

Submission on MP 05_0083 MOD 7 Modification to
Concept Plan Approval (Sandy Beach North)

20th June 2018

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Department of Planning & Environment

Attention Emma Butcher

**Submission to Proposed residential subdivision of Lot22 DP1070182
Sandy Beach North (MP05_0083)**

We object to this development proposal in that it does not adequately address ESD Principles nor is it in the public interest. Please consider the following points.

Floodplain Risk Management Plan Required before DA Consent

A huge volume of fill, roadbase etc has been deposited in new subdivisions off Solitary Islands Way on the western side of Hearn's Lake. A Floodplain Risk Management Plan should be undertaken as a matter of priority to determine the impact on other areas within the catchment of fill proposed for this latest development proposal.

Latest Climate Change Data Must Be Considered

Supplementary Requirements Director-General Planning

7. Hazard Management and Mitigation

The following additional requirement is included:

- 7.7 A risk management assessment of climate change impacts to the year 2100, is to be undertaken using the latest available information from the International Panel on Climate change (IPCC), Department of Environment and Climate Change (DECC) and the CSIRO. This should include sensitivity analyses for low level, mid range and high level ocean impacts as set out in relevant DECC Guideline (*Floodplain Risk Management Guideline: Practical Consideration of Climate Change*, 2007).

It was reassuring to note that the Director-General's supplementary requirements for the Environmental Assessment of this DA included a "risk management assessment of climate change impacts to the year 2100"

This appeared to indicate that NSW Planning had set a more realistic planning horizon as well as a blueprint for Intergenerational Equity.

Unfortunately the recommended use of IPCC and DECC data to determine sea level rises for this development could prove unwise as IPCC predictions of sea level rise do not take into account increasing ice sheet melting in Greenland and West Antarctica.

Philip Haines of WBM Oceanics, the consultants hired by Coffs Harbour City Council to prepare the Hearn's Lake Estuary Management Plan (2005) incorporated a sea level rise of 50 cm by 2100 when establishing horizontal buffers around Hearn's Lake to guide development under the Sandy / Hearn's Lake Development Control Plan. (See Appendix A)

WBM Oceanics used a conservative berm height of 3.0 metres and now believe that a "Mid-range berm height (RL 2.5m) and an upper range future SLR (1.0m) should be supported."

Recent evidence presented by 4 prominent sea level rise experts, including Australian Dr John Church, suggest sea levels will rise at least twice as fast as current IPCC predictions due to increasing ice melt of the Greenland ice sheet which is now losing between 200-300 cubic kilometres per year.

Professor Konrad Steffen, from the University of Colorado, Dr John Church, of the Centre for Australian Weather and Climate Research in Tasmania, Dr Eric Rignot, of Nasa's jet propulsion laboratory in Pasadena, and Professor Stefan Rahmsdorf, from the Potsdam Institute for Climate Impact Research, are all experts in sea-level rise. Their views represent the mainstream opinion of researchers in the field, taking account of the most recent data.

The British Environment Agency has already abandoned 2007 IPCC sea level forecasts and is "planning flood defences for 2100 on the basis of a **one-metre rise in sea levels – with a "worst-case scenario" of 2.7 metres.**"

NSW Coastal Planning must be responsive to new climate change data.

In the Walker Vs NSW Planning Minister case, Justice Biscoe found former Planning Minister Frank Sartor had failed to consider "whether changed weather patterns would lead to an increased flood risk in connection with the proposed development in circumstances where flooding was identified as a major constraint on development of the site".

We believe new mapping of horizontal buffering around Hearn's Lake should be undertaken as soon as possible and that current climate science be cross referenced with IPCC data on sea level predictions.

Ecologically Sustainable Development Principles

Ecologically Sustainable Development, supported by NSW Courts, is defined as "development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends".

According to the Supreme Court judgment (Walker Vs NSW Planning Minister), The NSW Planning Minister is required to consider ESD principles in the public interest: *"It is particularly important that the consent authority and/or the Minister conscientiously address the principles of ESD in dealing with any development application, and not regard the approval of the concept plan as carrying any weight in this consideration. It may be that failure to do so could, having regard to the content of this judgment, be considered evidence of failure to take into account the public interest."* (Clause 63 Hodgson J 40893/07 24/9/2007.)

The Precautionary Principle

"If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation"

During the severe weather event in Coffs Harbour in March 2009 The Pacific Highway was cut in 4 locations by flood waters. Severe weather events are likely to become more frequent as a result of climate change.

The proposed development site lies within 650 metres of the sea on a floodplain adjoining an Intermittently Closing and Opening Lake. Sea Level rise will see more water in Hearn's Lake before break out occurs (Appendix A) which will affect horizontal buffers.

Sea level rise predictions have changed since 2007 and already suggestions of possible 4 m sea level rises have emerged from conferences such as the Coast to Coast Conference in Darwin 2008). The melting of the ice sheets in Greenland and West Antarctica and the disappearance of the Arctic sea ice is cause for great concern.

We believe that this proposed development fails the Precautionary Principle because it is likely to suffer flooding from coastal inundation as a result of climate change.

Intergenerational Equity

"The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations."

Coastal floodplains at Hearn's Lake, particularly in the proposed development area have already been degraded through native vegetation clearing and cattle grazing in mangroves. The addition of 280 extra dwellings will further severely diminish the ecological integrity of Hearn's Lake as well as the Solitary Islands Marine Park.

We believe the health and diversity of the natural environment on this proposed development site should be maintained and enhanced for the benefit of future generations and the proposed development is refused on the grounds that it fails to adhere to the principle of Intergenerational Equity

Conservation of Biological Diversity and Ecological Integrity should be a fundamental consideration with development.

Improved valuation, pricing and incentive mechanisms with environmental factors included in the valuation of assets and services."

The valuation of this proposed development area as a willing recipient of flood waters, a nesting site for migratory and local birds, as Wallum Froglet habitat and as a fish breeding habitat to feed the Solitary Islands Marine Park Sanctuary Zone should have equal weight to consideration of a 280 lot development in an area where dwellings may not in the future be able to be insured because of the increasing likelihood of coastal inundation.

We believe the proposed development fails the principle of Conservation of Biological Diversity and Ecological Integrity.

In conclusion we believe there are several constraints to this development that make it socially, environmentally and economically unsustainable. We believe it does not address ESD Principles and as such we ask that the NSW Department of Planning and Environment refuse this development application and move to conserve the ecological integrity of the Hearnese Lake ecosystem.

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