

Submission  
No 231

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

**Organisation:** Let's Own Our Future - Jetty Foreshores

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Portfolio Committee No.  
7 - Planning and  
Environment  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000



22 February 2024

## **Submission - Planning system and the impacts of climate change on the environment and communities**

We are a community group based on Coffs Harbour NSW. Our interest is the area of parklands known as the Jetty Foreshores. The Jetty Foreshores is a vital piece of social infrastructure for the community of Coffs Harbour as well as visitors. For decades this area, comprised of Crown Land and other government ownership, has been a focal point where families can gather to enjoy safe passive recreation together.



**Figure 1 Aerial view of the Jetty Foreshores and Harbour area, Coffs Harbour**

The area is bound by the ocean to the east and the North Coast Railway line to the west, forming a narrow strip of beachside parkland area. The precinct also includes a working harbour and an iconic historic timber Jetty. In recent years, the Federal government and Coffs Harbour City Council (CHCC) have funded significant upgrades to passive recreational facilities and carparking.

Most of the open space and parklands are managed by CHCC on behalf of the NSW government. Largely, the open space is Crown land however, some lands adjoining the railway line have very recently been purchased by Property Development NSW. The Committee may be aware that the previous Coalition government and now the current Labor government are pushing ahead to rezone this land to enable considerable residential development.

We believe that this is inappropriate for a number of reasons, not the least of which relate to climate change and coastal vulnerability. We note with interest the work of the Planning and Climate inquiry committee and we would be pleased if you would accept the attached document as a submission.

Yours sincerely,

## Submission to Planning and Climate Inquiry - Jetty Foreshores, Coffs Harbour

**Background.** The broader Coffs Harbour Jetty Foreshores area includes parklands, coastal vegetation, a working harbour and ancillary buildings such as fish co-op. Most of the land is Crown land and managed by Coffs Harbour City Council (CHCC) under a statutory Plan of Management.<sup>1</sup> The purple stippling in the image below shows the land managed by Council. The land outlined in red is the subject of the government's so-called revitalisation project.



Figure 1 Stippled area shows Council-managed land in the precinct

The two subject parcels of land are not Crown land but were surplus railway lands and held as assets by a government corporation. These are shown in red below (Lot 10 DP 1284099 and Lot 11 DP 843870). The northern block is used primarily as informal parking by thousands of people each weekend and the southern block is partially used as informal parking but part of the block adjoining the railway line is fenced off.

These were recently transferred from Transport for NSW (TfNSW) to Property Development NSW (PDNSW). Settlement occurred October 2023 for a sum of \$2.2M.

<sup>1</sup> <https://www.coffsharbour.nsw.gov.au/files/sharedassets/public/v1/building-and-planning/place-strategies/masterplans/jett4shores/coffs-harbour-jetty-foreshores-pom-june-2008.pdf>





**Figure 2 Lot 10 and Lot 11 now owned by PDNSW shown in red**

The previous coalition government proposed a revitalisation project for the precinct, of which the main feature was the construction of 300 units on the railway land. The current government despite an election promise to the contrary, now appears to support the masterplan and is actively working to rezone the land via a Planning Proposal.

**Major planning restrictions.**

The land is currently zoned Public Recreation in the north and Special Purposes (Infrastructure) (consistent with adjacent railway line) in the south.



**Figure 3 Current zoning in CHCC LEP**

RE1 Public Recreation

There are massive planning obstacles to rezone the land from Public Recreation and Special Purposes Infrastructure (surplus railway land) into a commercial zone allowing multi-storey residential and commercial development.

Building heights under the LEP are 5.4m across most of the broader open space area.



Figure 4 Building heights in the LEP

- Height of Buildings
- 5.4

We believe that the land is grossly unsuited to privately owned residential development (or residential development of any kind) and that the highest and best use of this land is for public open space for the purpose for passive recreation.

Not only is the land severely constrained by zoning but lies almost entirely within 3 to 5m ASL. Earlier geotechnical studies for an upgrade to part of the Jetty Foreshores parkland under CHCC management revealed that the groundwater is between 1m and 4m below the surface, so could be reasonably expected to be similar in this area. The land is prone to flooding and is largely within the 100m buffer to littoral rainforest prescribed by the coastal SEPP.



