

## **SHEARWATER GROUP: RIVERSIDE MODIFICATION 1: CONCEPT PLAN FEEDBACK**

I wish to confirm my objection to aspects of the Modified Concept Plan of the Sheargold Property Development for the Tea Gardens site.

As stated in the local Myall Coast Messenger newspaper advertisement (14 Feb 2017) by Michael, Sheargold Managing Director: "They are looking forward to working with the local community in delivering this very exciting project".

If this is the case, then why is the timeframe so rushed with no public exhibition of the amended plans and details apart from a local Progress Association meeting?

As someone who is not a member or attendee of this meeting I would also like to be able to participate in this process so I ask that this late feedback be considered in full as the timeframe has been far too short to allow for thorough examination of all of the details contained in various folders and sub folders which appear to be locally only available online. I certainly trust there is nothing "hidden" within any of those of which we, the local community, would need or want to be aware.

As also stated "You only get one chance in the life of a project to make sure the design and planning is right and that time is now". So why not allow time for us to all to ensure it is right?

My concerns regarding the modifications include:

**1. Changes to boundary of Concept Plan site, including exclusion of 10 Ha of conservation, public park, and eco-tourism land and inclusion of 6 Ha of commercial and residential land.**

By in effect handing the conservation land areas back to council for management, what controls are in place to ensure that these lands remain in perpetuity as originally desired as koala and wildlife corridors and ecologically sustainable and don't just in time get returned to parks, ovals, sporting fields and Council recreational activity areas which may become increasingly devoid of the flora and fauna which made them so special originally? By simply focusing on the residential and commercial aspects of this development, sufficient zoning development safeguards need to be also be concurrently passed to ensure these lands remain as suggested and don't in time get forgotten or usage changes amended before the in perpetuity conservation agreement becomes legalised.

**2. Deletion of eco-tourism precinct.**

By excluding this area from this current development should not mean that in time this land becomes zoned differently or becomes allowed to be developed as a holiday park or 50 berth boat marina or some other highly populated or heavily frequented recreational zone.

Appropriate controls and zoning implications need to be addressed now.

This whole area is located between the Myall Lakes Ramsar listed areas of the Myall Lakes and Corrie Island and Little Broughton Island Nature Reserves and between the Myall Lakes National Park and the Port Stephens-Great Lakes Marine Park. It has also been noted by the Ramsar site listing that these waters make up "One of the few coastal brackish lake systems in New South Wales which has not been greatly modified by human activities. The area is renowned for its

floristic diversity ...complex variety of habitats...It is home to a number of threatened species.”  
([www.rsis.ramsar.org](http://www.rsis.ramsar.org))

Any development current or future within this system or between locations within this system and local areas, including within that previously named “eco tourism precinct” must ensure the ongoing environmental integrity of the total system, so it is essential that the removal of the eco-tourism precinct into a separate area does not allow for this to be subsequently commercially redeveloped without due process and due recognition of the importance of this area.

### **3. Changes to road layout, proposed bus routes and cycleway, and provisions of riverside walk.**

Any cycleways and walks should be to allow for the safe access of residents down to the shopping precinct and medical and other facilities and then further on to the local school and community facilities and not money being spent on boardwalks to bring tourists into environmentally sensitive areas. There are plenty of beaches and pre existing walking trails within national parks and reserves and that are available for walking and bringing tourists (and subsequent litter and rubbish) into a sensitive wetland area which is of such environmental significance is not necessary nor desirable. These special wetland areas should be preserved at all costs and any such walking trails should be along the perimeters of designated environmental or wetland areas, not through the centre of a living ecosystem. The residents of these areas should be able to utilize and access bike paths, cycleways and walking trails for their own health and safety and to access necessary locations. These should not encroach upon environmentally sensitive areas and any such paths and trails should border these areas. Also, this would financially be more realistic and any such money saved could be spent on more environmentally suitable outcomes.

### **4. Changes to development staging, and to requirements relating to bulk earthwork staging:**

The decision to leave any improvements to Toonang Drive and/or the intersection with the main road Myall way until later stages of the development are both unsafe and highly unsatisfactory, given that due to the requirements relating to bulk earthworks being needed, the amount of truck traffic along these roads and into the development areas are likely to be huge. This issue will be further addressed in the roadworks feedback, so please read that in conjunction with this response. This intersection needs to be upgraded initially prior to any further development and not deferred until some later date.

A second issue is the management of the previously defined environmental lands to be set aside for flora/fauna and koala preservation, environmental wetlands etc. It should be noted that there are not only koalas as part of this ecosystem that need preserving, but smaller creatures like frogs, lizards, etc and that these areas should be maintained continuously and not just used as giant “parking lots” which are totally degraded and cleared and then recovered and replanted later when all development has finished. Management of bulk earthworks, clearing and machinery should all

be done in such a way as to ensure the continued preservation of the sensitive environmental zones and only the lands to be developed should be impacted during any construction processes.

