

Hastings Point Progress Association

No. 160

PO Box 66, Hastings Point, NSW 2489

President: Gary Thorpe

Vice President: Vic Brill

Secretary: Julie Boyd

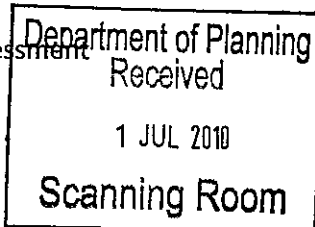
29 June 2010

Regional Projects, Major Projects Assessment

Attn: Marek Cholinski

Department of Planning

GPO Box 39, Sydney NSW 2001



Submissions RE: LOT 156, Creek St – 06_0153

Dear Sir

I wish to object to this proposal in the strongest terms on behalf of all members of the Hastings Point Progress Association, residents of Creek Street, Hastings Point, owners and residents of Hastings Cove, 2 Creek Street, Hastings Point, and owners and residents of Northstar Caravan Park and Residential Community. In addition to the letters included with this submission, you will also be receiving numerous individual letters from residents ranging from young children to very elderly resident owners who all share a common love for, and concern for the health of this area and its residents.

I note that substantial appendices to this submission (see listing at the end of this letter) are also attached including

- DVD of photos and documents
- Various documents as outlined in the appendices below
- Original letters from more than 120 resident and other owners
- Submissions collected over the past four years during meetings about this development

The proposal fails to note a number of crucially important issues.

1. **Consultation.** There has been no consultation with the local community at any stage during this development. Indeed the developer has gone out of his way to antagonise neighbouring owners through a number of actions. You will note by the extent of petition signatures and individual letters included in this submission envelope that resistance to this development, in a village of less than 350 permanent residents, is highly significant.
2. **Illegal activity.** This site has been subject to illegal activity since the 1980's when the first illegal filling of the site began to occur. We note that most recently the current owner has been fined and PInD on several occasions as recently as the past two weeks for ongoing illegal activity including filling and slashing.

3. **Flooding.** This proposal has provided an incorrect flood study. We refer you to the expert letter provided by Rob Bonar, Architect, and also to the upcoming expert submission by Max Winders. This proposal also fails to address the issue that the Cudgera and Christies' Creek estuaries are a flood plain fed by an extensive catchment area and as such need to address incoming floodwater from the catchment not just the localised development.
4. **The history of this site is fraught because of illegal activity on the part of sequential developers, including the last couple of weeks, combined with a history of deliberate neglect by past councils including the council which was sacked for corruption of process.** This site is a floodplain with a water table immediately below the surface over most of the site. Development has been opposed by local residents and the Hastings Point Progress Association dating back to 1980 with objections to the illegal actions of owners of the site.
5. **Council objection.** Despite neglect by past councils, the current Tweed Planning Department seems to be finally taking a responsible approach to this area through the development of a DCP and the submission of the response to the tests of adequacy by clearly stating this proposal has yet again failed the tests of adequacy.
6. **The issue of sandmining.** Sandmining has never occurred on site and statements made by the proponents could be construed as misleading in this respect. Residents who have lived here since 1950 attest to the fact that sandmining never occurred. The activity was dredging and illegal filling.
7. **Acid sulphate issues.** This area features acid sulphate soil and the extent of this issue means that this cannot be mitigated without major ecological destruction.
8. **Flooding.** Significant photographic evidence has been submitted by both individual objectors and the Hastings Point Progress Association (see enclosed DVD) which demonstrates the existing vulnerability of surrounding properties which will be massively escalated by proposed works on this site.
9. **Traffic issues.** Construction traffic cannot safely access Creek Street from Tweed Coast Rd without significant safety threat to residents, and particularly young parents, elderly residents, blind residents and school children who use the footpaths, grass verges and pedestrian refuge at the corner of Tweed Coast Rd and Creek St to safely cross the road. AS the school buses stop on the beach side of the road, and suggestion of removal of the refuge would pose a significant threat to children crossing to catch buses. The Hastings Point Progress Association have been lobbying for years for the installation of a pedestrian crossing in conjunction with the refuge to increase pedestrian safety- particularly given the speeding problem through the village. (last year RTA stated average speed of cars and construction trucks was 68.5kph in a 50kph zone)
10. **Safety of life and property.** Elderly residents in the village, along with all other resident owners are particularly concerned about the impact of this development on their lives, their personal safety, the value of their properties (properties in Creek St have already been devalued as the direct result of actions by this proposal. Homes have been on the market for significant periods of time because of buyer concern about Lot 156.
11. **Need for this development.** Hastings Cove, a small 24 unit development on the corner of Tweed Coast Rd and Creek St was previously part of Lot 156. This was sold off and letters from Mrs Wintour are also appended to this submission. Mrs Wintour is the widow of Mr Wintour- the developer who filled and extended the property into Crown Land in the 1980's and continued to actively degrade the property. Mrs Wintour sought leave from the

Valuer General to downgrade the value of the property because of the history and environmental sensitivity of the land. The units at Hastings Cove have had a long history of being unable to be sold in any short term period. Units at Hastings Cove are a tourist complex which has been badly affected by construction traffic noise, by uncertainty about Lot 156 development and by floodwaters.


12. Rising water. Hastings Cove was subject to some filling when it was first built. As an owner/resident of Hastings Cove for the past 9 years I can attest to the fact that fill is washing away from under the buildings, causing significant problems with both white and black ants.
13. Stormwater outfall pipes at Hastings Cove and in Peninsula Streets are unable to cope with the volume of storm water during major rain events, and during floods. Stormwater outfall pipes are now FILLING on incoming tides, with tidal waters filling half the pipes. During an incoming king tide, stormwater outfall pipes are filled to capacity with the incoming tidal waters. There is NOWHERE for stormwater to run off. This proposal for Lot 156 has no adequate solution to stormwater, as the solutions proposed have been shown not to work. On this basis alone this proposal should be immediately refused on that basis alone.
14. Consideration also needs to be given to the new Hastings Point DCP, the draft of which INADVERTANTLY contained a diagram of development on Lot 156 Creek Street which both Council and the consultant have since acknowledged should NOT have been included. Further, due to the sensitivity of this area and the low-lying nature of the area this area will be subject to the new Mapping Tool for Councils just being released by the Federal Government.
15. Finally a class action is already under discussion by those affected by this development.

I note that further expert reports will be provided including legal and flooding responses prior to the extension granted for these reports to 21 July. In the interim, reports from some experts are included with this submission and we state that we completely support the expert submissions still to be received by State Government.

In representing the residents, resident owners, non-resident owners and visitors who support the work of the Hastings Point Progress Association we respectfully ask that the State Government refuse this application and require the fill that has been dumped on site in the past, and recently, to be removed, so that this sensitive and important floodplain, and wetland can be restored to its natural state. We request that this Lot be re zoned entirely to 7A. We support the response of the Tweed Shire Council to this submissions.

Yours sincerely

Julie Boyd M.Education, B. Science,


Secretary
H. P.P.A.
P.O. Box 66, Hastings Point NSW 2489

APPENDICES TO THIS SUBMISSION FOR INCLUSION IN OUR OBJECTIONS INCLUDE:

**Documents and photographs sent by DVD as part of the Hastings Point Progress Association
Submission 29 June 2010. Including:**

1. Flooding and acid sulphate photos. This folder contains a variety of photographs of recent flooding and rain events since 2005.
2. Lot 156 aerial photos. This folder contains aerial photos showing the location of Lot 156 with respect to the Cudgera Creek estuary and the size of the rest of the village. Photos taken 2009
3. Mean High Water Mark submissions. This folder contains submissions made to the Minister with regard to the artificial alteration to the Mean High Water mark on Lot 156
4. Newspippings. This folder contains newspaper reports back to 1980 on deliberate abuse of the land on Lot 156 and resident objections.
5. Powerpoint Presentations. This folder contains three powerpoint presentations put together by residents and the Hastings Point Progress Association: 30 June 2005 shows floodwaters which covered the entity of Lot 156 to a depth of up to 2 metres, rendered Lot 156 part of the Cudgera Creek estuary, and photos of the impact on residents of Northstar caravan park and Creek Street, The other two powerpoint presentations show the history of damage on Lot 156.
6. Truck in Creek Street shows the damage done by construction trucks trying to access Creek St n order to get to Lot 156, and also damage by the barbed wire fence on Lot 156 that has since been PINed and required to be removed by Council.
7. Barbed wire fence shows a photo of the barbed wire fence surrounding Lot 156 and how it sits in the Cudgera Creek estuary.
8. Depth show the depth opf the estuary at tyhe Lot 156 boundary demonstrating the depth to which the regular estuary needs to manage water.
9. HPPA docs are letters sent to Ministers with regard to this Lot
Wintour Land and Environment Court shows one of the Land and Environment Court findings against

**Documents Appended to the Hastings Point Progress Association submission 29 June 2010
Including:**

PETITIONS

38 pages of signatures collected at various meetings over a period of four years of people objecting to any development on Lot 156 because of the flooding and environmental threats.

LETTERS

These are letters which many tried to email and were blocked. Also signed letters from Hastings Point resident owners and other Hastings Point property owners objecting to the development on Lot 156, Creek Street.

COUNCIL documents

Report by Chris Larkin 2002. This report was presented to Council in 2002 at around the time the Tweed Council was sacked for corruption of process for their relationship with developers and their unwillingness to take advice from their resident experts requesting significant rezoning.

Minutes of the Development Assessment Panel 25 Oct 2000, showing clearly that geotechnical suitability needs to be determined, there needs to be a social impact study, flood liable land needs to be addresses , and biting midges need to be addressed and energy smart homes needs to be addressed. None of these have been addressed by this proposal.

Reports submitted by Tweed Council stating that this application has failed two tests of adequacy. Previous reports failing previous applications have, we understand, been submitted by Tweed Shire Council on previous occasions.

EXPERT letters

Letter from James Nash, a Landscape architect

Letter from Rob Bonar, an architect who is also a resident owner of Creek Street, Hastings Point.

Submission requesting rezoning of Lot 156 submitted by Tess Brill, resident environmentalist in 2003.

We note that further expert reports will be submitted within the extended time frame agreed to.

RESEARCH

Cudgen Nature Reserve Plan of Management

CSIRO Environmental Impact of Acid Sulphate Soils Near Cairns. This report shows the impact of the type of acid sulphate soils which are the predominant soil type on Lot 156, Creek Street- location of this proposal.

Impacts of runoff from Sulphuric Soils on Sediment Chemistry in an Estuarine Lake- shows the impact of disturbance of acid sulphate soil on adjoining estuaries.

HISTORY

1. Letter sent to Sally Laing (now Munk) on 1 August 2007 contains a history of illegal actions on Lot 156.
2. Submissions, including photographs of the illegal clearing of Mangroves and other vegetation on Lot 156 which were sent to council and Ministers over 2005.
3. A series of letters sent by the Cudgera Creek Residents Interest Group
4. Letters sent by Mrs Wintour, widow of Neville Wintour- the owner of Lot 156 who dredged the Cudgera Creek estuary, filled and claimed Crown Land and illegally cleared vegetation. Mrs Wintour and others have made submissions to the Valuer General requesting a DOWNVALUING of this land. We note that the land was downvalued as 2 Creek Street had

been cut off from Lot 156 and sold separately and the subsequent development there has, and continues to, struggle to survive as a Tourist development. Any competition to the development on 2 Creek Street will adversely impact the existing business which is located there in letting Tourist units. There is NO call in Hastings Point for further units- and is in fact contrary to the definition of a hamlet to allow any further Tourist development.

No. 159

NSW Department of Planning
Major Project Assessment
GPO Box 39
SYDNEY NSW 2001
information@planning.nsw.gov.au

Sustainable Villages Alliance
PO.Box 66
Hastings Point, NSW 2489
ph 0404 956 627

July 2, 2010.

RE: LOT 156, Creek St – 06_0153 Regional Projects, Major Projects Assessment
Attn: Marek Cholinski

Dear Mr Cholinski,

We are writing to formally add our support for the points raised in the submission from the Hastings Point Progress Association regarding the development on Lot 156, Creeks St. Hastings Point.

