



MEAA21/298

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2 November 2021

Dear Kendall

Development modification The Pines, Woolgoolga - MP08_0005-MOD 2

Thank you for your email dated 26 October 2021 providing additional time to comment on the modification of The Pines, Woolgoolga - MP08_0005-MOD 2.

The Department of Primary Industries (DPI) Fisheries has provided previous comment on earlier proposals for this development under the requirements of the *Fisheries Management Act 1994*, including in October 2010 (Ref OUT10/15936) and March 2012 (Ref OUT12/4018). Previous comment relating to the Solitary Islands Marine Park was provided in February 2012 (DOC12/6181) under historical legislation by the then NSW Marine Parks Authority.

Since that time, the *Marine Estate Management Act 2014* (MEM Act) has come into force and NSW marine parks are now administered by DPI Fisheries under that Act.

The Pines, Woolgoolga, including MP08_0005-MOD 2 is located directly adjacent to the Solitary Islands Marine Park. Any development at this site or modification to previously approved development is likely to have an effect on the marine park and consultation is required with DPI Fisheries under section 56 of the MEM Act.

While we understand the current modification only extends to amendment and realignment of internal access driveways and some lots, DPI Fisheries offers the following comments to reinforce and update our historical comments on this development.

Marine Estate Management Act 2014

NSW Marine Estate Threat and Risk Assessment

[Part 4 of the MEM Act requires assessment of threats and risks](#) to the marine estate. The 2017 [NSW Marine Estate Threat and Risk Assessment](#) has identified Water pollution on environmental values - urban stormwater discharge as the greatest threat to social, cultural and economic values of the marine estate in the north region of NSW. Clearing riparian and adjacent habitat including wetland drainage (in estuaries), Urban stormwater discharge (in estuaries), Foreshore development and Sewage effluent and septic runoff have been identified as four of the greatest threats to environmental values.

Solitary Islands Marine Park

The Pines including MP08_0005-MOD 2 is directly adjacent to Hearn's Lake, which is a sensitive intermittently closed and open lake or lagoon (ICOLL) within the Solitary Islands Marine Park.

The entire Hearn's Lake estuary is classified as habitat protection zone of the Solitary Islands Marine Park under the Marine Estate Management (Management Rules) Regulation 1999. This affords the estuary a higher level of protection than other areas of the marine park or other areas of NSW.

Clause 1.8 of the Marine Estate Management (Management Rules) Regulation 1999 states the objects of the habitat protection zone are:

- (a) *to provide a high level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and*
- (b) *where consistent with paragraph (a), to provide opportunities for recreational and commercial activities (including fishing), scientific research, educational activities and other activities, so long as they are ecologically sustainable and do not have a significant impact on any fish populations or on any other animals, plants or habitats.*

It is an offence to damage, take or interfere with, or attempt to damage, take or interfere with, any part of the habitat in a habitat protection zone.

ICOLLs

It has long been recognised that coastal lakes such as Hearn's Lake are extremely sensitive to any activities in their catchments, including urban development. They are more sensitive than any other type of estuary.

The 2002 Healthy Rivers Commission Independent Public Inquiry into Coastal Lakes (https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/634558/HRC_Coastal-Lakes_2002.pdf) classified Hearn's Lake as 'Healthy Modified Conditions' and made the following specific recommendation for future development in the catchment:

- *Apply and enforce controls for any new development (eg urban, rural residential, intensive agriculture, forestry, mining and aquaculture) to keep their impacts on lake/catchment health within limits that are determined to be sustainable for each lake.*
- *Progressively implement a program to rehabilitate natural riverine corridors.*
- *Progressively implement an integrated, cost effective program to mitigate the impacts of all existing sources of wastewater. Exclude new industrial and sewage discharge or overflows and apply stringent controls for on site systems, boats and stormwater.*

The Hearn's Lake catchment has been subject to significant urban and agricultural development since that time, making it more important to minimise the impacts of any future development on healthy lake function, estuarine habitats and water quality.

Water quality

Historically, the marine park has received numerous community complaints about sewage, septic and nutrient pollution issues from The Pines impacting on the water quality of Hearn's Lake. Recent Southern Cross University studies have found significantly elevated nutrient levels in Hearn's Lake (<https://www.coffsharbour.nsw.gov.au/Environment/Compliance-and-reporting/Monitoring-our-waterways>).

Recommendations

Consistent with historical DPI Fisheries comment on this development, it is essential that this development and any changes to this development are designed and constructed to minimise any impacts to water quality and riparian habitat.

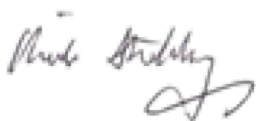
Any realignment of lots or amendment to internal access driveways must be implemented consistent with the principles of best-practice water sensitive urban design. Stormwater management must be implemented to maintain and improve adjacent estuarine water quality, including appropriate provisions for installation, retrofitting and long term maintenance of stormwater and water sensitive design features and controls.

Measures must be put in place to manage the cumulative impacts of fertiliser use and garden litter in 47 small lots directly adjacent to a marine park. DPI Fisheries commends the development of a vegetation management plan adjacent to the development expansion and strongly recommends that this vegetation management plan is expanded to incorporate the entire Pines estate. Rehabilitation of native vegetation along the entire foreshore adjacent to Hearn's Lake will assist to protect marine park water quality.

It is critical that best-practice sediment and erosion control is installed prior to and appropriately maintained throughout all phases of construction, or at any time when earth is disturbed. Every effort must be made to maintain and improve marine park water quality.

If you require any additional information, please do not hesitate to contact me on 02 6691 0600.

Yours sincerely



Nicole Strehling
Marine Park Manager
Solitary Islands Marine Park