



**President: Ron Hankin, Vice President: Jillian Hargreaves,  
Secretary: Suzi Bourke, Treasurer: Melissa Jones  
Correspondence: PO 100 Bogangar 2488  
Email: info@cabaritabeach.org Web: www.cabaritabeach.org**

### **2015 General Meeting September 14 2015**

Apologies Judy Wagner

Previous minutes: August 10 2015

Passed S Bourke 2<sup>nd</sup> E Hankin

#### **Business arising:**

- Beautification of corner of Tweed Coast Road at Elders shop end. Suzi met with the Landscaper and discussed the site. The vacant lot is now up for sale which means if it sells and is developed the footpath will run directly across any new plants and seating. We agreed to wait a year and see if it sold as neither of us wanted to waste money. So they added plants to the spot outside Mod Barista and mulched garden in front of Elders
- A Welcome Pack for new residents is to be designed and distributed to Real Estate agents - in progress & Design a set of information for the Community Notice board about clubs/voluntary groups in Caba in progress. Both available next meeting
- Tidy up and place seating at top of northern end Littoral Rainforest is under consideration by Rod Keever who is consulting Rhonda James. DWS3644555
- Our website was updated. Thanks Ian.
- Investigate the progress of residential units above Woolworths complex - not done yet

#### **Correspondence IN:**

1. None - not even a note about DA 14/0435
2. Phone contact re Elders footpath mess

#### **Correspondence OUT:**

1. Issued notices to residents about the DA14/0435. Information is available at <http://s1.tweed.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=631727>

2. Email to TSC

parking difficulties in Cypress Avenue now Halcyon House is gaining popularity. CBBRA to ask TSC about its plan to develop the block of land into a car park at the corner of Rosewood Ave and Hastings Rd.

#### **Treasurer's Report: M Jones**

\$ 1828.05 in bank. Outgoings - none

Passed \$ M Jones 2<sup>nd</sup> T Bird

#### **General business:**

## DA 14/0435

–In summary So far Kenmar have amended their DA

1. dropped the idea of a 2nd house lot at the end of Poinciana and designated more land to restoration and habitat enhancement. (called offsets = 8.79ha near horse paddock and 1.47 behind Kauri Ave and Clothiers creek Rd.)

2. Undertaken another ecological survey 11 March 2015 which so goes through every species located in a 10k radius of the site and examines the impact on each. It found it would not endanger any species. *some quotes below*

Onsite offset areas amounting to approximately 10.49 ha (9.02 ha in the north-west of proposed Lot 2 and 1.47 ha to the south of Clothiers Creek road in proposed Lot 2) have been identified on the subject site (**FIGURE 12**). These areas will be rehabilitated to Swamp sclerophyll forest EEC status to offset the loss of 0.48 ha of degraded areas of this EEC. This equates to an offset ratio of approximately 22:1. This proposed offset is in accordance with the OEH principles for the use of biodiversity offsets in NSW (**APPENDIX 4**).

...This equates to an offset ratio of approximately 33:1 for Preferred Koala food trees.

“It is not considered that the proposed development will substantially or adversely modify this community such that its local occurrence is placed at risk of extinction.”

- “It is considered that the proposed development is unlikely to result in the local extinction of this species.”

### **5.3.5 Summary p 84**

Although it is noted that the proposal does not comply in part with the TCCKPoM, it is considered that the removal of six (6) Preferred Koala food trees (from within a known Koala mortality blackspot) does not constitute a significant impact to the ongoing viability of the local Koala population. Furthermore, the proposed offset is considered to be consistent with Section 5.12 of the TCCKPoM and the overarching aim of the TCCKPoM to reverse the trend of Koala population decline on the Tweed Coast, by improving the area, quality and connectivity of Koala habitat within the locality.

### **4.3 Rehabilitation Monitoring in Koala Offset Management p 17**

“Rehabilitation monitoring should be commenced when subdivision works are commenced and be carried out for a minimum of two (2) years or until performance criteria have been achieved. The first monitoring visit should be completed six (6) weeks after primary weeding; then at six (6) monthly intervals.”