We are concerned with the issues of worsening flooding in the surrounding area which this proposal would necessitate. Any filling in this environmentally sensitive area of the floodplain should be rejected.

We also object to the removal of public access to the creek.

Please reject this proposal for the Lot 156 development and support the local community in their opposition to it.

Yours sincerely



Chris Cherry

Executive member

Sustainable Villages Alliance

No 158

28 Creek St
Hastings Point
NSW 2489
June 27 2010

REF: MP 06-0153 Lot 156 Hastings Point

ATTN: Marek Cholinski
Regional Projects
Major Projects Assessment
Dept. of Planning
GPO Box 39
NSW 2001

Dear Sir/Madam,

As Resident and Ratepayer of Hastings Point, I trust you take onboard the following.

The current proposal for Lot 156 is seriously flawed on many levels, I therefore request that the proposal be rejected.

If approved, as proposed, the removal of the pedestrian access islands from the Tweed Coast Road at Creek Street, will further increase the risk to my legally blind partner as she attempts to cross this already dangerous road, so as to access the beach for her daily exercise.

The proposed level of fill on this floodplain is foolhardy at least and then to add an 'emergency access road' will simply further increase flood hazard to an unacceptable level.

Already Lot 156 has been illegally filled due to dredging, this has altered the flood plain and slows flood waters getting into the estuary and out to sea, thereby causing us increased flood risk.

I have experienced flood events in this street since 1959. We are under extreme pressure during heavy rain events.

This proposed development will place our lives and properties at risk thereby devalue our property and increase our insurance.

It is totally inappropriate to fill this flood plain, it has its purpose.

Storm water and drainage solutions proposed are inadequate, adjoining properties, including ours, will be adversely effected.

The proposal offers no satisfactory solutions for the redirection of water flow. The change in water levels and directions will damaged critical habitat and wetland ecosystems.

We should have a buffer zone of 100meters for the estuary and wetlands, as Lot 156 sits in the wildlife corridor with endangered species visiting to breed, these include the Jabirus and the Bush and Stone Curlews.

The proposed area of development will destroy the habitat for these birds, as the owner's practices of illegal clearing to date have proved, they care-a-less.

Perhaps if this developer were to have used qualified experts to supply correct and current Flora and Fauna Reports, we could deal with facts not fictions.

The offer to rejuvenate already degraded land is an insult, as the proposed developer is the degrader of this land to start with.

No Sand Mining has ever occurred on Lot 156, as this proposal suggests, only illegal filling, clearing and land grabs have taken place here.

This proposal is further flawed by its lack of consideration to Climate Change. Increased rainfall, storms and sea level rises have not been taken into account and these issues are of grave importance to us all.

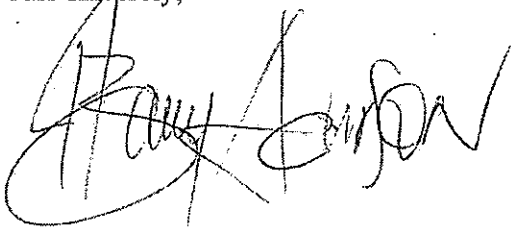
In fact, this whole proposal shows a total lack of concern for the amenity of the area, this very special and pristine area of Hastings Point.

We must safeguard it, not openly destroy it via developments such as proposed.

If this proposed development is given approval it will totally destroy the amenity of our area, the very reason we choose to live here.

Please reject this proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Barry Anderson'. The signature is stylized with a large, sweeping initial 'J' and a long, horizontal stroke extending to the right.

J Barry Anderson



CLARENCE ENVIRONMENT CENTRE

29-31 Skinner Street

South Grafton 2460

Phone/ Fax: 02 6643 1863

Web site: www.cec.org.au

E-mail: admin@cec.org.au

Date: 1st July 2010

To Department of Planning
Regional Projects, Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39, Sydney NSW 2001

Dear Sir

The Clarence Environment Centre has maintained a shop-front in Grafton/South Grafton for over 20 years, and has a proud record of advocacy for the environment of the Clarence Valley, and the wider community. As such we appreciate the opportunity to comment on the following development application, the determination of which we believe will have implications for all fragile coastal ecosystems including those in our own area.

Development Application LOT 156, Creek St, Hastings Point - -- 06_0153, and proposed DCP Amendments

In reading a briefing paper on the history of the above development, the Clarence Environment Centre is appalled at the abuses of due process that have apparently occurred over an extended period in relation to this proposal.

Firstly, we understand the Cudgera and Christie's Creek estuaries were illegally dredged in the 1990s, and the 'fill' used to extend the property in question by some 7 hectares, a process that not only 'stole' 7 hectares of public land, but redirected the flow of water into the estuary. This was reportedly followed by degradation of the P7A Environmental Protection Zone; causing destruction of riparian habitat that continues to be regularly mowed to the present time, thus ensuring no natural regeneration occurs.

We are informed that the landowner was found guilty of numerous offenses in the Land and Environment Court and ordered to make restitution, a penalty Tweed Council failed to enforce.

Also it is our understanding that filling of the estuary has exacerbated flood problems on both the proposed development property, which has always been inundated by 1 in 20 year flood events, and the Hastings Point village itself, a fact clearly identified in Council's own flood study for the area.

There has also reportedly been conflict between Council staff, who are strongly opposed to the proposed development, and some pro-development Councillors. Opponents of the proposed development, Hastings Point Progress Association, employed a hydrologist to assess the proposal, who declared the proposed flood mitigation strategy was totally inappropriate, claiming it simply would not work, and expressing the view that the estuary should be returned to its original state.

Finally, this entire sorry saga has allegedly seen the approval for construction of two house pads on an adjoining Creek St block owned by the proponent, which has seen both sites filled right to their

boundaries thanks to a Certifier and Council's building dept, all without the knowledge of Council's planning section. The fact that the Certifier reportedly works for the same consultancy responsible for the Part 3A application for Lot 156 simply adds to residents' concerns.

We strongly believe Planning should closely scrutinise the history of this development proposal and investigate reports that the Certifier has previously been found guilty of professional misconduct which, if found to be true, should trigger an immediate inquiry into all aspects of the proposal. In the interim we believe the Department of Planning should place a moratorium on the proposed development pending the outcome of an investigation.

Environmental Concerns.

1. The blocking and redirecting of peak flows into the estuarine system, has permanently devalued the mangrove and saltmarsh ecosystems that previously existed. Both communities are listed as threatened under State Government coastal management and planning law, and provide habitat for a number of threatened species including Beach Stone-curlew and Black-necked Stork. Furthermore, such habitats are crucial in mitigating flood impacts to surrounding areas through natural floodplain functions.
2. The very real impacts of climate change, identified by the IPCC and by Australia's CSIRO, and acknowledged by the NSW and Federal Governments, have not been seriously addressed in this development application. Climate change will have major impacts on coastal communities world wide, including an increase in extreme weather events, flooding, storm surge, and gradual sea level rise.

However, some developers, and some Councils, have latched onto a clause in the NSW Department of Environment, Climate Change and Water's (DECCW) "Sea Level Rise Policy Statement, 2009", which states in relation to coastal development that: *"Planning and investment decisions should therefore consider the range of sea level rise projections over the life of the asset"*.

Some developers are even suggesting the average life of a home is less than 100 years, therefore to fill the proposed development site to 90cm (DECCW's predicted sea level rise by 2090) above current maximum flood level will meet State Government requirements.

What is being totally ignored, is that the factors causing climate change and polar ice melt are locked in for possibly a thousand years and cannot be halted or reversed in the short term, so it is widely acknowledged (and also noted in DECCW's Policy Statement) that sea levels will continue to rise well beyond 2100. Under those circumstances, we have to ask what consideration did DECCW give to future flood liability of residents who might be persuaded to purchase homes in coastal communities like Hastings Point and how, in 2090, residents will take the news that their suburb (asset) has reached the end of its projected life, and will have to move?

Fortunately, some sanity prevails. Yesterday (June 29), the Sydney Morning Herald reported (<http://www.smh.com.au/environment/mapping-tool-for-councils-charts-sealevel-rises-to-2100-20100628-zf9w.html>) under the heading, "Mapping tool for councils charts sea-level rises to 2100", details of a Federal Government mapping initiative designed to provide a tool *"for councils to identify which areas may be flooded by rising sea levels. ... provide the ability to investigate which areas will be inundated under different sea-level scenarios,"* and ... *"help reduce risk for local governments."* Therefore we strongly recommend Tweed Council, and Department of Planning, take full advantage of that tool, and fully consider the long-term implications of climate change when determining this proposal.

Other specific concerns related to the current Development Application.

- Recent floods in 2005 clearly showed that Lot 156 is totally inundated by a 1 in 20 year flood, and that past rilling of the estuary and removal of vegetation has increased the threat of flooding to the remainder of the village.
- At the time of flooding, the flow tries to follow it's original path which filling has blocked.
- The applicant proposes to offset ecological impacts by rehabilitating a small potion of the previously "stolen" land. We believe this entire are should be rehabilitated, or preferably returned to its original estuarine condition.
- Local residents are concerned the proposed construction of a 'firebreak' in the form of a road adjacent to the estuary, will form a levy behind existing houses, trapping flood water which will not be able to escape from Creek St into the estuary.
- As incoming tidal flows are now blocked, water already flows back up through storm-water outlets, blocking the escape of storm-water during heavy rain events. Further filling will only serve to exacerbate the problem.
- The construction of the 'firebreak' road will necessitate filling to a level greater than the current height which will not only block estuary access that has been enjoyed by locals since the 1950's, while it will also block views to some properties which have seen property values decline as a result.
- The proposal acknowledges that access from Tweed Coast Rd to Creek St is too narrow for construction trucks and requests that the pedestrian refuge island be removed. We are informed that even if this occurs the turn is still too narrow which will entail trucks driving across the footpath.
- The request to remove the refuge island totally ignores the large number of elderly retiree residents from adjoining NorthStar caravan park, the only affordable accommodation in the area, and the needs of a number of disabled and blind residents who will not be able to cross the road to access the beach

In conclusion:

Given the Planning Department's stated aims (Regional Strategies) that: *"These issues need to be carefully managed when considering future development particularly in light of the potential coastline changes associated with climate change"*, and other issues outlined above, we strongly believe that the precautionary principle must apply, and the development application for Lot 156, be denied.

We also believe that Tweed Council should be required to ensure measures are taken to return the Cudgera and Christie's Creek estuaries to their natural state with full rehabilitation of the mangrove and salt marsh ecosystems that previously existed.

Yours sincerely



John Edwards
Honorary Secretary.

No 156.

28 Creek St
Hastings Point
NSW 2489
June 27 2010

REF: MP 06-0153 Lot 156 Hastings Point

ATTN: Marek Cholinski
Regional Projects
Major Projects Assessment
Dept. of Planning
GPO Box 39
NSW 2001

Dear Sir/Madam,

As a permanent resident of Hastings Point, I request that this proposal be rejected as it is seriously flawed.

If approved, this development would destroy the amenity of this area.

If approved, as proposed, the removal of the pedestrian access islands from the Tweed Coast Road at Creek Street, will cause me even greater risk and danger.

I am legally blind and desperately need safe access to the beach for my daily exercise.

The proposed level of fill on this floodplain is foolhardy at least and then to add an 'emergency access road' will simply further increase flood hazard to an unacceptable level.

Already Lot 156 has been illegally filled due to dredging, this has altered the flood plain and slows flood waters getting into the estuary and out to sea, thereby causing us increased flood risk. We are under extreme pressure during heavy rain events. This proposed development will place our lives at risk, devalue our property and increase our insurance.

It is totally inappropriate to fill this flood plain, it has its purpose.

Storm water and drainage solutions proposed are inadequate, adjoining properties, including ours, will be adversely effected.

The proposal offers no satisfactory solutions for the redirection of water flow. The change in water levels and directions will damaged critical habitat and wetland ecosystems.

