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### SUBMISSION

## Rezoning 'gateway' proposal Palmers Island.

### Introduction

The Clarence Environment Centre (CEC) has maintained an office presence in Grafton for 30 years, and has a proud history of environmental advocacy. The conservation of 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.

We also see it as our responsibility to oppose any inappropriate planned development, and to that end we address the proposed rezoning of part of Lot 2, DP 598769, School Rd, Palmers Island, from RU1 Primary Production, to IN4 Working Waterfront and W3 Working Waterway to enable development for marine industrial purposes.

### Discussion

Firstly we refer to “**LOCAL PLANNING DIRECTIONS - Section 117(2) of the *Environmental Planning and Assessment Act 1979***, and point to the opening paragraph (S1.1 - **Business and Industrial Zones**), which makes it clear that: “*The objectives of this direction are to:*

(a) *encourage employment growth **in suitable locations.***

We note that the current rezoning proposal was previously rejected by Clarence Valley Council, and also previously rejected under the 'Gateway' process on 10<sup>th</sup> November 2017.

We also note that the current 'about-face', which has altered the Gateway determination to allow the rezoning proposal to proceed, was based on advice from the Northern Joint Regional Planning Panel. Specifically that advice was as follows:

***“The Panel is satisfied that the applicant has demonstrated the need for additional zoned land in this location for the purpose proposed, because:***

***• The zoned land at Harwood is not practically available for the proposed use due to land ownership, access limitations, and operational requirements of the planning proposal”.***

In that respect we draw your attention to the announcement made on 19th December, 2018 to the effect that the Government has committed \$3.8 million to construct a reliable access road network to the Harwood Marine site, thus completely negating the NJRPP's advice in that respect.

We also note that the NJRPP advised that:

- *The Panel believes that the planning proposal is **not consistent** with the "Marine-Based Industry Policy-Far North Coast & Mid North Coast NSW 2015."*
- *The Panel considers that the planning proposal is **not consistent** with State Environmental Planning Policy No.71-Coastal Protection. (Clause 2k regarding the type, bulk, scale and size of development).*
- *The Panel recognises that the planning proposal **is inconsistent** with the Section 117 Direction 1.2.*

Despite these inconsistencies, the Department of Planning and Environment has determined to alter the Gateway determination based on the NJRPP's belief that the identified inconsistencies can be satisfactorily addressed at the development application stage.

We take issue with the concept that: *These issues can be addressed at the development application stage.* The land is currently identified as Prime Agricultural, and supposedly protected as such, so we strongly believe that rezoning before the merits of the any proposed mitigation and offsets are tested, is putting the cart before the horse. Therefore we believe these inconsistencies must be examined to determine if they can in fact be adequately met, ameliorated or managed, before the land is arbitrarily rezoned.



# Overview of the Proposal

## 1. Soil stability

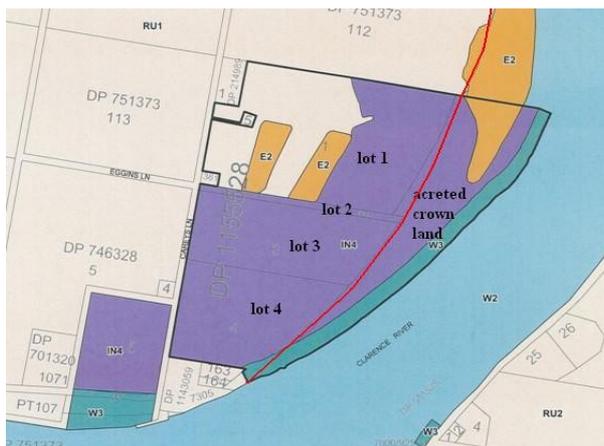
It needs to be recognised at the outset that all of Palmers Island, and Harwood Island on the opposite bank of the Clarence River, and communities beyond, are all part of a river delta, formed by deposited silt over millions of years.

