

**Submission
No 121**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Save Collingwood Beach

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'Save Collingwood Beach' Submission to the NSW Legislative Council Inquiry into Crown Land

24 July 2016



'Save Collingwood Beach' is an alliance of several community groups and many individuals in the Jervis Bay region including Vincentia Matters, Jervis Bay Regional Alliance and Birdlife Shoalhaven. The umbrella group was formed in response to Shoalhaven City Council's proposal to address foreshore vegetation vandalism along Collingwood Beach Crown Reserve (R64234) through broad-scale lopping and removal of trees and shrubs or

avoidance of vegetation remediation. The Council plan arose following intense lobbying by a group of beachfront property owners seeking uninterrupted views across Jervis Bay.

Collingwood Beach has endured a chequered history of destruction and rehabilitation. The initially well-vegetated 1.5km central and northern dune section was bulldozed in the late 1960s, removing almost all vegetation and flattening the dune. The destabilised beachfront was subsequently severely eroded during several storms from 1974, threatening newly-built houses with inundation followed by wind-blown sand invading roof spaces. A joint project between residents, local and state governments in the late 1970s resulted in successful remediation of the dune structure. This pioneering dunecare project involved extensive replanting of marram/spinafex grasses, local shrubs and trees. While not yet back to the relatively healthy state of the southern end of the beach, the dune regained some stability, habitat, aesthetic and amenity values lost during the early phase of development 40 years ago.

Most development around the Vincentia foreshore remains sensitive to Jervis Bay's natural values. The tree canopy is intact and the resident and visitor community is largely content to enjoy the natural equilibrium of a healthy natural interface between beach and bush. Unfortunately, the 1.5km Collingwood stretch in particular has suffered from rampant vegetation vandalism as some property owners seek to establish private vistas eastward. Much of the Collingwood beachfront is now a sad picture of selfishness. Herbicide has been systematically sprayed and drilled into trees leaving skeletal remains as a daily reminder to an increasingly dismayed community.

The beach is listed as one of only 27 NSW 'authorised locations' for placement of temporary coastal protection works in the Code of Practice under the *Coastal Protection Act 1979*¹. Council assets along the beach, including sewage and water mains, roads and a cycleway are all currently located to seaward of the Zone of Reduced Foundation Capacity (ZRFC) hazard line². In addition, more than half of beachfront property assets in the central Collingwood Beach precinct have already breached the ZRFC hazard line (unpublished - see Attachment A). Collingwood Beach Reserve faces a clear

¹ <http://www.environment.nsw.gov.au/resources/coasts/130637copcoast.pdf>

² Shoalhaven 'Authorised Locations' Coastal Erosion Remediation Options, Royal Haskoning DHV (2013)

existential threat under the sustained environmental pressure of rampant vegetation clearing. This situation is expected to worsen as sea level continues to rise.

Shoalhaven City Council is the Crown Reserve trustee and manager. Depending on political circumstances, Council have oscillated wildly between legal enforcement to tacit approval of the vegetation vandalism. For example,

- The 2008 Bushcare plan for the Collingwood Beach Reserve prohibits the direct replacement of dead banksia trees, instead replacing "...each dead Banksia with a Coastal Tea Tree ...which can be pruned or hedged by residents to an agreed height of no less than 1.5 meters to maintain views".³ Despite such a policy remaining in place, Council successfully prosecuted a foreshore resident in 2015 for lopping banksias in the Reserve, citing environmental harm as an exacerbating factor.
- Council resolved in 2010 to prepare Parkcare programs for Reserves that included Collingwood Beach requiring "...preservation of views for nearby residents, other local residents and visitors to the area", "...the use of buffalo grass as an anti erosion vegetation..." and "...developing a program which facilitates the coordinated removing of inappropriate previous plantings such as those which occurred at Collingwood Beach..."⁴ (a reference to replanting of Banksia integrifolia on the damaged dune). This Council resolution almost resulted in the mass walk-out of the hundreds-strong volunteer Bushcare groups throughout Shoalhaven.
- A large banner was installed at a particularly severe poisoning site in 2013. This was removed 2 months later following lobbying and legal threats from nearby property owners. Council then embarked on a process that has resulted in a proposed plan that will remove the remains of the poisoned trees and ensure any new trees and shrubs remain lopped to 1 metre in height at the same site.

In a new dune vegetation management plan for Collingwood Beach, Council are now proposing to lop trees and tall shrubs to 1 metre high across at least half the dune length. Much of this management protocol is to be where property owners have already poisoned vegetation, effectively denying remediation of those sections. Just 4% of the dune cover will be allowed to reach a natural equilibrium, none of which is adjacent to private property.