We should have a buffer zone of 100meters for the estuary and wetlands, as Lot 156 sits in the wildlife corridor with endangered species visiting to breed, these include the Jabirus and the Bush and Stone Curlews.

The proposed area of development will destroy the habitat for these birds, as the owner's practices of illegal clearing to date have proved, they care-a-less.

This proposal is further flawed by its lack of consideration to Climate Change.

Increased rainfall, storms and sea level rises have not been taken into account and these issues are of grave importance to us all.

In fact, this whole proposal shows a total lack of concern for the amenity of the area,
this very special and pristine area of Hastings Point.
We must safeguard it, not openly destroy it via developments such as proposed.

Please reject this proposal.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Beverley J Larsson', with a stylized flourish at the end.

Beverley J Larsson

No 155

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

MELISSA YOUNG

16 CREEK ST, HASTINGS POINT NSW 2487

No. 154

Paul Young

16 creek st

Hastings Point

N.S.W 2489

02 66 76 2791

29-06-2010

To whom it may concern.

I object to the development proposal at Lot 156
creek street Hastings Point - 06-0153.

I am very concerned about the filling of the
block itself. Any filling and raising of the land
will cause flooding of creek street and the
North Star Caravan Park. This illustrated by
the developers flood proposals that have failed
Tweed Shire Councils flood test models.
There should be no fill at all in flood prone
areas.

Increased rises in water heights in Cristies
Creek will cause large areas of salt marsh
(a recognized endangered ecological community)
to die. Salt marsh is very susceptible to very
small changes in water height.

Portions of the western lot including an area
of salt marsh/grass that is right now being
constantly mowed and damaged is completely
covered by water on large tides. This area should
be zoned R9. Therefore it is part of Cristies
Creek flood plain & should be zoned accordingly

Lot 156 is wrongly zoned.

②

In 2005 we saw flood water move from North Star Caravan Park across into Lot 156 and Creek at into Cristies/Kudgers Creek. Lot 156 is a floodplain.

Filling lot 156 will increase heights of the creek upstream and increase flow rates due to water being restricted from moving across Lot 156 during heavy rain events.

Water from large developments build in flood plains to the South west has added extra pressure on this creek system.

Any increase in flood risk will decrease property values. The drainage solutions proposed by the developer are inadequate. They won't work. Filling land behind the houses on the southern side of Creek s.t for a fire trail will result in flood damage to my property. I will flood. Water can't flow through my property to the estuary through largely spaced pipes inside the fill. There shouldn't be any detrimental effects placed on me and my family, including cumulative effects placed on my neighbours because this property is zoned 2e.

I also noticed that the buffer zones from 7a) zones to the development are too small. At least 50m buffers from existing 7a) and coastal lagoon to the west is absolutely necessary to protect this ecosystem. The property contains endangered plant communities of which 3 are said to not to satisfy the requirements as flood plain ecosystems due to irregular soil types. This is ~~inadequate~~ inadequate.

(3)

This is a estuarine flood plain with alluvial & podsollic soils

These soils are acid sulphate soils. The property has very high water table and any dewatering will cause great damage to the creek and wildlife. Lowering the water table will effect the surrounding eec's.

This wildlife includes species such as the beach stone curlew and bush stone curlew which are not stated in the flora and fauna report.

These document is flawed.

The 2 species of curlew regularly used the property.

It uses part of creek at Zoned Habitat to enter Creek at at night and early morning and still does. This part of Creek it should remain Zoned Habitat.

The developer constantly states that the land was used for pasture in the recent past. This is wrong. It is Zoned 2, livestock isn't permitted. Horses were inappropriately grazed on lot 156 which further degraded existing eec's, introduced exotic species in manure and created a false history.

The property has constantly in the past, recent past and present been degraded by current and past owners. Recently as 2 weeks ago the owner of lot 156 was fined by council for erecting an illegal fence in 7a) Zoned land and poisoning and removing vegetation from these zones. This degraded land is then said will be regenerated and used as a offset for the removal of 1740m² of salt marsh. They helped degrade it and then maintain the property in a degraded state

by not allowing these portions of land to recover. (4)

1790m² of salt marsh is not a small amount to remove. It represents a large portion of the few thousand m² that is left on the property.

Removing an endangered plant community and replacing it with commonly occurring plants isn't acceptable. It will not help this plant species rise from the depth of being termed endangered. It is endangered because it is removed by developers and not protected.

Cristies creek and Lot 156 also receives water from Cudgen Nature Reserve. Tributaries run from the north and west out of heathland and melaleuca forest. These tributaries are not drains just because they are used as such.

Also access from creek at onto coast road isn't good enough. The street itself can't cope with the extra hundreds of cars that will result from this development. Large wait times and queues will occur on coast road when entering Creek at from the north.

The development application should be refused and Lot 156 be rezoned on the basis that is the only coastal flood plain for Cristies creek.

It is an existing wildlife corridor for Cudgen Nature Reserve. The developer's flood models are inaccurate including their flora and fauna report.

I've lived here all my life and seen the clearing myself. They should not be allowed to profit from illegal activities.

⑤
this development does not suit the village
character of Hastings Pains and will certainly
destroy the amenity and lifestyle of the people
who live and holiday here.

yours sincerely
Paul Young
Paul Young

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW
2001

No. 153

Site 205
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to the development of the above and submit the following points for consideration:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level. In previous floods the depth of water at the wall on the southern end of the park was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5 m of fill will make flooding of North Star and Creek Street much more likely.
- The buffer to the estuary and wetland should be 50 – 100 metres. The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- The draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

Peter Latimer



No. 152

Submissions should be RE: LOT 156, Creek St - 06_0153 addressed to:

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001



PCU007268

Department of Planning
Received
2 JUL 2010
Scanning Room

Points of Objection that you might consider in your letters:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

NAME: GEDDIE AND COLLEEN SHEEHAN

ADDRESS: 41 COAST RD HASTINGS PT 2489.

TEL: 02 66 761819.

G. Sheehan

Colleen

Nb 151

Site 205
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

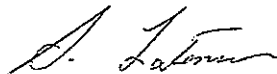
I wish to raise strong objections to the development of the above and submit the following points for consideration:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level. In previous floods the depth of water at the wall on the southern end of the park was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5 m of fill will make flooding of North Star and Creek Street much more likely.
- The buffer to the estuary and wetland should be 50 – 100 metres. The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- The draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

Stephanie Latimer

A handwritten signature in cursive script, appearing to read 'S. Latimer', written in dark ink.

UHT 233

311 North Star Resort,
Coast Rd
Hastings Point
2489.
21st June, 2010

Regional projects,
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney, NSW 2001.

Subject Lot 156, Creek Street, Hastings Point -06_0153

Dear Sir/Madam,

I wish to submit the following points for consideration:

- * The level of fill proposed for the development and the emergency access road will increase the flood hazard to an unacceptable level. In the 1950 flood the depth of water at the wall on the southern end of my block was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- * Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- * The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5m of fill will make draining slower and this will make flooding of North Star and Creek St more likely.
- * The buffer to the estuary and wetland should be 50-100 metres.
The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek
- * The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- * The Draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There has been widespread disastrous flooding through the world as seen on TV. The Creek St DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening ... they should reject this DA.

EG 4 PB. WOOD. TEL. NO. 66461016.

25 June 2010

No. 148

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
 - o Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
 - o Our properties are already pressured in heavy rain events.
 - o This development will place our lives and properties at risk.
 - o This will decrease the value of our properties and increase the cost of insurance.
 - o Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
 - o As an elderly person, I fear for my safety, life and ability to access safe refuge.
 - o It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
 - o Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
 - o There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
 - o The buffer to the estuary and wetlands should be 50-100m.
 - o Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
 - o This development will destroy the amenity of the area.
 - o Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
 - o The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
 - o The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
 - o The developer's flood models are flawed and should be investigated.
 - o The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
 - o There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

John (Swee Chyang GOH)
Add: 18, Creek Street, Hastings Point, 2489 NSW.
tel: 02-6676 2109, 0404 340179



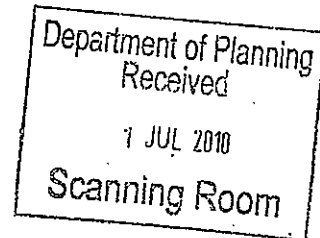
PCU007220

No. 148

29 June 2010

Jeffrey Kieffer
18, Creek St.
Hastings Point 2489
NSW

Regional Projects
Major Projects Assessment
Dept. of Planning
GPO Box 39
Sydney NSW 2001



Attn: Marek Cholinski

Submission RE. Lot 156 Creek St.-ref # 06_0153

Dear Sir,

I wish to strongly object to the proposed development of Lot 156.

I am a grade 7 student and live right behind the controversial Lot 156.
The 7A zoned area backs onto our rear fence.
From my garden and verandah I witnessed the slow destruction of the
protected
wetlands and littoral rainforest..
Especially after the development plans for Lot 156 went on public display, the
environmental vandalism became very evident to me.
For several days large work crews were in full action mode.
Just because you own the land doesn't mean you can break all the rules.
The developer tries his hardest to mow the area real short to stop all
regrowth,
slashed the seagrasses and sprayed poison along all fences.
7A manicured golf course lawn !!
Does that make it easier to have a road approved ?
Where is the buffer zone ?
Why is the 7A zoning disregarded ?

My main concern is the flooding. I just don't trust the idea of filling in the
wetlands.

This is nature's way of dispersing the water and king tides.

Who ? does this project benefit. The developer who resides interstate.
This project is flawed and stinks to the high heavens.
The whole community stands united against this overdevelopment through an
environmentally important area.

Enough damage has been done already, pls stop & throw out this project now.

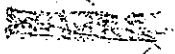
This is a unique environment that should be protected for all to enjoy.
When the developer bought the land he was fully aware of all the flood issues and illegal dredgings by the previous owner.

Sincerely yours,

Jeffrey Kieffer

A handwritten signature in black ink, appearing to read 'Jeffrey Kieffer', written in a cursive style.

H-1

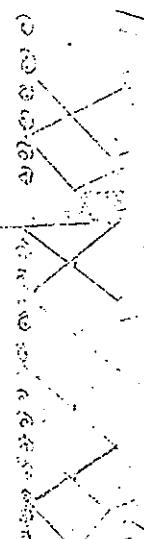


Handwritten text, possibly "Handwritten" or "Handwritten".

Handwritten text, possibly "Handwritten" or "Handwritten".

Handwritten text, possibly "Handwritten" or "Handwritten".

Small handwritten mark or symbol.



No 147

Regional Projects
Major Projects Assessment
Dept of Planning
GPO Box 39
SYDNEY NSW 2001

Robbie Johnson
65 Coast Road
Hastings Point
NSW 2489

Re Lot 156 Creek St -06-0153

To Whom It May Concern

I object to the proposed development.

These are some of the reasons why I believe this development should not go ahead.

1. The flora + fauna reports are incorrect and should be conducted by qualified local experts.
2. The area's riparian edges have been slashed, sprayed and degraded - to minimise the importance of these environmentally sensitive areas. These sites are important to threaten species such as the Beach Stone Curlew and Bush Stone Curlew.
3. This site should have generous buffer zones (100m) and be naturally regenerated under supervision by professional local bush regenerators.
4. This development should have no cats or dogs policy.

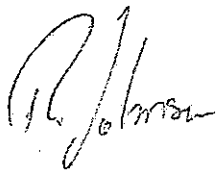
5. Raising the height of this development will have catastrophic consequences to the residents of Creek St and the North Star Holiday Park in the event of flooding.

6. This site should be rezoned to minimize impact on the environment and surrounds.

I authorise John O'Reilly of O'Reilly Sever + Co Lawyers, the Hastings Point Progress Assoc and the consultants and experts they retain to represent my interests.

Thank you for your consideration

Sincerely



ROBBIE JOHNSON

29 June, 2010

No. 146

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY, NSW 2001

Dear Sirs,

Re: LOT 156, Creek Street – 06_0153

I would like to state my objection to Lot 156, Creek Street, Hastings Point, NSW. I am concerned that the fill level that has been proposed for the development and the emergency access road will increase the flood hazard to an unacceptable level. Previous illegal filling of the natural drainage on LOT 156 and the estuary caused flooding in the North Star Holiday Resort and surrounding areas. The 2005 flood was very high. I have seen photos taken during the flood. The proposed development will increase this danger immensely.

