

MANAGEMENT AND ENHANCEMENT MEASURES FOR CROWN LAND AND SEPP 26 LITTORAL RAINFOREST # 116:

PROPOSED AS PART OF
FUTURE DEVELOPMENT ON
PART LOT 123 DP 1106943,
& LOT 5 DP 25886,
OCEAN DRIVE,
LAKE CATHIE

For

Luke and Company Pty Ltd
Port Macquarie
Pty Ltd

Prepared By:



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NOTE:

This report is presented on an objective basis to fulfil the stated legislative obligations, consideration and requirements in order to satisfy the client's instructions to undertake the appropriate studies and assessments. It is not directly intended to advocate the proponent's ambitions or interests, but is to provide information required in the determination of development consent by the decision-making authority for the subject proposal.

To the best of our knowledge, the proposal described in this assessment accurately represents the proponent's intentions when the report was completed and submitted. However, it is recognised and all users must acknowledge that conditions of approval at time of consent, post development application modification of the proposal's design, and the influence of unanticipated future events may modify the outcomes described in this document. Completion of this report has depended on information and documents such as surveys, plans, etc provided by the proponent. While checks were made to ensure such information was current at the time, this consultant did not independently verify the accuracy or completeness of these information sources.

The ecological information contained within this report has been gathered from field survey, literature review and assessment based on recognised scientific principles, techniques and recommendations, in a proper and scientific manner to ensure thoroughness and representativeness. The opinions expressed and conclusions drawn from this report are intended to be objective, based on the survey results and this consultant's knowledge, supported with justification from collated scientific information, references/citations or specialist advice.

Furthermore, it is clarified that all information and conclusions presented in this report apply to the subject land at the time of the assessment, and the subject proposal *only*.

This report recognises the fact, and intended users must acknowledge also, that all ecological assessments are subject to limitations such as:

- Information deficits (eg lack of scientific research into some species and availability of information)
- Influences on fauna detectability eg season in which survey is undertaken
- Influences on species occurrence eg stage of lifecycle, migratory, etc
- Time, resource and financial constraints.

All users should take into account the above information when making decisions on the basis of the findings and conclusions of this report.

For and on behalf of Darkheart Eco-Consultancy,



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TABLE OF CONTENTS

1.0 BACKGROUND INFORMATION	4
2.0 IMPACT/THREAT ASSESSMENT	4
3.0 THREAT/IMPACT MITIGATION MEASURES	12
4.0 REFERENCES	26

TABLES AND FIGURES

Figure 1: Location of SEPP 26 #116 relative to site	5
Figure 2: Current vegetation mapping of the area.....	6
Figure 3: Location of proposed vegetation screen and edge treatments.....	16
Photo 1: Area to be revegetated with rainforest and edge species	12
Photo 2: Example of current western edge of rainforest adjacent to site	13
Photo 3: Example of weeds colonising a canopy gap in the rainforest	19
Photo 4: Bitou bush on foredune	19
Photo 5: Bitou bush dominating gaps in the dune vegetation complex.....	20
Photo 6: Dense Lantana patch at southwest corner of beach access.	20
Photo 7: Littoral rainforest regeneration hampered by lack of screening vegetation by Bitou	21
Photo 8: Weeds along current beach access.....	22
Photo 9: View south along southern edge.....	23
Photo 10: Example of current western edge of southern dune vegetation.....	23
Photo 11: Erosion at eastern end of beach access	25
Table 1: Indirect threats/impacts associated with the proposal.....	7
Table 2: Species recorded in SEPP 26 #116 and suitable for vegetated screen planting.....	14

1.0 BACKGROUND INFORMATION

This firm has previously prepared an ecological survey, impact assessment and EPBCA – *Matters of National Environmental Significance* assessment of the land identified as Part Lot 123 DP 1106943 and Lot 5 DP 25886, Ocean Drive, Lake Cathie (Darkheart 2009). This assessment forms part of an Environmental Assessment for two applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Dept of Planning (DoP), NSW, as follows:

MP 06_0085	Rainbow Beach Concept Plan
MP 07_0001	Open Space Corridor and Constructed Wetland, Rainbow Beach

In consideration of the current masterplan for the subject land, the Department of Planning (DoP) has requested the provision of ameliorative measures and development controls on site in relation to the adjacent dunal vegetation and SEPP 26 Littoral Rainforest to the northeast of the subject property.

SEPP 26 *Littoral Rainforest* #116 (which is currently zoned Environmental Protection 7(f1) – *Coastal* under the Hastings Local Environmental Plan 2001) lies on Crown land adjacent to the northeast corner of the property (see figures 1 and 2). This high conservation value vegetation forms part of a remnant strip of dune succession vegetation (see figure 2), narrowed down to a ribbon of varying width by historical clearing for pasture to the west, particularly over the last 30yrs (ERM 1996).

SEPP 26 does not legally apply to the site as it zoned residential, which is exempt under Clause 4. The subject land was zoned under LEP No. 21 in 1984 or LEP No. 23 in 1983, and therefore was zoned residential before SEPP 26 was gazetted (Michelle Hollis, Luke and Co. Pty Ltd, pers. comm.).

Littoral rainforest is also listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*, and the *Environment Protection and Biodiversity Conservation Act 1999*. SEPP 26 #116 extends about 110m south adjacent to the northeast boundary of the site, degrading to a stalled dune succession (assumedly due to historical sand mining) south of the existing beach access (see figures 1 and 2).

The masterplan for the proponent's property proposes future tourist development east of Duchess Gully instead of residential landuse as proposed on adjoining land to the north (King and Campbell 2007). The extent of potential development on the proponent's property east of Duchess Gully is however significantly limited by setbacks/buffers to the west, south and east for bushfire, watercourse protection, and an odour buffer for the sewage treatment plant. Hence any future development is expected to be relatively localised and low key eg maximum 3 storey limit with a café or similar, and a carpark for beach visitors. A cycleway/pedestrian path interlinking south to Bonny Hills under an existing cleared overhead powerline easement is also proposed to run along the eastern boundary, with a single beach access formalised out of the existing unmanaged access adjacent to the site.

2.0 IMPACT/THREAT ASSESSMENT

2.1 IMPACT/THREAT ASSESSMENT AND IDENTIFICATION

The following table assesses the recognised current and future (ie from development in the area between Lake Cathie and Bonny Hills as anticipated by the UIA 14 Masterplan) threats/impacts from literature review and site inspection to littoral rainforest and the dune vegetation: