

Dear Steve

I have read the points, below, objecting to the development at Hearne's Lake titled "Sandy Shores"

I agree with these points and as a long term resident (33 years) of Sandy Beach, I have grave concerns for the existing, nearby residents and community as a whole.

- 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'.
That the modification goes way beyond what was approved in the original Concept Approval, in fact it's difficult to understand how Modification 7 is considered to be 'substantially the same' as the approved development when it's gone well beyond that which was approved on environmental grounds back in 2010.
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.
- There is an urgent need for 2D Dynamic Catchment Flood Study to properly inform any decision making, especially when taking into consideration the principles of ESD.
- Site any development at least 50m from the 3.5m AHD water level
- 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 development will effectively prevent the landward migration of salt marsh, a vulnerable Endangered Ecological Community (EEC)
- 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 effected 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.
- Planning & Environment must discount Cumberland Ecologies commentary and listen to the NSW Scientific Committee's final determination for floodplain EECs which states that they also occur on soils and landforms associated with Coastal Floodplains.
- Cumberland's fame for messing with facts is borne out by the NSW Land & Environment Court in Motorplex (Australia) Pty Limited v Port Stephens Council (2007) NSWLEC 74, another case where Cumberland Ecology Dr Robinson, used the same argument as used here for this Sandy Beach North report. Justice Preston CJ ruled against Dr Robinson, finding that EECs also occurred on soils and landforms associated with Coastal Floodplains.
- As Sea Levels Rise the mangroves and Salt Marsh (a vulnerable Endangered Ecological Community (EEC) would normally migrate landwards with the movement of the water, providing the system with some resilience to climate change.

- If the land is filled as is proposed it will effectively prevent the landward migration of the mangroves and salt marsh communities. This is called 'coastal squeeze' and will result in significant loss of salt marsh.
- Any additions to the Coffs Coast Regional Park must be considered by the Board and fully funded by the proponent for an agreed rehabilitation schedule.
- Permanently exclude dogs and cats from any proposed development on Hearne's Lake
- objects of Environmental Planning and Assessment Act 1979 are:
 1. to conserve biological diversity of fish and marine vegetation and promote ecologically sustainable development and activities
 2. to prevent the extinction and promote the recovery of threatened species, populations and ecological communities of fish and marine vegetation
 3. to protect the critical habitat of those threatened species, populations and ecological communities that are endangered
 4. to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities of fish and marine vegetation
 5. to ensure that the impact of any action affecting threatened species, populations and ecological communities of fish and marine vegetation is properly assessed
 6. to encourage the conservation of threatened species, populations and ecological communities of fish and marine vegetation by the adoption of measures involving co-operative management.

Sincerely,

Neil Furrall