

# Concreting the Coast

DEVELOPMENT AND LAND CLEARING  
PRESSURES ON THE NSW COAST



TOTAL ENVIRONMENT CENTRE

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## ACKNOWLEDGEMENTS

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Total Environment Centre would like to thank the following groups for their information and advice. They represent thousands of residents along the NSW Coast concerned over the rapid clearing and development changes that have occurred over the past few years. In addition hundreds of other individual residents and groups of residents from areas where no official groups have been formed have also expressed concern and provided feedback.

- Tweed Valley Wildlife Carers
- Tweed Heads Environment Group
- Tweed Coast Community Coalition
- Tweed Monitor
- Tweed Pony Club
- Gold Coast and Hinterland Environment Council
- Caldera Environment Centre
- Pottsville Community Association
- Fingal Head Community Association
- Kingscliff Ratepayers and Residents Association
- Cabarita Residents Association
- Cudgen Progress Association
- Friends of Cudgen Lake
- Tweed District Wildlife Rescue
- Round Mountain Residents
- Friends of Cudgen Nature Reserve
- Cudgera Creek Residents Interest Group
- Surfrider Foundation
- Conservation of North Ocean Shores
- Protection of the Environment and Residential Amenity
- South Golden Beach Progress Association
- Byron Environment Centre
- Cavanbah Dune Care Group
- Cavanbah Action Group
- Byron Environment and Conservation Organisation
- Broken Head Protection Committee
- Big Scrub Environment Centre
- Brunswick River Protection Society
- North Coast Environment Council
- Ballina Environment Society
- Lennox Head Surfrider
- Lennox Head Residents Association
- Water Access to Encourage Recreation
- Angel Beach Dune Care and Reafforestation Group
- Emerald Creek Environment Protection Association
- Oyster Growers of NSW
- Evans Head and District Water Committee

- Broadwater Action Group
- Association of Iluka Residents
- Valley Watch
- Yamba-Angourie-Wooloweyah Community Association
- Ashley Heights Valley Watch
- Clarence Valley Conservation Coalition
- Clarence Environment Centre
- Red Rock Preservation Association
- Red Rock Reserve Trust
- Ulitarra Society
- Coffs Harbour Action Group
- Sawtell Bushcare
- Bellingen Environment Centre
- National Parks Association - Three Valleys Branch
- Scotts Head Protection Group
- Nambucca Valley Conservation Association
- Valla Coastal Protection Group
- South West Rocks Ratepayers and Citizens Association
- South West Rocks Citizens Development Committee
- Crescent Head ratepayers and Residents Association
- Port Macquarie Conservation Society
- Settlement Point Progress Association
- Camden Haven Protection Society
- North Shore Progress Association [Port Macquarie]
- Lighthouse Beach Progress Association
- Combined Pensioners and Superannuants Association [Port Macquarie]
- Lake Cathie Progress Association
- Hastings Environmental Coalition
- Bonnie Hills Progress Association
- Lake Cathie Fish Kill Committee
- Fauna NSW Inc
- Old Bar Advisory and Liaison Committee
- Hallidays Point Residents Association
- Hallidays Point Tidy Towns
- Gloucester Environment Group
- Redhead Residents Action Group
- Great Lakes Environment Association
- Pacific Palms Community Association
- Seal Rocks Protection Society
- The Myall Koala and Environmental Support Group
- North Arm Cove Environment Group
- Friends of Fame Cove
- EcoNetwork Port Stephens Inc
- Portwatch Port Stephens
- Newcastle Hill residents Group
- Coalition of Newcastle Residents
- Newcastle Parks and Playground Movement

- Dudley Progress Association
- The Wetlands Centre
- United Residents Group for the Environment
- Lake Macquarie Coastal and Wetlands Alliance
- WATCH - Committee for Enviro Care .
- Terrigal Area Residents Association
- Central Coast Community Environment Network
- Illawarra Escarpment Coalition
- Thirroul Escarpment and Environment Protection Group
- Thirroul Action Group
- Sandon Point Neighbourhood Committee.
- Tramway Wetlands Planning Committee
- Northern Illawarra Residents Action Group
- Surfriders Wollongong
- Stanwell Tops Residents Awareness Association
- Hillside Action Group [Albion Park]
- Wongawilli Village Progress Association
- Gerroa Environmental Protection Society
- ACF Nowra
- Who is Saving Huskisson [WISH]
- Jervis Bay Regional Alliance
- Vincentia Residents and Ratepayers
- Lake Wollumboola Protection Association
- Bay and Basin Community Resources
- Callala Residents Action Group
- Callala Bay Progress Association
- Erowal Bay Progress Association
- Hyams Beach Villagers Association
- Jervis Bay Protection Committee
- Wollamia Residents Group
- Swanhaven Progress Association
- Bendalong and District Environmental Association
- Lake Conjola Care group
- Residents Against Destruction in Ocean St
- Friends of Durras
- Coastwatchers Association
- Tuross Lakes Preservation Group
- Long Beach Improvement Group
- Bingie Residents Group
- Bingie Landcare
- Narooma/Tilba Residents Action Group
- Bega Environment Network
- Bega Shire Heritage Association
- Tathra River Awareness Group
- Wallaga Lake Landcare

We greatly appreciate the financial support of The Sydney Myer Foundation and Mullum Foundation.

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July 2003



**TOTAL ENVIRONMENT CENTRE**



**THE MYER  
FOUNDATION**

# Concreting the Coast

**CLEARING AND DEVELOPMENT  
PRESSURES ON THE NSW COAST**



**TOTAL ENVIRONMENT CENTRE**

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# INTRODUCTION

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In the past three years on the NSW Coast there has been a rush by speculative landowners and developers - aided by local councils - to rezone, develop and generally reap the rewards of spiralling coastal land prices. The planning and development decisions enabling this trend are being made in isolation from each other within and outside local government boundaries so the cumulative impacts of a multitude of different coastal land areas being cleared and developed over such a short time are rarely considered on a whole of council area basis, let alone on broader catchment, regional or State grounds.

As more and more land is bulldozed and covered in concrete, the coast is fast losing its coastal dune complexes, heathlands, forests and wetlands - some of the most species-rich habitat in NSW. The result has been loss of wildlife, degraded water quality, changed flow and increased flooding danger, erosion of soil, beaches and dunes, overstretched infrastructure such as sewerage and waste, loss of fish breeding grounds and tourist attractions, and loss of residential amenity as coastal villages blend into each other through sprawling kit-home estates.

The Total Environment Centre has campaigned against inappropriate coastal development over many years and gathered a vast amount of information that summarises the problems occurring. Late last year TEC toured the coast to inspect sites of actual or proposed problematic developments and land clearing and to gather community feedback on the planning and development problems experienced by local communities.

More than 450 inappropriate or controversial development and land clearing activities have been surveyed through various means and 130 community groups consulted, to produce this report.

## WHAT NEEDS TO BE DONE

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There are several key areas in coastal planning and development where reform is needed if there is to be any serious change in the current trend of destructive coastal development and associated activity. The following are the key changes that TEC believes should be made. More detail on each is given under Solutions on page 26.

- Coastal planning implemented on catchment/regional level
- Planning and development decisions based on a State-wide mandatory coastal planning "blueprint" that puts environmental constraints first.
- Local council reform
- Urgent completion of the NSW Government's Comprehensive Coastal Assessment
- Strengthening of State Environment Planning Policy 71 - (SEPP 71) - Coastal Protection
- Protection of all coastal native vegetation
- Protection of coastal waters - immediate adoption of NSW Healthy Rivers Commission recommendations
- Public land retention and expansion
- Mandatory adoption of Coastal Design Guidelines for NSW

# PROBLEMATIC DEVELOPMENT AND LAND CLEARING ACTIVITY, APPROVALS AND PROPOSALS IN COASTAL NSW

The following lists, from north to south, known (to TEC) problematic\* development and land clearing proposals, approvals and activity occurring over the past two years outside Sydney. It does not include the many smaller and uncontroversial developments or those already completed. The sites represent those notified to TEC and/or inspected during a coastal tour during November 2002 - January 2003.

## TWEED SHIRE COUNCIL

Almost all the coastal zone was earmarked for development in the Tweed Council Strategic Plan 2000. Most has been approved for rezoning and/or development since a pro-developer majority took power at the last council elections.

### Tugun Bypass

- *Proposed part approved* - new highway through wetland, bushland, and other greenfield sites - running on the other side of urban development but parallel to the Gold Coast Highway.

### Tweed Heads

- *Approved* - extension of Gold Coast Airport runway and associated development up to border of and intruding into Tweed Heads. Land includes SEPP 14 wetlands and is mostly zoned environmental protection.
- *Proposed* - Industrial land study to establish industrial estate around airport extension affecting SEPP 14 wetlands, etc as above.
- *Proposed* - 240 lot residential subdivision. Fraser Drive, Tweed Heads South [SEPP 71 May 2003].

### Tweed CBD

- *Proposed* - 12 storey hotel. [Dolphin Hotels] [one of several high rise in the pipeline].

### Cobaki

- *Approved, being cleared and built* - Cobaki Lakes - "satellite city" to the Gold Coast. Roadworks in for 4,700 lots [12,000 people]. Ongoing staged development and proposals to amend LEP to rezone for more - much of land is vegetated.
- *Approved [May 2003]* - rezoning 6B land to 2C [residential] within Cobaki Lakes. Edge of flood plain that was designated as open space.
- Extensive clearing of native vegetation has occurred in this area.

### Terranora

- *Proposed* - massive residential resort, the Sheraton Grande St Michaels - golf course, 148 presidential suites with individual plunge pools, grand pianos etc, further 144 private houses.
- *Proposed* - "Area E" [about 100ha] in Terranora earmarked for rezoning to residential.
- Clearing - and soil stripping at McAulleys Rd, Terranora.
- *Proposed* - expansion of quarry to 80 acres close to river and wetland.

### Bilambil Heights

- *Proposed* - Extension of existing development for another 8000 people in strategy plan.
- *Approved but awaiting concurrence* - new road through SEPP 14 wetlands [Piggabeen Road deviation].



Casuarina Beach front development, Tweed Shire

\* Problematic from the perspective of TEC - [inappropriate locations, size, style, clearing etc]

## Fingal

- *Clearing* - Extensive and ongoing for a number of developments.
- *Proposed* - sealing of road along Letitia Spit, Fingal Head to allow for increased development. [Tweed Council].
- *Proposed* - golf course, tourist facilities, marina and more than 500 houses between ocean and Fingal River on former crown land [Land Claim] zoned environmental.
- *Being negotiated* - 10ha fish farm in clean waters of Fingal Bay.

## Chinderah

- *Approved* - Chinderah Bay Marina on the Tweed River.
- *Proposed* - extension of Chinderah Marina to 257 berth with car park and fuel depot.



Burnt and cleared coastal reserve vegetation fronting breach front development, Tweed Council

## Tweed River - Dodds Island

- *Proposed* - marina with commercial component [golf park, shops, bowling green etc] and 100 lot residential development. The land includes crown land and mangroves with wetland and agricultural protection zoning, [land owners recently sold the land].
- *Dredging [ongoing] of Tweed River entrance* - to keep open for boating to marinas etc and provide infill for number of developments.

## West Kingscliff

- *Proposed and clearing* - commercial, industrial and residential estate on 211 ha of the floodplain of the Tweed River. DA for shopping centre [part in the Land and Environment Court].

## Kingscliff

- *Proposed* - two DAs for separate lots of multi unit housing for tourist accommodation - Lorna Street, [with PlanningNSW - SEPP 71 May 2003].
- *Proposed* - commercial development of 25ha of Crown [tourism] land - Lot 490. Tweed Council has called for expressions of interest
- *Proposed* - new waste water treatment plant to service future developments.

## South Kingscliff - Salt

- *Approved* - 75ha site along 1.2km of beachfront - 330 apartment hotel with swimming pools, tennis courts, underground car park and function centre, 216 absolute beachfront houses, town centre, retail precinct, pub, restaurants, and car parking for 300 cars. Close to Cudgen Creek as well as beachfront. Raising part of site for views with 750,000 cubic metres of fill being pumped from the Tweed River.
- *Cleared and burned* - Crown Land reserve strip of vegetation along beach.

## Seaside City [between Casuarina and Salt]

- *Proposed* - rezoning from tourism to residential 2e or 2c [urban expansion]. On hold during inquiry into appointment of consultants to LES study. Material now back from inquiry.

## Casuarina Beach Development "New Township"

- *Approved, cleared and being built* - 137 beach front houses, 17 houses on sand dunes, 462 other beach blocks behind, 1,997 units, three three storey motel/resorts, shopping complex with 12 shops. Development goes into 7F coastal zone. Loggerhead and Green Turtles, use the beach. Clearing and poisoning of Crown Reserve vegetation has occurred.
- *Proposed* - master plans in for two further parts of Casuarina - 100s of lots.

## Kings Forest

- *Proposed* - new town on 600ha land for residential/resort development. Abuts Cudgen Nature Reserve and Cudgen Lake First stage - 525 lots for 1800 population and tourist resort. Further stages for 12 - 18,000 population. 3800 lots in total.

## Cudgen Nature Reserve

- *Proposed* - Clothiers Creek road upgrade through the Cudgen Nature Reserve. Koala habitat. [Tweed Shire Council proposal].

## Tanglewood

- *Proposed* - rezoning amendment for more intense residential development.

## Cabarita

- *Proposed* - tourist park on 8ha Crown land reserve managed by Council - ocean front.
- *Approved* - primary school - on 3ha site covered in rare pristine Wallum Banksia coastal heath. Zoned for this purpose since 1987 but alternative already cleared sites that could be used.

## Hastings

- *Clearing* ongoing on 25ha site. Intertidal land.

## Hastings Point

- Land bordered by three environmental protection zones - wetland, habitat and escarpment - for sale for development.

## Koala Beach

- *Approved* - ongoing staged subdivision - 500 lots. Clearing and development of old growth Koala habitat forests. 1km from beach. Proposed stages 5 and 6 for 230 lots went to PlanningNSW [May 2003].

## Pottsville

- *Approved and being built* - Sea Breeze Estate - 600lots on 97ha.
- *Approved, cleared, being built* - Black Rocks Estate.

## BYRON BAY COUNCIL

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### North Ocean Shores

- Continued clearing, draining, grazing, destruction of wildlife corridor. Interim Protection Order over land. Coastal lowland rainforest on site.
- *Approved, cleared and being built* - North Ocean Shores Estate - 140 lot subdivision - backs onto Billinudgel Nature Reserve - loss of hillside of native forest.
- *Kallaroo Bund artificial watercourse* - Pipes draining water from SEPP 14 wetland nature reserve.
- *Approved [1980s] but cleared and being built now* - "Sealark Cove" subdivision around above fake watercourse.

### North Ocean Shores - South Golden Beach

- *Approved still being developed* - Fern Beach Estate - 82 lots. Problem with coastal rainforest reserve of 500m to beach being cleared.

### Ocean Shores

- *Proposed* - sportsfield on isolated flood prone land identified for inclusion to surrounding nature reserve. Are alternative more suitable sites.

### Byron Bay

- *Approved and being built* - rezoning and DA for Sound Studios. Originally application for 40-80 students accommodation - is now 400 and includes an entertainment area.
- Area 1 land abutting Ewingsdale Road and the epicentre - wetland melaluca forest - tourist resort being discussed.
- *Proposed* - Area 2 - Belongil Fields rezoning subdivision application - on old caravan park land knocked back by Council.
- *Proposed and being cleared* - old Club Med site - 63ha - subdivision for tourist or residential houses. Land zoned for environment protection and tourism DA for 37 unit resort and have claimed right to develop up to 800 lots.
- *Belongil Beach* - Severe ongoing erosion problems exacerbated by rock walls of building junk, car bodies and rocks in front of beach front properties. Worst erosion on the road bend of the spit.
- *Proposed* - Cavangbah St - 15 townhouses and one large residence. Knocked back in L and E Court - due to on site sewage in dune area.
- *Town Centre* - and along the northern entrance [Shirley St] old style weatherboards becoming multi-unit, higher storey developments.