#### **5. Modifications to Biodiversity offsets package:**

It is commendable that the koala offsets have been maintained onsite. However there are many other threatened species identified through the Conservation commission throughout this local area and these all form part of the natural environment and this special ecosystem. All offsets (not just koala credits) should be maintained locally. This river, wetland and riverland area is largely a pristine environment as mentioned previously and acknowledged as a world renowned area of significance. Not only should all offsets be maintained locally (not just anywhere within the greater Mid Coast Council area or NSW) but should be specifically retained within this special local environment. They absolutely should not be allowed to be transferred to another location. This whole area should be one which attracts and benefits from other offsets packages as well, not “give ours away”. If there was ever a need to transfer offsets, it would be to utilize them in an environment such as this and draw more in, not destroy this extraordinary location and grant the subsequent offsets to an area of far less natural significance. There is no logic in that and if there was any point in any biodiversity offset program which allows for the transfer of offsets it should be to enhance the nature of areas such as this. So any possible biodiversity offsets must be identified, maintained and utilized in the Hawks Nest Tea Gardens local area.

Why have such an environmentally, ecologically, and aesthetically special part of the world and not treat the flora and fauna living within it and relying on it for existence with the utmost respect and appreciation and gratitude. I understand these words may not be in the business/ economics/ engineering framework, but it is the interconnectedness of all of the natural environment which makes this such a special location and all developers and people benefiting from this unique location should be obliged to recognize and preserve this area, not just come, use this magnificence for personal gain, and then leave it worse off.

Every effort should be made to enhance not diminish this area with every action taken.

#### **6. Amended stormwater and groundwater management:**

As I am not an engineering expert nor hydrologist I am unable to give an accurate scientific/engineering analysis of this aspect but it appears there has been a removal of water retention basins for the runoff and seepage down the hill and from the surface runoff of the ground area development. There needs to be an expert hydrologist analysis to ensure that:

- no seepage or interaction is able to impact the deeper water table from which Tea Gardens draws its water so there is no intermingling of water and also
- to ensure there is sufficient time for evaporation and removal of pollutants before this water reaches this ecologically important and sensitive wetland and river system.

This needs to be safeguarded not just on a daily basis, but in any big rain events and heavy downpours resulting in large volumes of water within the development area, as the increasing

likelihood of such bigger storms with the impact of global warming occurs. The experience at Jimmys Beach has shown that “one in hundred year” events can occur regularly and so should not be allowed to happen to the detriment of this river ecosystem as well. Prevention of storms and big rain events may not be manageable within this concept plan but resulting water flows must.

## **7. Changes to provisions of road infrastructure upgrades.**

The modifications seem to premise that no specific road upgrades are immediately required to Toonang Drive. I strongly reject this view.

The intersection of Toonang Drive with Myall Road/Myall Way is already an extremely dangerous corner. This is an 80 km zone and there is no separate laneway for people driving out of town and trying to turn right across the flow of traffic into Toonang Drive, nor any designated slip lane for those coming down the hill trying to turn left into Toonang Drive. All of these turns must be made in an 80 km zone and into an already established and populated residential area. This is already a dangerous situation. The inclusion of thousands of truck movements into this situation makes it even more so.

As someone who makes this turn regularly, I am frequently frightened by the speed at which some drivers approaching from behind are travelling as they are trying to speed up to get up the hill while I am slowing down and preparing to turn right. Repeatedly pumping my brakes and having a turning indicator light on the car is often insufficient and many only seem to notice at the last minute that my car has slowed or stopped and they then swerve and drive off the road surface onto the dirt at some speed to get past. Combined with trucks or cars with caravans travelling down the hill at 80 km/hr who may need to swerve suddenly to avoid a pothole or kangaroo, it is only a matter of time before there is a serious incident or accident at this point. Holiday traffic and visitors who are unaware of this issue only worsen the problem. I do not want anyone injured, least of all me or my family. This intersection needs to be upgraded immediately as it is a situation which may not appear significant for those who don't regularly use it for turning into Toonang Drive, but local residents within this estate are well aware and legitimately extremely concerned about the safety at this location.

Obviously as an enormous amount of landfill seems to be required to bring the new land areas to an acceptable level to avoid waterlogging, one can only assume that this fill is going to be delivered by truck from quarries outside the local town 50 km speed boundaries. Based on some initial calculations of the amount of fill required and the capacity of trucks, it appears there could be an increase of thousands or even tens of thousands of truck movements up and down this hill (next to the Lions Lookout) from very early in the development schedule.

Whether those heavily laden trucks, in addition to all of the machinery required for the development (and delivery of goods) are turning left into Toonang Drive and entering via that road or driving down into the “town centre” and travelling on existing roads is not the issue. Those that are coming down that hill at 80 km/hr will be heavily laden and swerving and braking to avoid potential accidents will be difficult. Likewise, empty trucks will be accelerating through that intersection or road section to get up

enough speed to get up that short steep hill, and again stopping at short notice to avoid an accident will be problematic. Every truck will be passing through that intersection with Toonang Drive and whether turning left into Toonang Drive, or coming down the hill and driving straight ahead into town, or leaving town and going up the hill, they will all be using that already dangerous intersection. The right hand turning lane for those coming out of town and turning into Toonang Drive and the left turn slip lane to allow for incoming traffic to turn into Toonang Drive need to be built immediately and the 50 km speed zone should be extended out to that point immediately and prior to any development proceeding and before all of these truck movements begin.