Our experience with the fate of Collingwood Beach Reserve has highlighted a number of shortcomings in current legislation and policy dealing with coastal Crown Reserves.

Register of Crown Reserves

There is no register of Crown Reserves readily available to the public in Shoalhaven. We had to obtain critical information such as trust manager and designated purposes for Collingwood Beach through a GIPA application. A complete register of such information should be made available online through the local government authority or Department of Lands.

Plan of Management

The applicable Plan of Management for this Crown Reserve is not easily found. The land parcel is

³ <http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D08/98667>

⁴ <http://www.shoalhaven.nsw.gov.au/LinkClick.aspx?fileticket=zvFzqGR-3Dw%3d&portalid=3>

not specifically listed in any Plan of Management of Shoalhaven Council. Instead, a catch-all paragraph in the “Generic Community Land Plan of Management – Natural Areas” includes Crown Reserves, despite acknowledging that “while not classified as Community Land in accordance with the Act, Crown Land that is a Natural Area will be managed in accordance with this Plan of Management”.⁵

A clear and specific Plan of Management that addresses the requirements of a Reserve should be required.

Hierarchy of management objectives

Designated purposes gazetted for Collingwood Beach Reserve are listed by Council as

- Public recreation
- Community purposes
- Environmental purposes
- Tourist facilities and services

The dominant barrier to meeting the ‘environmental purpose’ of the Reserve has been intense lobbying from some foreshore property owners to allow private vistas. This is often under the guise of allowing views for tourists and other Reserve users, despite the position being invariably put by foreshore property owners themselves.

An environmentally-challenged Reserve such as Collingwood Beach requires the security of a hierarchy of purposes, where environmental values such as stability and habitat values must be secure in the first instance.

Inconsistent sea level rise assumptions and coastal reserve management

The inconsistency of sea level rise assumptions across NSW is exemplified by the example of Collingwood Beach Reserve.

The advances of Collingwood Beach hazard lines associated with sea level rise were established by SMEC as part of work towards a Coastal Zone Management Plan. They assumed the NSW Government planning benchmarks of 0.4m rise by 2050 and 0.9m rise by 2100. Since the responsibility for such benchmarks were devolved to local governments, we now have a huge range of sea level rise assumptions across the South Coast. Wollongong City Council and Bega Valley Shire Council assume a rise of 0.9m by 2100 – the same as the previous State Government benchmark. Shoalhaven assumes a sea level rise of just 0.36m by 2100. This policy decision arose, in part, from vigorous lobbying from the same group of beachfront property owners who are seeking to minimise vegetation along Collingwood Beach. They were seeking to restrict the incursion of hazard lines through their properties. The debate was accompanied by a ‘policy brief’ written about Shoalhaven by the US climate-sceptic group, the Nongovernmental International Panel on Climate Change

⁵ <http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=D13/99417>

(NIPCC).⁶ This sought to undermine the more commonly accepted IPCC and coastal engineering assumptions of a report commissioned from Whitehead and Associates.⁷

The impact of such policy variations across the NSW coastal reserves is that environmental considerations for erosion associated with sea level rise will depend on the council in which the Reserve is located. Any urgency of protecting foreshore stability will be much more acute in areas that follow more commonly accepted climate change planning principles. Conversely, any motivation to minimise erosion risk associated with sea level rise is naturally diminished in areas like the Shoalhaven.

This in turn flows through to acceptance of more commonly-held principles of maintaining dune stability through provision of an intact profile of dune vegetation that includes shrubs and trees.

Mandated reserve management principles

As with sea level rise policy, most Reserve management choices are left to the discretion of local government. Unfortunately, Collingwood Beach illustrates a totally dysfunctional local government policy arena. Despite clear advice in the NSW Government's Coastal Dune Management Manual, Shoalhaven continues to consider broad-scale removal of trees, avoidance of remediation, planting of invasive weeds such as buffalo grass and allowing a private clamour for views to dominate over the stability, habitat and amenity values of this narrow foreshore Reserve. Shoalhaven Council appears incapable of resisting the vigorous lobbying efforts of a small but motivated lobby group. The Council has even resolved to exhibit a beachfront owners' dune vegetation management plan on equal footing to Council's own plan.

Coastal zone management plans and coastal management programs that cover coastal Crown Reserves may be rigorous and require Ministerial approval, but initiation of such documents remains predominantly at the discretion of the council. Underlying assumptions within such documents also depend on the policy of individual elected councils, such as sea level rise projections.

