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From David Forge

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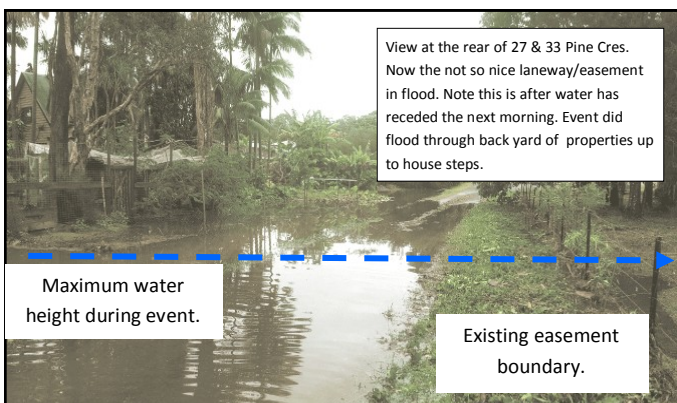
Resident 33 Pine Cres, Sandy Beach NSW 2456

On MP05\_0083 Sandy Beach North Modification No7

By Elite Construction NSW Pty Ltd

*In my previous Submission to Coffs Harbour City Council and NSW Planning & Environment on 29th May, 2017 regarding Modification of Residential Subdivision at Sandy Beach North (MP 05\_0083 Mod 5), I have already clearly stated and evidenced my objections to aspects of this proposed development that will directly effect my property. Modification 7 does not answer any of my concerns and only seems set to make the situation worse.*

*I am primarily concerned with the ramifications of this proposed development for drainage through my property and the existing inadequate drainage along the rear of my property that leads to flooding in the aftermath of 80-100 mm rain events! I am not totally opposed to "well planned" development taking place as this seems to be my only hope of having something done about existing drainage problems.*



**Flooding is a major issue.** Mod 7 covers an area where the risk of inundation is so high, the developer is obliged produce detailed flood modelling. This must demonstrate that the development is safe from flooding and will have no detrimental impact on existing homes including those in Pine Crescent, Maple Road and Ti-Tree Road. The Hearnese Lake entrance berm heights are predicted to increase along with sea level rises and storm intensities; therefore, there is a critical need for comprehensive flooding modelling of the catchment and the development site. Flooding levels will

increase with time when coupled with the predicted ravages of sea level rise, coastal recession and increased storm intensity. The proponent and any consenting authority has a duty of care (a principle of ESD) not to place properties and people in Pine Crescent, Maple Road and Ti-Tree Road at risk from even worse flooding. The key outcome of the 2006-31 Mid North Coast Regional Strategy states: "Future urban development will not be located in areas of high risk from natural hazards including sea level rise, coastal recession, rising water tables and flooding". Why would a government be approving a development located in just such an area?

*I totally agree with the issues raised in the OEH and the DPI Submissions that the current drainage plan is totally inadequate and that drainage must be designed to cope with a **maximum event** and in accordance with Guidelines for Outlet Structures on Waterfront Land (2012).*

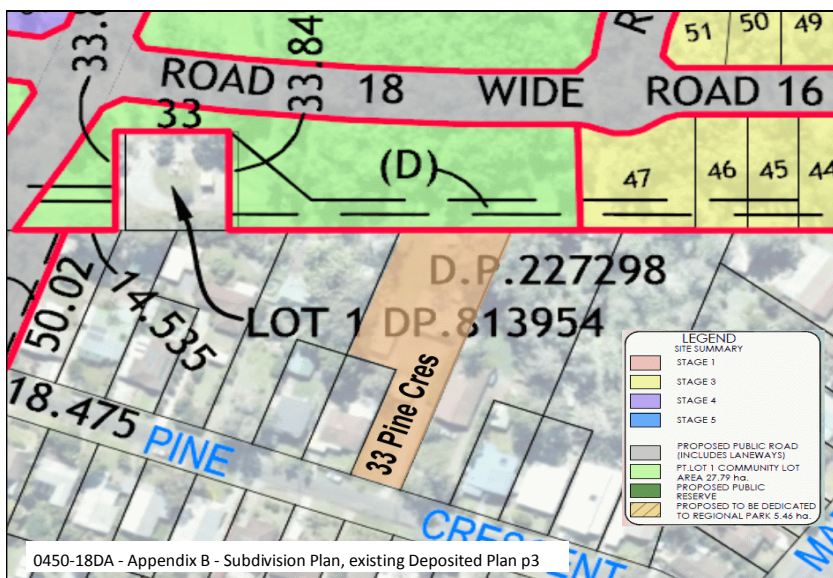
*I echo Coffs City Councils concerns about the issue of adequate drainage and that the proponents plans such as they are would see the current concrete drain on the Southern boundary replaced by swales, the drainage point and existing levels altered. The system they speak of is already inadequate to a maximum event. The water passes through my place as an open drain, to the dish drain then North through the proposed development as nothing more than a stick infested creek! I note that Council is also concerned about the ongoing upkeep. The cut and fill operation as proposed shows a possible 0.5 - 1.0 m fill somewhere along my back fence. If the proposed swale is inadequate this leaves me and my neighbours as the lowest point increasing our danger from*

flooding not improving it!