As a result, the soils are notoriously unstable. In July 2005, Peter Lane, Floodplain Services, provided the following information to Clarence Valley Council's Floodplain Risk Management Committee:

*“Property situated on the western side of Palmers Island has been troubled by river-bank erosion since at least the mid-1960s. Rock protection proved to be ineffective in addressing the problem, at substantial expense (SL&M, 1980, p.10-6f). Consequently, in 1995 Maclean Council prepared a Palmers Island Riverbank Plan that targeted dwellings within an “Immediate Impact Zone” for voluntary purchase (Maclean Shire Council, 1995). Initially, 12 houses along River Road were offered VP, (voluntary purchase) 9 of which had been purchased by June 1996. Another 14 houses were offered VP over subsequent years. By July 2005, 24 out of 26 houses along the riverbank had been acquired or relocated. DIPNR declined to fund purchase of two caravan parks located in the Immediate Impact Zone”.*

This is clear evidence that the proposed site does not comply with S11(a), and would quite clearly be **in an unsuitable location, but the DA avoids any mention of river bank stability.**

The image at right, where the subject site is outlined in red, clearly shows the property's western boundary stranded well out in the river, having lost in excess of 75m of land since it was first surveyed in the 1800s.



Conversely, the river bank on the eastern side of the river, on Harwood Island, has accreted even further. That is clearly shown on the map at left with the red line marking where the 1800s surveys marked the river bank.

It seems likely that efforts over the years to halt the erosion on Palmers Island have served to slow the retreat, but at the same time has narrowed the main channel, thus speeding up flows during floods, and in turn increasing the risk of erosion along the eastern bank (Palmers Island side).

## 2. Flooding

The following table is an extract from **Table 3.1 - “Peak Design Flood Levels (m AHD) at Selected Locations”**.

**(AHD = Australian Height Datum, relating to high tide) (ARI = average recurrence interval, referring to flood heights. i.e. 100y ARI is the water level reached in a 1 in 100 year flood).**

Location	5y ARI	20y ARI	100y ARI	500y ARI	Extreme (1.53x100y)
Palmers Is	1.77	2.44	2.86	3.09	4.32

The above levels are likely those reached under historical conditions, i.e. before the predicted sea-level rises, occurring as a result of climate change, were introduced.

In short the entire development site can expect to be inundated on average to a depth of between 2 and 3 metres every five years or so.

The image at right from the 2009 flood is what Palmers Island residents experience on a regular basis.