In cases like Collingwood Beach management, the NSW Government must provide certainty to the environmental well-being of the Reserve otherwise accelerated dune recession will impose unnecessary financial loss on property owners and ratepayers. Management plans require greater scrutiny and oversight from NSW Government to ensure they use evidence-based principles and assumptions and that there is philosophical commonality across New South Wales.

Greater policy constraint would help focus councils on the environmental protection of vulnerable coastal reserves without being continually diverted by political forces seeking to degrade the community's coastal landscape for private purpose and short-term private gain.

Unclear appeal mechanism for Crown Reserve mismanagement

Given the upswell of concern in the Jervis Bay community over the rampant vegetation vandalism and Council's plan to legitimise such activity through a dune vegetation management plan that

⁶ https://www.heartland.org/sites/default/files/nipcc_report_on_nsw_coastal_sl_-_9z_corrected.pdf

⁷ <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/coastal-projects/sea-level-rise/South-Coast-Regional-Sea-Level-Policy-and-Planning-Framework.pdf>

establishes permanent views where illegal poisoning and clearing has occurred, 'Save Collingwood Beach' has sought intervention from several Ministers. It is unclear as to which Minister carries ultimate responsibility for coastal Crown Reserve protection. The Minister for Industry-Lands may be the custodian of the land and can designate the purpose. However, the Minister for Planning oversees the Coastal Protection Act and Coastal Management Act that considers exposure to coastal hazards. The Minister for Environment also plays a part in vegetation and habitat protection. However, all seem to devolve responsibility back to Council.

There appear to be limited avenues of appeal open to communities concerned about perceived mismanagement and degradation of the Reserve. Where there are routes for Ministerial intervention, our impression is that there is an underlying reluctance to become involved in what is considered to be a local council issue.

Conclusions

Existing legislative controls are diminishing the long-term well-being of the Crown Reserve along Collingwood Beach. Immediate pressures for private views by a small number of adjacent property owners are having an inordinate sway on public policy. Despite the historic vulnerability of the dune, such pressure has caused Shoalhaven City Council to avoid remediation obligations and to consider a plan that will embed a severely compromised dune vegetation system. Such action will only lead to accelerated dune recession with increased sea level and/or storm activity.

We call for:

1. Improved and systematic accessibility to Crown Reserve data, including identification, manager, purposes and plans of management
2. An hierarchical approach to the designated purposes of coastal Crown Reserves, particularly those subject to coastal hazards and environmental degradation
3. Consistent management principles across the State, particularly sea level rise assumptions underlying Plans of Management and Coastal Management Programs affecting coastal Crown Reserves
4. Mandated management expectations that will ensure clarity for councils under siege to satisfy the aspirations of a few at the expense of the broader community and the environmental well-being of coastal Crown Reserves
5. Provision of a clear administrative appeals process where communities feel the coastal Crown Reserve manager is failing to adequately care for our common land.

Mark Corrigan

Save Collingwood Beach (Convenor)

APPENDIX E

SEAWARD DISTANCES BETWEEN ASSETS AND HAZARD LINES

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PRECINCT	Asset	Seaward distance to Immediate Hazard Line		Year when recession advances to line	
		ZRFC (m)	ZSA (m)	ZRFC	ZSA
PRECINCT C (Private Properties)	Illfracombe Ave				
	11	6.5	15.7	2025	2048
	13	10.0	19.1	2034	2053
	15	7.7	16.9	2028	2050
	17	10.4	19.6	2035	2054
	19	9.2	18.4	2032	2052
	21	12.2	21.4	2039	2056
	23	-	-	OK BEYOND 2100	OK BEYOND 2100
	25	-	-	OK BEYOND 2100	OK BEYOND 2100
	27	18.2	27.4	2052	2065
	29	13.9	23.1	2044	2059
	31	8.9	18.1	2031	2052
	33	11.3	20.5	2037	2055
	35	12.1	21.3	2039	2056
	37	7.8	17.0	2028	2050
	39	8.5	17.7	2030	2051
	41	10.3	19.4	2034	2054
	43	7.3	16.5	2027	2050
	45	6.4	15.5	2024	2048
	47	8.4	17.6	2030	2051
49	7.3	16.4	2027	2050	
51	7.6	16.8	2028	2050	
53	12.3	21.4	2039	2056	
55	11.2	20.4	2037	2055	
PRECINCT C (Public Assets)	Water Main	0.8	9.6	2011	2033
	Illfracombe Ave Roadway	-8.7	0.1	CURRENTLY BREACHED	2009
	Cycleway	-14.4	-5.8	CURRENTLY BREACHED	CURRENTLY BREACHED
Minimum Precinct C	Private Properties	6.4	15.5	2024	2048
	Public Assets	-14.4	-5.8	2011	2009