In terms of climate change, the area is mapped within the vulnerability area and over the long term is at risk of shoreline erosion, rising sea level, increased storm surge activity. Development of a new suburb in the area will exacerbate vegetation loss, leading to further risk of dune instability.



**Figure 5 Mapped littoral rainforest (green) with statutory 100m buffer (green hatching)**

The previous government’s masterplan presented the premise that the only way for the community to have ‘improvements’ to this area was by trading off private sell off in order to finance improvements. We believe there is no basis in truth for this premise and certainly no detail or guarantee as to how this would be implemented. We believe this is largely about a significant windfall opportunity for the government to convert this asset into significant money.

We note that that the early iterations of the project did not mention housing at all, but ‘activation’ was the main objective. We question this since on any given weekend there are thousands of people using the space. In more recent times, the development of units appears to be justified by citing the housing crisis and now ‘housing’ appears to be a primary objective. It’s difficult to believe that ocean front units could ever be considered as affordable or that ocean-front open space is a suitable location for housing development of any type.

## ***The Survey***

PDNSW commissioned Ethos Urban to conduct a community survey which is now being used to justify the proposal. We note that an earlier very comprehensive survey by GHD appears to now be completely disregarded and we suggest this is because it demonstrated strong community support for open space and public ownership.<sup>2</sup> We believe that the Aboriginal stakeholder survey indicates support in the Aboriginal community for open space and conservation of natural and cultural values. This report appears to be being disregarded.<sup>3</sup>

Ethos Urban conducted an online survey to which 3680 people responded (approx 5% of Coffs population). We believe that there were serious deficiencies with the survey and it ought not to be relied upon for decision-making. The survey was primarily focussed on development and built form and little else. The following are examples of these deficiencies.

*Duplicate IP addresses.* A GIPA request for the raw data revealed numerous duplications, despite PDNSW stating this was not possible. The results showed that approximately 316 IP addresses produced 500 odd duplicates. This means that 316 addresses produced over 800 responses. PDNSW must have known this from the raw data yet still chose to deny the duplicate response patterns. We note that Consultation Outcomes Report which was produced after this anomaly was known, specifically said that “the survey was designed to only allow completion once per device or IP address.” We consider this to be a deliberate lie.

*Question 19.* The survey asked respondents to make a choice between three options, namely leave the area fenced off with no change, development up to six storeys, or up to eight storeys. For the early part of the response period, the survey was structured so as not to allow the respondent to continue if they did not select an option. We believe that a number of respondents would have found none of these options palatable and so were forced to discontinue the survey if they did not select one of the options. Later, the survey was changed to allow continuation without the need to answer every question. The raw data show that 870 people chose the ‘leave the fences’ option and another 936 did not answer the question.

We believe that this question and the general tone of the survey asks people what they are willing to trade off in order to receive public benefits. This feels like a form of blackmail or at least unfair dealing. Why should it be necessary to trade away this open space? We believe the government’s major objective is financial gain.

*Question 29.* This question asked for open feedback. The top ten words and phrases were ‘Open space’, ‘Beach’, ‘Jetty’, ‘Community’, ‘People’, ‘Views’, ‘Harbour’, ‘Natural Beauty’, ‘Families’ and “Unique’. This is consistent with the results of the first Ethos Urban survey as well as the earlier GHD survey. The survey questions only focussed on built form

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<sup>2</sup> [https://www.dpie.nsw.gov.au/data/assets/pdf\\_file/0005/399758/GHDs-Coffs-Harbour-Community-Consultation-Outcomes-Report.pdf](https://www.dpie.nsw.gov.au/data/assets/pdf_file/0005/399758/GHDs-Coffs-Harbour-Community-Consultation-Outcomes-Report.pdf)

<sup>3</sup> [https://www.dpie.nsw.gov.au/data/assets/pdf\\_file/0005/529232/Murawin-Community-Consultation-and-Outcomes-Report.pdf](https://www.dpie.nsw.gov.au/data/assets/pdf_file/0005/529232/Murawin-Community-Consultation-and-Outcomes-Report.pdf)



development so this indicates these other important aspects were not canvassed by the survey questions.