### **4.5 Monitoring Reports**

All reports will be submitted to the landowner and to Tweed Shire Council. The first report will be submitted three months after the initial plantings. Continued reports will be provided every six months for a period of two years. p 20

3. Engineers have altered some technical stuff about the roundabout and drainage of the 17 house lots.

Discussion- Members discussed their concerns which are included in the submission attached with these minutes. The executive decided to donate \$200 to Chris Eaton to assist pay for the ecological report on the Kenmar Ecological report.

2. Arsonists - lighting fires in bushland on beach side....challenge suss behaviour please.

## REPORTS: (held over)

2. **Boomerang Bags** Ros Buckpitt

3. **Dune Care** Faye Nash 0407831370 October 16 is Tree Day with the primary school. Volunteers needed to supervise small groups(4-8) planting. Different sites will be planted throughout the village from Cypress to Goanna. Considering reducing the number of grades planting each year because of the lack of space left to plant. Letterbox droplets near Cypress so people understand the task.
4. **Caba Creative** – Peita Gardiman -reminder Arts Trail October 24.
5. **Caba Progressive** –Dani has the key to the Community Notice Board in Youandbamboo. Tony Mason does the advertising section and designs can be made by Steve Webb. They are surveying businesses to ascertain their interest in a professional development activity.
6. **Caba Community Garden** – Sandra Waugh. 0488058183 Works in progress. Members of the garden are entitled to pick produce and attend some working parties (Saturday or Sunday mornings) to weed, mulch, build, plant and chat. Individual plot members \$25 for the plot + community membership of \$10 p.a.) Seeking free mulch to create paths...contact Sandra if you know of a donor. The Sports' Club's sign is still on the drawing board.
7. **CYS** -- John Commens the new President of CYS Rotary /CEDC??? Youth building on the drawing board???

AOB

Meeting closed 8.35

**Next meeting Oct 12 @ 7 pm**



**President:** Ron Hankin **Vice President:** Jillian Hargreaves  
**Secretary:** Suzi Bourke **Treasurer:** Melissa Jones  
**Correspondence:** PO 100 Bogangar 2488.  
**Email:** [info@cabaritabeach.org](mailto:info@cabaritabeach.org) **Web:** [www.cabaritabeach.org](http://www.cabaritabeach.org)

**TO:** [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
**Subject:** DA14/0435

Phone: 0266762331 0417349274  
Email: [suzi.bourke@gmail.com](mailto:suzi.bourke@gmail.com)

September 20, 2015

We, the residents of Bogangar, are greatly concerned about the proposed development in Bogangar - DA 14/0435. CBBRA represent the village and have collated the views expressed at a recent meeting, on our Facebook website and from private emails.

Our concerns are numerous:

1.

The deliberate disrespect shown to the 2015 Koala Plan of Management is the most significant concern felt by many residents. Most locals in Tweed are extremely worried about the 140 remaining koalas in the Tweed. This DA pretends to address protection of the threatened koalas however their own Ecological Surveyors (JWA) remarked, "Although it is noted that the proposal **does not comply in part with the TCCKPoM**, it is considered that the removal of six (6) Preferred Koala food trees....." (5.3.5 Summary p 84)

Residents believe this acknowledgement that the DA does not comply with the TCCKPoM is a **major** reason why it should not be approved.

Similarly, a brief examination of this proposal by *Ian Colvin of Australian Wetlands Consulting Pty Ltd* states that this DA is in deliberate contradiction of the TCCKPoM rules: Section 5.10.3.4 in the CKPoM requires a restrictive covenant on dogs. The JWA report (surveyors appointed by Kenmar) mentions dogs need to be contained but does not refer to the Section 88B instrument & compliance with the TCKPoM. ["For urban zoned allotments Council will require a restrictive covenant under Part 6 (Division 4) of the *Conveyancing Act 1919* to ensure that domestic dogs are not kept or otherwise brought on to the allotment."]