Furthermore the "SeaCrest Estate" is nearing completion on the other side of the Highway from the proposed development. Its stormwater drainage system passes under the road directly into the creek. Despite the unfolding build of its drainage system to the eye of local knowledge it looks inadequate for a maximum event.



### Boundaries, Easements, Laneways, Buffer Zone ?



As I expressed before in by Submission to Mod 5 it is disturbing to see the red boundary line for this development drawn right up to my back fence! The Council Easement for access to the **sewage pumping station** is clearly shown. Practically some space must be left before the proposed swale begins as the sewer line runs underground along my back fence. This **laneway** not only provides access to the sewerage pumping station and underground piping but also forms part of the **existing inadequate drainage system**.

Are prospective buyers to be cheated as each one of their blocks will have a large fenced/unfenced swale running through their backyard. Shouldn't the boundary lines be changed to accommodate this?

Further it provides **safe direct walking access to the beach for resident families. A safe place for children to ride their bikes and an important buffer** between this proposed develop-



ment and existing residents. It also provides a **Fire Protection Zone** and **access** in the event of a fire. Council would be foolish to relinquish this laneway for the reasons stated above. I and many other Pine Cres residents, I am sure, **object to the prospective loss of this laneway in the strongest terms.**

The plans also show a human/animal proof fence going in? 0450-18DA - Appendix D - Concept Engineering Plans show block boundaries of Stage 3 right up to the back fence of existing properties along Pine Cres. The EROSION AND SEDIMENT CONTROL PLAN CONTROL PLAN SHEET 2 shows "No Go" fencing and Sediment/Silt Fencing along this line.

The existing paddock boundary on the other side of the easement would be the only acceptable boundary for any new large scale development such as this! The 0450-18DA - Appendix F - Landscape Plans LANDSCAPE MASTER PLAN STAGE 3 shows current Easement fenced off and planted with various native grasses forming part of the actual saleable block? Mod 7 offers no clarification about this matter.

*Naturally my greatest concern is what will happen at the rear of my property when Stage 3 goes ahead. It seems from reading the 0450-18DA - Appendix B - Subdivision Plan, (existing Deposited Plan), that the developer has little clear or satisfactory idea of what is going to happen here either. From what can be gleaned from these plans the laneway looks bound to disappear!*

### **Other general concerns**

#### **Cut and Fill Minimum Size Blocks**

*It is a pity that the minimalist city, suburban standard is being supplanted to the country. Many existing residents including me are horrified by the current example at SeaCrest Estate across the highway. A mountain of fill and not a tree left standing! Hopefully there is a landscaping plan that will come into play and improve things. The eventual plan for this development is a lot better and hopefully will be executed with minimal disturbance but this land is an important buffer. Altering its topography should be done only with the greatest of care and engineering integrity. **The existing plans don't adequately address these problems.***

#### **History of the Development Proposal**

*I am aware that this proposed development has had a long history involving the former NSW Minister and now convicted fraudster Tony Kelly, has been opposed in Court by the Council and in its previous manifestations has been deemed entirely unsuitable.*

Elite Constructions NSW has lodged Modification No.7 with NSW Planning & Environment and there exists very strong grounds to reject this.

An amendment to the EP & A Act 2017 commenced on the 1st March 2018. Under that Act the modification process for Part 3A applications will follow under the current legislation rather than being able to rely upon the more flexible section 75W modification procedure under the former Part 3A.

Future modifications of Part 3A projects will now come under Part 4 and will apply to the project or concept plan at the time it becomes a 'State Significant Development', not as it was originally approved.

Elite lodged their Modification No.7 in February 2018. This can only be seen as a last-minute attempt to take advantage of the old regulations because under current planning laws the old concept plan would not be approved.

Modification No.7 should be rejected for the following reasons:

***In the original Concept Approval 2010, Schedule 2. A2 - specifically discounted development in Stages 6, 2 & parts of Stage 1 east of extension of Ti-Tree road. These are***

***the same areas included in Mod. 7 for development.***

***In the original Concept Approval 2010, Schedule 2. A6 - states any modification to extend the lapse date has to satisfy Director General that the project remains 'current, appropriate and reflective of the best use of site at the original lapsing date'.***

This reason was never addressed when Elite was granted a 2 year extension to the Concept Approval under Modification No.4. When the Concept Approval was written In 2010. The term 'Best use' was specifically used by the decision maker having the knowledge that this project would take considerable time to develop and that NSW Coastal Protection would be a major obstacle to the planning decision makers.

***That the modification goes way beyond what was approved in the original Concept Approval and that a similar modification has already been put to NSW Planning in 2013 as Mod 1 (formally known as Mod2) which received over 100 submissions against! If Elite want what is above and beyond the original Concept Approval then NSW Planning must ask them to submit a new Development Application.***

I support the Northern Beaches Community's commitment to saving Hearn's Lake and its environment. We are relying on Coffs Harbour City Council to advise NSW Planning to reject this re-hashed Modification No.1 from 2013 and for the developers to submit **a new Development Application (under current laws) if Mod. 7** is what they want.

*Thankyou for your attention to the concerns raised in my submission.*

*Yours faithfully,*



*David Forge*

*14/06/2018*