- *Approved* - first stage - Back of Great Northern Hotel - 60 apartments, 24 shops with 3 storey underground car park on sand aquifer in Byron Bay town [Section 96 put in for a 4 storey level car park]. In Land and Environment Court.
- *Proposed* - Patterson Hill - mega house on a listed endangered ecological community - dwarf heathland. Highly visible and only development on this stretch of hillside and valley. Borders the Arakal National Park and Sibun Margil Wetlands. [Knocked back in court now developer wants to sell land].
- *Wategos Road* leading up to the Lighthouse. Huge redevelopments over past 12 months overlooking beach.

### Suffolk Park

- *Approved, cleared and being built* - Forest Glades Estate - 50 lots adjacent to SEPP 14 wetlands and cleared into wetlands for buffer zone. On site sewage.
- *Approved [by Land and Environment Court]* - Everglades - 95 unit subdivision under community title with on site STP on wetland behind Tallum Creek .

### Broken Head

- *Proposed* - Natural Lane - eco-village [stalled after clearing began].
- *Proposed* - 600ha site running down road to Seven Mile Beach and opposite Nature Reserve. Approval of road works for subdivision of the site under Community Title.
- *Approved [by Land and Environment Court]* and being built along so far undeveloped part of Seven Mile Beach - 44 lot luxury beachside housing - Zoning had allowed education facility. DA first put in for student accommodation. Once approved houses advertised for sale for \$2 million each. Clearing of coastal dune vegetation. Huge houses, on top of ridge and beachfront .

## BALLINA SHIRE COUNCIL

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### Lennox Head - North Creek

- *Approved, clearing and under construction* - Pacific Pines - 100s of lots. SEPP 14 wetland and backing on to Ballina Nature Reserve and North Creek. Changes made to development plans after approval re pollution pond location so now all houses drain into the wetland and North Creek . A lot of infill used to allow development on wetland/flood zone.
- *Approved and under construction* - Lennox Meadows - 100s of houses and proposed road to join Pacific Pines, Lennox Meadows and other estates together. DA was adjusted to allow fill to develop wetland areas.
- *Proposed and recommended* by Council rezoning of many other land areas in North Creek from rural to residential despite being counter to REP and Strategic Plan.
- *Proposed* - land rezoning - two large areas along east side of the Coast Road and north of Pacific Pines. Meant to be no approval for rezoning for at least 10 years along the east side of the Coast Road [currently largely undeveloped]. [Most landholders there want rezoning for residential and/or commercial development].



### Seven Mile Beach

- *Approved and built* - buildings close to beach and a Council built walkway directly on the sand.
- *Approved* - headland development - Iron Peg. Replacement of small existing building with one large structure more the size of multiple units [as per a previous DA for the land], with swimming pool, on site sewage. Needs easement for access and stormwater through the Crown land which surrounds it.
- *Proposed* - Sewerage strategy to augment sewage outflow to cope with massive increase in residential subdivision. Was proposal to increase ocean outfall but looking at other alternatives.
- *Proposed* - 50 lot subdivision on steep land draining into Boulder Beach - Survey St. [Defeated in Land and Environment Court but may come back again].
- *Proposed* - 5m bike path from Lennox Head to Ballina through SEPP 26 littoral rainforest and dune area along coast. Vegetation already being reduced, poisoned and cut for ocean views.

### Between Lennox Head and Ballina

- *Approved, cleared and under construction* - for commercial tourist development with strata title apartments on Southern Cross site on coastal heathland.

### North Angels Beach - Angels Beach Drive

- *Proposed* - subdivision to more than 80 blocks of beach front council [public] owned land sold to private developers.

### Ballina

- *Proposed* - 39 or more mobile homes next to heritage building on crown land. Waterfront - Caravan Park - Shaws Bay.
- *Proposed* - commercial shopping centre on site of the Tinkerbell Caravan Park.

Development on Seven Mile Beach, Lennox Head, Ballina Council



- *Proposed* - plans and development of high rise villas along Ballina river foreshore which so far include:
  - Six storey Pelican Moorings
  - Five storey "Riverside" development.
- *Approved* - Ramada Inn Residential apartment hotel 60m tall and 60m wide. Now has strata title included so could eventually be just private apartments. Called in by Planning Minister May 2003.

### West Ballina

- *Approved* - Ballina Quays - rezoning of marina from tourism to residential to allow subdivision into 14 lots for multi-waterfront town houses with marina access.
- *Approved* - River Oaks estate - extension to North Creek Canal estate. About 300 - 400 lots [some dual/medium density] in mangrove and river oak wetland area. Conservation area marked on the DA is just weeds under a highway.
- *Proposed* - Ballina Waters - up to 400 houses in staged development on flood plains. Residential options have come back and developer still trying to get approval despite earlier rejection by Planning Minister following call in.
- *Approved and being built* - Ballina Heights [Cumbelum]. Eventually 5000 lots Stage 1 sold and started. Clearing of forest for more - backs onto Ballina Nature Reserve .
- *Approved and under construction* - two bypasses inner and outer. Bridge piles for outer bypass sunk into ground within a year so looking for funding to fix. Inner bypass cuts through a school that has only just been built .

## RICHMOND VALLEY COUNCIL

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### Broadwater

- *Approved* - extension of existing sugar mill in heart of Broadwater to become a 24hr a day co-generation plant. Stockpile of biomass [sugarcane waste, woodchip, green waste etc] on 8.8 ha surrounded by Broadwater National Park [BNP]. Being appealed in Land and Environment Court.
- *Clearing* - extensive clearing of native forest around Broadwater National Park on private rural zoned land. Northern extreme of park has seen systematic clearing of 2ha per year on land next to the National Park. Also occurring on other side of road and other nearby land holdings that are all rural zoned but potential for urban.
- *Cleared* - cleared land between Evans Head and Woodburn, near Woodburn on south side of river - large area - late 2002.

### Evans Head

- *Proposed* - Extension to Evans Head STP - is overloaded and leaking - as noted in Evans Head Village Strategy 2000 so could not cope with future growth but Council continues to approve development expansion. Is only secondary treatment which goes straight into a wetland via toxic tip then a creek into BNP and Salty Lake, contributing to lagoon's bad health.
- *Proposed* - youth camp extension on leased crown land. DA in for 53 parking lots, two swimming pools - and new buildings around the perimeter. Buildings back onto sand dune and beach.
- *Clearing* - Airforce Beach Reserve dune vegetation. Houses opposite being redeveloped.

- *Proposed* - 100 bed retirement village. Requires - fill in of wetland to build. Next to Crown reserve that's being added to Broadwater National Park.
- *Cleared* - 2 years ago - 40ha of SEPP 14 wetland next to the Evans Head Memorial Aerodrome. About 20ha has been sold to local developer.
- *Proposed* - on heritage listed land at Evans Head Memorial Aerodrome. Airpark development - with houses with big hanger-style garages for airplanes.
- *Approved and being built* - Aerodrome subdivision - have already built a high school for 1000 students on wetlands. Houses underway. All areas drain into wetland and waterways containing endangered Pygmy Perch.
- *Proposed* - Iron Gates Estate - future of canal [part developed when original canal estate illegally began] is still uncertain but Council voted to publicly lobby State Government to remove legal impediments so it can be developed again! Earmarked for subdivision in Evans Head Strategy Plan.
- *Approved* - Old Evans Head School site - 25 three-storey units. Requires filling of wetland. Changes to zoning allowed height increase to accommodate units.
- *Clearing* - of native vegetation on Beach Head.

## MACLEAN COUNCIL

### Illuka

- *Clearing and Poisoning mangroves* - Clarence Estuary - Illuka Bay - she oaks mown, rocks put in.
- *Approved and under construction* - 12 units restaurant, and marina where was wharf and marina before on public land lease.
- *Approved being cleared* - 35 lots - partly on wetlands. Extension to existing Sovereign St residential subdivision.
- *Proposed* - STP that will allow increased development in Illuka. Outfall proposed for end of mouth of the river over reef.

### Woombah

- *Extensive clearing* - of forest on both sides of Illuka Road - for subdivision right along it. Prime koala habitat.
- *Proposed* - 9 lot residential subdivision, Emu Drive Woombah.
- *Approved and being developed* - Woombah Woods caravan park.

### Goodward Island - Clarence River estuary

- *Approved but approval now lapsed*. Tourist development with on site sewage on acid sulfate soils prone to flooding - about 50 cabin buildings.

### Palmers Island

- *Proposed* - increase in size of existing caravan park from very small to 233 caravan/tent sites and cabins. Additional communal and recreational facilities, administration office/manager's residence and installation of an STP with on site sewage disposal.

### West Yamba

- *Proposed and approved* - rural residential subdivision -- spreading along Yamba Road - and further rezonings from rural to residential being sort
- *Approved, being cleared and built* - Carrs Drive - 100s of

houses in staged subdivision - Matthew Flinders Estate. Now in Stage 3 - adjacent to SEPP 14.

- *Oyster Channel* - end of Carrs Drive. Former vegetated Crown Land was zoned 7a - Aboriginal Lands Council claimed - and has been rezoned to 11 [investigation zone].
- *Approved* - dredging of the Clarence to use 70,000 cubic metres as infill for a residential estate - [about 50 lots] on Melaluca wetland in Freeburn Rd. Was approved as extension to industrial area - but got changed to housing once approval went through.
- *Approved* - north of Yamba road - infill of large area adjacent to Wattle Park - 90,000 cubic metres to fill for residential estate - 100s of houses.
- *Proposed* - Crown land between Angourie and Yurigir National Park - now zoned 11 investigation for rezoning for development.
- *Approved and built* - Angourie Rainforest Resort - tourist development that borders the rainforest.
- Along eastern side of Angourie Rd behind sand hills - Aboriginal Land Council claim of former Crown Land sold on to developer on 99 year lease. Not zoned for development.
- *Approved and under construction* - canal estate - [100s of houses] West Yamba Quays - filled wetlands - approved 25 years ago - before canal estates were banned but still being extended. Acid sulphate soil problems.
- *Clearing and poisoning* of mangroves for views along Reedy Creek and part of Clarence Estuary Nature Reserve.

### Yamba

- Beach caravan park now has proliferation of cabins along beach front [Maclean Council].
- *Approved and built* - hillside development above Convent Beach in landslip area. A DA lodged for only one dwelling ended up being units.



Canal estate, West Yamba, Maclean Council

Rocks dumped to counter beach erosion  
 ,Brooms Head, Maclean Council



- *Blue Dolphin Caravan Park* - permanent buildings spread along foreshore.
- *Waterfront area* - units have gone up in last 3 years - rock walls built - but not permanent as - floods affects the walls opening up to erosion and expensive repairs.

#### Micalo Island

- *Proposed* - Prawn farm - 175 ha with 95 1ha prawn farm ponds with drainage pipes going directly into Joss channel which is very sensitive, shallow, drains badly and has sea grass beds. Micalo Island has salt marsh, wetland, casuarina. Reapplied with DA going to PlanningNSW June 2003 [under SEPP 71].
- *Approved and built* - Oyster Cove development. Was approved on basis of DA offering a community sports field but demolished now want to turn it into a bowling green exclusively for the residents.
- *Blue Pool* - has reached saturation point due to vegetation removal and drainage from Angourie.

#### Brooms Head

Entire village is on septic which is left in the ground to seep away and goes out to sea. The grey water is piped to a hole in the ground on Crown Land on top of the hill which constantly stinks and is now very weedy. Main problem is the trend towards houses becoming bigger and increased development of units hence impact on the sewage.

- *Lake Cakora* - intermittent opening and closing lake [ICOLL] - opened about twice a year - has badly eroded banks. Houses

towards edge all on septic systems and have eroding away front yards - rock walls put in.

- *Clearing of vegetation* along Brooms Head Beach. Rock walls put in to stop erosion.
- *Extensive clearing* along road between Brooms Head and the Maclean turn off.

### PRISTINE WATERS COUNCIL

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#### Red Rock

- *Proposed* - Surf Club on dunes at Red Rock Beach.

#### Corindi

- *Approved and being cleared* - up to 250 lots - new subdivision tracks bulldozed through coastal forest, heath and going on to coastal wetland.
- *Cleared a road* through Crown Land parallel to Corindi Beach.
- *Proposed* - Mobile home park alongside the 250 lot development in wetland behind existing caravan park.
- *Dune vegetation clearing* - McDougall and Ocean Streets - behind Corindi Beach - intrusion into Crown reserve land with lawns, private tracks etc.

### COFFS HARBOUR COUNCIL

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#### Arrawarra to Sapphire Beach

- *Approved* - Coffs Harbour Sewerage Strategy - allows for doubling of population from Arrawarra down to Sapphire Beach opening up contained areas to sprawl. Implementation will be part funded by developers in return.

#### Korora

- *Proposed* - 87 lot subdivision. Opal Cove - with PlanningNSW - SEPP 71 [June 2003]

#### Coffs Harbour

- *Creekside land* - Kingfisher Park - Crown Land under Lands Council claim. Was going to be reserved as park. Already zoned 2[a].

#### Sawtell

- *Approved and under construction* - Subdivisions [about 200 lots] behind rainforest at Sawtell - clearing of vegetation into the rainforest. Further subdivisions likely on other private land here. Chance that SEPP 26 might be declared to help protect the rainforest - but has been on hold for years.

### BELLINGEN COUNCIL

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#### Urunga

- *Approved and under construction* - Bellinger Keys, a 400 lot subdivision expansion - into wetland, on flood plain and backing on to the Kalang River and around Newry Island. Close to the Urunga Estuary.

## South Urunga

- *Proposed* - 330 lot subdivision with church and college. Drains through Urunga Creek into Urunga Lagoon which is on the edge of entering a eutrophic spiral. Forested and grazing land.

## NAMBUCCA SHIRE COUNCIL

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Large areas of land earmarked for rezoning for residential development along Nambucca Council coastline sprawling from north to south - in the Nambucca Rural and Residential Land Release Strategic Plan drawn up in 1993. Has so far been followed absolutely by council.

### Oyster Creek

- *Approved* - 45, 1ha lots on forested land around an open-closing coastal lagoon (ICOL), virtual beach front, koala habitat and isolated. Precedent for further new subdivisions as starts development in a new coastal area.

### Valla Beach

- *Clearing of trees etc* - leaving, bad erosion of beach around Deep Creek ICOL - council dumped fill and noxious grass to try and stop erosion.
- *Approved* - Ocean Shores Estate - strategic land release behind Valla Beach Village with private access to the beach. Further stages front the beach.

### Valla - Deep Creek

- *Being built* - Caravan park resort expansion with recently developed areas for residential development including one lot backing on to Deep Creek. Private bridge put in for access to Deep Creek and beach. Backs on to wetlands.
- *Clearing* - for residential development next to SEPP 14. Existing sewage disposal problems from recent nearby tourist and residential growth. Regular opening of ICOL to deal with it.
- *Approved* - 11 lot rural residential subdivision beside Deep Creek.

### Deep Creek to Hyland Park

- All land between State Forest road and Deep Creek was protected by DLWC but Council rezoned. Land clearing and now big subdivision - Foreshore protected land suffers ongoing clearing with houses on the waterfront.

### Nambucca Heads

- *Clearing and house built* - at Blue Lizard sacred site on Nambucca riverfront. More houses discussed.
- *Filling in* - of Beer Creek and piping of water for a 20 lot estate, West St. Nambucca.

### Scotts Head

- *Proposed* - residential development - 53 lots on Lot 191 - down steep vegetated hill to flood plain opposite Warrell Creek.
- *Approved* - tourist resort development - 35 cabins, swimming pool, café, cultural activities area, interpretive centre, just behind

dunes in a "coastal hazard area", on wetland abutting Warrell Creek State Forest.

