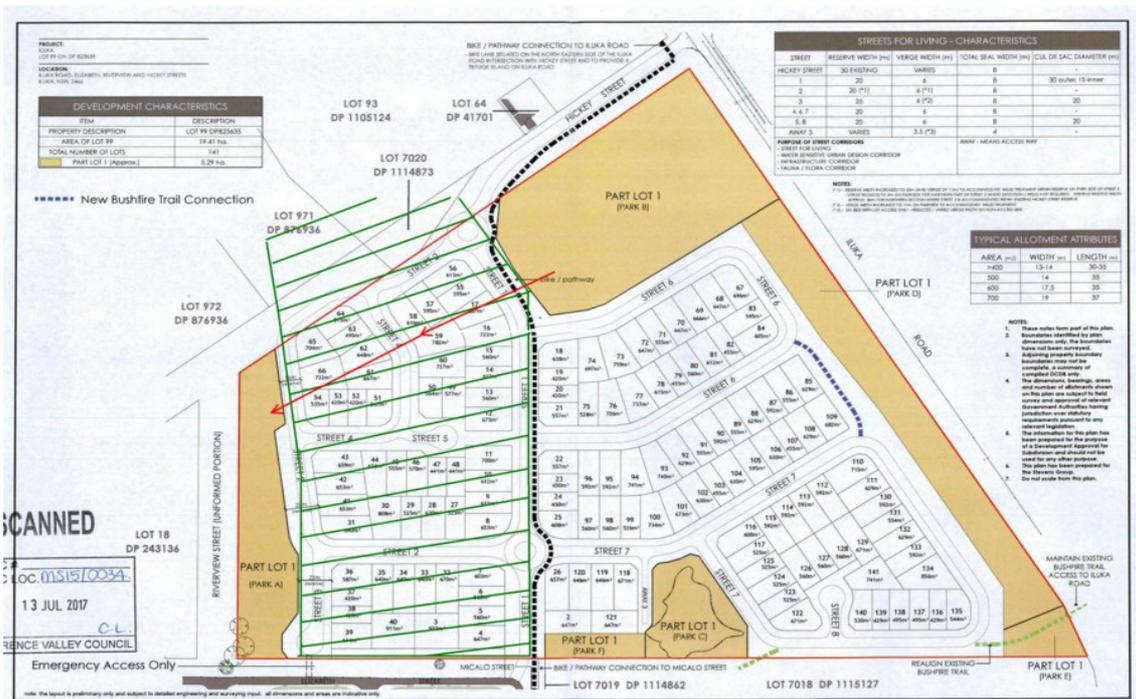
We disagree with this assessment, and believe the loss of habitat, albeit not perfect, will have an impact, while the removal of more than 200m of the forested corridor, and replacing it with roads, houses, animal proof fences, domestic cats and dogs, will be devastating to the local wildlife that currently occupy the subject site and othe existing bushland to the east and west.

• **Quantifying cumulative impacts.** This DA again 'thumbs its nose' at OEH's request that: *“The total biodiversity impacts, including the indirect impacts, need to be quantified”*, which has again been ignored. Instead, the only mention of “indirect impacts” in this DA relates to the benefit of replacing forest with an urban subdivision, the only concession being that: *“The residential lots have been concentrated into the centre of the site, so that there is separation from the bushland parks with less opportunity for indirect impacts and dumping of garden refuse.”*

The suggestion that clearing of forest for urban development has an added benefit of reducing rubbish dumping has to be a new low!

• **Endangered Coastal Cypress Pine community.** The amended DA still retains the plan to destroy up to 10 hectares of one of the rarest endangered ecological communities in NSW, justifying that decision on the fact that the now recovering community is not in perfect condition. The magnanimous proposal to retain a mere quarter hectare of the community as some sort of tokenistic gesture, evokes memories of the *“The big yellow taxi”*, the protest song, whose words, *“take all the trees and put them in a tree museum”*, symbolised the development at all cost mentality that prevailed fifty years ago.

• **Deception:** The presentation of facts deliberately designed to mislead, have been a hallmark of the development since the beginning. Here again we are presented with a statement that: *“A large increase in the size of the reserve in the north eastern corner (Park B), area of some 2.32ha”*. The wording easily confusing readers into believing there has been a large increase of 2.32ha in the size of the reserve, whereas in reality the increase is less than half a hectare. This park is promoted as a, *“link directly with similar habitat to the east in Iluka Nature Reserve and provide a direct route to the golf course habitats to the north”*.



