



Your ref: DOC17/272109
Our ref: 5588749

14 June 2017

Chair
NSW Coastal Panel
c/- Office of Environment and Heritage
PO Box A290
Sydney NSW 1232

Dear Mr Thom

Development Application CP 17-005 – Coastal Protection Works, 46 Arrawarra Beach Road, Arrawarra.

Thank you for the opportunity to comment on the Development Application for Coastal Protection Works along the estuarine edge of Lot 1, DP 26126 and Lots 1/2, DP 1209371 - 46 Arrawarra Beach Road, Arrawarra. Council offers the following comments for the panel's consideration.

Coastal Engineering and Flooding

The existing seawall was constructed in accordance with development application 0224/90DA. Compliance with consent conditions No. 3 (structural certification) and No. 7 (survey demonstrating construction wholly within caravan park property) was not finalised despite approval of a building application 0889/90BA by Council.

An application, 0887/07DA - Extension and repairs to the existing seawall, was lodged with Council and refused on 30 April 2013. No evidence of the compliance of the existing wall with the original conditions of consent (0224/90DA) was provided with that application.

Council accepts the findings of the 'Arrawarra Caravan Park Coastal Protection Works – Flooding & Stormwater Assessment – Umwelt 2017' review of the '1 in 100 Year Flood Study for Arrawarra Beach Caravan Park – Umwelt 2003'. The update considers the proposed seawall, sea level rise, a range of flood events and ocean storm surge. The existing timber footbridge, licenced by the Crown, appears in poor condition, is a risk to users and requires structural certification. The flood study did not consider any impacts due to this structure.

Council notes that the Mean High Water Mark (MHW), the existing gabion wall and the proposed seawall have been shown on 'Plan Showing Proposed Seawall Location Within Lots 1 & 2 DP 1209371 Arrawarra Beach Road – Arrawarra, dated 14/2/17' prepared by Newnham Karl Weir & Partners Pty. Ltd. This plan indicates that the reconstructed seawall will be within the caravan park property. This may result in an increase in the size of the existing caravan park property and reclamation of part of the creek. The agreement of other authorities such as Crown Land and

registration of the plan of survey would be required before Council and/or an accredited private certifier could approve a Construction Certificate application for a seawall.

If the proposed location and construction of the seawall on the caravan park land is approved by the NSW Coastal Panel, then Council and/or an accredited private certifier could further assess the coastal engineering design and any related oceanic and flood impact design issues as part of a Construction Certificate application. The assessment would be based on the additional expert engineering and flood reports provided for CP 17-005.

Biodiversity

- **Geomorphic Impact Assessment on Coastal Saltmarsh EEC**

The amount of modeling to understand the impacts from the seawall, such as changes in hydrology throughout the creek and on marine and riparian vegetation, is limited. As such, it difficult to accept that it can be accurately predicted that the sea wall is *'not likely have any adverse changes to hydrology'* or *'is likely to improve the water quality by minimising erosion affects to the banks of the creek'* as stated in the Ecosure 7 Part Test for coastal saltmarsh, or that the habitat loss is *'N/A'* as stated in the Geomorphic Impact Assessment (Appendix M and 2017 update).

While it is accepted that the immediately affected area of saltmarsh is small, Estuarine Macrophyte mapping (2011) shows saltmarsh occurring throughout the creek. The indirect impacts on this Endangered Ecological Community (EEC) do not appear to have been adequately addressed or assessed, as changes to the hydrology of the creek and other coastal processes as a result of the seawall are largely unknown.

The DECC 2007 'Threatened species assessment guidelines - The assessment of significance' states that: *'If information is not available to conclusively determine that there will not be a significant impact on a threatened species, population or ecological community, or its habitat, then it should be assumed that a significant impact is likely and a species impact statement should be prepared.'* As such a Species Impact Statement should be prepared for impacts to the Coastal Saltmarsh EEC if the applicant wishes to proceed without providing further information regarding the indirect impacts to saltmarsh as a result of changes in hydrology.

- **Vegetation Management Plan (VMP)**

It is accepted that the exact number of trees to be removed, and the required offsets, can be determined once any approval is issued as long as there is enough land available to meet the required offsets.

It is noted that the concept VMP has worked out an approximate area of land available for planting. It states that the planting will achieve 1 tree or small tree/shrub plant per 4m² which is approximately 2.5 times greater than the recommended guide for species selection in Stehn C1 2015, however it is unclear what vegetation community is being proposed. This increased density can be positive (i.e discourage weeds), however it is difficult to assess whether the landform can support this number of plants. It has not been proven that there is adequate land available to meet the 'Coffs Harbour Development Control Plan 2015' offsetting requirements.

In addition, the value of what will be a largely replanted area is not of the same environmental value as existing remnant vegetation. The application has not demonstrated that the development has adequately avoided or mitigated the impacts to the natural environment with the emphasis being to offset rather than retain existing vegetation.

- Impact on land zoned E2 Environmental Conservation

The fragile nature of this coastal area requires careful management, however the proposal is seeking to build a revetment/sea wall in land Zoned E2 Environmental Conservation that would require significant disturbance to the landform and remnant native vegetation. This would degrade one of the primary purposes of the land Zoned E2 Environmental Conservation, that is to provide riparian buffer to Arrawarra Creek, part of the Solitary Islands Marine Park.

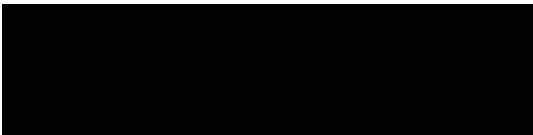
This could be somewhat mitigated by rehabilitating the land Zoned E2 Environmental Conservation, as discussed in the Vegetation Management Plan. However, while ever the land Zoned E2 Environmental Conservation remains in private ownership, it is unlikely that residents will allow trees to impede their water views and will likely gradually remove vegetation, thereby diminishing the value of the proposed riparian vegetation.

The proposal is inconsistent with the objectives of the zone, that being:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Should you require additional information as a result of this submission please do not hesitate to contact myself on 02 6648 4660.

Yours faithfully



Sharon Smith
Section Leader, Local Planning
Sustainable Places Group