- *Approved* - tavern - at top of hill going into Scotts Head. Owner has sold on so future development of site uncertain.
- *Approved* - headland development - 9 lots - next to coastal protection tracks and containing endangered community. Dominates headland and vegetation now totally cleared. Large buildings, swimming pool.
- *Approved* - 130 lot residential subdivision - land cleared behind paperbarks - on road towards school on Rally St.
- *Cleared* - Land at entrance to Scotts Head.

### Grassy Head to Scotts Head

- *Clearing* - rural residential extensive clearing - on old rifle range - along Grassy Head Rd all along to Scotts Head.
- *Proposed* - road [mapped but doesn't yet exist] on Crown Land along ridge above coast, 20m back from edge. Subdivision recently approved at start of road, and now push to put in road for further subdivision.

## KEMPSEY SHIRE COUNCIL

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### South West Rocks

- *Approved* rezoning from 7D [scenic protection] to residential - above hill overlooking wetland and riverfront.
- *Approved* large tavern on shores of Macleay estuary. Council cleared the river front vegetation for the owner. [Nov 2002].
- *Proposed* - further 30 to 35 cabins alongside the tavern - land cleared [on hold].
- *Proposed and approved* - two residences along the river front. Run off into Macleay wetlands. Further 7D land potentially turned to residential.
- *Discussion/Investigation phase* - Crown Land - forested - along Gilbert Cory St. All zoned investigation. DLWC discussed possibilities of putting schools in, old peoples residences etc. Large wetland in the centre. Bushfire went through land in September. Land also under Aboriginal Lands Council Claim.
- *Proposed [1995 strategic plan]* - new road section through crown land and wetland joining the Old Bell O'Connor Road to a new section to join various new and proposed subdivisions and future rezoning for development areas together.
- *Approved and under construction* - new subdivision adjacent to wetland and crown land. Bushfire clearing through the forested Crown Land and started at join of new road through the wetland.
- *Approved and land cleared* for 33 lots [Winsome estate]. Drains into Saltwater Lagoon.
- *Clearing* - Bell O'Connor Road - in preparation for 56 lot Yuligir Estate.
- *Clearing* - Other side of road to Yuligir Estate for another subdivision. Koala habitat there.
- *Approved and under way* along Gregory St - entrance to SWR wholesale clearing for 145 lot Ocean Side Estate.
- *Proposed for clearing* - for 82 lot subdivisions. Habitat containing Koalas and Phascogales.
- *Approved and underway* - clearing land for about 200 lot Walls Estate - zoned 2[a]. Adjacent to wetland, rural and open space land. Lighthouse Road and Arakoon Rd.

- *Underway* - burning and clearing of land not yet zoned for development [still rural] but road and bridge over wetlands pushed through, land adjacent to wetland beside Saltwater Lagoon.
- *Approved* - 400 lot estate after land was cleared following initial DA approval for a Tea Tree plantation. Subsequent request for change to residential for large housing estate granted instead. SEPP 14 wetland on land is close to and drains into Saltwater Lagoon. Land cleared and burnt. Canals pushed throughout estate that had to be filled.
- *Proposed* - currently rural but proposed for residential on both sides of Lighthouse Road. Clearing and burning of land has occurred.
- *Approved and cleared* - tourist cottages, recreation facilities, manager's dwelling adjoining Hat Head National Park.

### Crescent Head

- *Proposed* - one hectare hatchery beside SEPP 14 wetland and 40m from Goolawah Lagoon on undeveloped headland at Racecourse. Clearing in June 2001 next to SEPP 14 and near SEPP 26 . DA withdrawn but may come back.
- *Approved* - Goolawah Estate - on former forested Crown Land - Stage 1 - 140 lots.
- *Proposed* - Stage 2 of Goolawah Estate - about 96 lots. Coastal forest and back of blocks are close to the ridgeline overlooking Goolawah Beach.
- *Approved* - Dulcong Heights Estate rural residential - Koala habitat cleared - 1ha blocks - was scenic protection zone, and wildlife corridors.
- *Proposed* - Walton's Mountain - urban subdivision rezoning half the size of Crescent Head again [184 lots]. Identified for future urban residential release in the Crescent Head 5km radius strategy.
- Crescent Head caravan park cabins put in on beach front.
- *Proposed* - Plomer Rd tarring. Will allow expansion of development.

## HASTINGS COUNCIL

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Hastings Council proposal in new LEP [Hastings Urban Growth Strategy [HUGS]] for rezoning of land from rural to residential for urban development along 30km of coast between villages North Haven, Bonnie Hills and Lake Cathie close to littoral rainforest. Entire Ocean Drive from Port Macquarie to Laurieton to be subdivided.

### Port Macquarie

- *Approved and built* - four high rise apartment blocks along Town Beach, William St. Seven to nine storeys. DCPs ignored.
- *Proposed* - motel on top of the Old Government House building [heritage site].
- *Approved and still being expanded* - Port Shores Canal Estate - public land takeover and approval for canal estate, first stages in late 1980s. Further stages - Broadwater and Settlement Shores - still being developed including apartments
- *Proposed* - Sea Acres resort development on bushland - opposite NPWS Sea Acres Reserve.
- *Approved being cleared and built* - Emerald Downs subdivision - backs on to melaluca wetlands - SEPP 5 extension approved right on the edge of town before policy changes.
- *Approved clearing and being built* - Elkhorn Grove - extension to large Sovereign subdivision backing on to the nature reserve and creek.
- *Approved and being built* - Dahlsford Estate - 100s of houses
- *Approved and built* - Lighthouse Beach Estates - creek running through backs onto Blair Reserve - catchment for Lighthouse Beach.
- *Approved being cleared and being built* - The Retreat - closed retirement village - stormwater drainage going down into the wetland. Wetland vegetation being cleared.
- *Approved cleared and being built* - Crestwood Estate - backing on to creek wetland.
- *Approved forest clearing and being built* - Yaluma Heights subdivision - loss of Koala habitat.
- *Approved, cleared and being built* - Green Meadows Estate - with nursing home at end - acid sulphate soils. Backs onto and being built on infilled wetland and is close to Lake Innes Nature Reserve.
- *Along Ocean Road*. One side Crown Land burnt three times in the last five years so now unrecognisable as a vegetated reserve - just bracken and the odd stump left. On other side NPWS land also burnt extensively.

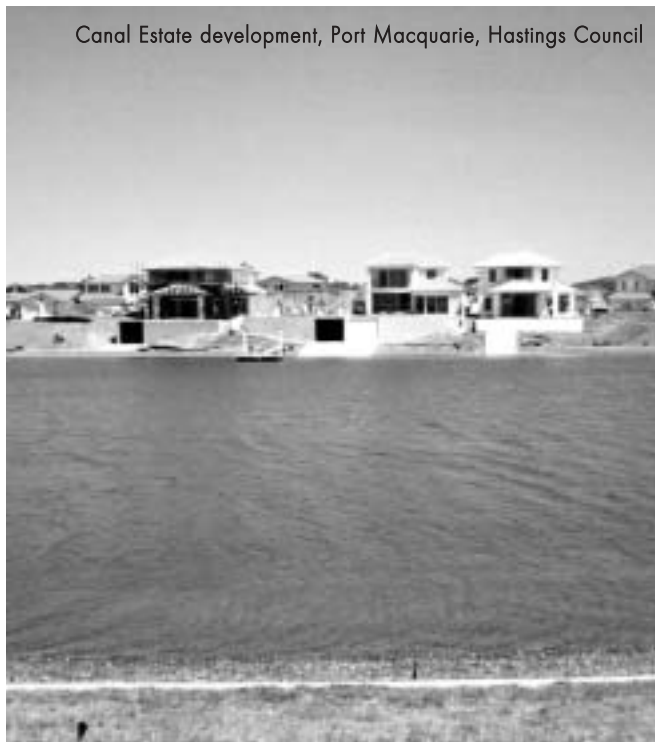
### Lake Innes

- *Approved* - Fern Village - large retirement village with - drainage, flood and fire problems - edge of Lake Innes Nature Reserve.
- *Approved* - Innes Estate - another 2000 houses. First part of subdivision was sympathetic to natural environment but all later stages have involved clear felling Blackbutt forest.

Land clearing for sub-division at Queens Lake, Hastings Council



Canal Estate development, Port Macquarie, Hastings Council



### Lake Cathie

- *Cleared* - Kywong Street - cleared for views right onto Lighthouse Beach/Diamond Beach.
- *Approved and under construction [clearing]* - Fiona Crescent subdivision - 233 lots - around lake. Staged approval. Excavation done Nov 2002. Same time a major fish kill occurred over several weeks. Sprawls out from existing ongoing subdivision.
- *Lakeside subdivision* - extension of same estate - Problems with excavation and fill again.
- Connecting road being pushed through to service all subdivisions around Lake Cathie - transmission line has to be relocated. Bridge was put across the lake for the estates and has blocked a proper flow between one part and the other.
- *Proposed* - draft LEP proposing relaxation of a littoral rainforest buffer zone on private land beside SEPP 26 littoral rainforest.
- *Proposed* - Rainbow Pacific Estate - adjoins the SEPP 26 land and is to be subdivided.
- *Proposed [in strategy]* - Cowarra Park Estate - new settlement with 10,000 population.
- *Approved* - Flynn's Beach - time share apartment building - 156 units - replacing original camping area.
- *Proposed* - rezoning from community to operational for SES buildings. Core koala habitat.

### Bonny Hills

- *Approved and built* - headland tourist development by Hastings Council on Crown Land. Scenic views destroyed with clearing and erection of buildings.
- *Proposed* - Bonny Hills Caravan Park - 20 cabins overlooking the beach - with vegetation cleared.
- *Approved* - Ocean Fields Estate - wetlands cleared and area marked for development.
- *Approved and under construction* - Ocean Woods Estate - was covered in melaluca wetland - now only small patches kept as tiny reserve - backs onto Rainbow beach.
- *Honeysuckle Road* - Bonny Hills - clearing of vegetation for views for beachfront development.

### Queens Lake/North Haven

- *Proposed* - in Queens Lake catchment - wetland/estuarine development rezoning by Hastings Council in new LEP from rural to residential subdivision allowing for two large separate 'satellite' townships just north of Laurieton draining into wetland and estuary.
- *Approved* - Lakewood Village - up to another 500 allotments to complete - being done now - wetland and old growth forest clearing right down to Queens Lake.
- *Approved and clearing* - Lakeridge Estate - rural residential - underscrubbing and clearing occurring.
- *Clearing and burning* of important habitat land in Camden Haven.
- *Approved* - underway - Camden View retirement village - diversion of creek.
- Some Crown land in Camden Haven being sold and developed.

### Dunbogan

- *Approved* - heathland and grass trees being cleared for subdivision off Scarborough Place.

## GREATER TAREE COUNCIL

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### Crowdy Head

- *Approved and cleared* - 20-25 cabin tourist development. Land was zoned Environment Protection [habitat] but was cleared so no values left. Backs on to the dunes and adjacent to Crowdy Head National Park.

### Crowdy Bay

- Houses changing from small fishing village houses to huge three storey mansions dominating scenery.

### Harrington

- *Approved with ongoing clearing and development* - Harrington Waters [Canal] Estate - staged development adjacent to Crowdy Bay National Park. Up to 1,100 lots, golf course, lake, marina, shopping centre. Recent approval for dredging 1 million cubic metres of sand from the Manning River for infill for further expansion to the subdivision. Acid sulphate soils. Area has been stripped of its natural vegetation - coastal forest, salt marsh, coastal heath, wetland mangroves etc.
- *Approved and clearing* - rural residential subdivision on land en route into Harrington. All require infill via river dredging as very low lying wetland and extensive vegetation cleared.
- *Proposed* - latest development of Harrington 25-30 houses in urban bushland adjacent to Wards Creek and SEPP 14 wetland and Crowdy Bay National Park.

### Old Bar/Wallabi Point

- Phase 1 and Phase 2 urban release strategy proposes increase from 4000 to 20,000 people - creates sprawl joining Old Bar to Wallabi Point.
- *Approved, being cleared and constructed* - first Stage of Blue Haven Estate. Up to 1050 residential lots, 18 hole golf course and sporting fields. In flood affected area in catchment of Racecourse Creek.



- *Proposed* – rezoning for huge marina and tourist and residential development backing on to the Manning River at Farquar Inlet [Old Bar] around salt marsh wetlands, SEPP 14, and mangroves.
- Preemptive clearing over proposed urban release area earmarked as Development Precinct 3 on Strategy [between Old Bar and Wallabi Point].
- *Pre-emptive clearing and underscrubbing* on rural land – along Saltwater Rd. Earmarked for urban release stage 1 but not rezoned yet – mixed coastal eucalypt forest, blackbutt.
- *Approved and under construction* – Ocean Links Estate- no EIS or SIS – was wetland.
- *Approved and being built* – Shantul Estate – Wallabi Point – edging into the coastal heath.

### Hallidays Point

- Overall clearing of mature forest and infill of wetlands to accommodate several proposed and approved big residential estates with 100s of houses in each – joining Diamond Beach, Redhead Village and Blackhead villages Tallwoods to the west with sprawl.
- *Proposed* – replacement of STP at Hallidays Point to allow large increase in sewage from Tuncurry and area. Adjacent to Frogalla Swamp and Darawak Nature Reserve.
- *Proposed and part approved* – rezoning of rural land along Old Soldiers Rd. Council has endorsed landowners rezoning requests. A lot of preemptive clearing occurring in preparation for residential subdivision expansion.
- *Proposed* – Old Soldiers Road [small dirt road] replacement by a new major road joining rural lands to other subdivisions and existing development allowing the opening up of this area to more development.
- *Approved* – clearing for Rural Residential along Old Lakes Way – Old Tuncurry Road.

### Diamond Beach

- *Approved and being cleared* – Bellgraine Estates along Diamond Beach Road – rural residential – up to 100 lots.
- *Being cleared* – Other mostly rural land along Diamond Beach Road – includes land that wasn't meant to be developed or cleared as it was zoned Environment Protection. Significant mature forest earmarked as green belt continues to be cleared. Koala and squirrel gliders habitat.
- *Approved and being cleared* – Diamond View Beachside Estate. Runs into littoral Sepp 26 rainforest. Creek running through SEPP 26 along back of Diamond Beach is used as a stormwater drain for all of Diamond Beach and other areas..
- Beachfront land being sold for duplexes right on dunes.
- *Approved and cleared* – rural residential and beachfront tourist/residential estate. Acid sulphate soil problems. Was wetland and coastal heath. Flood zone, clearing for retention basin and of some dune vegetation.

### Tallwoods Village

- *Approved being cleared and constructed.* Forest clearing for Tallwoods Village – 100s of large villas, golf course etc – clearing extending into surrounding Environment Protection zones, that were meant to be wildlife corridors.
- *Being cleared* – land along Tallwoods Rd for widening and tarring of road to help expand the Tallwoods subdivision

extension and to join to Old Soldiers Road. Land being cleared was Koala and Phascogale habitat. Is still rural.

- *Proposed* – off Tallwoods Rd – land that was meant to be a wildlife corridor proposed for urban rezoning [under Stage 2].

### Redhead to Blackhead

- *Approved and being cleared* – rural residential subdivisions along Panorama Drive – approaching Figtree Drive [North Redhead].
- *Approved* – North Redhead – Figtree Estate – about 300 houses on ridgeline/headland running down to SEPP 26 listed littoral rainforest and rocky intertidal platform.
- *Approved and being built* – Laguna Estates. Was wetland so needed 2m of fill to develop. A single row of trees is where a wildlife corridor was meant to be.
- *Approved and being built* – Baywood Estate [Blackhead Rd]. Path pushed through protected SEPP 26 littoral rainforest reserve to provide direct access to the beach and a road built across wetland to provide direct access from main road.
- *Proposed* – Breckenridge Park – tennis courts, skate park, basketball court, car park etc on community land.
- *Approved and being cleared and constructed* – three separate but now joining together subdivisions – along Blackhead Road. Halliday Shores, Halliday Heights [about 600 lots] and Halliday Haven [retirement village].
- *Approved* – Bowen Estates – along both sides of Blackhead Rd – earmarked for development.
- *Blackhead Village* – huge houses being built on small blocks opposite ocean.
- *Approved* – Dickson Subdivision – adjacent to Blackhead – rezoned 2a but not released yet. Will eventually join up to Halliday Shores etc with resulting loss of vegetation.