This development does not have the right to build in a Koala Precinct as it does not comply with the KPOM 2015. "The Tweed Coast CKPoM states that "For development proposals within a Koala Activity Precinct or any other area where koalas are present, a minimum of ten (10) per cent of the land area of the proposed development envelope (including any envisaged infrastructure, easements, bush fire asset protection zones and the like) must be revegetated to create preferred Koala Habitat". Although the proposed development nominates an area for rehabilitation and Koala food tree planting of 10.49 ha, 1.47 ha of this area is within Lot 4 which is already zoned 7(a) Environmental Protection (Wetlands & Littoral Rainforests) (Tweed LEP 2000) with the remaining 9.02 ha within areas zoned Rural Landscape (RU2) and Environmental Protection 7(a); these areas are not within the developmental footprint (R2 zone land) and it is likely that the area of offset within the Rural Landscape zone is not suitable for a preferred Koala habitat planting (being modified wetlands). In this sense it appears that the proposal is not in accordance with CKPoM requirements." *Ian Colvin. Australian Wetlands Consulting Pty Ltd.*

The size of the offsets does not actually fulfil the required 10% on the development footprint.(KPOM 2014) As well, there is widespread scepticism held by residents who believe that koala feed trees do not currently exist on the two offset areas because they cannot grow there due to the swampy nature of this low lying ground. Hence they believe that the revegetation of these areas will **not** ensure the survival of the few koalas.

Similarly micro bats have been overlooked in the recent ecological study. "JWA identified a comprehensive list of fauna likely to use the site with targeted efforts employed to determine the use of the site by known threatened species. However, the survey effort was minimal and unlikely to identify a number of species that may utilise the site on a temporal and seasonal basis. No effort has been made to identify microchiropteran bats that use the site, nor was any targeted trapping completed for potential threatened fauna such as the Common planigale (*Planigale maculata*)."  
*Ian Colvin of Australian Wetlands Consulting Pty Ltd.*

*This DA contravenes the TCCKPoM - removal of Koala feed trees, undersized offset, lack of restriction of dogs, unsuitable offset site, limited ecological survey.*

2.

The widespread adverse impact on the environment is another huge concern. Residents spoke with heart felt emotion about the beauty of the natural environment around the canal and lake. There is considerable desire for Bogangar to retain its natural qualities. Residents congratulated Ken Hanson of Kenmar Farms for his contribution to the village of Bogangar. They believe he was foundational in its growth and that this area grew because of its natural beauty that he experienced back in the 60s and 70s. Current residents want to maintain this heritage and pass it on as a legacy for future generations. They acknowledge the desire for development but feel it is incumbent on this generation to pass on a natural environment not a totally over developed village. This intergenerational equity principle is widely acknowledged by environmentalists as a most significant determinant in decision making. DA14/0435 cannot be accepted as it would reduce the natural environment and destroy the heritage of future generations. It seems clear that the environment is not a priority when the developers ignore the requirements for managing SEPP 14 Coastal Wetlands. As stated by *Ian Colvin of Australian Wetlands Consulting Pty Ltd.*, "A minimum of 50 meter buffer is generally accepted for the protection of SEPP 14 wetlands. However,

a buffer of only 30 meters has been provided to proposed lots at the south of Kurrajong Ave.”

3. Residents remain gravely alarmed about the flooding issues despite the amendments. They believe the additional houses would increase the water flow and direction of it despite revised storm water plans. These plans have been criticised as inadequate by *Ian Colvin of Australian Wetlands Consulting Pty Ltd.* “The stormwater strategy as per the Amended Stormwater Management Plan prepared by Cozens Regen Williams Prove proposes inappropriate treatment methods that fail to consider the ecological character of the receiving environment and have also failed to consider the requirements of the Tweed Coast Estuary Management Plan.”