Floodwaters need to go somewhere. Filling the flood plain will increase the flooding risk to North Star and surrounding areas. Storm water and drainage solutions are not adequate on the proposed development. There is no satisfactory solution for the redirection of the water flow. Homes will be affected as well as the surrounding wildlife and the critical habitat and wetland ecosystems will be damaged. The buffer to the estuary and wetlands should be 50-100m.

The extent of the proposed development at Lot 156 will destroy the habitat of many of the wildlife. This wildlife corridor needs to be protected. The developer's flora and fauna reports are not conducted by qualified experts. They are not current and are incorrect.

The proposed flood access road and cycle path will adversely affect the environment and the local wildlife. The amount of traffic using this area and the constructing of the road requires an impact statement. It is imperative that this be done.

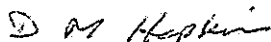
There is no proper consideration for climate change, increased rainfall, storms and sea level rise. The developer's flood models are flawed and need to be investigated.

The developers offer to rejuvenate degraded land. This will allow them to further degrade endangered ecological communities. These areas need to be considered. It is morally and legally wrong

I do hope you take my concerns seriously to protect our natural wildlife, ecosystems and the homes of our friends and loved ones.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully,



Donald Malcolm Hopkins,
38 Oberon Way, Oxenford, Qld 4210 Ph 07 5573 2699

29 June, 2010

No. 145

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY, NSW 2001

Dear Sirs,

Re: LOT 156, Creek Street – 06_0153

I would like to state my objection to Lot 156, Creek Street, Hastings Point, NSW. I am concerned that the fill level that has been proposed for the development and the emergency access road will increase the flood hazard to an unacceptable level. Previous illegal filling of the natural drainage on LOT 156 and the estuary caused flooding in the North Star Holiday Resort, where my sister lives, and surrounding areas. The 2005 flood was very high, nearly entering my sister's place.

Floodwaters need to go somewhere. Filling the flood plain will increase the flooding risk to North Star and surrounding areas. A natural drainage outlet was filled in near our home at Labrador, Queensland several years ago when we lived there. The council allowed a large brick home to be built on it. Our home on Marine Parade and many homes around us were flooded. We couldn't walk outside for quite some time due to the water having nowhere to go.

Storm water and drainage solutions are not adequate on the proposed development. There is no satisfactory solution for the redirection of the water flow. Homes will be affected as well as the surrounding wildlife and the critical habitat and wetland ecosystems will be damaged. The buffer to the estuary and wetlands should be 50-100m.

The extent of the proposed development at Lot 156 will destroy the habitat of many of the wildlife. This wildlife corridor needs to be protected. The developer's flora and fauna reports are not conducted by qualified experts. They are not current and are incorrect.

The proposed flood access road and cycle path will adversely affect the environment and the local wildlife. The amount of traffic using this area and the constructing of the road requires an impact statement. It is imperative that this be done.

There is no proper consideration for climate change, increased rainfall, storms and sea level rise. The developer's flood models are flawed and need to be investigated.

The developer's offer to rejuvenate degraded land. This will allow them to further degraded endangered ecological communities. These areas need to be considered. It is morally and legally wrong. It is a disgrace that this would be acceptable.

I do hope you take my concerns seriously to protect our natural wildlife, ecosystems and the homes of our loved ones.

I authorise John O'Reilly of O'Reilly Seyer & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully, Margaret Amy Anderson, 38 Oberon Way, Oxenford, Qld 4210 Ph 07 5573 2699

M Anderson

Submissions RE: LOT 156, Creek St – 06_0153

No. 124

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the

construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.

- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Linda Ford very hopeful.

Hastings Point. 7 creek st.

No. 143

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

M Taylor
B M Taylor

284/1 Tweed Coast Rd
Hastings Point NSW 2439
(02) 66764849

No. 142

16 Ewing St
Murwillumbah
NSW 2484

June 27 2010

REF: MP 06-0153 Lot 156 Hastings Point

ATTN: Marek Cholinski
Regional Projects
Major Projects Assessment
Dept. of Planning
GPO Box 39
NSW 2001

Dear Sir/Madam,

As a past resident and landowner of Hastings Point, I request that this proposal be rejected, if approved, this development would destroy the amenity of this area.

If approved, as proposed, the removal of the pedestrian access islands from the Tweed Coast Road at Creek Street, will cause even greater risk and danger to my daughter-in-law (a resident of Hastings Point) who is legally blind and desperately needs safe access to the beach for daily walk.

The proposed level of fill on this floodplain is foolhardy at least and then to add an 'emergency access road' will simply further increase flood hazard to an unacceptable level.

Having witnessed years of flooding in this area I am familiar with the hazards during rain events.

Already Lot 156 has been illegally filled due to dredging, this has altered the flood plain and slows flood waters getting into the estuary and out to sea, thereby causing us increased flood risk. Homes are under extreme pressure during heavy rain events. This proposed development will place lives at risk, devalue property and increase insurance rates.

It is totally inappropriate to fill this flood plain, as it has its purpose.

Storm water and drainage solutions proposed are inadequate, adjoining properties will be adversely effected.

The proposal offers no satisfactory solutions for the redirection of water flow.

The change in water levels and directions will damaged critical habitat and wetland ecosystems.

A buffer zone of 100meters, should be the case for the estuary and wetlands, as Lot 156 sits in the wildlife corridor to Cudgera Reserve, with endangered species visiting to breed, including the Jabirus and the Bush and Stone Curlews.

The proposed area of development will destroy the habitat for these birds, as the owner's practices of illegal clearing to date have proven.

This proposal is further flawed by its lack of consideration to Climate Change. Increased rainfall, storms and sea level rises have not been taken into account and these issues are of grave importance to us all.

In fact, this whole proposal shows a total lack of concern for the amenity of the area, this very special and pristine area of Hastings Point.

We must safeguard it, not openly destroy it via developments such as proposed.

Please reject this proposal.

Yours sincerely,

Betty Anderson —

Betty Anderson



No. 141

16 Ewing St
Murwillumbah
NSW 2484

June 27 2010

REF: MP 06-0153 Lot 156 Hastings Point

ATTN: Marek Cholinski
Regional Projects
Major Projects Assessment
Dept. of Planning
GPO Box 39
NSW 2001

Department of Planning
Received
5 JUL 2010
Scanning Room

Dear Sir/Madam,

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Please reject this proposal.

Yours sincerely,

A handwritten signature in cursive script, reading "George Anderson". The signature is written in dark ink and is positioned above the printed name.

George Anderson

File No: 438NTH10/00121 10/1118
Michael Baldwin



No. 140

A/Director, Regional Projects
Department of Planning
GPO Box 39
Sydney NSW 2001

Tweed Shire Council. Major Project MP 06_0153.
Proposed Residential and Tourist Development Subdivision Creek Street Hastings Point.

Dear Sir

I refer to your letter dated 31 May 2010 to the Roads and Traffic Authority (RTA) concerning the request for a submission on the Environmental Assessment for the subject application.

The impact of this development will be confined primarily to Council's local road network and consultation with Tweed Shire Council as the Roads Authority will need to be undertaken. Council will need to be satisfied that the proposal will not adversely affect the safe and efficient operation of the local road network and that any required roadworks are constructed to the appropriate standards.

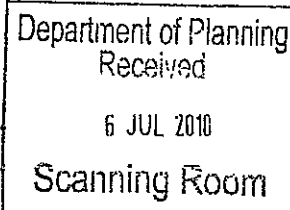
For any further information please contact Michael Baldwin (Development Assessment Officer) on 02 6640 1300 or by email at land_use_northern@rta.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to be "David Bell", written over a circular stamp or seal.

David Bell
Regional Manager, Northern Region

26 JUN 2010



Copy for: The General Manager
Tweed Shire Council
P O Box 816
MURWILLUMBAH NSW 2484

No. 139

Your reference : MP 06_0153
Our reference : GR119/36, DOC10/24747
Contact : Biodiversity - Adrian Deville 66402514; Floodplain - Toong Chin 66270233;
Aboriginal Cultural Heritage - Nick Pulver 66598225

Mr Alan Bright
Acting Director, Regional Projects
NSW Department of Planning
GPO Box 39
SYDNEY, NSW 2001

Department of Planning
Received
6 JUL 2010
Scanning Room



1 JUL 2010

Att: Marek Cholinski

Dear Mr Bright

**RE: MAJOR PROJECT MP06_0153 - RESIDENTIAL AND TOURIST DEVELOPMENT
SUBDIVISION - LOT 156 CREEK STREET, HASTINGS POINT**

I refer to the Environmental Assessment and accompanying information provided for the above proposal received by the Department of Environment, Climate Change and Water (DECCW) on 4 June 2010.

DECCW has reviewed the information provided and has determined that it is able to support the proposal subject to the Department of Planning seeking the amendments to the draft Statement of Commitments, identified in Attachment 1. Attachment 2 contains DECCW's assessment of the proposal, including justification for the amendments.

It is expected that DECCW will be given an opportunity to review the draft Director-General's Environmental Assessment Report for this proposal. If the amendments to the draft Statement of Commitments are not included to the satisfaction of DECCW, we will be recommending that they are included as Conditions of Approval, if approval is recommended by the Department of Planning. It should be noted that these amendments are important for DECCW's ongoing support of the proposal.

Should there be any other matters, or should the Department of Planning be in possession of any further information of interest to the DECCW associated with the proposed development, please contact Adrian Deville on (02) 6640 2514.

Yours sincerely

JON KEATS
Head, Biodiversity Management Unit North Coast
Environment Protection and Regulation

N:\EPRDI\ADRIAN\3A MATTERS\TWEED\HASTINGS PT\DOC10-24747 submission to DoP Hastings Pt EA.doc

PO Box 498, Grafton NSW 2460
NSW Government Offices,
49 Victoria Street, Grafton NSW
Tel: (02) 6640 2500 Fax: (02) 6642 7743
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Climate Change** NSW



10. The development layout should be redesigned to protect and buffer to 50 metres, all environmentally significant areas including SEPP 14, threatened species, endangered ecological communities and their habitats.
11. The Rehabilitation Plan needs to articulate more clearly final performance outcomes for the relevant lands to be achieved prior to handover to Council. Such an outcome should be defined as "the achievement of a well protected, functioning and self-maintaining ecosystem that reinstates the ecological values and functioning of the relevant endangered ecological communities that existed prior to their degradation". The plan and its implementation should be assessed and endorsed by Tweed Shire Council staff to ensure necessary interventions can be taken sufficiently early to meet any apparent performance criteria failures.

Coastal Floodplain Issues

1. The proponent should undertake a review of its fill levels and model flood impacts due to the climate change scenario of 2100 - sea level rise of 0.9m with a 10% increase in rainfall intensity.
2. The proponent must review its proposed development in conjunction with the imminent Tweed Shire Council Coastal Creeks Floodplain Risk Management Study and Plan.

Aboriginal Cultural Heritage

The following are to be incorporated as additional statements of commitment by the proponents, or as conditions of approval, as appropriate:

1. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.
2. If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The NSW Police, the Aboriginal community and DECCW are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, DECCW should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by DECCW. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the NSW Police and DECCW.
3. All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and DECCW.
4. An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the registered Aboriginal stakeholders.

provided, DECCW has related concerns about the adequacy of the assessment of possible impacts upon this species (see below).

Direct Environmental Impacts of Proposal

Impacts on Fauna

Noting the above discussion about the adequacy of the information assessed regarding possible threatened avifauna utilising or possibly dependent on the site, DECCW is concerned that the current proposal has not adequately considered direct and indirect impacts on these species.