## GREAT LAKES COUNCIL

### Foster

- *Clearing* of dune vegetation to give huge houses opposite Burgess Beach views. The clearing goes right down to the beach.
- *Clearing* for residential subdivision through littoral rainforest.
- *Clearing* of native vegetation on Bennetts Head public cliff top replaced with lawn etc – necessitated having to erect a safety fence.
- *Approved and being built* – Palms Estate large subdivision extension. A feeder road for the subdivision runs alongside the



Land clearing for subdivision, Taree Council

floodway vegetation absorption area for the estate impacting on its effectiveness.

- *Proposed* - Minembah - Tuncurry West - proposed subdivision on rural zoned land and bridge connecting two parts discussed.
- *Foster Quays* - old approved canal estate - foreshore has been cleared along Elizabeth Parade.

### Wallis Lake

- *Clearing of land* - near Wallis Lake.
- Lots still being developed at unsewered Coomba.

### Pacific Palms

- *Proposed* - about 350 ha in the draft Pacific Palms LEP for future urban development along southern shores of Wallis Lake. High conservation value land with cabbage palm forest, wetland, flying fox territory etc. Is now on hold following a new plan for only 10% of original to be rezoned.
- *Approved and being cleared/developed* - Hillside Parade along Elizabeth Beach - subdivision development. High conservation Koala and Yellow Belly Glider habitat.
- *Underscrubbing* - Northern edge of southern Boomerang Drive on edge of village zone occurring in wetland.

### Smiths Lake

- *Discussed* - rezoning of rural to residential on road to Smiths Lake. Is a wildlife corridor. A pump station was put in and it was sewerred, pre-empting subdivision.
- *Approved and cleared* - First Ridge Estate subdivision backing on to rainforest gully. Everything has been cleared - old approval.

### Seal Rocks

- Lands Council claim for 10ha of former crown land parcels - transfer agreement allows commercial development of the sites.

### Hawks Nest

Hawks Nest was largely Koala habitat over 20 years ago so still many koalas in town. Medium density town houses or large developments are replacing the small fibro or weatherboard houses. Loss of vegetation is extensive.

- *Proposed* - 12 "luxury apartments" at The Point Hawks Nest - waterfront replacing one small fibro. Being sold off the plan subject to DA approval.
- *Approved and built* - surf club extension and new large concrete slab shed built on dunes overlooking Hawks Nest beach.

- *Winda Woppa Peninsula* - approved many years ago but new houses still being approved and built despite the beach front of the thin spit rapidly eroding and constantly having to be replenished by imported sand which gets washed directly away. Dune vegetation cut back for views.
- *Proposed* - land close to Koala reserve being assessed for residential subdivision - 74 lots. Was recently cleared but residents took to court and order made to rehabilitate.

### North Hawks Nest

- *Proposed* - to rezone land running along Mungo Brush Road - from rural to residential. Draft LEP for up to 600 lots made but not approved, new one suggests high rise on one side.
- *Clearing* of Blackbutt and swamp mahogany forest, heath, cabbage tree palm forests. Adjacent to Myall Lakes National Park. Koala habitat.
- *Proposed and continued clearing* - caravan park and low key tourist resort. Extension to an existing camping site - which extends into the high conservation value area and is on the riverfront.

### Tea Gardens

- *Approved* - Meridian Apartments - 33 apartments - three storey [sets precedent for higher rise in town directly opposite the Myall River]. Underground car park takes it below the water table.
- *Approved* - Another 32 and 13 unit blocks.
- *Approved* - luxury townhouses to be built on the river foreshore - suffers from tidal flooding.
- *Approved* - residential/commercial subdivision on 234ha - of the Lower Myall floodplain. Totalling 1000 housing lots, shopping centre, frontage along Myall River and a 5ha artificial lake. [see below for individual estate details].
- *Approved, cleared and being built* - "The Sanctuary" section of Myall Quays - around a man-made lake - concept plan was approved when land was rezoned 1c to urban 2a a few years ago.
- *Approved and being built* - Myall Quays - 1000 lots approved. Was Christmas Bell plains and wetland with swamp mahogany/paperbark. Fill is being taken for the new estates creating new man made lakes.
- *Approved and completed* - major shopping centre to service the estate marks the entrance to Tea Gardens.
- *Approved and being cleared, degraded and built* - Myall River Downs estate targeting over 55s. Used to be melaluca wetland. The 1996 LEP is marked rural and future urban but the area has gradually been spot rezoned to allow development.
- *Proposed and in court* - 296 unit SEPP 5 development - at Myall River Downs.
- *Approved and cleared/filled* - Nautillus Point - 20 lots - adjacent to waterfront reserve, Ramsar wetland and SEPP 14 wetland. Fill used to raise height of the estate. One huge house has been built and is for sale so far.
- *Approved* - development over 7a zoned land [part of stretch of foreshore and wetland. Right on foreshore - opposite Corrie Island - Ramsar site. Sets precedent for next 80 blocks in the 7a area Discussion already occurring re approval for 10 of the 80. Opposite side of site is SEPP 14 and land has been cleared close to an Osprey nesting site.



### Fame Cove & Fame Mountain

- *Proposed* - 1100 acres of 1A zoned land with over 9km of water frontage, consisting of three separate lots advertised for private sale as "offering multiple potential for those with a vision"!!!. Is pristine coastal forest identified for national park and has long been under pressure for subdivision to rural/residential. Clearing, fencing and building have occurred over the years.

### North Pindimar

- *Being cleared and underscrubbed* - mature trees on 2 non-urban blocks of prime bushland advertised for sale - with "building of dwellings is not permitted at present but what an investment for the future".
- Extension of private wharves and yards into waterways and mud flats.

### South Pindimar

- *Proposed* - Abalone farm at the west end in coastal forest involving elevated ponds. Extraction and emptying of water back into Port Stephens. (Rural areas between North and South Pindimar have excellent ridgetop views of Port Stephens, could come under future pressure for rural subdivision.)
- *Being cleared* - rural land between Bundabah and Pindimar - currently undeveloped.

### North Arm Cove - Carrington - Tahlee

Reality Realisation land largely sold on via paper subdivision. Now 2km of waterfront sprawl going right down to water's edge. 403 blocks in the North Arm Cove village. All land clearing and development drains into the Cove. It is a high run off area and has on site sewage system problems because the ground is rocky and pure clay soil.

- *Clearing and illegal building* - from early 1980s 3000 blocks were sold in North Arm Cove [paper subdivision]. Road network built and illegal buildings and auction signs erected. Land has frequent fires, paths and roads pushed through, is underscrubbed etc and still being on sold.
- *Proposed* - marina on large parcel of land - part of the 3000

lot paper subdivision - several hectares cleared and burnt.

- *Proposed* - resort and medium density residential development along waterfront near Balderbrook wetlands and Beauty Point. Includes several large resorts, jetties, commercial centre etc.
- *Clearing and development* - at Tahlee including in the tidal zone. Septic tanks within 20m of the foreshore.

## PORT STEPHENS COUNCIL

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- *Approved* - number of proposals and approvals of aquaculture including Snapper net cages next to Cabbage Bay Island.

### Bagnalls Beach - Salamander Bay-Corlette

- *Approved and being built* - subdivision - stretching from Bagnalls Beach via Corlette to Salamander Bay.

### Anna Bay

- *Approved and built* - Recent subdivision in bushland setting.

### Boat Harbour

- *Approved and being built* - subdivision adjacent to Tomaree National Park - built into the Hill and dominates the landscape.

### Fishermans Bay

- Crown Land was 6c [park] has been rezoned for residential development following successful Lands Council claim.

### Stockton Bight

- *Approved* - 600ha sand mine - 32km of sand dunes [additional mines] - area promised for National Park by NSW Gov prior to 1995.

### Fern Bay to Fullerton Cove

- *Zoned for sequential development* - closed off and being sand mined at one end, cleared for subdivision on privately owned land at the other end.

### Tomago



Beach erosion covering road at Winda Woppa, Great Lakes Council



Mangroves for sale at North Arm Cove, Great Lakes Council

- *Proposed* - new steel mill in the Tomago Aluminium buffer zone on wetland, zoned floodplain. Will involve clearing mangroves, salt marsh etc and the dredging and widening of the Hunter River. Are other more suitable spots, eg old steel works land.

## NEWCASTLE COUNCIL

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### Newcastle

- *Approved and almost completed* - large medium density residential development on former Catholic Church education site in heritage precinct.
- *Approved and being built* - high rise and commercial development along Newcastle beachfront replacing heritage public buildings such as the James Fletcher Psychiatric Hospital.
- *Approved and built* - Honeysuckle - Waterfront harbour - an REP included water views and access but instead a wall of exclusive apartment buildings were built along the foreshore.

## LAKE MACQUARIE COUNCIL

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### Morisset Park

- *Proposed* rezoning for residential and commercial development on 22ha around Lake Macquarie.

### Dudley

- *Proposed* - Land owned by Hunter Area Health overlooking the ocean surrounded by Awabakal Nature Reserve and adjacent to land containing Redhead Lagoon being sold. New LEP rezones the half not already zoned for residential development which allows medium density housing.

### Redhead

- *Proposed and cleared* - Cawlishaw St 20ha. coastal forest and heath. Half the bushland cleared about a year ago. Is now zoned 10 [investigation zone].

- *Underscrubbing and clearing* on Crown Land and SEPP 14 at The Park [caravan park].

### Jewells

- *Approved* - 19 unit self care retirement village on 18ha of wetlands.

### Belmont North

- *Proposed* - medium density - 25 lots - was partly disused land fill - rezoned residential from rural under new LEP. Bush has been totally cleared down to the wetland.

### Between Belmont and Redhead

- *Former BHP land* - part of requested Belmont Wetlands reserve. Is half sand mined by BHP and half good wetland area - being eroded, cleared. Still not zoned for protection. Were proposals for residential development - last was for 1500 houses, golf course etc.

### Blacksmiths

- *Proposed* - ten storey resort development with golf course, serviced apartments, condominiums, backpackers accommodation, tavern, café, shops, etc. Replacing coastal forest and heath and adjacent to wetland. Was Crown Land but claimed by Aboriginal Lands Council and sold on to the developer.

### Caves Beach

- *Approved, cleared and being built* - headland subdivision with resort component [not started]. Huge houses eating into the bushland covered hills backing on to Wallarah Peninsula.
- *Proposed* - Caves Beach Caravan Park - development as resort and residential - overlooking ocean.

### North Wallarah

- *Approved, clearing occurring* - rezoning for mixed use development of a 600ha site, mostly natural bushland of heath, forest etc stretching from Lake Macquarie to Pacific Ocean. Development master plan includes multiple residential estates including near escarpment, commercial and tourist development.

## WYONG COUNCIL

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### The Entrance

- \$150 million residential apartment complex.

### Tuggerah Lakes [the Entrance]

- *Proposed* - high rise in close proximity to lakes.

### North Entrance

- *Proposed* - lakeside golf course development - 200 dwellings, false lakes, clubhouse. Adjoins SEPP 14 wetlands.

## GOSFORD COUNCIL

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### Gosford

- *Approved, clearing and being built* - Rumbalara Apartments - high rise eating into steep vegetated hills surrounding Gosford along John Whitiway Drive

- *Proposed* - but rejected by council initially - eight townhouses on steep vegetated hills at Cappers Gully [opposite side of Gosford to Rumbalara Apartments].
- *Proposed* - infill of SEPP 14 wetlands to allow residential development.

### Ettalong Beach

- 228 room apartment hotel plus 6000sq m club.

### Terrigal

- *Proposed* - spot rezoning for a seven storey retail/commercial/121 unit residential development with two storeys of underground car park.
- *Approved* - multi-storey development overlooking Terrigal Haven on base of headland.

## WOLLONGONG COUNCIL

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*North of Wollongong* - Most lowland areas are highly flood prone but almost all remnant bushland is being cleared and developed increasing hard surfaces and hence flood problems. Housing is also spreading into the bushland escarpment on highly fire prone and unstable land from years of mining.

### Otford

- *Proposed* - at corner of Pie Shop - residential on land covered in coal wash.

### Stanwell tops

- *Proposed* - DA to rezone and develop about 120ha of the only Illawarra hanging swamp.
- *Approved* - Private Retreat - built in place of what was once the Peace Park.

### Stanwell Park

- *Proposed* - cliff face development - two lots - on cliff face landslide area. Refused after call in 2001.

### Coledale-Austinmir

- *Approved and cleared* - Buttenshaw Drive - Middle Heights Estate - 28 lot subdivision on forested, extreme bushfire prone steep sloping land.

### Austinmir

- *Proposed* - headland development replacing heritage Austinmir Headland Hotel - 24 residential apartments, serviced apartments and a hotel.

### Thirroul

- *Approved and being cleared/developed* - 17 lots - Tree Tops Glen and Sylvan Woods - steep hill eating into Illawarra escarpment bushland. Sets precedent for further escarpment development and others now on table.
- *Proposed* - residential development on Excelsior old mine site. First DA to develop declined but one house now allowed.
- All the remaining bushland between Excelsior site and the sea has been bought by Sandon Point developers [see below] so might come up for development in near future.

### Bulli

- *Approved, being cleared, built and further stages proposed* - Sandon Point - 430 lots - Site includes wetlands, major flood prone area and catchment involves filling over creek/wetlands.
- *Proposed* - Slackey Creek - council owned land opposite ocean deferred zoning from 6a open space for possible development
- *Beach St* - council selling off land for development.

### Wonoona

- *Proposed* - Extension of Bulli cemetery next to Ocean Park includes a proposal to turn casuarina forest on Crown Land into a car park.
- *Approved and being cleared, constructed* - Edgewoods Estate - DA and spot rezoning for about 800 lots - surrounded by 7a and 7b zoned land.
- *Clearing* - of 6000 sq m of fore dune vegetation. Latest clearing in Feb, March 2003.

### Balgownie

- *Approved, cleared and being built* - large housing estate backing up escarpment at headwater of Cabbage Tree Creek.

### Wollongong

- High rise along Wollongong beach front increasing.
- *Proposed* - Puckeys Estate - cleared area behind old coastal low lying swamp forest in Fairy Creek estuary - university innovation campus with medium density housing.

### South Wollongong

- New surf club right on the beach with commercial component - restaurant and kiosk.
- *Parish Ave* - Mt Pleasant - old BHP land infill surrounded by bushland being subdivided. Backs on to Escarpment Park - Illawarra State Recreation Area.

### Keiraville

- *Proposed* - Cosgrove ave - adjacent to SRA - 4 lots on very steep vegetated slope.

### Mt Keira

- *Approved* - being cleared, wetlands filled and built - Gooyong-Gipps subdivision - instability, bushfire risk etc.

### Figtree

- *Proposed* - Byarong Creek - four storey, 3 block, 23 unit with underground parking. Allows serviced apartments in 6C zones. Main problems are flooding.
- Subdivision spreading up two ridges, privately owned bushland is being subdivided such as Porters Farm. Landslide prone, flood and bushfire problems and immense impact on Allans Creek floodplain.

### West Dapto

- *Approval* for up to 30000 more people in low lying flood prone area west of Dapto - run off into Lake Illawarra.

### Wongawilli

- *Proposed* - spot rezoning - DA for 21 lot subdivision but could be bigger is only first stage. Is currently zoned non urban.

## Shellharbour



### Yallah

- Coal wash being used to infill wetlands around Lake Illawarra for the waterfront Haywards Bay subdivision. Polluted run off.

### Korrungblau

- A big wetland area being filled in with slag and coal wash.