A further concern in relation to flooding, and indirectly impacting the DA, is the condition of the waterway from Cudgen Lake and its flow path to the ocean via Cudgen Creek. The creek’s capacity is currently constrained by downstream developments and will be further very significantly impacted by the further development of the Kings Forest residential area, with its high run-off causing the backup of floodwaters flowing from Cudgen Lake, thus increasing the future flood levels in Cudgen Lake and the present flood impacted areas of Bogangar, including critically the development area. Great concern has been constantly expressed by residents about the narrow neck linking the canal to the Lake. This floods with a minor rain event. Residents believe this section of waterway needs urgent attention by Council even if this DA is rejected. Their tales of rain events and water flow describe a system that is not functioning safely or efficiently for human habitation.

They feel supported in this belief by the Insurance companies assessment that they live in an area subject to flooding. One resident claimed her insurance, which she had to forgo, was \$790 per month! Many residents do not have insurance because of the huge premiums for people living in a flood prone area. More houses and the consequent infill and hard surfaces constructed would exacerbate this and the amendments do not mitigate this problem. This would cause many difficulties for Council over responsibilities given this information should the DA be approved.

4. The 5,100 cubic metres of infill may be small but it will cause the destruction and removal of more vegetation on the canal edge. It will contribute to silting and dust and disturbance. It will greatly change the natural look of this canal area where a wide diversity of fauna live and breed: cormorants, swans and pelicans. We require Council to deny the right of this developer to damage our lands.

5. Street lighting has not been specified for the area where Lots 5 -21 are planned and yet it would be essential for safety. This would also be a factor that leads to significant impact on wildlife. Our concern is the disruption to the local habitat and the significant disturbance of the existing breeding and feeding areas for the species currently benefitting from the existing, albeit somewhat degraded, environment.

6. Traffic will increase which will increase the noise in the area as is acknowledged by the developer. Noise is one of the major contributors to disturbing a natural habitat as recognised by Planit in their Ecological survey. The roundabout noise will become increasingly annoying especially with the increase of food transport trucks, deliveries, and household traffic. Woolworths traffic is already noticeable and with the new Coles opening soon in Casuarina more trucks will use Clothiers Creek Road. A pedestrian crossing is probably necessary so school children could access the Kauri Avenue bus stop safely. This black

spot area is currently notorious for speeding. Traffic is the main cause of Koala deaths in this black spot area so this would increase their risk. Council must prevent this happening.

7. Locals recall mismanagement practices employed by Ken Hanson (Kenmar Farms ) in the past. They lack confidence in this company's ability to follow the rules faithfully and do not believe this DA would benefit the community. One resident from Poplar Avenue cited the case of the vegetation on the current proposed Lots 5 -21 being slashed and destroyed without Council permission by Mr Hanson several years ago. This resident alerted TSC to the actions and Council stopped him from proceeding any further. Other stories cite disregard for the environment and regulations. With this history we require Council to deny the proposal.

8. The provisions relating to monitoring of offsets and subsequent remediation when necessary are considered inadequate to ensure complete achievement of the performance objectives.

Furthermore, there appears to be no inducement on the Proponent to ensure compliance with the monitoring and remediation requirements, such as a dedicated significant open dated financial performance bond should it become necessary for Tweed Shire Council to undertake any necessary works to mitigate the Proponent's Monitoring and Remediation performance shortcomings.

9. The plans for the lot at the end of Poinciana Avenue are too vague at this stage. The developer needs to detail the arrangements for this area in far more detail. This causes suspicion in the community about real intent.

Amendments to DA14/0435 must not be approved as it is not in the public interest nor does it fulfil requirements outlined by Council and various entities charged with protecting our environment.

The Residents Association has been contacted by many concerned. We estimate at least 80 people have actively shown their disapproval. The general rule of thumb in politics is that 1 active voice/letter represents at least 10 who never get around to it. Given the village has only 3,300 people and approximately 1300 families this represents a huge proportion of our public. This DA is clearly not in the public interest.

Yours faithfully,

Suzanne Bourke  
Secretary CBBRA

We do not belong to, nor represent any political party.