

SUBMISSIONS FROM THE JETTY ACTION GROUP (J A G)

The Harbourside Concept Plan now on display is fundamentally flawed in several respects. Any objective analysis of the plan and these submissions must conclude that the plan is unsustainable for a variety of reasons.

It ignores well established scientific predictions of climate change, rising sea levels and increasing storm surge activity resulting from global warming. The plan fails to address basic planning issues associated with pressure for development as a consequence of predicted significant population growth. The plan is driven by a false premise that sand dredging and maintenance of the harbour must be funded by the local community. And it ignores well established community aspirations to preserve open space and to restrict development east of the railway line, residential accommodation in particular.

PLANNING ISSUES

1. In an atmosphere where global warming is an established fact, the utmost caution is paramount when considering any development in low lying areas such as those under consideration in the Concept Plan. The plan fails to take this aspect into consideration.

Catastrophic consequences may flow from permitting development in an area known to be at imminent risk of inundation from rising sea levels. Human life will be placed at risk and real property assets lost to their owners as insurance protection will not be available. Perhaps like the 'canary in the coal mine', the reaction of the insurance industry to the global warming fact in the interest of it maximizing profit returns, is a glaring indicator of the reality of global warming.

In these circumstances, council should also have concern for its own protection. Just as James Hardy became liable to pay compensation for failing to take precautions once it knew of the asbestos dangers, council could become liable for permitting development which places life and property at risk despite knowing (or ought to know) at the time of the approval, that sea levels were likely to rise.

2. Given the prediction that the population of Coffs Harbour is likely to double within the next 20 years, the value of open space to the community is magnified. A fundamental planning principle for such an environment is to preserve open space. In an area as densely populated as the Jetty precinct, the need for preservation is obvious. Positive planning demands that open space such as Englands Park and Jetty Oval be preserved and improved to enhance community use and enjoyment. Since the Concept Plan fails to preserve and enhance the amenity of the existing open space, it is flawed.

3. The Crown Lands Act, 1989 provides for objects and principles for the management of Crown Land such as Englands Park and Jetty Oval. Among other things, Section 11 of the Act requires that the following principles of Crown Land management include -
- a. That environmental protection principles be observed in relation to the management and administration of Crown Land;
 - b. That the natural resources of Crown Land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;
 - c. That public use and enjoyment of appropriate Crown Land be encouraged;
 - d. That, where appropriate, multiple use of Crown Land be encouraged;
 - e. That, where appropriate, Crown Land should be used and managed in such a way that both the land and its resources are sustained in perpetuity; and
 - f. That Crown Land be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the State consistent with the above principles.

The current plan to construct residential apartment blocks on Crown Land is not demonstrated to be in any way consistent with the above principles. As a consequence, it is submitted that proceeding with the Concept Plan in its present form will render the Department of Lands in breach of the Crown Lands Act.

4. All of the open space referred to in the Concept Plan as available for development, is flood prone land. Englands Park and Jetty Oval lie in an area below a densely populated hillside and as a consequence, acts as a water collection, wetland filter and drain into Coffs Creek for rainwater runoff from the surrounding area. The water table in these low lying areas is so elevated that the land floods even during moderate rainfall.

The land cannot be excavated for underground car parks as with the Ocean Gem development and would require in-fill earthworks before any construction of buildings could commence. Development of the kind contemplated in the Concept Plan would restrict the present flow of water and result in surrounding properties suffering increased flooding.

Construction of buildings on Englands Park will render the land incapable of functioning as referred to above and as a result, there will be an increased flow of pollution/contaminants into Coffs Creek and the Solitary Islands Marine Park.

5. In the interest of respect for the cultural significance to the Gumbaynggir People, of the area under consideration in the Concept Plan, proper studies of available material ought be

compiled before any development or even improvement of the existing open space is contemplated. In addition, some of the areas identified for possible development in the Concept Plan are subject to a formal land claim by the aboriginal people. The Concept Plan fails to provide for any investigation of areas known to be of cultural significance nor does it make provision for the possible outcome of unresolved aboriginal land claims.

6. Any proposed development of Jetty Oval needs to take into consideration the existing adjoining use by the Pet Porpoise Pool (PPP). In recent times, council has flagged an extension of this Coffs Harbour icon onto the northern end of the oval. However, it now appears that there is cloud hanging over the future of the PPP itself.

Positive planning requires an assessment of the future plans for the PPP before any meaningful plan for the Jetty Oval is considered. If for example the PPP land became available, its absorption into planning for the oval would be appropriate and the option of acquiring it for additional open space could be explored.

If the PPP is to remain, its use is quite inconsistent with residential development. If residential development is to occur on Jetty Oval, there is a real risk that in the future, survival of the PPP will be threatened with closure following complaints from residents.

7. The Concept Plan infers partial destruction of the dunal vegetation to create sight lines of water for those using the adjacent parkland. This proposal defies good planning principles.

The natural regenerated dunal vegetation supports and stabilizes the dunes helping protect them from erosion. Tampering with the vegetation will degrade the dunal system and result in erosion of the beach into the harbour.