## SHELLHARBOUR COUNCIL

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### Shellharbour

- Spread of subdivisions out from Shellharbour in all directions eg Shell Cove estates leaving Blackbutt forest isolated in the centre. Bass Point Nature Reserve will be cut off - no wildlife corridors.
- *Approved* - marina on wetland but not yet built.

### Albion Park [Lake Illawarra]

- *Proposed and clearing* - residential development encroaching into scenic protection land which includes listed species. In court.

## KIAMA COUNCIL

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- *Proposed* - Kiama - mixed commercial, retail, residential building, with supermarket, 31 residential apartments, and 215 car spaces. (SEPP 71 - April 2003).
- Caravan park and kit homes being built along shore.
- *Clearing into coastal forest* - gravel mine which is on land zoned prohibited development by council but once cleared easier to develop.
- *Proposed* - resort with lake, golf course, hotel complex, and probably residential adjacent to existing gravel mining area opposite Seven Mile Beach National Park.

## SHOALHAVEN COUNCIL

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- *Approved and being built* - rural residential subdivision on Berri Road backing on to Seven Mile Beach NP and Commandery Swamp [largest wetland complex in the area].

### Shoalhaven Heads

- *Proposed* - expansion of golf club on foreshore public land leased from DLWC. Bushland was cleared when a former

expansion was approved, now want to expand into other sections. Council looking at relocating the STP closer to the National Park allowing easier expansion.

### Culburra Beach

- *Approved and recently built* - huge mansions directly on top of high frontal sand dunes - Fern Way, Sunshine St and Vivian Way. Dunes cleared of stabilising vegetation and excavated.

### Lake Wollumboola

- *Proposed* - 3,000 lot housing development including first stage of 800 on the shores of Lake Wollumboola. A haven for at least 24 species of internationally protected migratory birds. First stage rejected by Planning Minister in June 2000 following COI recommending against. Catchment now subject to a review of planning controls and lake declared national park but attempts to overturn and develop.
- *Proposed* - 85 lot caravan park directly on foreshore of lake and SEPP 14 wetlands (old DA revived).

### Callala Bay - Callala Beach

- *Approved* - Benton Sands Estate - 88 lot subdivision running along a SEPP 14 wetland, creek and Jervis Bay foreshore. Huge houses being built replacing pristine coastal forest. Possible 500 more discussed.

### Deep Water Cove

- *Proposed* - medium density residential development adjacent to Jervis Bay foreshore and Wowly Creek on yacht club site.

### Huskisson

- *Proposed* - resort with reception, conference centre etc on Crown foreshore land - currently the Huskisson Beach Caravan Park [a Shoalhaven Council Holiday Haven business]. Concept plan prepared for redevelopment.
- *Approved* - corner of Bowen and Duncan st - 3G zoning for three storey block of units with underground parking going into the water table. Sets precedent for high rise on beachfront.
- *Proposed* - marina opposite to the above apartment mentioned in LEP. Will encroach on public space if goes ahead.
- *Approved* - six storey resort comprising 113 apartments, restaurant and conference facility on headland site in place of the heritage two storey Huskisson Hotel.
- *Proposed* - main street of Huskisson earmarked in council DCP 54 for bulky high rise stretching from the Huskisson pub to the RSL and beyond. Cuts off view of harbour wharf.

- *Approved and built* - on foreshore land - "Seychelles" - medium density 24 townhouses.

### Currembene Creek

- *Approved, cleared and being built* - subdivision development in estuarine area.

### Vincencia

- *Proposed and being cleared* - Heritage Estates - 1,200 lot paper-subdivision in rural zoned bushland along Jervis Bay Road. Shoalhaven Council wants land fully developed but a COI recommended max 700 lots - no final outcome. Land being cleared and some illegal structures.
- *Approved* - rezoning of Crossroads, 11ha in Wool Road for commercial and tourist development with 800-1000 lot residential subdivision adjacent to wetlands that drain into Jervis Bay. Several recent deliberately lit fires across the vegetated site destroying conservation values. Is habitat for endangered Eastern Bristle Bird.
- *Proposed* - Captain Street Reserve - 1.4ha foreshore land deferred from gazettal of Vincencia LEP and zoned from Open Space to Village. Two huge residences - one 8 bedroom and one 9 bedroom with two lap pools and manager's residences. Called in and refused but now in court.

### Plantation Point

- *Proposed* - sale of foreshore park discovered to be privately owned when put up for sale. No DA in yet, zoned 5a for special uses [currently has a yacht club shed].
- *Clearing and poisoning* of vegetation along Plantation Point Parade.

### Hyams Beach

- *Approved* - two properties subdivided on vegetated extreme >33% slopes.
- Trend towards larger houses dominating skyline and foreshore and the accompanying loss of coastal vegetation for views, building etc.

### Old Erowal Bay

- *Approved* - 300 lot SEPP 5 development with three bedroom residential units on steep land on the shores of Erowal Bay. Adjacent to wetland. Retention basin collapsed May 2003 - spilling clay filled polluted water into back yards, SEPP 14 wetlands and the Bay.

### St Georges Basin

Subdivision sprawl completely replacing native bushland. Moving from the foreshore up into the forested catchment destroying habitat and corridors. Just housing estates - little infrastructure or services. All undeveloped areas still vegetated that link all the estates have now been zoned urban.

- *Approved and being built* - a bypass for St Georges region land which has opened up more bushland for sale for further subdivisions.
- *Approved and clearing* - last stages of Paradise Waters Estate - [gated community with 100s of small size lots with huge houses]. Extensive clearing and loss of remnant vegetation. Stormwater and drainage problems.
- *Approved and clearing* - The Sanctuary Country Club. 100s - of houses on estate. Retention basin at the bottom with no filters - just a hole. Intrusion into the western corridor link.
- *Proposed* - Links Area Estate - large subdivision on forested land. Loss of vegetation and stormwater management issues.
- *St Georges Basin foreshore* - private land coming up to high water mark. Applications for private jetties, fences running into the water and vegetation removal problems.
- *Approved* - old "paper subdivision" - seven lots. Landowners negotiated for settlement and part of the agreement for them to build on this land included the need to retain vegetation. However, vegetation now cleared.
- *Approved and clearing* - Nebraska Estate - 100s of lots. Bushland destroyed. Sewage line from Nebraska estate to the mains was pushed through threatened species habitat.
- *Approved and nearly completed* - deep water channel for small canal estate in mangrove wetlands - with waterfront houses all with boat access.

Culburra Beach sandune development, Shoalhaven Council



## Jervis Bay – Booderee National Park

- *Approved* [by Federal Government] – Lumeah Holiday Village Development within Booderee National Park includes 30 cabins, a pavilion, road reconstruction – replacing existing caravan park.
- Second stages proposed for motel-style apartments, conference centre, recreation facilities, restaurant and bistro. Finished developments advertised for sale as private holiday residential within the park.

## Swanhaven

- Problems with clearing and extension of backyards into national park and clearing and access around Swan Lake.

## Bendalong

- *Discussed* – sections of crown land adjacent to Conjola National Park at Bendalong that Council wants for development. The Bendalong LEP is being revisited to decide land's zoning and use.
- *Approved* Caravan Park privatised and cabins still being built on crown land reserve – extension included requirement that needed own sewage plant – but got an exemption and uses pump out – located on crown land with run off going through the Washerwomens Creek coastal forest.
- *Approved* – nine lot residential subdivision – by caravan park developer.
- *Proposed* – stand alone and medium density housing, golf course, retirement villages, swimming pool, visitors area, resort etc. on large expanse of bushland with wetlands adjacent to Inyadda Beach. Second DA lodged 2001 but is on hold until reticulated sewage system installed.

## Lake Conjola

- *Clearing* – of foreshore vegetation. Lake siltation. Unauthorised boat ramps. Unofficial roads running into the lake through Crown reserve.
- *Approved* – at the entrance to Lake Conjola, subdivision using mounds for each building next to the dunes with pump out systems on land that normally floods.
- *Proposed* – sewage system pumping wastewater through sand dunes under lake Conjola into the ocean – allowing increase of development in and between areas villages.

## Narrawallee

- *Proposed* – subdivision over former Crown Land – claimed by Aboriginal Land Council. Forested land which goes past the urban area on to the upper reaches of a creek and includes mangroves and mudflats etc.

## Mollymook

- *Approved* – clearing for 40 townhouses of last coastal Woollybutt forest and wetland in the town.

Private caravan park using Crown Land for sewage disposal, Bendalong, Shoalhaven Council



- *Proposed* – future urban development zoned land along Maisie Williams Drive – over bushland next to golf course.

## Ulladulla

- *Approved* – extension of Ulladulla subdivisions to the west. Millards Creek flows directly through it and then into the harbour.

## Burrill Lake

- *Approved* – destruction of old open air theatre turning it into a commercial strip of shops etc.
- Canberra Crescent [Burrill Lake] extension of development stretching back toward Kings Point – all within catchment of the lake.

## Dolphin Point

- *Caravan Park* – build up along foreshore with cabins. Two permanent houses built on the foreshore of the crown land and a rock wall cutting off public access.
- *Proposed* – Dolphin Point subdivision [The Dairy]. Includes 7a wetland areas and Aboriginal sacred sites. All land is flood prone and a water storage area.
- *Approved and being completed* – Bonnie Troon Estate – adjoining the new Dolphin Point Subdivision.
- Another expanse of adjoining Crown Land bushland running across a hill and could be developed as already zoned 2c.

## Lake Tabourie

- *Proposed* – two lot subdivision – Beach St. Referred to PlanningNSW under SEPP 71 [May 2003].
- Build up of caravan park with cabins etc.

## Bawley Point

- Northern End of Murrumbidgee NP – 1600 acres of isolated bushland sold with "development potential" Already approved for subdivision into 16 lots. Rocky outcrops, forested – huge fire issue, good habitat and threatened species in catchment of Willinga Lake.

## EUROBODALLA SHIRE COUNCIL

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### Depot Beach

- *Proposed* to harden the road leading into Depot and North Durras Beach - allowing increased development in and around the national park and at Peppy Beach.

### North Durras

- *Clearing and poisoning* of vegetation on foreshore.
- *Discussed* - a resort in place of one of the foreshore caravan parks.

### South Durras

- *Proposed* - Beach front fibros for two storey dual occupancy. Tree poisoning occurring in the beachfront reserve.
- Crown Land assessment of 40 ha between South Durras and Durras Lake. Seen as having development potential.
- *Approved* - Extension of Murrumurang Resort - on 45 year lease within the National Park. 91-94 cabins but approval for 120. Four were erected on foredunes a few years ago.

### Surfside

- Extension of huge new subdivisions such as Timbarra Crescent.

### Long Beach

- *Proposed* - development of bushland behind North Cove Road and Long Beach Road - up to 1300 lots on forested land. Was zoned from rural to urban over past two years. A new road is also proposed. Is very steep in parts and completely vegetated.
- *Approved, clearing and building* - Long Beach Estate - up to 1000 lots, huge mansions, four stages and several estates. Clearfelled old growth coastal forest on steep slopes running into Cullendulla Creek. Clearing and building right to the edge of fragile Reedy Swamp Lagoon and the Cullendulla Nature Reserve.
- *Approved and clearing* - Sea Acres Estate - large scale clearing of heavily forested land for mainly rural residential eventually linking up with Innes Estate off Cullendulla. High fire danger.
- *Proposed* - Old Sandy Place - Setback of houses from the foreshore challenged by residents and has come before council for consideration. Contrary to the Coastal Hazards Management Plan which is also being challenged.
- *Proposed* - cliff top townhouses - unstable area - sale is subject to DA approval.
- *Proposed and clearing* - 10 lot subdivision on the old YMCA site Is forested land backing onto Reedy Swamp Lagoon from other side of the Long Beach estate. Clearing is resulting in loss of wildlife corridors
- *Maloneys Beach* - old subdivision being finished end of North Arm Cove Road.

### Batemans Bay - Rosedale

- Batehaven, Edgewood, Surf Beach, Lilli Pilli, Malua Bay, being heavily developed with resulting subdivision sprawl joining towns together. Mansion style buildings, estates and retirement villages directly along headlands and foreshore areas - recently built.

### Rosedale

- *Proposed* - Urban expansion of up to 800 lots [under Community Title on rural land]. Much of land is forested. If goes ahead will create further urban sprawl along Eurobodalla coast. [445 lot and separate 9 lot subdivision sent to PlanningNSW under SEPP 71 [April/May 2003].

### Tomakin [Barlings Beach]

- *Proposed* - Estuary Estate - at least 183 lot subdivision on land overlooking Barlings Beach, adjacent to foredune reserve, SEPP 26 littoral rainforest and Aboriginal Place land - was 1c and council-owned but rezoned Urban Expansion. Sale to developer is subject to DA approval. Development "concept plan" with State Government [Jan 2003].

### Moruya

- *Proposed* - North of Moruya River - North Head. Council has rezoned 54 ha Community land to Operational to allow for development of a tourist resort and conference centre to replace caravan camping site - currently on hold.

### Congo to Coila Lake

- Coastal Red Gum forests nearest the coast has been partly subdivided and developed for unsewered rural-residential land.

### Bingie

- Rural residential subdivision - small rural lots. Council hardened roads so gradual increase in development.

### Tuross - Tuross Head

- *Proposed* - Council owned community land running down to Tuross Head - being looked into for development or other options. Is mainly rural and on steep slopes with run off into Tuross Lake.
- *Clearing of land around Tuross Lake for proposed 70 lots* - clearing goes into the foreshore reserve. Development proposal is on low lying wetland and building envelope goes into the wetland and foreshore. Flood prone.

### Brou Lake

- *Proposed* - expansion of Brou Landfill in catchment of Brou Lake. [Eurobodalla Council]

### Dalmeny - Kianga

- *Proposed* - Resort beside Kianga Lake.
- Expansion of subdivision so Kianga and Dalmeny now almost joined.

## BEGA SHIRE COUNCIL

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### Akolele

- *Clearing* for views and houses built in scenic protection zone right on the headland.

### Wallaga Lake

- *Proposed* - STP and piping of sewage around the lake - will open up for development and require roads right around lake etc.
- *Cleared* - rural land around the lake right down to the water waiting for development opportunities following sewage



reticulation. Adjacent to SEPP 14 and Wallaga Lake National Park.

- *Marina*, 130 houses, motel, nursing home, and a retirement village – land was identified as a potential nature reserve. Was cleared right down to the foreshore – on hold.

#### Fairhaven Point

- *Cleared* – Boat ramp into Meads Bay [important fish breeding grounds and little Tern territory] after closure by council.
- *Proposed and cleared* – 8 lot subdivision on foreshore land with bushfire prevention given as reason for clearing vegetation right down to water before approval.

#### Bermegui

- *Proposed* – by Bega Council – a boat ramp to the Bermegui River and car park over the grassy public foreshore and an extended rock wall. Stopped after EIS was shown to be inept.
- *Proposed* – major new surf club building on the Bermegui Beach foreshore – making it the first development on the shore side in that stretch.

#### Coatal road between Bermegui and Tathra

- Road sealed and some parts opened up for rural residential subdivision, eg Seaton Hill.

#### Wapingo Lake

- *Clearing* around lake by private landholders.

#### Tathra

- *Part proposed part approved* – Tathra River Estate. Unsewered staged subdivision surrounded by Tathra River. Wetland on one side floods intermittently. Some blocks on 1c land, 13 blocks on 2c land and up to another 500 lots if reticulated sewage is introduced. Existing STP is already overloaded.
- *Tathra Forest Reserve* – crown land but DLWC want council to take the reserve over.

- *Proposed* – development of site on Tathra Headland adjacent to Crown Land. Zoned commercial and several attempts for motel unit style development approved by Council but refused by State Government. Government has tried to buy but owner refuses to sell.
- *Proposed* – renewal of a road running around the headland cliff to the heritage wharf building that was washed away in the 1970s.
- *Proposed* – three storey beach front house – sets precedent for multi-storey beach front development in Endopol Drive.
- *Proposed* – Caravan park on Crown reserve upgraded in some areas to allow 60 cabins and extending lease from 5 to 20 years.