This is nonsense. The nature reserve borders Iluka Road for the entire length of the golf course, providing easy access to that supposedly inviting “golf course habitat”. However, access to that “golf course habitat” across Hickey Street from Park B, is blocked by the club house and car park. No ideal connectivity there, yet Park B is promoted as doing just that.

What we have always asserted is that clearing the site cuts the vital east-west movement corridor that currently exists between the Iluka Nature Reserve to the Clarence River, a corridor that the DA acknowledges is used by threatened species such as Koalas.

As is clearly shown by the green hatched area in the above map, the current proposal replaces a forested corridor with, at the very minimum, over 200m of cleared treeless urban landscape, across which wildlife has to cross. In doing so they will have to negotiate some 4 or 5 streets and upwards of 50 houses to reach their destination in Park A. That park adjoins contiguous forest to the Clarence River to the west and Bundjalung National Park to the north. That is the connectivity that will be lost, and cannot be replaced by connectivity to a golf course which is itself a barrier.

- **Spotted-tailed Quoll:** We challenge the statement that: *“The Spotted-tailed Quoll is unlikely to occur, but if so, is most likely to use the site as a movement corridor”*. Firstly, there are records of Quolls in the vicinity, and secondly, even if Quolls only use the site as a movement corridor, the proposal is to destroy that connectivity, which goes to the core of our concern about the proposed development. The movement corridor will be irretrievably cut, and will have consequences for all species that currently use it.

- **Koala:** We note that earlier assertions that the image of a Koala captured on camera, indicated the animals only pass through the site on the ground, and in a northerly direction, has been dropped. In its place we have an admission that: *“The Koala is known to occur on site”*. However, before we get too excited, that admission is followed by, *“but the population is small”*, inferring there will still be enough foraging habitat left to feed them after the 20ha development site is cleared.



The image of a koala which was used to make the claim that Koalas move across the site in a south-north direction

Koala numbers have dwindled in the Iluka peninsular due to a combination of factors including habitat loss, vehicle strike, dog attack and stress-induced diseases. This alone should dissuade Council or the Planning Panel from approving the further clearing of habitat for the development, which will also add hundreds more cars, and dogs.

Another earlier suggestion that fences should allow Koalas to move freely across the site, has now also been dropped in favour of: *“Instead of allowing free movement of Koalas, fences are to be of a type that will prevent Koalas climbing into backyards where Dogs may be in residence”*. While we were highly critical of the previous 'fenceless' plan which would have resulted in dog attacks on Koalas. Koala-proof fences will ensure Koalas will have to share the streets with traffic to cross area. In any case, we have doubts that a developer can dictate the type of fencing used.

- **Geotechnical issues:** As the site is known to have been sand mined many decades ago, possible soil contamination has been identified as an issue. On page 5 of the Cardno Geotech Solutions report we are also told *“The subject land is mapped as being potentially affected by Acid Sulfate Soils”*. However, reading the report, it appears that only 13 soil samples were collected for analysis, to a maximum depth of 2m. This, it seems, is sufficient to declare the site pollution free.

Under the heading, *“Geotechnical Management”*, we are assured that this minimal testing is not an issue because: *“As confirmed previously, assessments of the site have indicated acid sulfate soils are not present in the site. If during the construction phase materials are found to be of acid sulfate soils potential, appropriate management plans can be implemented to manage these soils accordingly”*. This comment evokes memories of almost identical claims and promises made in association with the development of the Tyson Street site of Council's new works depot. That fiasco ended up costing rate-payers between 8 and 9 million dollars in clean up costs.

In conclusion

The Clarence Environment Centre has opposed this development since the outset, purely on environmental grounds, and the clear impacts it will have on the peninsular's unique ecology.

There are of course many other social concerns, some of which we touched on briefly in our foreword, that also support its rejection.

It is our opinion that the proponent has once again failed to meet Council's requests for further assessment, and urge planners to recommend the DA be rejected.

We thank Council for this opportunity to comment

Yours sincerely



John Edwards
Honorary Secretary