

21 June 2013

Carol Cannon

G02/172 – 174 Russell Ave

Dolls Point 2219

Patrick McLoughlin

Shoalhaven City Council

P.O. Box 42

Nowra NSW 2541

Re: DA 13/1500

Dear Mr McLoughlin,

I am writing to lodge my objection to the proposed DA (13/1500) for the following reasons:

1) There is an apparent lack of transparency when considering the sale of Lot 3 & 4 Griffin Street and Lot 13 Marine Parade on the 14 December 2010. Minutes from a council meeting on the 2 August 2010 identifies that the lots were “parcels of land that could not be developed” on in “the current difficult climate.” At this meeting it was indicated that the owner had failed to pay their rates on the above mentioned lots (Appendix A:1) and that the owners were to sell their land at public auction minimising further losses (SCC; 2010 – Council Property Steering Meeting).

The sale of this property was made on the 14th Dec 2010 (Appendix A:2). At the auctions the above-mentioned lots of land sold at the bargain price of \$6500. This suspicious price allows the question to be asked – was there full transparency between the all parties during this auction? Since the auction, the difficult climate has apparently improved (according to whom) and it is now ok to develop on these blocks of land. Were all parties including the general public aware that a development at the scale of DA 13/1500 on this land was a possibility in the near future?

Evidence would indisputably suggest that if development was clearly a true prospect the lots would have been sold for a much more generous price. Currently on Quay Road there

are properties for sale with a price tag of approximately \$1.5 million. Admittedly these properties have houses on them; even still the gap between the asking price of these properties and the lots that sold for \$6500 is nothing short of staggering. How could property developers and the Shoalhaven community have missed such a bargain? I would suggest a severe lack of transparency from the council during the sale of this land. If not, Mr. Elachi is an extremely lucky man and just hit the jackpot. Clearly, former owner P. Hohenhouse has unfortunately not enjoyed the same "luck".

2) I would also argue that all the conditions of the DA in question have not been fulfilled, since the sale of the lots and the submission of the DA has been unsatisfactory. The suspicious nature of the DA informs my distaste with this development, again there is an apparent lack of transparency. I have two criticisms of this DA that relate to the process.

a) There have been no signs at the lots in question to inform the local community and neighbours of this development. Most of the locals I have spoken to about the DA became aware of it through "word-of-mouth" (there was an email thread sent around between the concerned local community members).

b) My second concern and aversion to the etiquette of the developers and Shoalhaven City council, relates to the DA tracking site on SCC website. After hearing about the DA, I attempted to locate it on the SCC website I had some difficulty doing so. There was no link to the DA on the map and at first I thought that there might have been a mix up. However, after searching the DA number (told what it was by local community as opposed to the developer or SCC) I was able to track down the DA. Again there the DA appears to lack full transparency from the SCC and the developer.

From the SCC website:

"Government Information (Public Access) Act 2009, ALL submissions on DAs and DA Modification are being made available on the DA Tracking site, unless they contain commercial information, or information that would likely prejudice the commercial position of the person who supplied it or information that reveals a trade secret; this includes all submissions made by Members of Parliament and/or Councillors on behalf of residents. Note that all submissions that are not electronically made will also be scanned and published on Council's DA Tracking site."
<http://www.shoalhaven.nsw.gov.au/PlanningampBuilding/Makingasubmission.aspx>

According to the extract above there are no excuses for the DA not being easily accessed on the DA tracking site. Hence, I would argue that this DA is not compliant with the *Government Information (Public Access) Act 2009*. The combination of both lack of visible advertising through sign on the property and the hidden DA on the DA tracking site, it is clear that many worthy locals, holidaymakers and Jervis Bay enthusiasts alike would be

unaware of the DA. Both these aspects should be rectified and then adequate time left for those who are unaware of the development to make a submission.

3) The sheer scale of the development is not in alignment with the surrounding community. The developer intends to use his **three blocks of land** to build a two-storey dwelling with a swimming pool. There are also plans for a 1.8m fence at the front of this development. This will definitely not fit in with the neighbourhood as most properties in Benton Sands Estate have no front fence at all at the front of their properties. I would suggest that there has been no consideration given to the surrounding environment or community.

4) The DA in question is located on the foreshore and considered to have minimal effects on the Environment when judged on a more regional scale in the Statement of Environmental Effects and Planning Report. This style of statement has been overused when considering developments, such that this expression of views is completely arbitrary, so please forgive me for being critical here. Surely it would not be unreasonable to suggest that this may set a precedent for further development on the foreshore in this area between "Griffin Street" and "Marine Parade" on a scale that will significantly change the natural amenity and environmental factors. Moreover, cumulatively development of this bulk and scale could significantly degrade the environment.

Visual Amenity

Jervis Bay is an area that is famous for its striking natural beauty. This is important to preserve as it forms local residents and holidaymakers' emotional attachment to this magnificent setting. Preserving the natural amenity on the Jervis Bay foreshore is vital in maintaining this area's popularity as a natural paradise. An excellent example of the serene natural amenity can be found on the beach adjacent to the foreshore where DA has been submitted (Photo 1). It is important to recognise that, with development brings an economic gain for the region, however overdevelopment will contribute to the area losing its prestige. The natural amenity of the foreshore in the Shoalhaven area and especially in the Jervis Bay Marine area must be preserved or the region's reputation as a natural wonderland will be lost forever.