#### Bournda

- *Proposed and extensive clearing* – Bournda Downs – 195 lot Community Title subdivision with on site STP on 400-500ha of forested and sloping 1c zoned land. Adjacent to Bournda National Park and Nature Reserve, within 1km of Wallagoat Lake and Monks Creek runs through land. Is the only green belt between the nature reserve, forested inland areas and the coast. Bulldozing of very wide road including through creek.

#### Tura Beach

- *Approved, being cleared and built* – Dolphin Cove – 100s of lots – part of ongoing large scale urban expansion – recent round of clearing of coastal forest.
- *Approved being cleared* – Mirador Estate [Merimbula] – 600 lots beach front replacing old growth coastal forest.

#### Twofold Bay

- *Approved* – Naval Arms Depot.

#### Boydton

- *Proposed* – Tourism and housing development, shopping centre, marina etc on beachfront land, [up to 2000 lots].



# SUMMARY OF COASTAL PLANNING AND DEVELOPMENT PROBLEMS

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The following is a summary of the problems and trends common to most coastal council areas that are frustrating attempts to achieve ecologically sustainable planning outcomes and meaningful coastal protection

## LOCAL PLANNING

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### Planning lacks cumulative long term view

In most council areas there is a lack of big-picture planning that considers the cumulative environmental, social and even economic impacts of development over time on a council, catchment or regional level. There is no birds-eye view or monitoring of the sum of all changes to land status year by year, with most planning and development proposals and decisions being ad hoc, focussed on short term outcomes and treated in isolation within and outside council boundaries.

### Planning Instruments [Local Environment Plans [LEP], Development Control Plans [DCP]] inadequate

Most local planning instruments are too flexible, ambiguous, inconsistent and unenforceable and are too easily shaped, corrupted and changed by the demands of speculative developers rather than being based on the land's capability and suitability. Spot rezoning and other major changes to the only legally binding local planning instrument - the LEP - are common and too easy to obtain, negating sensible and sustainable planning that considers infrastructure, the natural environment and residential amenity in the long term and over a wider area.

### Strategic plans led by developers' demands not land capability

The process whereby new areas are earmarked for future development via strategic plans is usually driven by land owner/developers' demands rather than the land's capability. Despite strategic plans having no legal standing, areas earmarked for rezoning for development are nearly always adopted on the basis that councils can't reverse a developer's expectation that they can gain rezoning after it is earmarked in a plan, while environmental issues such as retention of wildlife corridors are ignored on the basis that strategic plans aren't legally binding! [eg Nambucca Shire Council Rural and Residential Land Release Strategy, Hallidays Point Development Strategy].

### Public participation inadequate

It is very hard for the public to comprehend the planning process because of the lack of access to information, the abstract nature of and jargon involved in planning and the lack of easily grasped [visual and written] material that depicts current and future rezoning, clearing, development and changes to an area from a whole of council area or region view [eg by use of aerial photographs]. The result is controversial development decisions are often only noticed when a DA is lodged or building starts - rather than at the strategy or rezoning stage when meaningful community collaboration should occur.

## DEVELOPMENT

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### Inappropriate clearing, location and design of subdivisions and developments

- Most large new housing subdivisions are now standard grids, that ignore location, land contour and shape, and are comprised of block style mansions, squeezed on tiny lots with no native trees, shrubs or understorey left to break the hard surfaces. When the land is being developed it is usually razed of vegetation in one go and replaced with hard surfaces with small areas of lawn. Drainage is directed into one large retention basin rather than filtered gradually at different points and hard curb and guttering are standard. [eg Ocean Side Estate [South West Rocks], Pacific Pines [Ballina], subdivisions between Port Macquarie and Laurieton [Hastings] St Georges Basin [Shoalhaven].
- On a property-by-property basis, lots that used to contain smaller houses and remnant bushland are being replaced by duplexes, mansions or townhouses and completely paved yards. [eg Hawks Nest, Great Lakes].
- In most towns and villages new developments replacing small scale or heritage buildings along the immediate beachfront or headlands tend to be high-rise or enormous duplexes/mansions dominating the landscape and blocking ocean views. Foreshore vegetation is rapidly being destroyed to increase view value for the new over-developments.

### Caravan parks - development of prime coastal public land

Council or privately leased caravan parks, providing affordable holiday accommodation and occupying prime coastal Crown land, are being developed with expensive cabins, kit homes, and in some cases houses or resorts. [eg Kiama, Huskisson, Bendelong, [Shoalhaven], Caves Beach [Lake Macquarie], Yamba [Maclean].

### Developments changed to higher impact once DA approved

Major high impact developments are often achieved by stealth - ie DA's are lodged for something that is more likely to get permission and/or be accepted by the community [looks better, more fitting to the location, provides jobs etc]. A Section 96 [EP&A Act] is then used to change the original approval to something more lucrative. DAs for large subdivisions are also being submitted incrementally to avoid SEPP 71 and appear more benign.

### DA consent conditions broken

Consent conditions are often broken, or radically changed, even without a Section 96. There is little monitoring of developments once approval has been given, and few meaningful attempts to enforce consent conditions or prosecute if they are broken. In other words there is a sense that once a developer gets approval they have extra flexibility.

### Impact Statements [EIS and SIS] tokenistic and biased

Consultants employed by developers to carry out an Environmental Impact Assessment or Species Impact Assessment for a development

proposal are not necessarily accredited independent professionals. Anyone can set themselves up as a "consultant" and are likely to be employed if they give developers the results they want. EIS and SIS are generally tokenistic and designed to aid development approval [eg Goolewah Estates, Kempsey - DLWC development recently stopped after consultant's threatened species report found to be inadequate when it was challenged by local residents].

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## LAND CLEARING

### Preemptive clearing to destroy conservation values

Pre-emptive clearing [done prior to development/rezoning approval] is commonly undertaken to destroy conservation values, including threatened species, and to ease development consent. Bushfire protection [particularly since the new Bushfire Regulations] and weed control is often used to excuse excessive clearing.

### *Native Vegetation Conservation Act*, 2ha per year exemption abused

Pre-emptive clearing prior to rezoning/development approval is also carried out on rural and rural residential lands using the 2ha per year allowance in the *Native Vegetation Conservation Act*, which was really aimed at clearing for agriculture.

### Foreshore clearing for views

Clearing of foreshore reserves, headlands and dune vegetation [and even in some cases the dune system itself] on Crown and private land to gain ocean or river/lake front views is common as property prices spiral and old fibros are replaced by million dollar mansions requiring such "asset enhancing", [eg Bogangar, [Tweed], Culburra [Shoalhaven].

### No action against illegal or inappropriate clearing

Action is rarely taken by Councils and DLWC against illegal clearing. And where punitive action is taken it is too small to be an incentive to deter future abuse.

### Wholesale clearing and destruction of native habitat and corridors

- There is a trend towards clearing the entire landscape in one go for new subdivisions, destroying all native vegetation, habitat and corridors. Extensive clearing is also occurring for roads and other infrastructure to service new sprawling subdivision developments. The loss of wildlife corridors impacts on remnant habitat and the chances of survival for species reliant on moving between areas for feeding and breeding [eg Longbeach Estate [Eurobodalla], Casuarina Beach [Tweed], Ocean Side Estate [South West Rocks].
- Most Councils have no Tree Preservation Order [TPO] or method of protecting native vegetation on private land and even where a TPO exists for single trees only, it is rarely implemented [eg Taree Council].

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## PUBLIC AND PROTECTED LANDS

### Degradation of National Parks from urban development

Protected lands under national park status are becoming increasingly isolated and degraded as wildlife corridors are destroyed, urban development stretches to park edges and the

impacts of surrounding urban areas such as run-off, fire, erosion and weeds reach into the protected lands. Buffers and set backs where they exist are rarely big enough to have sufficient protective effect. Examples include [north to south]:

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### Cudgen Nature Reserve [Tweed Council]

Proposed Kings Forest estate, foreshore developments between Kingscliff and Bogangar and a new road upgrade impacting on Tweed's only coastal zone national park.

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### Ballina Nature Reserve [Ballina Council]

Extensive rezoning and development of rural lands backing on to BNR - eg Pacific Pines estate.

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### Darawank and Knappinghat Nature Reserves [Greater Taree Council]

New subdivisions at Wallabi Point, Diamond Beach, and Hallidays Point - eg Tallwoods Estates.

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### Myall Lakes National Park [Great Lakes Council]

Clearing and proposed development of North Hawks Nest along Mungo Brush Road.

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### Illawarra Escarpment State Recreation Area [Wollongong Council]

Subdivisions beginning to "eat" into vegetated escarpment area in North Wollongong - eg Tree Tops Glen.

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### Jervis Bay National Park [Shoalhaven Council]

Extensive development proposed and approved around Vincentia - eg Crossroads and Heritage Estates.

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### Murramarang National Park [Shoalhaven/Eurobodalla]

Increased development in villages within and adjacent to the park eg South and North Durras and Bawley Point.

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### Cullendulla Nature Reserve [Eurobodalla]

Long Beach Estates development.

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### Wallaga Lake National Park [Bega Council]

Pre-emptive clearing on rural lands immediately adjacent to park.

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### Bournda National Park [Bega Council]

Proposed 194 subdivision [Bournda Heights] on rural lands under Community Title - clearing and if approval given will impact on corridor inland and sea.

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### Sale and development of Crown and community lands

Many formerly protected Crown Lands along the coast are being sold to developers, and/or developed after successful claims by Aboriginal Land Councils or sometimes directly by DLWC. [eg Fingal Heads [Tweed], Crescent Heads [Kempsey] Seal Rocks [Great Lakes], North Entrance [Central Coast], Narawallee [Shoalhaven]. Councils are also rezoning and selling community land for development.

## LOCAL COUNCILS

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### Elected councils made up of narrow vested interests and lacking expertise

- Councils are usually controlled and/or influenced by real estate developers and similar vested interests so there is a perceived [and real] conflict of interest where pro-developer councillor majorities make decisions on major planning and development issues and generally drive the planning process. Few councillors have knowledge or make the effort to learn about planning, environmental and other crucial issues. Most place planning and environmental principles below vested interest and rarely represent the broader community.
- It is extremely hard for people representing the broader community and environment to get on to councils, let alone remain there. A lack of time, money, power, and influence [including with local media outlets in many cases] are some of the reasons.

### Planning and development decisions made out of public eye

Many major planning and development decisions are made behind closed doors with only council and developer representatives present.

## STATE PLANNING LEGISLATION

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### Policy and legislation has no strength

There are too many state regulations, policies and plans that are based on non-mandatory and flexible guidelines [eg Coastal Design Guidelines, NSW Coastal Policy] rather than setting firm unambiguous regulations [ie they sound good but are rarely adapted and can't be enforced]. Environment protection legislation [eg *Threatened Species Conservation Act*] has no strength to be applied effectively [ie it is seen as window-dressing]. REPs and environmental SEPPs [eg SEPP 14 and 26] are ignored and overridden.

### SEPP 71 - Coastal Protection

To date, the verdict is out on SEPP 71 - Coastal Protection, which was intended to create a breathing space while settlement strategies and environmental planning instruments were updated, in light of the coastal conservation assessment and modern environmental principles. Proposed amendments to the SEPP may weaken it and not attack the key areas of environmental concern. Developers are finding ways of avoiding SEPP 71 such as submitting large lot subdivisions in small stages.

## LAND AND ENVIRONMENT COURT

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- The Land and Environment Court is used as a de facto approver to pass DAs where councils aren't as ready to approve them if they are considered inappropriate for the location [eg Byron Bay]. Councils willing to go to court to defend their decisions, rarely win and run up huge costs. Threats to take a DA to the Land and Environment Court [and appeals process] and the actual lodging of a DA in the Courts on "deemed refusal" grounds are used by developers for leverage and councillors often use this threat to support their argument for approval.
- The financial and emotional burden on the community if they want to defend the environment from threatening developments through the courts is high so it is rarely done.

# IMPACTS OF INAPPROPRIATE COASTAL DEVELOPMENT

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## LOSS OF WILDLIFE

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### Habitat and corridor loss

Habitat shrinking [becoming too small to sustain certain species], disturbance or complete loss and the destruction of wildlife corridors allowing animals to move between areas for feeding and breeding, [eg Hawks Nest Koalas].

### Impacts of urban settlement next to wildlife

Increased traffic, dog and cat attacks, and displacement of local native species by feral animals and weeds that spread from and thrive in disturbed areas. Increase in polluted run off soil erosion and fire.

### Aquatic species

Loss of aquatic species in rivers, lakes and oceans from nutrients and pollutants in water and loss of fish breeding grounds etc, [eg fish kill in Lake Cathie during excavations for subdivisions around Lake].

## DECREASED WATER QUALITY, CHANGED FLOW AND INCREASED FLOODING

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### Polluted urban run off

Increased polluted run off containing chemicals and nutrients from garden and household uses, golf courses, roads, etc, poisoning aquatic species and enriching water bodies increasing the instances of toxic algae outbreaks etc [for example most coastal lakes are suffering from development in their catchment - the more development there is the worse the health of the lake - eg Lake Ainsworth, Lake Illawarra [see Healthy Rivers Commission Coastal Lakes Inquiry Report].

### Sewage overflow

Sewage overflow from on site septic and pump out systems, leaking pipes and overstretched STPs. Also from wastewater outfalls into the ocean and rivers. In many areas reticulated sewerage is being implemented, but while it can help combat on site sewage problems, it is also leading to extensive sprawl and development in currently low key or undeveloped coastal areas creating a raft of new problems.

### Sedimentation, siltation

Increased sedimentation of watercourses and lakes as eroded soil is washed into them from areas stripped of vegetation, changing their course, eroding banks and filling up entrances.

### Hard surfaces

Increased hard surfaces and loss of permeable surfaces - speeding up and increasing water flow, channelling it into one location and in one direction and preventing its escape, resulting in harsher flooding in already flood prone areas, as the water is less able to filter away or escape via natural creeks and drainage lines. [eg collapse of retention basin at St Georges Basin].

### Acid Sulphate Soil

Soils rich in iron sulphide (pyrite) that occur in coastal areas near sea level can cause water pollution and death of aquatic fauna when drainage, flood mitigation and earthworks for large coastal developments expose the soil to air turning them into sulphate and sulphuric acid.

## BUSHFIRE

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As urban areas increase so do the incidences of accidental and deliberate bushfires and the call for more land to be burnt for protection especially on high fire danger, sloping forested land. Rather than not approving development in such areas in the first place, clearing and hazard reduction is carried out on neighbouring protected reserves and private bushland alike to allow more development. The result is as development increases so do fires - illustrating the fact that developments have impacts far beyond their boundaries especially on increasingly displaced wildlife.

## INFRASTRUCTURE

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### Sewage

Stress on sewage systems that are already overloaded [eg Tathra STP]. Introduction of sewerage systems in areas that while replacing on site, often inadequate, systems are also allowing new development to sprawl further along the coast [eg Coffs Harbour Sewerage Strategy is being part paid for by developers as it enables the development of more land between Sapphire and Arrawarra].

### Waste

Extension of landfill sites in inappropriate areas [eg Brou Lake landfill site [Eurobodalla Shire] and need to search for new sites as existing ones become overloaded.

