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Attention: Emma Butcher
Planning Officer, Regional Assessments
NSW Department of Planning & Environment
GPO Box 39 Sydney

Re Submission against the residential Subdivision Sandy Beach North MP 05 0083 MOD 7

I find it astonishing that after 16 years this unsuitable, unsustainable and environmentally socially/culturally and economic disaster is still doing the rounds of all local state and federal planning & environment departments.

My submissions/time line will be outlined below.

In all the government departments over this time, staff, enquiries, plan changes, more residential blocks or less, assessments, opinions etc, have inconsistently changed.

What hasn't changed is that Hearn's lake and surrounding area is not and never will be suitable for development.

My objections are still the same, and therefore have not changed so I will try to summarise 16 Years of meetings, committees, submissions and reports.

- 26/8/03 CHCC coastal development focus group meeting. Hearn's Lake/Sandy Beach. CHCC FOCUS group recommended 55 residential lots only. given all the constraints.

- 24/11/04 Flora & Fauna assessment by Conacher & Travers, for the developer reviewed by CHCC.

Council among other things noted that Conacher & Travers Flora & Fauna assessment report used Hager & Benson {1994} for determining the bioregional conservation significance & related conservation status of vegetation communities.

This reference material was then over **10 years old & considered outdated**.

They also used a superseded 1996 Fisher report on GIS vegetation mapping for Information.

The DEC & CHCC informed the developers that the Flora & Fauna surveys would have to be delayed for more than a year after the burning of almost entire project area in Oct2003.

This was to allow for post fire recruitment & regeneration.

This was not done as the dates on the reports & correspondence proves.

- 3/2/05 CHCC Ordinary Meeting, planning, environment & development committee supplementary report.

I spoke at this council meeting presenting 4 pages on this development commending The DCP which limited it to 55 residential lots. It recognised & recorded the

significant importance of this coastal lake the biodiversity & endangered ecological communities & Species & that the lake is a nursery & gateway for the Solitary Island Marine Park.

- 2005 Draft Developer Contribution plan exhibited March.
- 2005 Draft developer/control plan contribution plan exhibited later in year,
- 4/2005 & 11/2005. Extensive submissions to CHCC re impact of development on the flora & fauna, fish nursery, threatened species, endangered ecological communities & their habitats. The impact of storm water runoff, increased pollutants. It is noted that the developers were after 300+ residential lots. The CHCC development control plan for Hearn's Lake/Sandy Beach, stipulated that **the site could only accommodate 35 housing lots because of the restrictions caused by access, traffic flows, flooding, coastal inundation, ecological & habitat sensitivities.**
- 2/8/06 Exhibition by Australian government Dept. Environment & Heritage re, referral for the Sandy Shores developers. Submission submitted.
- 31.3.2009 Environmental Assessment Exhibition Major Project 05_0083
We received notification from NSW dept of Planning.
This was for a concept plan for a community title subdivision comprising 280 residential lots.
- Dec/2010 Determination of Sandy Beach North{MP05_0083}.
11.1.2011. letter from NSW planning, thanking me for my submission and advising the project was approved by the Minister for Planning, subject to conditions on 20.12.2010. For 200 lots.

Protest held at CHCC urging Council to appeal this decision. Submissions sent.

Given the many obvious oversights in this proposed development, **the evidence & Research available it was appropriate for Council to defend their position & the DCP they have maintained for many years.**

The Mod 7 for MP 05_0083 can not seriously be considered '**substantially the same**' as the original Concept approval 2010, Schedule 2. A2 – specifically discounted development in Stages 6,2 & parts of Stage 1 east of Ti-Tree road.

Ecologically Sustainable Development (ESD) requires an applicant to demonstrate that risks of serious harm or damage to the environment, life, and property, have been assessed and that mitigation measures can be implemented to avoid them. This Mod 7 does not do this.

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 Coastal Policy's principles of Ecologically Sustainable Development (ESD), specifically the precautionary principle in regards sea level rise, flooding and coastal recession, were also ignored when the Concept Approval was signed.

The proponent claims this modification will not be impacted by coastal processes, Coffs Harbour City Councils Coastal Zone Management Plan and related maps from the Coffs Harbour Coastal Processes and Hazard Definition Study clearly shows stages 1, 2 and 6 will be affected by coastal inundation, coastal erosion and shoreline recession.

The Concept Approval determined the site could only accept limited development within the identified Endangered Ecological Community (EEC) and appropriate buffers to the EEC and to the Hearn's Lake ICOLL itself.

This project was unsustainable and did not meet the objects of **Environmental Planning and Assessment Act 1979**, 16 years ago and still does not.

Hearns Lake is still:

An ICOLL, a fish nursery. Adjacent to the lakes outlet is Flat Top Point, a rocky headland with the highest biodiversity of any headland in the entire marine park.

It is still so sensitive that it is surrounded by a sanctuary zone where all fish animals & plants are **fully protected**.

Storm water & pollutants from parts of the Northern catchment for Sandy Beach **still** drain into the lake & the sewerage system from the caravan park occasionally overflow.

Almost the entire subject property is **still** below 10m asl & that the topographic variation across the allotment. As a result, the vast majority of the property {with the exception of the far south} is considered to represent a "**Coastal Floodplain**" hence most vegetation contained within this land parcel {forested wetlands & fresh water & estuarine wetlands} conforms to the definition of both existing{final} determinations for EEC's, or recent preliminary determinations.

In 2010. The Director-Generals assessment report in his determination, notes, "**that due to lack of research the size of buffers for wetlands and sensitive ecosystem, it should be done on a case to case study after a site-specific investigation. [Dec 2010]**"

How can a planning department honestly look at all the on ground and scientific facts, recommendations from their own departments and endorse modification 7 that goes against this and increases the risk to the Lake existing residents the flora and fauna?

All levels of government need to reassess their planning & flood mitigation measures. Look at what is being planned & the outcome overall of the community. Using the precautionary principle, do not just rubber stamp development applications to line the pockets of a few. Given what we know about the impact of humans on climate changes we need to get it **right, get it wrong and it is gone forever**.

Thank you for the opportunity to comment.

Connie Seward.

19.06.18