Bush Stone Curlew

The EA (FFAR, p72) notes that this site provides potential habitat for *Burhinus grallarius* across a range of vegetation communities found on this site, both those to be effectively conserved and that which is to be largely removed through urban development activity, namely Community 3 (low closed grassland paddock w/ scattered trees). While there is to be significant retention and rehabilitation of estuarine and forested areas, DECCW notes that this species is known to prefer open woodland habitat and requires only bare ground for nesting. Given unacknowledged sightings of this species in 2007 in the North Star Resort to the north of the proposed development site, DECCW is concerned that this threatened species may be occasionally present within and utilising areas of the proposed development footprint. Without further investigation of this possibility before approval, there is danger that nesting birds could be detrimentally disturbed directly by the construction associated with the proposal.

DECCW urges DoP to seek certainty about utilisation by this species of the proposed urban development site. Therefore, DECCW recommends that prior to any development approvals being issued, further assessment of the proposed development site is to be undertaken to establish whether Bush-Stone Curlew (*Burhinus grallarius*) utilises this site. In addition to a physical site search in daylight hours, a nocturnal playback call and response survey should be undertaken as soon as practically possible by a suitably qualified ecologist, for a minimum of 3 clear nights on and around a full moon. The proponent should be required to report to the Department of Planning and DECCW on the findings of this survey and upon any implications of these for the proposal.

Subject to these findings, a dedicated test of significance of impact on this species should be undertaken, the results of which may impact upon DECCW's current interim support for this project. Regardless of the outcome of the above recommendation, DECCW also recommends providing onsite dedicated habitat opportunities for this species, along with interpretive information and/or signage to contribute positively to threatened species conservation locally.

Black-Necked Stork

Noting the abovementioned overlooked Atlas record for this species suggests that the core urban development site, subject to intermittent flooding and floodplain inundation storage, is likely to also currently provide an occasional forage area of some importance for this threatened species, which has not been considered in the EA. The assessment of significance of impact on this species has argued rather that this species would be unaffected by the proposed development footprint:

"...as the development proposal is primarily restricted to the open paddocked areas with buffers provide to Christies Creek and the wetland areas and dredge pond will be retained, it is considered that the Jabirus presence in the area will not be threatened" (p92 FFAR).

While the urban development site may or may not currently be critical in providing forage and nesting habitat in the context of broader available suitable habitat, the presence of this species at

like-for-like compensation ratio be achieved that is significantly higher than that which has been proposed. Therefore, DECCW recommends that prior to final determination, this proposal should be modified to ensure that a suitable offset ratio of Saltmarsh EEC be provided.

It is acknowledged that restoration areas proposed are generally likely to increase the value of and offer greater protection to the existing east-west and north-south vegetated corridor for the movement of genetic material and fauna. However, along with the road/path network for access to the area, the park and associated activities and the proposed access point to the wetland basin will act to sever the continuous corridor value of vegetation provided in this area. This part of the site could be designed to further increase vegetative connectivity between east and west. Therefore, DECCW recommends that the layout of this park be revised to include suitable landscape plantings on the south of the road access to achieve increased West-East fauna corridor value.

Changes to Hydrology

DECCW notes that the EA report does not address the Key Threatening Process – *Alteration to the Natural Flow Regimes of Rivers, Streams, Floodplains and Wetlands*. The flood analysis provided states that slight increases in upstream levels of Cudgen and Christies Creeks will result from the provision of fill and a retention wall on the site, regarded as negligible changes to overall water surface elevation in the context of natural levels of variability. On-site water retention techniques are also proposed which are said to meet relevant local plans and strategies. Nevertheless, DECCW offers the following points for further consideration:

The hydrology of the Cudgen Nature Reserve adjacent the site is complex and has been altered historically in places to accommodate coastal developments and public infrastructure. Commonly open drains were cut to evacuate storm and flood water and in places drainage has been directed into the reserve from neighbouring properties. These hydrological changes predate the dedication of the reserve and no such alterations have been made since, however, any further changes to hydrology upstream or downstream may impact on the ecological values of the reserve, particularly in Wetland and Saltmarsh communities that have evolved over time in response to the existing hydrological regime on the site. The concept plan identifies a rise of + 20 to + 30mm in the main drainage channel and a rise of + 20 to + 60mm in the northern drainage channel which are both adjacent to Cudgen Nature Reserve. A broader inundation footprint and longer periods of inundation will have some impact upon these communities which will in turn impact upon groundwater dependent species utilising the site and its surrounds. The construction of the retention wall in particular, is certain to have an impact on the depth and duration of flooding of the riparian areas. It is difficult, however, to make an exact assessment of the impact of such changes to existing and proposed vegetation communities and their ecological values as well as to the ecology of the existing aquatic areas that may be impacted by altered hydrology.

Such changes may also impact on the North Star Resort noting that a drainage channel contained on park resides directly adjacent the resort. Any damages to/or measures to protect the resort from the impacts of flooding in this drainage channel, and that are associated with the proposed development, are not the responsibility of DECCW/NPWS.²

Indirect Environmental Impacts of Proposal

Threatened Species

The close proximity of existing and further urban development in this area poses a range of threats to the resident or nearby threatened bird species listed above. All are vulnerable to a range of likely indirect impacts such as increased human and domestic animal use of their range,

² In this context, DECCW refers DoP to Point 1 - *Erosion and Sediment Control* in the document "Guidelines for Developments Adjoining Department of Environment and Climate Change Land" (DECCW 2008): <http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm>

Further, it is not clear where and how the pedestrian and cycle networks "proposed throughout the open space and linking to other pedestrian and cycle networks outside the site" (EA, p58) will be integrated with the buffering functions discussed above, and whether there are access restrictions associated with this. In some of the landscaping plans there are indicative images of pedestrian creek crossings, which DECCW has not been able to locate in mapping or discussions in the report. DECCW recommends that before final determination of this proposal, DoP ensure that greater clarity be provided regarding the location and construction of any creek crossings and pedestrian accessways to ensure they are suited to other intended planning purposes such as access restriction.

Buffering of Significant Environmental Attributes

In terms of the appropriate width of environmental buffering proposed; DECCW notes that one of the comments from DoP to the proponents in their review of the Draft EA was that "appropriate buffers should be determined in consultation with the relevant agencies (DPI, DECC)." However, DECCW is not aware that such consultation has occurred in the preparation of this proposal.

DECCW supports Tweed Shire Council's position in relation to the width of buffers to areas of environmental significance. This distance is established in the Tweed Coast Estuaries Management Plan and additionally, the use of a 50m buffer to environmentally sensitive areas from urban development was an agreed outcome of a meeting of staff from a range of State agencies in 1996 in reviewing the Coffs Harbour LEP as a template for developing common standards and approaches to natural resource management issues addressed in local government planning instruments. Numerous other best practice guidance documents support the use of a minimum of 50 metre buffering of waterways and wetlands such as those found on the site, while EECs are also environmental assets requiring a similar degree of protective buffering (see reference list). For example, Boyd et al (2007) list recommended minimum buffers between urban development and key environmental assets derived from recommendations of the North Coast Land Use Conflict Working Group "following a synthesis of existing guidelines and policy". They are considered to represent "a synthesis of existing recommended and best practice minimum buffer distances" (p89). Boyd et al (2007) include the following relevant assets and buffering distances:

Environmental Asset	Minimum Buffering Distance Recommended
Native vegetation/habitat	50m
Ecosystem & wildlife corridors	50m
SEPP 26 littoral rainforest	100m
Wetlands	100m
Minor waterways ³	50m

In line with these recommendations, DECCW recommends that the development layout should be redesigned to protect and buffer all environmentally significant areas including SEPP 14, threatened species, ecological communities and their habitats.

Cudgen Nature Reserve

DECCW notes that the proposal will bring a range of additional residents and visitors into close proximity to Cudgen Nature Reserve (CNR). It is known that there are already many informal and illegal access ways into the Nature Reserve and DECCW seeks assurance that approval of this development would assist in limiting, not increasing, impacts from such activities.

DECCW notes that at the end of the road corridor:

³ Site assessment is necessary as 50m buffer may be inadequate given groundwater, soil type, topography and site factors.

functioning of the relevant endangered ecological communities that existed prior to their degradation.

Tighter performance indicators and compliance standards should be incorporated into the plan in a manner that will meet Tweed Shire Council's requirements as the future land owner. To ensure necessary interventions can be taken sufficiently early to meet any apparent performance criteria failures, DECCW recommends that the rehabilitation plan and its implementation be assessed and endorsed by Tweed Shire Council staff.

Biting Insects

DECCW recognises that biting insects may exist within the Cudgen Nature Reserve adjacent the proposed subdivision. It should be made clear that such insects form part of a complex food web necessary for the ecological maintenance of a range of species in the area. It should also be noted within the adjacent Nature Reserve remnants of historical earthworks may still exist and that some remnants such as drains may provide habitat for certain biting insects and that these insects may from time to time impact on residents in the proposed subdivision. DECCW recognises that the mitigation measures suggested by McGinn (2008) may help to reduce the impacts of biting insects but would also like to stress that it will not be responsible for the control of such insects on NPWS land due to complaints arising as a result of the proposed subdivision.

2. Coastal Floodplain Impact Assessment

In March 2010 Tweed Shire Council completed its Tweed-Byron Coastal Creeks Flood Study which included the subject site and Christies and Cudgera Creek. This study indicated that the subject site would be completely flooded in a 1 in 20 year flood event. The design floods at the subject site under current floodplain and climatic conditions are 2.2m AHD for the 1 in 20 year flood, 2.5m AHD for the 1 in 100 and 3.9m AHD for the probable maximum flood (PMF). The climate change assessment indicated that the above design floods would increase by about 0.5m by 2100 due principally to a sea level rise of 0.9m.

It is understood that Council has recently adopted a freeboard of 0.5m above the 1 in 100 year flood level as its flood planning level for its coastal areas. Council also requires that access to land above the PMF for all new residential development be provided.

The proponent has proposed to fill the land to 2.4m to 2.8m AHD for residential development and 2.4m AHD along the foreshore, south of the existing development along Creek Street, to incorporate a 'flood free' access to the eastern end of Creek Street which may be at PMF level. The proposed minimum floor level is 3.1m AHD.

Flood modelling undertaken for the existing and proposed cases to determine hydraulic impacts for the 1 in 100 year and PMF events has been reviewed and the approach taken is considered appropriate. However, it appears that the climate change impact assessment has not been undertaken. In October 2009 the State Government released a NSW sea level rise policy which states that planning benchmarks are an increase of 0.4m by 2050 and 0.9m by 2100 above the 1990 mean sea level.

In view of the estimated 1 in 100 year flood level of 3.0m AHD at the subject site by 2100 and potential isolation of the site when floods of this magnitude occur, the proposed fill to 2.4m to 2.8m AHD and floor level of 3.1m AHD would not be adequate. A minimum floor level of 3.5m AHD would be more appropriate. For this reason, DECCW recommends that the proponent should undertake a review of its fill levels and model flood impacts due to the climate change scenario of 2100 (ie, sea level rise of 0.9m with a 10% increase in rainfall intensity). Given this planning scenario, the type of construction such as houses on stumps should be considered as lesser fill would be required, and therefore lesser flood impact, to achieve the minimum floor level requirement.

References

Fletcher B, Learmonth S and Whitehead R, 2007, *Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast*, Centre for Coastal Agricultural Landscapes in partnership with Northern Rivers Catchment Management Authority.

NSW DPI Fisheries 1999, *Policy and Guidelines on Aquatic Habitat Management and Fish Conservation*: www.fisheries.nsw.gov.au/pub/aquahab.htm

NSW DPI 2008, *Summary of Recommended Riparian Buffer Widths*, prepared by the Fisheries Ecosystems Unit

Weston MA, Antos MJ and Hayley KG, 2009, "Birds, buffers and bicycles: a review and case study of wetland buffers", *Birds in the Urban Environment*, Vol 126 (3) pp79-86



Ref: OUT10/9945

A/Director Regional Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001
2 July 2010

Attention: Mr Marek Cholinski

**Re: MP06- 0153 Environmental Assessment – Residential and Tourist Development
Subdivision, Lot 156 DP628026 Creek St, Hastings Point, TWEED LGA.**

Thank you for your letter of 31 May 2010 seeking comment from Industry & Investment NSW (I&I NSW) on the Environmental Assessment (EA) for the above mentioned major project.