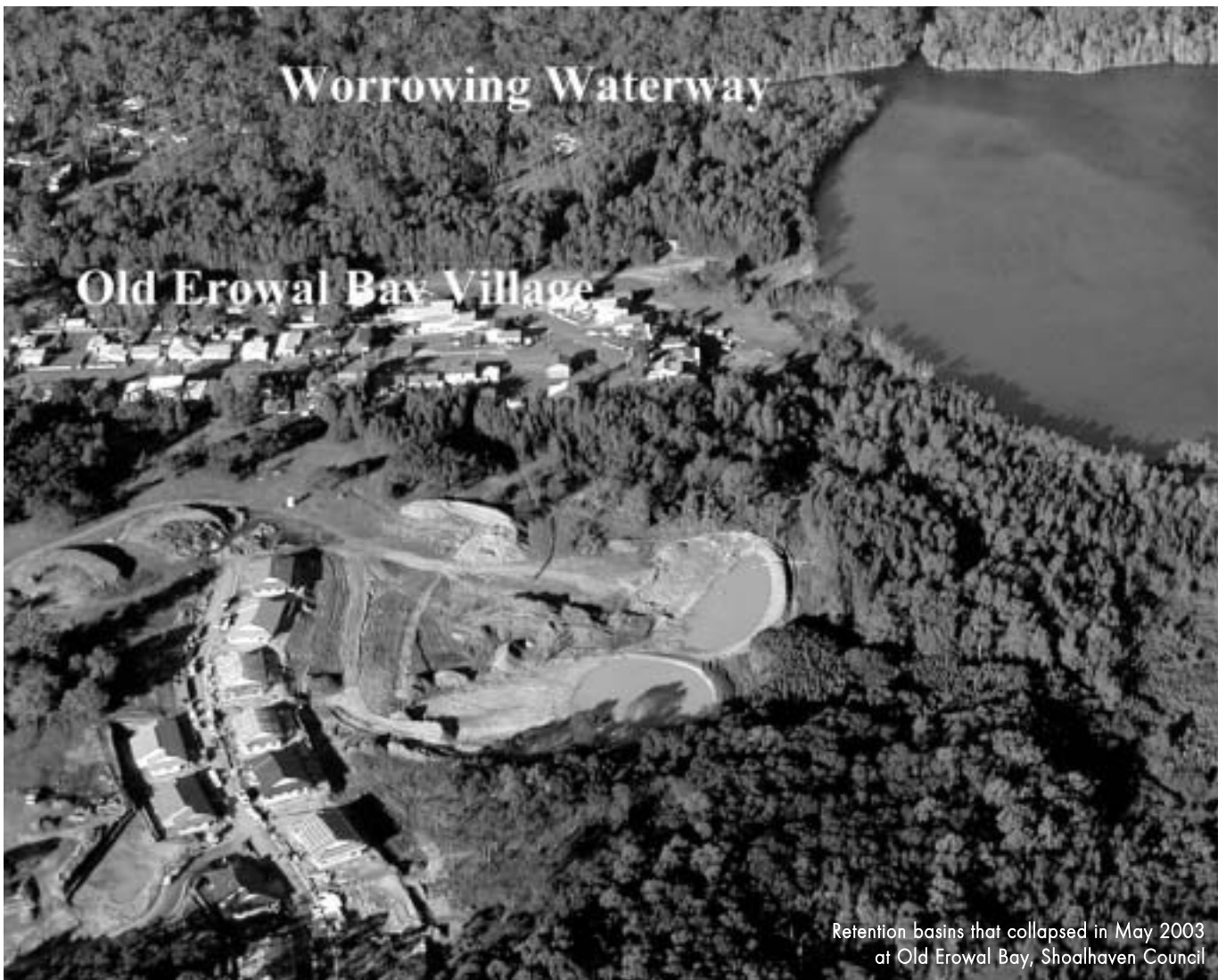
### Roads

New roads are opening up new areas and impacting on wildlife and habitat [eg Clothiers Creek upgrade through Cudgen Nature Reserve, Tweed or Old Soldiers Road, Hallidays Point - allowed rural to be rezoned to residential].

## SOCIAL AND ECONOMICAL IMPACTS

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- The social cost of spiralling coastal land prices is preventing many, often young people, from being able to rent, let alone buy, property in their local area. The result is many people are driven to cheaper inland areas to find affordable accommodation. Most new housing developments are aimed at the upper end of the market.
- In some areas, there is an extremely low occupancy rate as houses are bought, knocked down and redeveloped to hire as expensive holiday homes or retain as investments [eg in Hawks Nest].
- There are very few jobs created with new residential subdivisions [once the building has been completed] - usually more people looking for jobs come into an area so the unemployment rate remains high [eg in some areas it remains around 25% [Tweed].
- Loss of international and domestic eco-tourism and recreational opportunities as previously attractive natural areas become housing estates making them no different to any other over-developed city or town in the world and as ocean, lake and river water quality is degraded.
- Loss of commercial and recreational fishing opportunities as fish breeding territory such as wetlands and estuaries are degraded and destroyed for development and as water quality and flow is impacted.
- The costs of repairing and rehabilitating destroyed and degraded natural areas often far outstrip any monetary gain from development, especially when considered over the long term yet those costs are never included in economic assessments of coastal development projects. They include the ongoing costs of repair to eroded beaches, dunes and land, infrastructure building, extension and repair, flood mitigation, action to improve water quality and prevent or deal with sedimentation and pollution, weed and feral eradication programs, landcare, coastcare and dunecare programs and so forth.



# SOLUTIONS

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The following are solutions that are favoured by Total Environment Centre to deal with the planning and development problems occurring on the coast. They are put forward as a way to broadly address on a State-wide basis the many problems that are occurring on individual council level which are resulting in the degradation of the coastline. The solutions have been drawn from feedback on problems and suggested solutions from coastal residents and groups over the past two years (see following section) as well as representing TEC policy.

## **Coastal planning implemented on catchment/regional level**

Coastal planning strategies, instruments and decisions should be done on a catchment or regional basis. There is a need to integrate natural resource management and planning to control excessive and often unauthorised land clearing and inappropriate development on a much wider level than within local council boundaries. There is also a need for qualified experts to be in charge of such action.

## **Planning and development decisions based on a State-wide mandatory coastal planning "blueprint" that puts environmental constraints first**

All planning and development should be based on a mandatory state-wide coastal planning "blueprint" that sets unambiguous rules for what types of land can and cannot be developed based on the land's natural capability and suitability rather than the current developer-driven process.

## **Local council reform**

Major reform of local councils is needed to make them more accountable, more expert, more representative of the broader community and to remove vested interests and conflict of interest from the planning and development process.

## **Urgent completion of the Comprehensive Coastal Assessment**

The Comprehensive Coastal Assessment (CCA) should be urgently completed. And local environment studies of lands done by independent experts should be an integral part of the planning and development process with rezoning for more protection implemented where necessary. The precautionary principle should be applied wherever there is doubt over rezoning or development.

## **Strengthening of State Environment Planning Policy 71 - (SEPP 71) - Coastal Protection**

SEPP 71 should be strengthened not weakened as is currently occurring. It is essential that it acts to prevent loss of environmental values while local and regional plans are upgraded to achieve meaningful protection of the natural coastline and orderly and environmentally sustainable development.

## **Protection of all coastal native vegetation**

Coastal native vegetation needs to be protected through legislation that includes tight rules on clearing for development including pre-emptive clearing and clearing of weeds, bushfire control and on rural zoned lands under the NVC Act. Bushfire regulations should be altered to ensure the prevention of development occurring in high bushfire danger zones and to prevent bushfire protection being used as an excuse to enable pre-emptive clearing for rezoning/development.

## **Protection of coastal waters - immediate adoption of NSW Healthy Rivers Commission recommendations**

Rivers, creeks, wetlands and lakes need stronger protection from development within their catchments. The NSW Healthy Rivers Commission recommendations from its Final Reports on its Inquiries into Coastal Lakes and into Rivers should be adopted.

## **Public land retention and expansion**

More national parks and reserves are needed with more links between them. Corridors linking protected land should be strictly protected. Sufficient and protected buffer zones should be made around these and other sensitive and protected areas. There should be no rezoning and development of environmentally protected Crown or Council lands.

## **Mandatory adoption of Coastal Design Guidelines for NSW**

The "Coastal Design Guidelines for NSW" should be mandatory to ensure that coastal planning and development follows best practice in urban design for cities, towns, villages and hamlets on the coast. Strict controls and standards should be introduced for example that limit the building envelope on land to be developed, require compulsory retention of vegetated areas, and require new subdivisions to be environmentally sensitive, follow land contours, and retain significant vegetation stands.

## **Cumulative effects of planning and development decisions to be exposed through annual "State of Development" reports**

"State of Development" maps and explanations should be produced annually and clearly displayed using maps, aerial photographs and/or satellite imagery to show the extent of clearing and development taking place in each shire and region so the cumulative effects of planning and development decisions are made clear.

# COMMUNITY FEEDBACK: PROBLEMS AND POTENTIAL SOLUTIONS ON INAPPROPRIATE COASTAL DEVELOPMENT

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TEC held a series of meetings along the coast and consulted with members of the community to gain feedback on many of the problems the community came up against with regard to coastal development. The following presents those problems and solutions suggested to deal with those problems

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## LOCAL PLANNING INSTRUMENTS AND REGULATIONS

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### PROBLEMS

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Planning instruments are too often and too easily shaped, corrupted and changed by developers' and land speculators' demands rather than being based on the land's capability, constraints, or suitability and/or on community expectations.

Strategies for future planning are almost always based on the demands made by speculative landowners and developers - ie land is released for urban development based on who lobbies the hardest to get their land rezoned from rural or environmental protection to residential/tourist/ commercial.

Plans are too ambiguous, inconsistent, flexible and unenforceable in general. There is no definition of major [spot rezoning] or minor changes.

Planning instruments are often out of date. They have not kept up with other legislation or environmental studies and recommendations.

Weaker or incorrect planning instruments are used to push developments through - eg unenforceable DCPs used to develop or rezone.

Plans are too complex, complicated, jargon filled, inaccessible, and hard for most of the public to understand so their significance is not understood until too late. They also lack understandable maps, models etc to help people connect what is set out in a plan with what goes on the ground.

Public consultation for all plans is usually overridden by developer interests. Processes are used such as "community consultation" to impose legitimacy but fail to reflect community views.

### SOLUTIONS

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Planning instruments are needed that place the land capacity, constraints, suitability and genuine community need first above all else.

Regional plans should be based on extensive LES produced by consultants appointed by Planfirst.

All local planning instruments should be inflexible, consistent, prescriptive, up to date and all be legally enforceable.

ESD principles should form the basis of planning instruments and there should be no avenues by which either Council staff or elected council laws can circumvent them.

Development controls should be legally binding.

No spot rezoning for more development or other developer-led amendments should be allowed.

All existing planning strategies and instruments should be reviewed and changed where they represent uncontrolled sprawl and other inappropriate planning.

Independent Local Environment Studies and EMPs etc should be integrated into plans based on land capability and all plans should be kept up to date with State and Federal Environmental and planning legislation.

All new plans and strategies should be clearly advertised, exhibited, explained and identified. Proposed rezonings should be clearly explained.

Strategies should clearly show areas proposed for future development so the public are informed well ahead of what could occur in their area

All existing plans and studies should be less complex, more accessible to the public - ie available for study in a number of public places and on the internet, in easy to understand language and include good maps and 3D models.

Genuine public participation in the planning process is needed with public views integrated into planning and development decisions not just considered.

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## STATE OF THE LAND - PUBLIC AND PRIVATE

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### PROBLEMS

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Crown and Council managed public land is being rapidly privatised and developed either by Aboriginal Land Councils following successful Crown Land claims, Councils or DLWC.

Public land is often sold without public notification.

Protected national park lands are either too small and isolated or are becoming more isolated as they lose the wildlife corridors that joined them through land clearing and development on private and unprotected public land.

There is a lack of "big picture" planning in terms of eg linking protected land, catchment level planning or considering future social needs.

Buffers and set backs are not big enough to have sufficient protective effect between developments and sensitive protected land.

Building footprints are often too big or too dense resulting in no vegetation left on a site and the hardening [concreting] of all surfaces, impacting on habitat, water flow and quality and other environmental [and social] issues.

Rezoning that allows more development in all zones is increasing while zoning for more protection rarely, if ever, happens.

No environmental assessment is undertaken in many areas before rezoning allowing environmental protection and rural zones to be inappropriately heavily developed.

Flexible zoning borders enable destruction of wetlands, corridors, waterways, native vegetation, habitat etc in many council areas.

Crucial environmental areas such as wetlands, foreshores, lakes, coastal forests, heathlands etc are being lost as they are cleared, filled and developed.

Weed and feral problems are increasing on public and private land.

Cumulative effects of clearing and development are rarely considered and hard for the community to comprehend as there is no birds eye overall view of gradual or rapid changes of land status within each council area.

## **SOLUTIONS**

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All Crown and Council land, including TSR and non-dedicated road reserves should remain public and protected - proposed changes, if any, could be decided by the State through public consultation. No more rezoning or alienation of Environmental Protected public land should occur.

Council land rezoned Operational should be zoned back to Community.

Public should have easily accessed information on what public and private land there is and how it is zoned on a local/state and regional level. Aerial photos and maps showing this should be displayed in council and state agency offices.

Need to look at the whole picture in planning - including sustainable farming, housing, water quality, nature reserves etc on catchment basis [idea of "biosphere reserves" that encompass everything].

More parks and reserves are needed.

More links between parks and reserves should be made with wildlife corridors. Corridors linking protected land should be strictly protected.

There should be no restriction on the size of land that can be protected - allowing small remnant pockets of eg rainforest to be protected

Plans of Management are needed for all reserves on a coastal reserve basis. Management plans should cover all public land to show how they will be protected.

Strict and protected buffer zones on the private land to be developed should be made around sensitive areas - eg wetlands,

Nature reserves etc. Buffers should be wide and protected and setbacks should be mandatory on all developments.

Minimum 40 metre buffer zones, with native vegetation left in tact or rehabilitated, should be compulsory around creeks and rivers.

Strict controls should be introduced that limit the building envelope on land to be developed and require compulsory retention of vegetated areas.

Sustainable urban design including solar heating, recycled materials, etc should be used for all new buildings.

Rezoning decisions should only be based on the capability and suitability of the land to cope with more development if any, and should include neighbouring land, catchment considerations etc. Local environment studies of lands should be an integral part of decisions re zonings. Zoning for more

protection should be considered as much a part of planning as zoning to allow more development.

Precautionary principle should be applied wherever there is doubt over rezoning or development.

No flexible zoning should be permitted that allows encroachment into protected or sensitive lands.

All environmentally fragile and sensitive areas such as wetlands should remain protected or be zoned for protection if not already.

Education of best practice in land management is needed and should be extended to all land with wildlife programs included [should not just cover converted or willing landowners].

More funding and resources are needed to tackle weed and feral animal problems on private and public land.

Tables of uses in the various zones must be revised and more uses prohibited.

Yearly "State of Development" maps and explanations should be produced and publicly displayed to show the extent of development and clearing taking place in each shire and region - the cumulative effects made clear. Updated vegetation mapping should be done in line with the State of Development Report.

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## **DEVELOPMENT APPLICATION PROCESS**

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### **PROBLEMS**

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EIS and other assessments prior to development approval never consider the costs of environmental damage or loss, only the costs of not developing.

Consultants employed by developers to carry out an Environmental Impact Assessment or Species Impact Assessment [EIS or SIS] are not accredited independent professionals. Anyone can set themselves up as a "consultant" and will be employed if they give developers the results they want.



EIS and SIS are generally tokenistic, not rigorous and have no teeth. Just designed to help get development approved.

Former council [and occasionally State Department and Ministerial] staff often leave to work for developers - resulting in a perceived conflict of interest and lack of independent review.

Many important DAs are decided by delegated authority or out of the public eye - so decisions are made behind closed doors.

There is a lack of scrutiny of DAs and council decisions on DAs from State Government Departments.

There is often no or very little compliance with DA consent conditions and no monitoring once approval is given, making consent conditions meaningless.

Major developments are often achieved by stealth - ie DAs are often put in for something very different and generally less damaging to the final outcome and no action is taken to rectify. Amendments to DAs are often done after approval [out of the public eye].

Staged developments are a big problem as the overall environmental or social impact of the entire development is not considered.

Cumulative effects are not considered when decisions made over whether to approve development.

Old approved DAs are not complying with or bound by new policies and plans to the detriment of the environment and residential amenity.

Developers drive the planning and development agenda resulting in ad hoc sprawl style development that wipes out all or most natural vegetation or open space and doesn't the environment or social needs of an area.