Photo 1: The serene natural amenity that is enjoyed by many locals and holidaymakers. This photo is taken adjacent to Lot 13.

While the development in question may be considered to have an insignificant effect on the natural amenity, when standing on this section of Callala Beach and taking in all aspects of this pristine area, the development proposed seems completely out of place and would destroy, what is currently a naturally beautiful and serene setting.

Making matters worse is the concern that this development will become the catalyst for those surrounding adjacent blocks to then take similar actions in developing on the dune system of this strip. This would completely destroy the natural amenity that many locals from the Callala beach area and further surroundings currently enjoy. It would be an injustice to this iconic natural area, no question.

From the plans it would be reasonable to suggest that this development will degrade the visual amenity for those in the properties adjacent as it somewhat doesn't fit in with the theme of the area (high fences v's no fences)

Coastal Geomorphology

Change

Coastal geomorphology especially concerning the foredune that is located between Lot 13 and the beach berm is of particular concern to me. As a result of wave action, the foredune and beach berm experience a natural cycle of accretion and recession. For the layperson this is where the beach and foredune builds up in times of low energy (accretion) from the natural environment and is washed away during high-energy storm surges (recession). This important geographical process is in a state of equilibrium added to and taken from by the natural environment. This feature acts as a natural barrier to protect the area behind (including Bangalay Sand Forest). The bushland behind is less resilient to salt water.

Vegetation on the foredune acts to stabilize in storm surges. Dune grasses are resilient to the conditions and can regenerate under the natural cycle. Increased traffic from humans adjacent to the foredune as a result of larger scale development can act to place significant pressures on the vegetation. This, in turn allows for a more vulnerable foredune during storm surges and more substantial recession. To illustrate this point more clearly first we should pay attention to the storms in 2012. As a result of these storms there was significant scouring of the foredune adjacent to Quay Road (Photo 2). Obviously, this storm event would cause significant erosion to a well-vegetated dune system, however this effect is amplified due to the lower density vegetation. Lower density vegetation is contributed to by human traffic on the dune. Higher density dunes allow for both the binding of sediment as well as the dissipation of wave energy as it passes through the vegetation.



Photo 2: Scouring of fore dune at Callala Beach in front of Quay Road. Part of a dynamic equilibrium natural process. Already established as a concern. Increased traffic and subsequent decrease in vegetation amplifies the recession phase.

While the foredune appears to have sufficient vegetation in Photo 2, from ariel photos, it can be seen that the dunes adjacent to Quay Road are sufficiently less vegetated (Photo 3 and 5) than the dunes at the DA site (Photo 4 and 6).



Photo 3: Foredune with vegetation exposed to human traffic.



Photo 4: Foredune at DA site with a much denser vegetation.



Photo 5: Foredune with vegetation exposed to human traffic.



Photo 6: Foredune at DA site with a much denser vegetation.

The issues at Quay Road have been highlighted as a concern and one would assume under future climate change scenarios with storm surges likely increasing in intensity and frequency that this would become a greater concern. With such environmental uncertainty, clearly no precautionary principle has been applied for this development – why risk the degradation of the foredune and the EEC that lies behind it? It is apparent that local residents have already expressed concerns about erosion and discussions have taken place at local council meetings to suggest engineered solutions (SCC website – Public meeting to discuss Callala Coastal Erosion Remediation April 30,2013).

Not only is 'hard' engineering expensive for the local council it has failed coastal communities time and time again and has an ongoing cost. With this location more exposed to the southerly swells of winter, it would therefore make the block more susceptible to erosion.

Protection from wind

Another feature of the dune system that communities around the Shoalhaven region have inherited is that of protection from the strong coastal winds. If we take the trees away then the houses behind this development will be subject to a much greater deal of weathering. This will be the case if this foreshore area is developed extensively. Residents of the houses behind will now be exposed to very high winds. This is a serious concern as most houses in Benton Sands Estate were constructed using lightweight material, such as hardiplank for external walls to comply with *environmentally sustainable living*. The trees in the frontal dune also act to catch large quantities of windblown sand. This natural ecological process then allows sand to be fed back into the sand cycle in times of storm surges, which is important for the Bay.

I hope Shoalhaven Council will use integrity and common sense to refuse this application.

If Shoalhaven Council feels that my concerns are unjustified, some consultation would be greatly appreciated.

Yours sincerely

Carol Cannon

Appendix A

1)

P HOHENHOUSE	Lots 3 & 4 Sec 13 DP 9063 GRIFFIN ST, & Lot 13 Sec 13 DP 9063 MARINE PDE, Callala Beach	\$4,877.90	Vacant Land
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(SCC)

2)

14-Dec-2010	11-Feb-2011	GRIFFIN STREET	CALLALA BEACH	3	13	DP9063	\$6,500	3143 M	Protection	VACANT LAND
14-Dec-2010	11-Feb-2011	GRIFFIN STREET	CALLALA BEACH	4	13	DP9063	\$6,500	3143 M	Protection	VACANT LAND
14-Dec-2010	11-Feb-2011	GRIFFIN STREET	CALLALA BEACH	13	13	DP9063	\$6,500	3143 M	Protection	VACANT LAND

(All Homes)

References

All Homes (<http://www.allhomes.com.au/ah/ah0090?nsdid=854946>)

Shoalhaven City Council (SCC)

(<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D11/161449>)

Office of the Information Commissioner www.oic.nsw.gov.au