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TOWN PLANNING & DEVELOPMENT ADVICE

7 July 2014
Ref GS06026

Panel Secretariat
Northern Joint Regional Planning Panel
GPO Box 39
SYDNEY NSW 2001

Cc Nambucca Shire Council

Residential Subdivision
Lot 2 D.P. 1119830
Alexandra Drive, Nambucca Heads
JRPP No 2012NTH009 DA
DA No DA2012/011



The above application is scheduled to be considered by the Joint Regional Planning Panel (JRPP) at the next available opportunity. A detailed report on the matters for consideration was prepared by consultants All About Planning P/L on behalf of Nambucca Shire Council. The report was presented to the Council meeting of 12 June for information.

I have been engaged by the owners of the property to coordinate all necessary specialist investigations to determine the appropriate extent of subdivision that can be supported on the property and to prepare a Statement of Environmental Effects (SEE) report to accompany the Development Application (DA).

The subdivision proposal has been under investigation since 2006 with various changes in legislation occurring over that period that has resulted in the current DA being lodged over 2 years ago in February 2012. I have read the report and recommendations of All About Planning P/L and the owners are generally in agreement or accepting of the recommendations. There is one issue that is of concern and the purpose of this submission is to request an alternative resolution.

The issue centres on the recommendation to refuse Stage E of the development comprising some 15 residential lots in the vicinity of a significant Aboriginal site known as the 'Diamond Tree'. The consultant's report has attempted to deal with this sensitive issue in a thorough

and professional way and we commend the way this complex issue has been reported. Our concern is that we do not consider there is a need to refuse Stage E but rather defer this area subject to further discussions with the local Aboriginal representatives.

As you will become aware, the Aboriginal site was first protected by a reserve acquired by the then National Parks and Wildlife Service. A second larger reserve area was subsequently acquired to add a greater buffer and protection. This second reserve area has remained for many years and we are not aware of any further concerns from the local Aboriginal people until the surrounding property was selectively logged. It is understood that the reduction in vegetation raised concerns with the Aboriginal people that the site may become visible and more readily accessed by unauthorised people. The proposed Stage E further emphasised this concern.

It is our opinion that there are options that could be considered to improve the visual screening of the site and access thereto other than to refuse Stage E. In this regard it is requested that the JRPP defer Stage E subject to satisfactory arrangements being made with the local Aboriginal representatives to adequately protect the site. It is accepted that no agreement may be reached, however a deferral will allow us to focus on the only issue that is restricting Stage E from proceeding. A refusal would mean that other issues may arise through changes of legislation etc that would need to be addressed in any new application that would add additional unnecessary cost to resolving a local Aboriginal concern.

We are also aware that the local Aboriginal people have a concern for the health of Aboriginal people and in particular Aboriginal women who might reside in proximity to the Aboriginal site. It is our opinion that this concern is best administered by a notation on a Section 149 Certificate that is the compulsory component of any property purchase. In this way, any prospective purchaser is adequately advised of the concern and can make their own informed decision.

Your support to defer Stage E as opposed to refusal would be appreciated.

Yours faithfully
GEOFF SMYTH & ASSOCIATES

A handwritten signature in black ink, appearing to read 'GEOFF SMYTH', with a stylized flourish at the end.

GEOFF SMYTH
gs.ts