

To jane.flanagan@planning.nsw.gov.au

Re_Residential Subdivision Proposal at Moonee Beach

Ref# SSD 15_7198

From_Roger Barker

POBOX 4281 Coffs Jetty 2450

Without Prejudice

Dear Jane

My ability to Comment is made very difficult, until I can understand why DPE appears to support the proponents inconsistencies and errors, along with lack of logical details .

Your response to some questions will allow me to comment with understanding.

I disagree with functionality of the Sthn swale drain concept.
Given the altered catchment for Sthn storm water , and lack of fall available at Sth boundary to drain West to East at the foot of proposed slope, a retention pond should be required to prevent adverse impact on Sth neighbouring property. The drainage swales at foot of proposed Sthn slope are being proposed with minimal detail, inaccurate and not to scale, but show filter traps leading overflow into my property. To which I object.
Is it not prohibited to drain water to adjoining properties?

Are any other projects in this region allowed to drain their water to an adjoining privately owned property? What assurance does DPE have in place to ensure that the proponent does not run water to the adjoining neighbours property?

This application is proposed as a concept. It is a conceptually flawed proposal and should not be approved as concept nor project as appears to be sought after now.

Have you approved other proposals which are as conceptually flawed in so many areas?

While Bucca Ck inlet has been dammed at the crossing to Albert's Dwelling,

recently established in prohibitive zone, where is the actual top of bank around that Moonee Ck inlet with tidal influence, etc ?

Is estuarine and aquatic ecology being overlooked ? I think you will find that the “Top of bank “ levels portrayed by proponent vary greatly from the CHCC “Top of bank “ were they actually checked? Have any other projects had the “top of bank” levels judged differently to CHCC levels?

What other projects in Coffs have been favoured to have objectives of planning instruments overlooked?

Does aquatic misalignment make fish?

Is OEH of SIMPA or Fisheries or Waterway or CHCC or DPE aware of this misalignment? Ref photos attached

Is it allowed or acceptable to discharge development storm water direct to marine park? Have you allowed this in any other approvals?

Who is responsible to verify the validity of the proponents data and surveys ? Have they not checked the validity of other projects in this area also?

Why is the relic mines shaft (circa 1964) still being overlooked, while providing habitat for micro bats? Have you even considered this mine shaft?

Has the DPE checked the misrepresented boundary alignment which misleads the significance of sensitive terrestrial and aquatic ecology? How close do you look at alignments being proposed?

Has DPE investigated the impact of this understated over development ? Have you allowed such over-development of other land in this region?

What assurance does DPE require from proponent that no storm water overflow, threatening wetland transfer, impact on to a neighbour?

Why has no Storm water retention been proposed outside of buffer on that Stn boundary? Has this been allowed on any other approved site in the region?

Is adequate riparian corridor being proposed, considering CHCC LIDAR

tidal contour mapping for cross-reference? Has this leniency been given to any other projects in this region?

Does DPE verify and validate Council Data before LEP gateway approval?
I.e. confirm the studies are validated?

Does DPE require accurate detailed plans, prepared to scale, to properly assess Cut and fill contours proposal and drainage proposals? This proposal does not compute against accurate contour mapping!

When the proponent erroneously implied lot 6 as joined to its Part3a in 2013, my land was misrepresented as offset benefit of lot 7.

Why now that it has been acknowledged as withdrawn, is the proponent not offering its own appropriate buffer to Eco offset?

And how is it, that the proponent continues to mention my land when it also states that my land is of no further consideration to its proposal? Is it customary that the DPE accepts data from a proponent on a property which is not tied to that proposal?

Ecology report provides a creative top of bank miss-interpretation which was also proffered for CHCC LEP, but if the tidal contour were represented accurately, Moonee Ck buffer would paint a more appropriate alignment to correct that pinch point, as it is being proposed. Why did you not consider the “Top of bank” from CHCC LIDAR?

In Brief :

These are some of the obvious errors that would completely change the accuracy of the proposal.

Trees understated- perverse

Buffer from creek understated- perverse

Eco significance- perverse

Inaccurate and inadequate cut, fill and drainage plans- perverse.

Relic Mine shaft providing micro-bats habitat disregard- perverse.

Wallum habitat impact being overlooked - perverse.

Since my withdrawal, the proponent has made every effort, collaborating to infect my land- perverse.

Transferring conservation pressure onto private land- perverse.

Proponent was instrumental collaborating with Council to have an excessive portion of my land illogically reclassified e2- perverse.

DPE approved Part3a motorway which destroyed Cunninghams Creek verge and that corridor. It approved the deferred CHCC LEP that relied on this proponent's misrepresented and unapproved Data (if checked will clarify my concerns) for modified wildlife corridor, which naturally crosses Moonee Creek at the proponents dwelling, through sandy shoal crossing to National park on the Sth East. The culmination of effect and change (supported by inaccurate documentation) has resulted in a portion of my land being reclassified to Conservation zone where the Court approved a Collector Rd to knock over any conservation value that remains after 7 utility installations busted through that same portion ! Have you allowed this before?

This appears to be unreasonable, illogical, and or pre-planned without consulting effected landholder, wouldn't you agree?