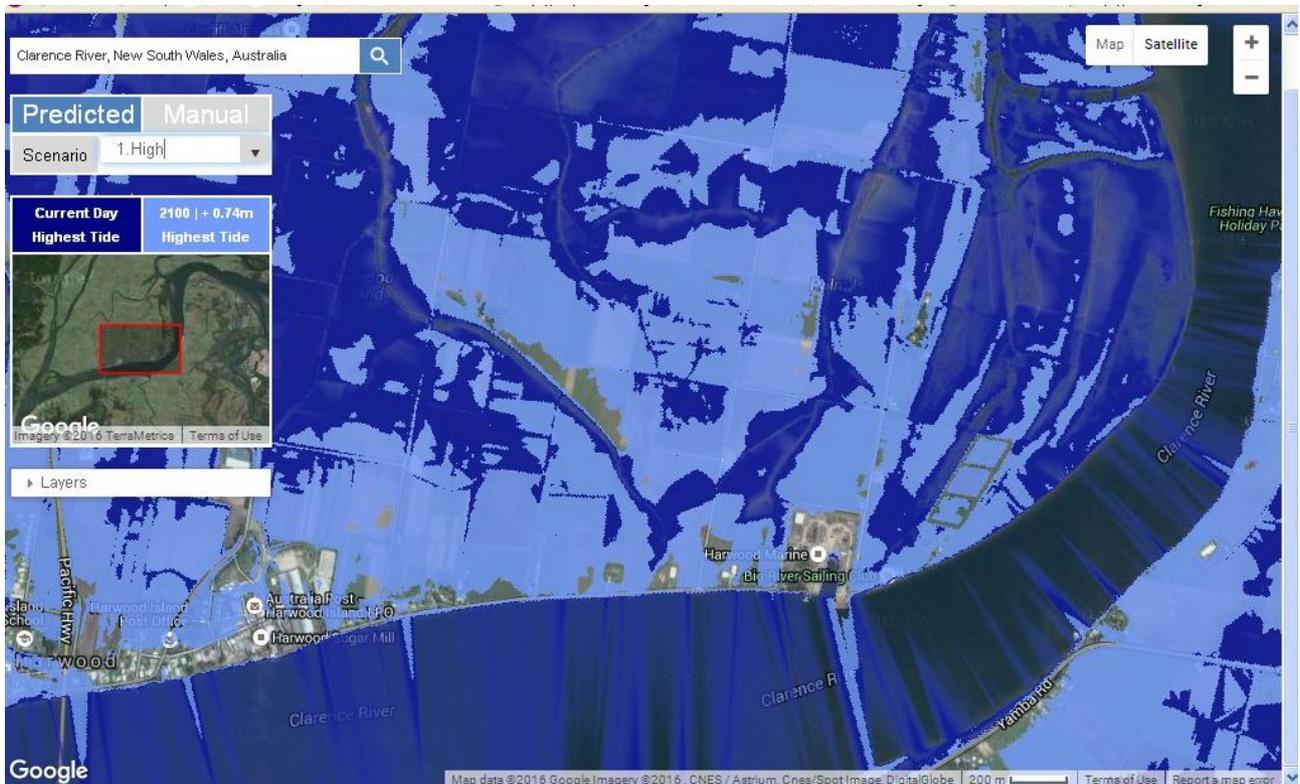


*This was Palmers Island village in the 2009 flood. The development site is out of sight to the right*

The DA's mitigation response to such events is to construct a 3 metre high levee wall

### 3. Climate change and sea level rise

Below is an image of the Clarence River from an interactive website, showing where the highest tides currently inundate the estuary today in dark blue, with the light blue showing land that will be inundated by those same tides in just 80 years time. By the year 2100, high tides will cover the entire area. Those levels are based on a predicted sea-level rise of less than 1m by the year 2100.



However, only a month ago, a report edited by respected climate scientist, Stephan Rammstorf, of the Potsdam Institute for Climate Change, identified an accelerating rate of ice melting in the polar regions, stating: *"Structured expert judgement (SEJ) has proved a valuable approach for similar problems. Our findings, using SEJ, produce probability distributions with long upper tails that are influenced by interdependencies between processes and ice sheets. We find that a global total SLR exceeding 2 m by 2100 lies within the 90% uncertainty bounds for a high emission scenario. This is more than twice the upper value put forward by the Intergovernmental Panel on Climate Change in the Fifth Assessment Report"*. That 5th assessment report was published just five years ago in 2014,

The release of the Rammstorf report was closely followed by another reporting a continued, and still unchecked, rise in global greenhouse gas emissions. This should certainly invoke the Precautionary Principle in regards to all coastal development proposals

## **Pollution risk**

Industrial sites in Australia have historically been the source of major pollution which, even today, see significant areas fenced off as toxic no go zones, with anglers advised not to eat fish caught in certain areas within Sydney Harbour for example. All of Australia's sea ports are now seriously contaminated through toxic industrial run-off. We do not see any reason to risk the Clarence River estuary joining that list.



Images such as those above, from the Regional Geotechnical Solutions' "Site contamination Report", Appendix M (page 4) of the rezoning proposal, hardly engender confidence in the proponent's assurances that there will be no pollution risks from the proposed development.

## **Land-use conflict**

The Harwood Marine industrial site across the river from the subject site, is a prime example of the problems caused when introducing an industrial complex into an area predominantly housing farmers or those seeking a peaceful lifestyle.

To overcome these potential conflicts, particularly over air and noise pollution, the proponent plans to create what can only be described as 'visual' pollution. These will be in the form of acoustic barriers which, we are told: *"should have a minimum mass (surface density) of 12.5kg/m<sup>2</sup> and be free of gaps and holes. Suitable materials include modular options such as ModularWalls and Wallmark, concrete, compressed fibre cement, lapped timber palings (with 40% overlap), Perspex, glass, earth mound, or any other appropriate material"*.

As well the operational area is to be sited at the south of the property, as far removed from the

closest resident to the north as possible, completely disregarding any plans by the current or future owners of the property immediately to the south.

### **In conclusion**

From whichever angle you look at it, this site is arguably **unsuitable**. Mapped as prime agricultural land, and containing acid sulphate soils; flood-prone, and adjacent to farming and residential areas. i.e. completely incompatible with its surroundings, the proposal is certain to promote conflict.

As well as air and noise pollution, there will also be the ever present risk of river pollution from spillages of any of a range of industrial pollutants commonly used in marine industry workshops, pollutants which, when spilled, will have nowhere to go but into the river, putting water quality at risk, along with the healthy fishing and expanding tourism industries.

We thank Council for the opportunity to comment.

Yours sincerely  
John Edwards



Honorary Secretary  
Clarence Environment Centre