It is therefore imperative that the upgrading of the intersection of Toonang Drive and the main Myall Way roadway should occur prior to all other development and future truck movements to protect both the residents turning into Toonang Drive and driving along there on a daily basis, as well as all other road users who may be entering or leaving town and would be impacted by this dangerous and potentially deadly situation.

These specific upgrades are essential urgently, whether that be through state government, Council or Section 94 or other zoning funding combinations or commitments. It must be sourced, funded, and upgraded immediately and all parties involved must work together to find an immediate solution to this problem, not just brush it aside because it is too hard or someone else's problem or fault. It is utterly misleading to state that no specific road upgrades are required. In fact it is the exact opposite situation and needs to occur as a matter of first priority.

#### **8. Changes to bushfire management and change to servicing.**

All aspects of this amended zoning should automatically need to comply with both RFS & State government reports and requirements.

A personal observation is that once cattle are not being used to graze on the vegetation and the council takes over the requirement for continual slashing of grasslands, how is the vegetation along the hillsides under the trees going to be maintained to a safe level in terms of bushfire management, and are the property owners whose boundaries adjoin this land going to be put at increased bushfire risk? Vacant undeveloped blocks of land in Shearwater are already poorly monitored in terms of bushfire hazard, so will this problem simply increase?

#### **9. Modifications to enable keeping cats on site:**

Of all of the modifications to the concept plan, this is the most outrageous. Federal and state governments and scientists are already involved in extensive research and planning to deal with the feral cat problem in this country and to establish suitable eradication programs. Feral cats account for a huge percentage of the loss of native wildlife species in our country. This local development area is environmentally recognized as it abounds with frogs, lizards, reptiles, small birds and many other forms of native wildlife which will immediately be put at risk with the introduction of neighbourhood cats. Apart from the threatened species of frogs and wildlife, the ecologically sensitive nature of all wetland environments and all of the adjoining lands have already been recognized and acknowledged. There has

been recognized the need to set aside some of this land for an environmental corridor. It is totally illogical to plan for “green space” and environmental wildlife corridors and koala habitats and then concurrently to rezone to allow for cats when there has already been an appropriate exclusion.

One can only wonder at what financial or vested interests have led to such an inappropriate and unsound reversal of this decision. Certainly there are cat lovers who will want to buy property in Hawks Nest/ Tea Gardens. There are already areas available for that. Certainly there are responsible cat owners who would not dream of allowing their cats outside unless on a suitable restraint. But there are many others and with 900 new residences it is hard to believe that every cat owner will never allow a cat outside. There are already cats roaming in the developed areas of town and there would not be a feral cat problem in this country if all cat owners were environmentally conscious. There is absolutely no logical reason to allow for cats into an area that is adjoining environmental reserves, ecologically sensitive areas, and rivers and wetlands that are world renowned. Any future developments which allow for cats should be far distant from such areas, not right beside them. The cats themselves may not enter the rivers and all of the wetlands but the area is an ecosystem and the populations of frogs, lizards, small birds etc will suffer if cats move anywhere into the area. The sensitive and environmental nature of these lands mean that cats should not be anywhere near them.

If there is not an immediate withdrawal of this modification and change back to exclusion of cats then this whole area will be compromised forever. As the newspaper item stated “You only get one chance in the life of a project to make sure the design and planning is right and that time is now!”

So take the above Sheargold advice on this most sensitive issue and reverse this decision immediately and ensure that all government zoning officers enforce that this illogical amendment is not allowed.

**10. Deletion or changed future assessment requirements relating to groundwater, stormwater, heritage, flooding, bushfire, acid sulfate contamination, environmental management, sewer and water supply, traffic noise: And: Associated changes to Statement of Commitments.**

As stated initially, there are hundreds of pages of documents within documents and folders within folders and it is extremely difficult in an online environment with a restricted timeframe to access, read and interpret all of this information. It is therefore essential that there are no clauses which absolve the developers of any future responsibilities which may result from the current or conditional or amended approvals.

These modifications to the concept plan should not be allowed to be pushed through at speed until all concerns are addressed and the impact of all the amendments and changes have been fully resolved.

Likewise with reference to any Associated Changes to statements of commitments. Is there such a document or does this imply changes anywhere within the hundreds of pages of online documentation?

It is alarming to think that there could be changes (hidden somewhere or otherwise) within all of this documentation which have not been fully realized nor articulated and that the developer would then be

not responsible for any future obligations or requirements. This is unacceptable and it is only right that all associated changes and implications are articulated and clarified before approvals are finalized.