The topography and location is rarely considered when developments are proposed in anything other than how they can increase the value of the development resulting in similar overdevelopments out of sympathy with the existing built and natural environment being developed in most areas.

## **SOLUTIONS**

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Only accredited independent consultants [endorsed by professional or government bodies] should be used to carry out EIS, SIS and Eight Part Test. Such consultants should be appointed by an independent body but paid for by the developer.

There should be a standardisation of EIS protocols with full impact assessments on DAs including cumulative, social, health, environmental etc and standardised benchmarks.

True cost of development proposals should be borne by the developers - eg research, staff, infrastructure, experts, environmental and social costs etc.

The true costs of environmental damage and loss should be included in all EIS and related assessments and should be addressed in terms of what it would cost to rehabilitate and replace the lost values.

Senior Council planning staff and relevant state government staff should be precluded from taking appointment as private consultants with developers for up to three years after leaving office.

All DAs should be decided publicly with opportunity for public comment and details on proposals should be readily available for public scrutiny.

Far more DAs should go to the State level [eg SEPP 71] and an appropriate number of staff should be employed to deal with them.

Strong conditions must be applied or the security held with Council is lost and development rights should be forfeited if conditions are broken. Councils must appoint compliance officers to ensure conditions are met and legal action is taken if not.

A DA must show exactly what is proposed as a final development and the building etc must comply with that application. DA amendments should be treated as a new application.

With staged developments a new DA should be lodged for each stage and the same approvals process should apply but the intention for the final development should be made clear.

Old DAs should comply with current standards and current legislation and policies.

Council staff and councillors must consider cumulative impacts, the state of the land proposed for development and its appropriateness with far more environmental consideration than is currently the case, [made more possible if plans and policies are more unambiguously applicable].

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## **LAND CLEARING**

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### **PROBLEMS**

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Pre-emptive clearing to destroy environmental values [including threatened species] and ease DA or rezoning applications through Council, or to ease development itself, is common.

Action is rarely if ever taken against pre-emptive, illegal or inappropriate land clearing of native vegetation by Councils or DLWC.

Where punitive action is taken it is often too weak or ineffective so there is no incentive to not clear illegally or inappropriately.

The 2ha per year allowed under the *Native Vegetation Conservation Act* for rural and rural residential land is inappropriate for the coastal zone but is widely used as a pre-runner to development or rezoning for residential development. Prime coastal.

land, ie wetland, old growth forest etc is disappearing under this rule.

Tree Preservation Orders [TPOs] or Vegetation Management Orders [VMOs] are either non-existent or ineffective at Council level in protecting native vegetation.

There are conflicts between State and Council clearing policies and within and between departments at both levels. Too many different government departments at council and state level are approving clearing for too many different reasons [eg fire control, weed control, power transmissions].

Dune clearing or clearing of foreshore reserves for views is a widespread and increasing problem – and no action is ever taken.

The new State Bushfire Regulations are resulting in widespread clearing on public and private land and are being commonly used as an excuse by developers and sympathetic councils to allow widespread and inappropriate clearing or underscrubbing and burning even before any development has been approved.

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## SOLUTIONS

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Pre-emptive illegal and inappropriate clearing should incur strict penalties such as losing any opportunity to have land rezoned and forfeiting any right to develop it as well as requiring its rehabilitation.

State Government departments and councils need to prosecute consistently and immediately to send the message that inappropriate land clearing is not acceptable.

The penalty system for landclearing breaches should be enforced by one government agency and removed from councils all together.

The *Native Vegetation Conservation Act* should be changed to remove the 2ha per year legal clearing allowance on rural and rural/residential land.

TPOs and VMOs should be compulsory and effectively applied in all council areas.

Large billboards blocking views should be erected stating the offence and offering rewards for information leading to prosecution where vegetation has been illegally cleared or poisoned to obtain views.

All bodies responsible for land management and planning should take a co-ordinated approach so one department in a council [eg weed control] can alone permit clearing.

Clearing restrictions on lands must be clearly notified and advertised when the land is sold.

Best management practices needed for weed/exotic plant removal – ie need to prevent bulldozing or burning carte blanche leaving a denuded landscape.

Bushfire regulations should be altered to ensure the prevention of development occurring in high bushfire danger zones and to prevent their use as an excuse to enable more clearing and still more development.

The alteration of land forms by dozing creeks, removing top soil and changing the contouring of the land should be prohibited.

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## ELECTED COUNCILS

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### PROBLEMS

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Councils are usually controlled and/or influenced by developers and similar vested interests. They rarely represent the broad range of people in the community and the environment.

There is a perceived [and real] conflict of interest on councils where developers and pro-developer councillor majorities make decisions on major planning and development issues.

Councillors often only focus on the one location or town they come from ignoring needs of the rest of the council or shire. This is a problem when most councillors come from one major town.

There is a lack of power, time and money among representatives of the broader community and environment to be able to effectively stand over a long period on councils compared to those with vested interests. This affects not only the local election campaign budgets and publicity but also the ability for most people to stay on councils over a long period.

Developers are often called in to attend sub-committees influencing planning and development outcomes. Too many extra-ordinary meetings and sub-committee meetings involving important decisions are made behind closed doors.

There is no requirement for councillors to be accountable to the platform on which they stood to get elected enabling developers or developer-oriented councillors to falsely promote themselves as “green” to get elected.

Most councillors are ignorant of issues involving planning and development and either don't have the time or fail to make the effort to find out as much as they can, including reading through the business papers.

There is a problem with majority block voting which prevents individuals making up their mind on the merits of an issue.

There is a lack of accountability of councils for their actions.

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### SOLUTIONS

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Legislation should require that councils should be comprised of people that represent the whole community with developer representatives only a small minority reflecting their numbers in the wider community, [proportional representation].

Councils need to undergo major reform. Should be reorganised into coastal catchment based entities and independent expert panels should be used to make recommendations on all major planning and development issues.

There should be more use of Ministerial initiative to act against Councils where planning powers are misused.

Stricter pecuniary interest rules are needed to weed out potential conflicts of interest.

Multiple ward systems should be introduced to council areas where they don't exist so local councillors at least represent their community geographically.

Funding is needed to give more people in the wider community representing broader community and environment views greater opportunity to run for election and stay elected once on council.

Developers or any other vested interest that stand to gain from subcommittee meeting decisions or other decisions made out of the public eye should not partake in those meetings.

Elected council laws should be open to public scrutiny at every meeting including sub-committees and other extraordinary meetings to prevent deals being done behind the scenes with developers.

Pre-election process – need strict requirements for candidates to expose background, vested interests, etc and prevent false advertising.

Councillors need training and education in planning, environmental and many other relevant issues. The role of councillors should be better defined.

Councillors should be professional, on full time pay and performance criteria based on all aspects of planning. They should be accountable for their actions.

Expert independent support and assessment of key planning and development issues are needed beyond council staff.

All council meeting minutes should show the division of votes.

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## COUNCIL AND STAFF

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### PROBLEMS

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There are often flexible behind the scenes arrangements made between developers and senior planning and development staff to enable better outcomes for developments at the expense of the environment and wider community.

Key senior staff often go straight from employment with councils to working for developers taking sensitive and vital information and knowledge with them.

A lack of communication and connection between council departments leads to decisions made that counter each other [eg clearing for weed or bushfire permits and prevention of clearing for environmental reasons] and frustrating attempts by the public to obtain public information and action.

A lack of connection between different councils often results in decisions made by one council having negative impact on another – eg approval for major development upstream in a catchment impacting on water quality and flow downstream in another council jurisdiction.

There is often a lack of expertise in some areas and council staff recommendations don't always follow best practice – ie ignore environmental, social and even at times economic issues.

Performance based contracts for staff limits their ability.

Lack of access for the public to council information, in plain easy to understand language and maps, diagrams etc.

Community views are more often than not ignored in council staff recommendations.

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## SOLUTIONS

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Council staff should not make behind the scenes flexible arrangements with developers but should always adhere to state and local regulations, policies, and local environmental studies and management plans.

Use independent panels of experts to assess major or controversial developments and independent reviews by expert panels on some staff decisions should be undertaken if requested.

Council should not assess applications for land owned by Council or Councillors – should go to independent panels.

Decisions that involve issues across more than one council department should be made on a joint department basis. For example land clearing – environmental, fire hazard and weed control.

The wider region, catchments etc should be considered in any council decision that impacts on the broader environment on a joint council, regional or catchment level rather than issues just being considered re their impact within human made council boundaries.

Compulsory ESD training needed for key staff. Better qualifications and experience in environmental issues is needed between planning and other staff that make decisions affecting the environment.

Performance contracts should be abolished and replaced by fixed "long term" contracts for staff.

Make councils and council business open and accessible to all. More exhibition and explanation of local planning process and instruments is needed. A community information officer, regular community access meetings between planning staff and community to bring wider views to council, and information in shopping centres, libraries etc on council issues should be compulsory.

A State Government backed mediation service/provider is required to mediate between developers and the community. This independent person should look at community claims outside the influence of local councils and report back to the planning department.

Community input via submissions, petitions etc should be given equal weight.

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## STATE GOVERNMENT DEPARTMENTS

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### PROBLEMS

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Government Departments don't apply or enforce their own regulations and often approve and defend.

Inappropriate decisions by Councils that contradict State regulations and policies. There is no accountability as well when no action is taken.

Once something is acknowledged as a problem or breach of legislation, if and when action is taken it often comes so late it is ineffective.

There are not enough staff at regional and Head Office levels to deal with the multitude of issues that arise around planning, environmental and development issues.

State agency recommendations on individual developments or plans carry no weight as they are not enforceable. They are subsequently either ignored or barely considered by many councils.

Where firm State Government directives are made Councils often ignore them and there is no follow up to ensure directives are complied with.

State Departments are perceived as making too many backflips in favour of powerful vested interests – ie they make decisions one way then pull back when lobbied by those interests but rarely do the same for the community or environment.

People feel State Departments are out of touch with areas outside Sydney – and it's therefore hard to be heard.

There is a sense that there is a lack of commitment to or consideration of environmental issues in PlanningNSW.

There are no consistent guidelines for expenditure of environmental funding and no checking of applications or use of the funds [eg Dunecare] – so it can be claimed for projects that are inappropriate [eg dune clearing].

Lack of communication, coordination and clarity as to jurisdiction [which department deals with what] or overlap and conflict between departments and between Ministers.

Some staff and departments are hard for the public to access, confusing and sometimes condescending.

Developer contributions accepted by State Government are seen as a problem.

### SOLUTIONS

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More action should be taken against illegal activities and strong penalties applied. State Departments should be more proactive in applying, monitoring and policing their own legislation.

More employees are needed on the regional and local level to inspect and enforce environmental rules and regulations, on time.

State agency recommendations on DAs and plans should be

mandatory. State agency assessments outcomes should be incorporated into final decisions re plans and DAs.

There should be more assessments and inspections by locally based State Government staff with good local knowledge backed by Head Office and regional offices.

Their needs to be an integrated approach from State and Federal Government to support coastal planning.

A public register of complaints re lack of action etc should be set up by government departments with grading re response times, outcomes etc.

Department staff and state information should be more accessible to the general public at local, regional and state level.

Environmental considerations, legislation and advice from environmental departments such as NPWS needs to be an integral and compulsory part of PlanningNSW considerations.

Clearly defined jurisdictions of Government Departments is needed with better communication and co-ordination intra/inter departments.

There needs to be more separation of powers between Government and public service, so agencies and staff can take action and apply legislation without political pressure where necessary.

ICAC needs to be given more independence and more teeth.

Developer donations at state as well as local level should be illegal.

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## STATE GOVERNMENT LEGISLATION

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### PROBLEMS

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Too many regulations, policies and plans are made that are just window dressing [guidelines and considerations] rather than the setting of real firm unambiguous regulations regarding planning and development.

Environment protection legislation [eg *Threatened Species Conservation Act* or the *Native Vegetation Conservation Act*] is rarely seriously applied and has no teeth.

There is little enforcement of legislation and often the time taken for implementation of any legislation on the ground makes it too late to be effective.

There is no policing of orders made.

Legislation is too flexible making it ineffective and easily abused or twisted by developers and their supporters on councils.

Amendments to legislation usually benefit developers [eg recent amendments to *Land and Environment Court Act*].

Too much of importance re the environment and planning is delegated from the State level to local councils eg EIS and SIS where there is no appeal even if threatened species are found.

REPs and environmental SEPPs [eg SEPP 14 and 26] are often ignored and overridden. They have no relevance unless

enforceable, enforced and based on good planning principles.

There are too many acts, plans and policies that aren't linked.

State regulations are not specific to local or regional areas so are hard to apply or wrongly applied [eg NVC Act allowing clearing regular 2ha clearing in high conservation coastal forest].

Lack of knowledge or application by councillors and often council staff of State environmental regulations to properly assess DAs.

Most legislation is inaccessible to the public with little knowledge of what, how and why different legislation works. No access or information for public to know what regulation, policies etc exist.

## SOLUTIONS

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Regulations should be unambiguous, inflexible and enforceable – not window dressing. Needs to have more teeth, simplified, less loopholes, more proactive and less reactive.

There should be an implementation time frame for regulations and standardised response times when problems are identified and acknowledged.

Environment protection SEPPs etc should absolutely prevent inappropriate development or other damaging uses on or adjacent to the areas applicable under those SEPPS [eg littoral rainforest, wetlands etc].

Regulations, policies etc of different departments should be more integrated, overlapping and compliment each other.

Council staff and councillors need to be educated and kept up to date with all relevant state regulations, policies etc.

Information of State Government regulations should be accessible to the community in easy to understand formats – perhaps a weekly local paper column applying local examples. Clearer definition of terms is needed – use of less jargon.

Differences between regional and/or local areas should be considered when State legislation is introduced or amended so state wide rules are deemed appropriate [eg clearing under NVC act on coast].

More importance should be given to local community views when legislation drafted or amended.

*Threatened Species Conservation Act* needs to be altered to ensure that NPWS make the decision that a development may or may not affect threatened species. At present Councils make this decision.

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## LEGAL ISSUES – LAND AND ENVIRONMENT COURT

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### PROBLEMS

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Ambiguity in most regulations results in subjective interpretation by judges – problematic when judges are more sympathetic with developers.

The Land and Environment Court [nicknamed the Land and Development Court] is stacked by pro-development judges making anything but approval of development difficult to achieve.

Threats to take a DA to the Land and Environment Court [and appeals process] and actual lodging of a DA in the Courts on "deemed refusal" grounds are used by developers for leverage and councillors often excuse their approval of controversial developments based on this threat.

Councils wanting to prevent an inappropriate development are forced to spend huge amounts of time and money defending their decisions through the L and E Court and often lose the case in the end anyway.

Legal system is considered inappropriate to deal with environmental issues – eg judges follow only process, merits of a case are not considered.

Even if an inappropriate DA is defeated in the Land and Environment Court, it can be resubmitted in exactly the same or similar format time and time again.

The financial and emotional burden on the community if they want to defend the environment from threatening developments through the courts is high so it is rarely done.

Lack of knowledge by the public of procedures involved in legal action makes it a problem.

Lack of regional access to courts and the legal system for the community is a problem.

Threats from developers to keep people quiet – The use of SLAPP [strategic litigation against public participation] – to either frighten off or prevent comment by community members opposing certain developments – is common.

## **SOLUTIONS**

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All local and state government laws, regulations and planning instruments should be unambiguous and clear allowing less subjectivity to be applied at court level to decisions re development and planning.

The Land and Environment Court needs reforming - ie redirect cases where developers can take a DA to court to a tribunal which can decide the merits of a case.

The Act should be changed so that environmental merit is more widely taken into account in development cases, as well as the legal process.

There needs to be a limit on the use of the Land and Environment Court by developers. And developers should pay the costs of appealing decisions regardless of the outcome of the judgement.

Land and Environment Court needs to be more even-handed. Should use jury or qualified environmental assessors whose advice