Cutting sight lines through the dunal vegetation will create wind tunnels for the prevailing north east salty winds and therefore will create a hazard to those using the parkland.

Cutting sight lines through the dunal vegetation will make the supervision of children in the parkland more difficult. When children can see water from the parkland, they will wander towards it.

One of the major attractions of Jetty Beach is its natural beauty. The view to the west for people using the Harbour Beach is one of regenerated natural vegetation. Cutting sight lines through the dunal vegetation will disrupt the view for those using the beach, exposing human activity in the parkland, the railway station and Beacon Hill completely covered in residential apartments.

8. Commercial or residential development east of the railway line in the area under consideration in the Concept Plan will impact significantly on the recreational, sporting and leisure uses of the beach and open space. Available pedestrian and vehicular access is limited and a moderate increase in traffic flow caused by development will lead to gridlock congestion. Even with the current uses of the area, the natural increase in traffic congestion caused by population growth, is likely to result in all vehicles being required to utilize a large carpark at the southern entrance to the foreshores.
9. Commercial and/or residential development on the foreshores will create an atmosphere which is inconsistent with the use and enjoyment of existing open space. The attractiveness of this area to families and visitors is that it is an oasis of natural environment which will be lost following the development proposed in the Concept Plan.
10. The Concept Plan is restricted by its failure to properly address the railway land west of Jordan Esplanade. That land was once used to house tracks facilitating the freight of bananas by rail. When the railway sold the northern section of this land, the Ocean Gem apartment complex was born.

To prevent any encroachment onto land east of railway line, Council and the Department of Lands should be lobbying Government to convert the remaining publicly owned railway land to open space.

In any event, for the community to properly consider and respond to the Concept Plan, information must be available about what precisely is to be the future of this land in the foreshore domain.

11. The Concept of an expanded marina facility is flawed for several reasons: There is no available evidence of the need for expansion; There has been no published audit of the particulars of current occupancy of the existing marina in circumstances where that area has been referred to by a local councilor as a floating caravan park; The commercial fishing industry is contracting and licences surrendered or acquired by Government, yet there has been no assessment made of the impact this will have on the size of the fishing fleet.

Due to the extraordinary expense of any expansion program and the detrimental impact this would have on available beach space, no concept for such expansion should be considered until there is a demonstrated need and the capacity for the marina to self fund ongoing maintenance.

12. The concept of permitting development of a tavern east of the railway line in the area of existing commercial uses, is negative planning. Where there are already two premises (Yacht Club and Fishing Club) licenced to sell alcohol inside this sensitive area of predominantly public open space, addition of a third alcohol outlet is unnecessary. The well established social scourge of alcohol as one of the most lethal human intoxicants, should not be unnecessarily encouraged.

It is also inconsistent with the use of the area as a family, sporting and recreational space. The existing venues provide adequate supply of alcohol and planning should be centered on development of these venues to enable adequate satisfaction of the demands of those patronizing taverns, and population growth.

FUNDING

The Concept Plan is flawed in its presumption that sand dredging and Harbour maintenance including that of the Jetty structure, is a responsibility of the local community. The Harbour and port are of State and Federal Government significance (eg. Dept. Immigration, Defence, Federal Police and Customs). Funding should be a shared cost from general revenue. It is a matter of government setting appropriate funding priorities. Attempting to shift financial responsibility to the local community is inappropriate, unfair and an impossible burden on the local community to bear.

The sale of public land for short term financial gain to the NSW State Government Treasury (not the residents of Coffs Harbour), can never properly address the needs of the Harbour in the long term. The funding proposals in the Concept Plan are short sighted, based on a false premise and are unsustainable.

COMMUNITY CONSULTATION

The overwhelming community aspiration expressed in three well attended public meetings the last being at the Ex-Services Club on 07/02/2007, is that there be no residential development east of the railway line in the area under consideration in the Concept Plan. The last Harbour plan in 2003 was withdrawn because of strong community sentiment in this regard at the time of the last Coffs Harbour City Council elections. At that time, 420 letters were published in the Coffs Coast Advocate in response to the Harbour Plan. Even after the newspaper was criticized for apparent bias and it published a plea for letters in support there having been no such letters received, 89% of the published letters were opposed to the plan. This Concept Plan envisages tourist/residential accommodation east of the railway line

and to that extent, clearly expressed community wishes have been ignored.

Whilst there have so far been far fewer letters to the editor of the Advocate over a shorter period of time in response to this plan, 98% of those letters published, oppose this Concept Plan on display. Opposition centers on loss of open space, commercial/residential development east of the railway line and the flawed premise that funding is a local responsibility.

In the Wednesday 14/02/2007 edition of the Advocate, editor David Moase referred to this. He suggested that letters to the editor were the best guide to public opinion. In summarizing this response to the Concept Plan he said at page 10, "...selling off the open space for housing has been rejected by a landslide." He concluded by asking for feedback from those in the community who support the Concept Plan.