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. I&I NSW has reviewed the project application and has identified the following matters for your consideration prior to approval.

Impacts on Saltmarsh

I&I NSW note that the EA proposal directly impacts on 1740 m² of coastal saltmarsh, an endangered ecological community, listed under the *Threatened Species Conservation Act 1995*.

The loss of 1740 m² of saltmarsh proposed within the EA represents a loss of 2.4% of the 7.4ha of saltmarsh within Cudgera Creek as determined by interpretation from aerial photos from 2000 (NSW Northern Rivers Estuary Habitat Mapping Final Analysis Report for the NRCMA, DPI, 2005). Evaluation of this loss should be made cognisant that 54% of saltmarsh habitats within Cudgera Creek have been lost since 1947 when 16.2 ha area of saltmarsh can be identified in aerial photographs. Saltmarsh is considered a key fish habitat by I&I NSW and is a nursery habitat for commercial and recreationally important fish species.

Onsite investigations by I&I NSW staff found that the saltmarsh proposed to be impacted by filling has been progressively degraded. There are however, scientifically proven techniques for restoring degraded saltmarsh. There is potential for rehabilitating some of this saltmarsh as the elevation of the site is suitable, and an appropriate regime of tidal flushing at the site can be maintained. Removing degrading pressures such as stock trampling would also need to be incorporated.

Buffers to wetland

Beyond the direct impacts on saltmarsh proposed to occur in the western part of the lot, it is noted that achieving a 50 metre buffer to key fish habitats such as saltmarsh within Cudgera Creek have been compromised due to a recently constructed residence approved by Tweed Shire Council (DA07/0600). I&I NSW support the provision of 50 metre buffers to key fish habitats such as saltmarsh and mangrove areas and recommend this commitment be made a condition of approval for the future works. Achieving 50 metre buffers is also consistent with Tweed Shire Council's policy outlined in the Cudgera Creek Estuary Management Plan.



Land and Property
Management Authority

Mr Alan Bright
A/ Director
Regional Projects
Planning NSW
GPO Box 39
SYDNEY NSW 2001

Crown Lands Division
Far North Coast

Level 1, 76 Victoria Street
PO Box 272
GRAFTON 2460
T (02) 6640 3400
F (02) 6642 5375
www.lpma.nsw.gov.au

Our reference: 09/08664
Your reference: 9043046

2 July 2010

Attention: Marek Cholinski

Dear Mr Cholinski,

**Re: Major Project MP06 0153 – Residential and Tourist Development Subdivision,
Lot 156 Creek Street, Hastings Point**

I refer to your letter dated 31 May 2010 inviting comments from the Land and Property Management Authority (LPMA) in relation to the abovementioned major project application and accompanying environmental assessment (EA), as lodged by Walter Elliott Holdings Pty Ltd (the Proponent). Thank you for providing an opportunity to submit comments.

LPMA does not object, in principle, to the proposed development, and would like to offer the following comments:

Cudgera Creek and Christie's Creek

- Cudgera Creek and Christie's Creek adjoin the Subject Site (Lot 156 DP628026) along its eastern and southern boundaries respectively. The beds of these creeks below mean high water mark (MHW) constitute Crown tidal waterways.
- LPMA supports the establishment of the vegetated riparian buffers to these creeks as proposed in the EA given the Proponent commits to rehabilitating and expanding upon existing native vegetation across the Subject Site.
- The close proximity of the proposed residential, tourist and recreational development to the aquatic attractions of Cudgera and Christie's creeks is likely to generate demand for pedestrian access to the foreshores of these creeks. As it is not planned to provide such access under the current development scenario, LPMA recommends providing formal, permanent barriers (exclusion fences or similar) to the riparian buffers (rather than the informal vegetative barriers proposed).
- The unauthorised removal of vegetation between developed sites and foreshore areas to, for example, enhance views or facilitate access to water bodies, is becoming an increasing problem for Government land management agencies. To ensure the environmental values and public enjoyment of the foreshores of Cudgera and Christie's creeks is not diminished by possible future unauthorised vegetation removals, a strategy to deal with such should be developed by the Proponent and incorporated into the Rehabilitation Plan (RP).



www.lpma.nsw.gov.au

ABN 33 537 762 019

- LPMA supports only using locally-sourced indigenous species for landscaping and ecological restoration activities, to maintain the integrity of existing native vegetation, including the EECs, on the Subject Site.

Please feel free to contact me on 6640 3436 or ian.hanson@lpma.nsw.gov.au if you have any questions or concerns in relation to this advice.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Hanson'.

Ian Hanson
Senior Environmental Officer
Crown Lands Division

Marek Cholinski - LOT 156, Creek St – 06_0153 Regional Projects, Major Projects Assessment

No. 136

From: Wooyung Defenders <info@wooyungdefenders.com>
To: <Marek.Cholinski@planning.nsw.gov.au>
Date: 02/07/2010 15:37
Subject: LOT 156, Creek St – 06_0153 Regional Projects, Major Projects Assessment

Dear Mr Cholinski,

We are writing to formally object to the development of Lot 156, Creek St, Hastings Point NSW.

Our objections are as follows:

- The flood mitigation information provided is not adequate with areas of filling mentioned but consideration of the cumulative impact of this on surrounding flooding not being quantified. Results of the recently released Tweed-Byron Coastal Creeks Floodplain Management Study have identified this area as a flood plain and as such the plan needs to be consistent with the Tweed Shire Council DCP for Flood-Liable Land.
- The intensive development of this environmentally sensitive site is inconsistent with the current Far North Coast Regional Planning guidelines.
- This application has failed the Tweed Shire Council tests of adequacy
- The applicant falsely claims as their own open space land which was previously crown land which has been acquired through land filling of the estuary. This is blatantly illegal and needs to be corrected.
- No cumulative impacts of the disturbance of Acid-sulphate soils (ASS) on the surrounding riparian zones, waterways and groundwater have been provided. This development, containing its considerable intensive development of a coastal site, is in direct contradiction to the ASSMAC Planning Guidelines. These require that land uses in ASS effected areas are limited to those which minimise disturbance. Tweed Shire Council considers that there is a high risk of significant environmental damage if management of ASS on this site fails.
- This application has failed meet the principles and aims of the Hastings Point Draft DCP which aim to protect the amenity of the current residents and encourage low-impact development of this environmentally sensitive area.
- Hastings Point Marine Park has been identified as one of the most pristine on the NSW North Coast and as such any development which is directly linked to the Marine Park via the coastal estauries will have a direct impact on this and the current proposal is considered an unnecessary overdevelopment of the coastal site.

Please reject this proposal for Lot 156 development and support the local community in their opposition to it.

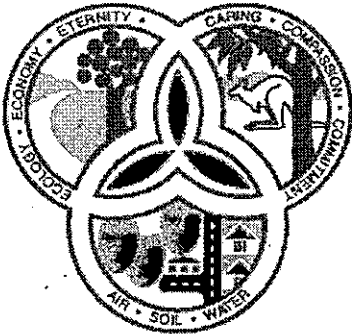
Yours sincerely

Chris Cherry

Spokesperson
Wooyung Action Group. contact: 0404 956627

Information from ESET NOD32 Antivirus, version of virus signature database 5244

No. 135



North Coast Environment Council Inc.

North Coast Environment Council
Honorary Secretary, John Jeayes
54 Shoreline Drive, Port Macquarie
NSW 2444
E: john.jeayes@bigpond.com

Submissions RE: LOT 156, Creek St – 06_0153
Regional Projects, Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39, Sydney NSW 2001
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=1081

Dear Sir/Madam,

The North Coast Environment Council (NCEC) is the peak regional environment group in NSW. The NCEC represents over 30 groups and individuals from the Hunter to the Tweed and west to Armidale. Since its inception in 1976 the NCEC has worked to see our natural heritage valued and protected.

We wish to make the following submission to the Part 3A Development Application listed above at Hastings Point on the Far North Coast of NSW.

Having been approached by a member group NCEC executive have visited Hastings Point and observed some developments going forward and some planned in that area. We have also heard several allegations and if they are correct it seems this development application is surrounded by inadequate studies, possible illegal activities, faulty planning and a general history of not acting in good faith. This feeling is heightened by the observation that Tweed Shire Council itself frequently accused of developer friendly actions has rejected the proposal and in fact prosecuted developers at the site.

NCEC has studied some community objections to this development and notes that concerns include:

1. Human Safety

It is alleged the planners have taken old AHD levels from the site in its previous condition before fill was allegedly illegally taken from the estuary by a previous owner and which was not followed up correctly by Council after court action.

It has been observed by local residents that the 2005 flood covered the subject land which also directed water into adjacent properties where it is said it did not previously cause difficulties.

Consideration of

STATE ENVIRONMENTAL PLANNING POLICY NO 71--COASTAL PROTECTION - REG 2

"coastal foreshore" means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform. 8 Matters for consideration

The matters for consideration are the following:

(a) the aims of this Policy set out in clause 2,

2 Aims of Policy

(1) This Policy aims:

(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and

(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and

(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and

(e) to ensure that the visual amenity of the coast is protected, and

(f) to protect and preserve beach environments and beach amenity, and

(g) to protect and preserve native coastal vegetation, and

(h) to protect and preserve the marine environment of New South Wales, and

(i) to protect and preserve rock platforms, and

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the *Protection of the Environment Administration Act 1991*), and

(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

(l) to encourage a strategic approach to coastal management.

(2) This Policy:

(a) identifies State significant development in the coastal zone, and

(b) requires certain development applications to carry out development in sensitive coastal locations to be referred to the Director-General for comment, and

(c) identifies master plan requirements for certain development in the coastal zone.

(3) This Policy aims to further the implementation of the Government's coastal policy.

(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

Marek Cholinski - Online Submission from Aletha Zylstra-Dickinson (object)

No. 134

From: Aletha Zylstra-Dickinson <alethazylstra@yahoo.com.au>
To: Marek Cholinski <marek.cholinski@planning.nsw.gov.au>
Date: 02/07/2010 13:16
Subject: Online Submission from Aletha Zylstra-Dickinson (object)
CC: <assessments@planning.nsw.gov.au>

To the Department of Planning regarding: Residential and Tourist Development Subdivision - Lot156 Creek Street, Hastings Point, Application No 06_0153,

I am writing to you to express my opposition to this development. As a long term resident of the Tweed Shire and regular visitor to the Hastings Point area it is my view, on consideration of the information available regarding this proposed development that the development is inappropriate to the area on environmental and social grounds. The environment is of the utmost importance to the local community who have already fought hard against other similar projects. It is the natural environment and village atmosphere which attracts tourists and residents from the surrounding areas. A development such as what is proposed in application 06_0153 would not only cause irreparable and ongoing damage to the unique aquatic and coastal environment of Hastings Point (thus destroying what might attract potential residents and visitors to the development in the first place) it is also not in keeping with the character of the village. I ask you to place the welfare of the natural environment which is the heritage of Tweed Shire and the welfare of existing residents of Hastings Point above the profit of Walter Elliott Holdings and not to approve application No 06_0153.

Sincerely,

Aletha Zylstra-Dickinson

Name: Aletha Zylstra-Dickinson

Address:

48 Tombonda Rd
Murwillumbah
NSW 2484

IP Address: 203-219-75-174.static.tpgi.com.au - 203.219.75.174

Submission for Job: #1081 Residential Subdivision & Tourist Facility
https://majorprojects.onhlive.com/index.pl?action=view_job&id=1081

Site: #682 06_0153 Creek Street, Hastings Point
https://majorprojects.onhlive.com/index.pl?action=view_site&id=682

Marek Cholinski

P: 02 9228 6284

E: marek.cholinski@planning.nsw.gov.au

Powered by Internetix Affinity

No. 133

Marek Cholinski - Online Submission from John and Robyn Lingwood (object)

From: John and Robyn Lingwood <johndlingwood@hotmail.com>
To: Marek Cholinski <marek.cholinski@planning.nsw.gov.au>
Date: 02/07/2010 12:34
Subject: Online Submission from John and Robyn Lingwood (object)
CC: <assessments@planning.nsw.gov.au>

The area proposed for development is an important and integral part of an ecological system which in no way should be endangered or destroyed because of overdevelopment of this area. 37 residential allotments, 2 tourist allotments and 2 townhouse style allotments will house a population that must impact adversely on this natural area.