*False representation of community values.* The earlier GHD report listed a series of project objectives. This same list was reproduced verbatim in the Ethos Urban report but were claimed to have been generated by the consultation as Community Values. We believe that is a gross representation of the community’s position and completely undermines the ethical standards and credibility of Ethos Urban. The extracts from the two documents are reproduced below.



**Figure 6 Extract from GHD report identifying project objectives (October 2018)**

**3.1 Context and Background**

The work undertaken in 2018 to understand community aspirations and values provided the basis for the development of a Draft Concept Plan for the precinct, which was released in October 2018, with several updates made in October 2020. The 2018 community consultation process generated the following feedback themes on local values and viewpoints:

- Place the community at the centre of the decision-making process, through broad, inclusive, and transparent consultation
- Activate the space and bring more people to the area
- Maintain and ensure connections between the city and the waterfront
- Build on current investment/activities
- Help grow new jobs for the region
- Create an economically sustainable public domain, and community assets
- Establish the precinct as a destination for tourists and locals alike, that the region can be proud of

**Figure 7 Project objectives from GHD report are repeated verbatim but now claimed to have been community-generated.**

### ***The Project Steering Advisory Committee (PSAC)***

A committee was formed to provide a diverse input into the precinct revitalisation and activation. The committee included 11 local people and one public servant chair. Of the 11 locals, five represented business interests, one represented indigenous interests, two Councillors (one of whom who had recently stepped down as Chamber of Commerce president), three community representatives (one of whom was a Board member of the Chamber of Commerce, another is an owner of a hotel 200m from the precinct and major sponsor of the Chamber of Commerce). Of the five business representatives, one is probably the town's largest developer and also a major sponsor of the Chamber of Commerce.

The original scope for the committee suggested that five or six community representatives would be included. This was reduced to three and we believe that two of them represent business more than community. Our GIPA inquiries revealed that one member, Mr Ray Smith, current president of the Chamber of Commerce was directly appointed without even applying. Why did Mr Smith get automatically appointed as the Chamber of Commerce representative when numerous of Chamber members were already included?

Our GIPA results showed that Leon Walker made the final appointments, and these differed significantly from the ranked list from the public servant committee who assessed application. We note that the applicant who scored highest on the selection committee's list was not included but the person who scored 9<sup>th</sup> ranking was included.

### ***Summary***

We believe that this plan flies in the face of stated government objectives in terms of adaptation to climate change and protecting vulnerable vegetation communities and coastal dune systems. We believe it is grossly inconsistent with many of the North Coast Regional Plan's commitments as reproduced below.

#### **OBJECTIVE 1:**

Provide well located homes to meet demand

Directing growth away from hazards and to locations that avoid and minimise impacts on the natural environment and protecting areas of high environmental value will also ensure the region grows sustainably and in line with community aspirations.

## Potential High Environmental Value Assets

Protecting and enhancing areas of HEV is integral to maintaining the biological diversity of the North Coast.

To protect, maintain and enhance biodiversity, HEV assets need to be identified at the site map scale and then used to inform strategic planning, LEPs and planning proposals.

Land use planning strategies should ensure new or more intensive development is located in areas of least biodiversity sensitivity and that HEV assets are avoided where possible and protected. They should also consider marine environments, water catchment areas and groundwater sources to avoid potential development impacts.

### Strategy 3.2



In preparing local and strategic plans Councils should:

- embed climate change knowledge and adaptation actions
- consider the needs of climate refugia for threatened species and other key species.

#### OBJECTIVE 5:

Manage and improve resilience to shocks and stresses, natural hazards and climate change

The impacts of rising sea levels and climate change will be critical to managing coastal and floodplain risks. Planning and natural resource management authorities will need to consider the impacts of sea-level rises, storm surges and inundation to provide adequate buffers for landward migration of coastal ecosystems and protection of coastal saline wetlands.

- locating development (including urban release areas and critical infrastructure) away from areas of known high bushfire risk, flood and coastal hazard areas to reduce the community's exposure to natural hazards