I have now been 12yrs responding to inconsistencies which effect my equity on every boundary, how can balance be restored?

My Lot6 DP252223 is intended for development as zoned, contrary to incorrect assumptions and studies being provided to DPE by the Proponent.

I withdrew from this application after noting discrepancies of information being fed to DPE, and due to disadvantages being planned by stealth.

Some other observations from my brief review of this proponents submission.

Geo-Technical inadequacies:-

- 1/Relic Mine shaft is not provided any due regard
- 2/Bore hole 14- why terminated at 700mm when latest report states all Bore holes to 4mtrs? Has the DPE allowed this on other projects in region?
- 3/Cut and fill proposes misleading inaccuracies, beginning with initial survey of heights.

Hydrological

- 1/Sth drain-no detail - High risk inundation of Lot6, threaten transfer of proponents wetland.
- 2/Sth detention pond needs reconsideration outside of Buffer (sacrifice 1 or2

lots on Sth Boundary and save a few trees at the same time)
 3/Sth drain should be of adequate dimension and declination so as to not over flow into lot6 DP 252223

Survey misalignment

1/Proponent has gained 1000m² from the Crown by creative Creek survey for subdivision of lot7 into lot1 and Lot2. Will this be looked at properly?
 2/ Top of Ck bank is another misrepresentation . Will this be looked at and checked again?
 3/ Heights and contours of current access track and aquatic sedge land are misrepresented.- view CHCC LIDAR Mapping. Will this be looked at again?
 What projects in region disregard the CHCC LIDAR?

Ecology survey

Tree survey is understated- Proposal states 200 trees in all. Although recently logged again, I can still count over 400 well established trees remaining, aged 20-200yrs, within the proposed development, of native mix with many of high significance.

While a Deferred Areas LEP 2013 PP from CHCC, reliant on erroneous data from the proponent, proffers the proponents land as Derived Grassland. Such lenience appears to Bias.

Will you again recheck this?

1/Added to the proponents understated effective impact, there is no where near enough buffer area being proposed for offset replanting in appropriate numbers . Will you be checking this? Have you allowed under planting in other projects in the region?

2/Ecologist erroneously differentiates white mahogany from swamp mahogany being the same species and mistakes white mahogany for red mahogany in earlier report. Does anyone check this? If they make these simple error would you not check all their other ecological work more carefully?

3/Nth Drain - established 20yrs, vegetated with coastal rainforest significance is understated, although recently thinned out and under scrubbed, it provides Black cockatoo feed, sugar glider habitat and preferred

osprey roost with EEC. The Ecologists misalignment of Nth boundary in red is misleading the actual location, about 5mtrs in from the boundary. Will this be assess properly?

4/ The ecologist pegged spring tide with flood on the lower level at Moonee Ck, but erroneously mapped it showing greatly reduce influx. As a consequence the proposal indicates a corridor, but would actually create a pinch point, if overlooked. Will you check this?

6/The Nthn retention pond/swamp (lacking detail) should not be proposed on Wallum habitat. Have you allowed this on other projects?

7/ What grassland is being set aside to sustain the proponents resident Kangaroo herd?

The Subdivision Plan

1/ The proposed plan is too close to Top of Bank at the Eastern perimeter Rd alignment. Will this be checked?

2/Perimeter Rd linkage to Sth East is required by DCP04, the same as it requires a walking track collectively around developments. Will this be rectified?

3/ An upgraded access way being proposed wider and higher through buffer to proponent partner Albert Dwelling, could possibly require integrated development approval if the actual extent of Marine Park tidal influx were recognised by Authority in assessment.

4/ A gate proposed at Albert access Rd within the buffer would unfairly exclude wildlife, walkers, and fishing from land zoned for public recreation along Ck. The natural wildlife corridor actually crosses Moonee Ck at the front of Albert dwelling, through sandy shoal to National Park on the Sth East. Will this be addressed? Has this been allowed in other proposals in this region?

Collector Rd

As the Proponent states it has renegotiated access Deed with Winten 2014, currently my consultant is appropriately negotiating Winten access agreement , for which it includes approved development of my land.

Until currently access negotiations with Wintens complete, the proponent obviously has no access approved. What will you do regard approved access?

You can see from these points the numerous flaws with the studies and information supplied to the DPE, please show me a non-biased resolution with fair and reasonable planning whereby everyone can finally move forward, with each property providing its fair and reasonable site based conservation and not fabricated consultants studies or fudging of contour lines to pass off their conservation dues to someone else. It would be a huge concern if the DPE did not address such errors in the proposal.

The Proponents RTS has not addressed the issues raised and is certainly not fit for approval.

This residential precinct has basically been deferred 29yrs, therefore it is of equal importance for all land holders to attain release from these debilitating constraints. But in concern of my equity, I notice unreasonable support for corporate developers collaboration to impact my land without discussion, adding constraint on me to advance their own cause, while a more consistent approach to planning objectives would have resolved these perpetual conflicts a long time ago. Hopes of progress, deferred so long, has sickened the hearts of all concerned!

We believe that the proponent must be required by DPE to plan appropriately, and offer its fair share of offsets, so as not to disadvantage other land holders or the environment. Otherwise the proposal should be rejected for the many misleading misrepresentations.

Regards
Roger Barker