Also reflective of community response and attitude are the 4 unanimous resolutions passed by 200 people attending a JAG meeting in Coffs Harbour on 10/01/2007. The resolution declares -

1. THAT THE COFFS HARBOUR CITY COUNCIL IS NOTIFIED THAT THOSE ATTENDING THE MEETING HAVE NO CONFIDENCE IN THE MAYOR AND THOSE COUNCILORS WHO VOTED FOR THE HARBOURSIDE PROJECT CONCEPT PLAN.
2. THAT NO PUBLIC LAND OR OPEN SPACE IN THE JETTY AREA BE REZONED BY COFFS HARBOUR CITY COUNCIL FOR ANY OTHER PURPOSE, INCLUDING THE STATE RAIL LANDS BORDERING THE JORDAN ESPLANADE.
3. THAT THERE BE NO TOURIST OR RESIDENTIAL ACCOMMODATION AT ENGLANDS PARK, JETTY OVAL AND ANYWHERE EAST OF THE RAILWAY ON THE JETTY FORESHORES.
4. THAT COUNCIL IS REQUESTED TO EXTEND THE EXHIBITION PERIOD FOR THE HARBOURSIDE PROJECT UNTIL AFTER THE STATE ELECTIONS ON MARCH 24, 2007.

Council will now be aware of the number of people who have signed a **PETITION** circulating in the area. It states "**we the undersigned wish to plead for the preservation of existing Crown Reserves at the Coffs Harbour Jetty precinct including Englands Park and Jetty Oval as well as public open space land east of the railway line at the Jetty Harbour Foreshores.**"

Council will now also be aware of overwhelming community opposition to the Concept Plan as disclosed in the significant number of formal submissions received in response.

Community trust in its elected representatives on council is damaged when there has been no effective consultation process and the existing feed back has been ignored.

Following the last failed Harbour Plan, council created the Strategic Planning Group (SPG) to assist in the consultation process. The deliberations of the SPG were secret and their advice also ignored.

For council to only commence a telephone survey of the community after release of the Concept Plan and the growth of opposition to it, is testament to the failure of council to embark on a meaningful consultation process before formulation of the plan now on display. The telephone survey itself contains loaded questions which will result in a false result likely to be biased towards the kind of development proposed in the Concept Plan. Accordingly, the telephone survey itself is a self serving waste of public money.

Community trust in council is also damaged when council repeatedly refers to the Concept Plan as a concept only to which community input is invited by way of the submission process. At the same time, council is engaged with the Department of Lands in a process leading towards the construction of about 450 home units on Englands Park and Jetty Oval by way of private development. This proposal was enthusiastically introduced by Phil Fogarty from the Department of Lands at the 'Industry Consultation' gathering at the Norm Jordan Pavilion on the showground on Monday 11/12/2006. For Mayor Keith Rhoades to publicly deny this proposal in his column at page 5 of the Independent Weekly (15/02/2007), is a revealing display of either incompetence or dishonesty.

The community has a right to open and transparent consultation in this major planning process. That right has so far been denied in the formulation of this Concept Plan. It is therefore not surprising that at the public meeting referred to on 07/02/2007 and attended by 900 residents, the following unanimous resolution was passed.

THAT A REPRESENTATIVE COMMITTEE BE ELECTED
FROM THE LOCAL COMMUNITY TO OVERSEE AND ADVISE
COFFS HARBOUR CITY COUNCIL ON ALL ASPECTS OF
COMMUNITY CONSULTATION REGARDING PLANNING THE
JETTY PRECINCT.

CONCLUSION

The only rational Concept Plan for the Harbour Foreshores is one which makes an effort to preserve and enhance all of the existing open space in a way which maximizes the opportunity for those using the

area to experience a wholesome, culturally enriching and personally rewarding event.

Since 1982 Coffs Harbour Jetty Dunecare Group has been active in the natural regeneration of native bush land now worthy of the description 'littoral rainforest'. This achievement has provided many advantages in terms of dunal stabilization, protection to those using the adjacent parkland from the prevailing salty north east wind, privacy to beach goers and an attractive natural environment for visitors.

In the Dunecare submissions headed "Concepts Submissions – Harbourside Project" dated 25/01/2007, a detailed set of comprehensive proposals is offered regarding matters in need of attention to enhance community use and enjoyment of the area. JAG commends all of these proposals for consideration in the formulation of an appropriate and sustainable plan for the area.

Not only is the kind of development foreshadowed in the Concept Plan inconsistent with proper planning principles, established science and the wishes of the community, it is an irresponsible attempt to revive previously failed plans. As a consequence, large sums of public money have now been wasted and the community unsettled by the prospect of suffering the loss of valuable public and open space.

The responsibility of council is to provide basic services and to protect community assets where the population is expanding. The Concept Plan fails to achieve these basic goals. By inference, it encourages private development of precious public open space. Encroachments on the area east of the railway line will lead to ever diminishing available open space while the population continues to grow. Failure to protect this space will lead to major congestion, a deprived local community and loss of attraction to visitors.

For these reasons, the Concept Plan should be withdrawn and the Memorandum Of Understanding with the Department of Lands reviewed so as to enable council to strongly object to the sale of public land for private profit.

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