

OUT18/8659

Emma Butcher
Regional Assessments
NSW Department of Planning and Environment

By email: emma.butcher@planning.nsw.gov.au

Dear Ms Butcher

**Modification – Residential Subdivision at Sandy Beach North (MP 05_0083 MOD 7)
Comment on the Environmental Assessment**

I refer to your email of 30 May 2018 to the Department of Industry with respect to the above matter. Comment has been sought from relevant branches of the Department of Primary Industries and Lands & Water. Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

The department has reviewed the information provided and provides the following comments for consideration in the assessment of the proposal.

Impacts to Solitary Islands Marine Park and Key Fish Habitat

Hearnes Lake forms part of the Solitary Islands Marine Park (SIMP) and has been zoned as Habitat Protection. DPI is responsible, under the *Marine Estate Management Act 2014*, for ensuring that the SIMP is managed according to the objects of the Act and the objects of the zone. In addition the coastal saltmarsh adjacent to the lake is considered Highly Sensitive Key Fish Habitat under the [Policy and Guidelines for Fish Habitat Conservation and Management](#) (update 2013).

The department does not consider that the application adequately addresses the potential impacts of the development on the estuarine/lake environment. Key issues to be considered include:

Damage to saltmarsh and mangroves

Damage to saltmarsh and mangroves may result from the increased demand for access to the lake as a result of the development. If the modification is approved, considerable thought should be given as to how access to the lake will be managed, for example through the use of barriers or the installation of formal access such as raised walkways.

Constraints to migration of saltmarsh

Mangroves and saltmarshes are intertidal communities of plants that grow on the foreshores of coastal lakes and estuaries. One method of protecting saltmarsh and mangroves into the future is to allow it to migrate landward in response to rising sea levels. Water levels in intermittently closed and open lakes and lagoons (ICOLs) such as Hearnes Lake can vary significantly in response to varying beach berm heights, which are predicted to become higher as a result of rising sea levels.

Water levels in Hearnes Lake were surveyed at 2 m AHD in February 2018. Documents supporting the development application indicate that the land will be filled to a finished surface level of 3.6 m AHD. The proposed footprint of the development is in some places

within 30m of the 2 m AHD water level. Filling of land adjacent to Hearn's Lake will effectively form a barrier preventing the saltmarsh and mangrove communities from migrating any further than the fill.

The Hearn's Lake Estuary Management Plan 2006 recommended a buffer between the lake and urban development at Hearn's Lake of 50 m measured from the 3.5m AHD contour. The incorporation of both a vertical and horizontal component to buffers will assist in providing the saltmarsh with resilience and the ability to migrate landward in response to rising sea levels.

The Policy and Guidelines for Fish Habitat Conservation and Management specify a foreshore buffer zone of 50-100 m from the outer edge of marine vegetation (including saltmarsh and mangroves) identified as Highly Sensitive Key Fish Habitat.

Flooding

As mentioned above, water levels in Hearn's Lake were recently surveyed at 2 m AHD.. Coffs Harbour City Council has adopted sea level rise benchmark of a 91cm increase by 2100 (above 1990 mean sea levels) and as berm heights are predicted to rise along with rising sea levels, it is reasonable to assume that lake levels 0.9m above 2m AHD could become common. Under this scenario, flooding on top of the higher lake levels presents a significant risk to the proposed development.

In addition to the risk to built assets, high water levels are likely to lead to increased and ongoing community pressure to artificially open the lake. Estuary entrance modifications have been identified in the Statewide Threat and Risk Assessment of the Marine Estate as the greatest threat to the marine environment in northern New South Wales. Responsible and sustainable development is required to avoid this outcome.

Water quality

Due to the sensitive location of the development, best-practice erosion and sediment protection and water sensitive urban design must be required in all aspects of the development. Every effort must be made to avoid or minimise water quality impacts to the lake and the marine environment.

Works on waterfront land

The [Guidelines for Controlled Activities on Waterfront Land](#) (2012) specify that a 40 m riparian corridor should be maintained adjacent to estuaries and wetlands. The proposal should clearly outline the 40 m riparian corridor. The riparian corridor should not be encroached by the development otherwise a Controlled Activity Approval may need to be acquired.

Additions to Coffs Coast Regional Park

The reserve land north and east of the development is incorrectly identified as Crown Land.

Lots 258/752853 and 7012/105592 are within the Coffs Coast Regional Park, notified 3 October 2003. The Coffs Coast Regional Park is a class of reserve established under the *National Parks & Wildlife Act 1974*. Any addition to a Regional Park is undertaken in accordance with the Act and is a matter for NPWS and Office of Environment & Heritage.

At the time of the development concept approval for MP 05_0083 in 2010, the former Land & Property Management Authority (LPMA) was not involved in management or administration of the Regional Park. It is unclear why LPMA was linked with the requirement to dedicate land for addition to the Regional Park at the time.

It is recommended that the environmental lands proposed for dedication be reserved into Coffs Coast Regional Park. The proposal should be discussed with NPWS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A King'.

Alex King

Director Cabinet and Legislation Services

21 June 2018