The impact the development will have on flooding, contamination and remediation and bushfire are also cause for concern.

Looking at flooding, 2.7 in the Environmental Assessment, there is concern that areas of the site have to be filled to a height of 2.4m AHD to meet the Tweed DCP and to 2.8m AHD to achieve adequate drainage. This indicates the lack of suitability of these areas for this development.

Regarding contamination and remediation, 2.12 in the Environmental Assessment, there is no guarantee that an adequate or appropriate management of acid sulphate spills will be correctly managed by the developers and the probability of contamination is very real. History verifies that once development approval has been granted developers regularly fail to comply with their obligations.

Looking at bushfire, 2.14, the Environmental Assessment states that the development is in part located within the bushfire prone area as per Tweed Shire Council Bushfire Prone Lands map. It is hard to reconcile as per the report (2.14 Bushfire) that it can be stated that it will never be endangered by bushfires. Recent history has clearly demonstrated (in NSW, Victoria, SA, ACT, etc) that bushfires are unpredictable, can cause devastation and loss of life and cannot be measured by mankind.

We are concerned about the impact a development of this size will have on this natural area and hope that our comments will be taken into account when this development is being assessed.

Name: John and Robyn Lingwood

Address:

Unit 2, 12 Philip Street, Pottsville, NSW, 2489.

IP Address: 124-171-252-185.dyn.iinet.net.au - 124.171.252.185

Submission for Job: #1081 Residential Subdivision & Tourist Facility

https://majorprojects.onhive.com/index.pl?action=view_job&id=1081

Site: #682 06_0153 Creek Street, Hastings Point

https://majorprojects.onhive.com/index.pl?action=view_site&id=682

Marek Cholinski

P: 02 9228 6284

E: marek.cholinski@planning.nsw.gov.au

Powered by Internetix Affinity

1 July 2010

NSW Government

Planning Department

Email: <http://majotprojects.planning.nsw.gov.au/page/>

Reference No MP 06_0153

Dear Sir

I wish to make a submission regarding the proposed development behind my property at 26 Creek Street Hastings Point.

In particular I am concerned because of the following points:

The parcel of land identified in the proposed development is a flood plain (see Image 1). My adjacent property is only one metre above sea level. During heavy rain periods, there is flooding in this area and properties facing the proposed development are regularly flooded (Images 2-3) even though our properties adhered to existing building codes regarding flood issues when built (early 1970's). These images taken in January 2008 identify this issue even though this flood was only mild in nature and the photos were taken after the water subsided somewhat..

A major flood in June 2005 poured 10 inches of water into the lower level of our house causing considerable water damage.

The recent construction of a house on the development site causes us even more concern because it has been built on land that has been raised one metre above our land level, so is now 2m above high water level. If this reflects the proposed development of this land my house will be subject to increased flooding because this site will funnel water into our lower lying property that is currently only 1 metre above high water level. This will have dire consequences for us and we will suffer more regular flooding, greater flooding heights and entrapment of the water unable to drain across the current existing flood plain which has been altered by these developers and the previous owner Neville Wintour.

We have noted significant changes to the proposed development site over many decades. The current owners and developers have continued illegal and damaging modifications to the adjoining creek that have impacted on the viability of the creek, riparian zone and the natural habitat of the area. Their lack of concern for this issue worries us as their proposed development does not address or rectify the damage they have done. The erection of a tourist development so close to such a fragile area will have significant negative effects.

I am also concerned about increasing traffic along Creek St as the road has been in extreme disrepair for many years. The North Star Holiday Park were supposed to fix the damage they did to the road in extending the park, but they never have and the council did not take any action to ensure this. The road is narrow, has crumbling edges and is full of potholes. ANY development should be avoided until the road is improved as the pollution that it causes in its current state with heavy traffic is intolerable and extremely unhealthy. A request to council approximately five years ago has been ignored to date.

I hope your judgement of the viability of this development will cause you concern because it does not take into consideration its effect on the surrounding protected natural environment as well as existing neighbouring properties. My property will be significantly negatively affected by this development and I urge you to reject it

Yours sincerely,

(Mrs) Sue Norrington

No 132



Image 3 Flooding at side of House

Yours faithfully,

Susan Norrington

4 Easton Rd

Berowra Heights

2082

Submissions should be RE: LOT 156, Creek St – 06_0153 addressed to:

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 131

Points of Objection that you might consider in your letters:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

NAME: JOHN RME

ADDRESS: NORTH STAR RESORT
273 HASTINGS POINT
2489

TEL: 02 6676 2817



Photos speak
louder than
words.

ANOTHER FLOOD WE
WILL BE DECIMATED
THE WATER WILL HAVE
NO WHERE TO GO IF
THIS DEVELOPEMENT
GOES AHEAD

John

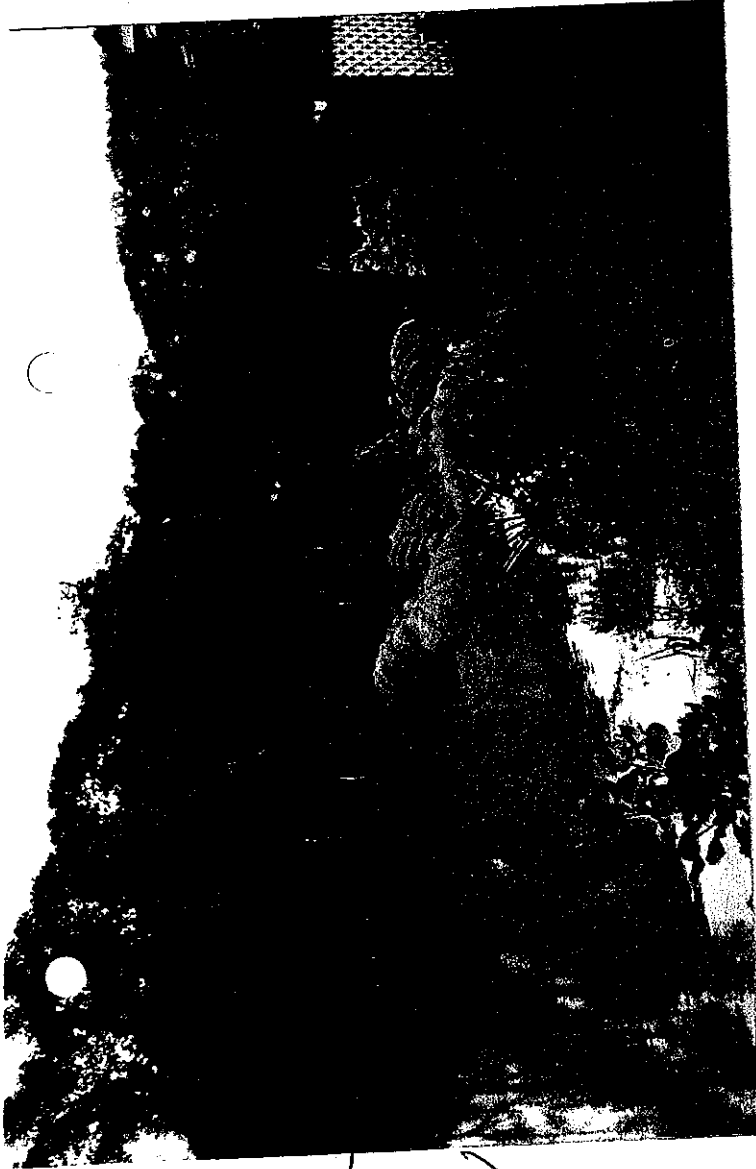


Flood 2005.

Entrance to
Park
Kids were
kayaking

Caravan
under
water.

Aug 2005



✓
AREA PROPOSED
FOR
RENOVEMENT.
X

✓
AREA PROPOSED
X FOR RENOVEMENT
X

11000 2005

Campers Broken



Center Avenue

No Cars in or out



Site 309
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 130

24 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to developments on the above site. My submissions below show that any development would affect the environment, cause flooding and has brought me to the point of considering selling only because of same.

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and Lot 156 causes current significant flood hazard. Our streets were knee and waist deep in the 2005 flood.
- Our properties are already pressured in heavy rain.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.

- The buffer to the estuary and wetlands should be 50 – 100 m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. It destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully



David Wilkins

Site 184
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 129

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to the development of the above and submit the following points as well as state that like many others at the North Star I am a pensioner on an extremely limited income and could not afford to move:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level. In previous floods the depth of water at the wall on the southern end of the park was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5 m of fill will make flooding of North Star and Creek Street much more likely.
- The buffer to the estuary and wetland should be 50 – 100 metres. The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- The draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

Norma Blanche
26-6-2010

Norma Blanche

Site 183
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 128

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street -- 06 0153

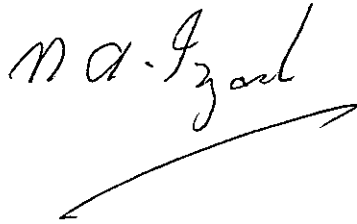
I wish to raise strong objections to the development of the above and submit the following points for consideration:

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- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
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There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

Neville Izod

A handwritten signature in cursive script, reading "N. A. Izod". A long, sweeping horizontal line extends from the bottom of the signature to the right.

Site 201
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

23 June 2010

No. 127

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

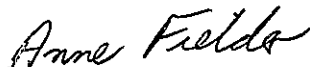
Objection re submissions Lot 156 Creek Street – 06 0153

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- Our properties are already pressured in heavy rain.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected – in fact my own is right next to the Creek Street proposed development and will be very much affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50 – 100 m.

- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. It destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully



Anne Fielder

Site 203
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 126

23 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

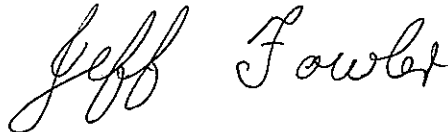
Objection re submissions Lot 156 Creek Street – 06 0153

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- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully



Jeff Fowler

No. 125

Site 203
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

23 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

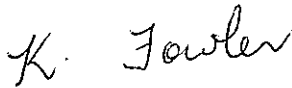
Objection re submissions Lot 156 Creek Street – 06 0153

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- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully



Kathy Fowler

Site 237
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 124

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to the development of the above and submit the following points for consideration:

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- The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5 m of fill will make flooding of North Star and Creek Street much more likely.
- The buffer to the estuary and wetland should be 50 – 100 metres. The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- The draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

C Read

Craig Read

Site 237
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 123

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to the development of the above and submit the following points for consideration:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level. In previous floods the depth of water at the wall on the southern end of the park was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5 m of fill will make flooding of North Star and Creek Street much more likely.
- The buffer to the estuary and wetland should be 50 – 100 metres. The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- The draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

Janice Read

A handwritten signature in cursive script, appearing to read 'J. K. Read'.

28 June 2010

No. 122

Attention Marek Cholinski

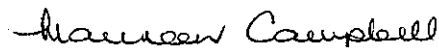
Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir,

Re: Lot 156 Creek Street – 06_0153

In support of the attached *Points of Objection* I, as a resident of Hastings Point, request the Department of Planning conduct a closer scrutiny of the developer's reports, plans, surveys, impact statements, assessments and indeed all required submissions. This is to ensure that the above submissions are not only compliant and current but that they are certified by qualified professionals.

Yours sincerely,



Maureen Campbell

Apt 5 North Star Holiday Resort
1 Tweed Coast Road
Hastings Point NSW 2489

Maureen Campbell
Apt 5 North Star Holiday Resort
1 Tweed Coast Road
Hastings Point NSW 2489

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
 - Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
 - Our properties are already pressured in heavy rain events.
 - This development will place our lives and properties at risk.
 - This will decrease the value of our properties and increase the cost of insurance.
 - Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
 - As an elderly person, I fear for my safety, life and ability to access safe refuge.
 - It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
 - Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
 - There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
 - The buffer to the estuary and wetlands should be 50-100m.
 - Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
 - This development will destroy the amenity of the area.
 - Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
 - The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
 - The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
 - The developer's flood models are flawed and should be investigated.
 - The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
 - There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

No. 121

Site 309
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

24 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to developments on the above site. My submissions below show that any development would affect the environment, cause flooding and has brought me to the point of considering selling only because of same.

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and Lot 156 causes current significant flood hazard. Our streets were knee and waist deep in the 2005 flood.
- Our properties are already pressured in heavy rain.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.

- The buffer to the estuary and wetlands should be 50 – 100 m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. It destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours faithfully



Val Wilkins

Submissions should be RE: LOT 156, Creek St – 06_0153 addressed to:

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 120

Points of Objection that you might consider in your letters:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
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- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
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- This development will destroy the amenity of the area.
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- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

NAME: BARRY WELCH
ADDRESS: 202/1 TWEED COAST RD
HASTINGS POINT 2489
TEL: 02 66 76 06 48

SITE 248
NORTH STAR HOLIDAY RESORT
1 COAST RD
HASTINGS POINT NSW
2489

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 119

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
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- This development will place our lives and properties at risk.
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- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
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- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

P.E. Ziffer

BRIAN W HATCLIFFE.
321/1 TWEED COAST RD,
NORTHSTAR RESORT,
HASTINGS PT

M.S.W 2489

No. 118

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,



Adam W. QUESTED
4-312 NORTH STAR RESORT
1 COAST RD
HASTINGS POINT 2489

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Choiński
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 117

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,



25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Joanna McManus
1 Coast Road
Hastings Point NSW

No. 116

Submissions RE: LOT 156, Creek St – reference number 06_0153


Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,



MRS JILL I. QUESTED
312 NORTH STAR RESORT
1 TWEED COAST ROAD
HASTINGS POINT NSW 2489

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 115

Submissions RE: LOT 156, Creek St – reference number 06_0153

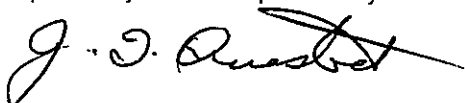
Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,



B. QUESTED
1 TWEED COAST ROAD
HASTINGS POINT 2489

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 114

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

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- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,



25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 113

Submissions RE: LOT 156, Creek St – reference number 06_0153

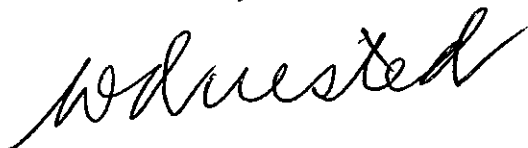
Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
4. The Cudgera and Christies Creek estuaries have already had their flow path changed by the actions of the previous owner who stole fill from the estuary and used it to illegally extend the property.
5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,



Site

344 North Star Resort,
Coast Rd
Hastings Point
2489.

21st June, 2010

No. 112

Regional projects,
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney, NSW 2001.

Subject Lot 156, Creek Street, Hastings Point -06_0153

Dear Sir/Madam,

I wish to submit the following points for consideration:

- * The level of fill proposed for the development and the emergency access road will increase the flood hazard to an unacceptable level. In the 1950 flood the depth of water at the wall on the southern end of my block was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- * Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- * The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5m of fill will make draining slower and this will make flooding of North Star and Creek St more likely.
- * The buffer to the estuary and wetland should be 50-100 metres.
The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek
- * The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- * The Draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There has been widespread disastrous flooding through the world as seen on TV. The Creek St DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening ... they should reject this DA.

V.V. Brill

V.V. Brill

Signature *P.L. Strange*

Name
*PHYLLIS LORRAINE
STRANGE*

Site 183
North Star Holiday Resort
1 Coast Road
HASTINGS POINT NSW 2489

No. 112-2

25 June 2010

Regional Projects
Major Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Objection re submissions Lot 156 Creek Street – 06 0153

I wish to raise strong objections to the development of the above and submit the following points for consideration:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level. In previous floods the depth of water at the wall on the southern end of the park was over 1.2 m. Climate change could make occurrence of such disasters more likely and more frequent.
- Hired flood consultant stated that the proposed filling of portions of Lot 156 will make the risk of flooding in North Star Resort greater.
- The flood plain in Lot 156 enables the water to drain away. 1.2m to 1.5 m of fill will make flooding of North Star and Creek Street much more likely.
- The buffer to the estuary and wetland should be 50 – 100 metres. The property has been continuously mowed. At first a small buffer was observed. Recently mowing has been done in wetland areas and right up to Christies Creek.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect. Before areas of Lot 156 was denuded by the developer it was common to see large egret, jabiru, spoonbill, beach stone curlew. Now they are rarely seen. An osprey has built a nest in one of the few remaining trees but its presence is threatened by the development.
- The draft development code compiled by Noni Ruker gave strong support for the environment. The Lot 156 DA proposes that part of the zoned wildlife corridor be rezoned and become a part of Creek Street.

There as been widespread disastrous flooding through the world as seen on TV. The Creek Street DA plans to fill a flood plain and build houses there thus inviting a similar disaster to happen here putting hundreds of people at risk. The State Government has the power to prevent this from happening and should reject this DA.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'P. L. Strange'.

Lorraine Strange

Submissions should be RE: LOT 156, Creek St – 06_0153 addressed to:

No. 111

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Points of Objection that you might consider in your letters:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

NAME: M WETTER ✓

ADDRESS: 178 WARRATA

TEL: 0266764405

M E Welter

Submissions should be RE: LOT 156, Creek St – 06_0153 addressed to:

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

No 110

Points of Objection that you might consider in your letters:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
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- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

NAME: M. WOOD

ADDRESS: 180 NORTH STAR RESORT

TEL: 02 66 76 11 56.

M Wood 26-6-10

No. 109

28th June 2010

To: Regional Projects
Major Projects Assessment
Dept of Planning
GPO Box 39
Sydney NSW 2001

Christine Welch
Site 202
North Star Holiday Resort
1 Tweed Coast Road
Hastings Point NSW 2489

Dear Sir/Madam,

Re: Lot 156 Creek Street Hastings Point Development

With reference to the above I wish to express my strongest possible objections to this development.

I am a permanent resident at North Star Holiday Resort and feel threatened by the level of fill required for this site and the associated vehicular and building site traffic required for such a site.

The amount of fill to this site would cause my home to be inundated with water if a major wet season was to eventuate as there has been in previous years. I feel that as this is designated a flood plain area then there must be a very good reason for this and we all know that nature does not read council and state amendments to plans.

The rise in traffic to this area would be a serious problem with the amount of noise and also the increase in transports of all sizes – trucks, utes, salesmen's cars, delivery trucks etc – the peace and quiet of Hastings Point would be at an end and with the number of residences to be constructed would never return. The creek and patrolled beach at Hastings provide me with the area to swim and exercise in a natural and peaceful environment.

Trusting that some common sense will prevail and we can have our retirement years as happy and contented citizens of Hastings Point not as a burden to either the state or commonwealth because of such a hostile and volatile situation.

Yours truly,



Christine Welch

No. 109-2

Submissions should be RE: LOT 156, Creek St - 06_0153 addressed to:

Regional Projects
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Points of Objection that you might consider in your letters:

- The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorise John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

NAME: CHRISTINE WELCH

ADDRESS: 200/1 TWEED COAST ROAD HASTINGS POINT NSW

TEL: 02 66 76 0648

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

N6. 08

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
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 - There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely, *Joyce Raven* 57 Coast Road Hastings Point 2489
02 66761595. J.R.

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 107

Submissions RE: LOT 156, Creek St - reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

L. J. Slater

23 Creek St
Hastings Pt
02 66762909

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 106

Submissions RE: LOT 156, Creek St - reference number 06_0153

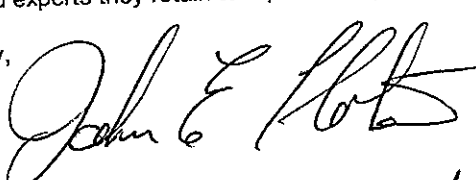
Dear Sir

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I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

 23 CREEK ST H/POINT
0266762909

25 June 2010

No. 105

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

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- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

BARRY Robson
33 creek st
Hastings Point

66 76 3572
B. Robson

25 June 2010

No. 104

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

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5. All neighbouring properties including every property in Creek Street, Hastings Point and Northstar Park will be put in extreme danger of loss of life and property through inadequate flood mitigation measures. The 2005 flood levels which affected most properties in the area will be exceeded if any fill is allowed at all. The level of fill proposed for the development and the emergency access road will increase flood hazard to an unacceptable level.
- Previous illegal filling of the estuary and LOT 156 causes current significant flood hazard. Our streets were knee and waste deep in the 2005 flood.
- Our properties are already pressured in heavy rain events.
- This development will place our lives and properties at risk.
- This will decrease the value of our properties and increase the cost of insurance.
- Emergency access roads do not exist for North Star Resort and increased flood hazard will trap us in flood times.
- As an elderly person, I fear for my safety, life and ability to access safe refuge.
- It is inappropriate to fill the only flood plain available to drain the surrounding catchments. It exists for a purpose.
- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
- This development will destroy the amenity of the area.
- Unsatisfactory traffic/pedestrian access for Creek Street/Coast Road intersection.
- The flood access road with cycle path proposed will adversely affect the environment and wildlife which inhabits this area. The volume of human traffic using this area and the construction of such a road requires an environmental impact statement. Destroys the safety and amenity of adjacent residents.
- The developer's offer to rejuvenate degraded land that it degraded as an offset to degrade further endangered ecological communities is morally/legally repugnant.
- The developer's flood models are flawed and should be investigated.
- The developer's flora and fauna reports are not conducted by qualified experts, are not current and are incorrect.
- There is no proper consideration for climate change, increased rainfall, storms and sea level rise.

I authorize John O'Reilly of O'Reilly Sever & Co Lawyers, the Hastings Point Progress Association and the consultants and experts they retain to represent my interests.

Yours sincerely,

JOHN O'REILLY



31 CREEK ST
HASTINGS POINT
02 6676 9113

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 103

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

I wish to strenuously object to the proposed development on several key grounds:

1. Tweed Council has objected to the proposal as unsuitable and failing tests of adequacy yet again.
2. This site has a long history of misuse by owners, environmental degradation, stealing of Crown Land, and has been subject to numerous and ongoing law suits and council PIN's.
3. Pedestrians, particularly those disabled and elderly local residents who depend on pedestrian refuge on the corner of Creek Street and Tweed Coast Rd will not be able to safely cross the road. Tweed Coast Rd has long been considered inadequate by Council for any increase in traffic, and the corner is too small for construction trucks.
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- Storm water and drainage solutions are inadequate and adjoining properties including my own will be adversely affected.
- There is no satisfactory solution for the redirection of water flow. The change in water levels/flows will damage critical habitat and wetland ecosystems.
- The buffer to the estuary and wetlands should be 50-100m.
- Lot 156 sits in a wildlife corridor with endangered species that visit and breed in the area including the bush and beach stone curlews, jabirus and others. The extent of the development proposed in this area will destroy this habitat.
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Yours sincerely,

Ross Coon

31 CROOK ST
HASTINGS POINT

0266764113

25 June 2010

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

No. 102

Submissions RE: LOT 156, Creek St – reference number 06_0153

Dear Sir

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Yours sincerely,

Marcus Bishop 0421 389 348
12 Creek Street, Hastings Point 2489



25 June 2010

No. 101.

Regional Projects
Major Projects Assessment
Attn: Marek Cholinski
Department of Planning
GPO Box 39
Sydney NSW 2001

Submissions RE: LOT 156, Creek St – reference number 06_0153

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Yours sincerely,

Ms. SONIA MEULET
5 CREEK ST.
HASTINGS POINT, NSW
2489 (02) 66764308