PRECINCT	Asset	Seaward distance to Immediate Hazard Line		Year when recession advances to line	
		ZRFC (m)	ZSA (m)	ZRFC	ZSA
PRECINCT B (Private Properties)	Albion St				
	2A	4.7	13.9	2021	2044
	Elizabeth Dr				
	46	-4.4	4.8	CURRENTLY BREACHED	2020
	48	-3.5	5.7	CURRENTLY BREACHED	2023
	50	-4.8	4.4	CURRENTLY BREACHED	2020
	52	-4.4	4.7	CURRENTLY BREACHED	2020
	54	-6.5	2.7	CURRENTLY BREACHED	2015
	56	13.4	22.6	2042	2058
	58	16.0	25.2	2049	2062
	60	6.7	15.9	2025	2048
	62	10.8	20.0	2036	2055
	64	3.5	12.7	2017	2040
	66	-9.9	-0.7	CURRENTLY BREACHED	CURRENTLY BREACHED
	68	12.0	21.2	2039	2056
	70	-1.9	7.3	CURRENTLY BREACHED	2027
	72	-3.6	5.6	CURRENTLY BREACHED	2023
	74	-2.6	6.6	CURRENTLY BREACHED	2025
	76	3.0	12.2	2016	2039
	78	5.7	14.9	2023	2046
	80	-2.7	6.5	CURRENTLY BREACHED	2025
	82	-2.5	6.7	CURRENTLY BREACHED	2025
	84	-1.3	7.9	CURRENTLY BREACHED	2028
	86	1.7	10.9	2013	2036
	88	2.8	12.0	2015	2039
	90	0.1	9.3	2009	2032
	92	2.3	11.5	2014	2037
	94	2.1	11.3	2014	2037
	96	3.5	12.6	2017	2040
	98	2.3	11.5	2014	2037
	100	1.5	10.7	2012	2035
	102	-2.7	6.5	CURRENTLY BREACHED	2025
	104	-2.3	6.9	CURRENTLY BREACHED	2026
	106	-3.4	5.8	CURRENTLY BREACHED	2023
	108	-3.6	5.6	CURRENTLY BREACHED	2022
	110	-0.8	8.4	CURRENTLY BREACHED	2030
	112	2.1	11.3	2014	2037
	114	1.9	11.1	2013	2036
	116	4.0	13.2	2019	2042
	118	4.2	13.4	2019	2042
120	2.2	11.4	2014	2037	
122	4.4	13.6	2020	2043	
124	2.6	11.8	2015	2038	
126	10.4	19.6	2035	2054	
128	34.4	43.6	2074	OK BEYOND 2100	
130	9.4	18.5	2032	2053	
132	16.0	25.2	2049	2062	
134	23.5	32.7	2059	2072	
136	4.1	13.3	2019	2042	
138	7.4	16.5	2027	2050	
	Susan St				
	1C	9.2	18.4	2032	2052
	1B	7.0	16.2	2026	2049
	1A	4.0	13.2	2019	2042
PRECINCT B (Public Assets)	Gravity Main	-0.2	4.9	CURRENTLY BREACHED	2021
	Rising Main	-1.1	3.9	CURRENTLY BREACHED	2018
	Susan St Roadhead	0.0	9.1	2009	2031
	Montague St Roadhead	0.0	9.1	2009	2031
	Berry St Roadhead	-3.7	5.4	CURRENTLY BREACHED	2022
	Cycleway	-13.3	-3.8	CURRENTLY BREACHED	CURRENTLY BREACHED
Minimum Precinct B	Private Properties	-9.9	-0.7	2009	2015
	Public Infrastructure	-13.3	-3.8	2009	2018

PRECINCT	Asset	Seaward distance to Immediate Hazard Line		Year when recession advances to line	
		ZRFC (m)	ZSA (m)	ZRFC	ZSA
PRECINCT A (Private Properties)	Elizabeth Dr				
	146	26.5	35.7	2063	2076
	148	25.7	34.9	2062	2075
	150	28.1	37.2	2066	OK BEYOND 2100
	152	20.9	30.1	2056	2068
	154	24.0	33.1	2060	2072
	156	24.8	34.0	2061	2074
	158	28.2	37.4	2066	OK BEYOND 2100
	160	21.6	30.8	2057	2069
	162	22.6	31.8	2058	2071
	164	19.3	28.5	2054	2066
	166	18.7	27.9	2053	2065
	168	18.6	27.8	2053	2065
	170	16.9	26.1	2050	2063
	174	20.0	29.2	2055	2067
	176	23.7	32.9	2060	2072
	178	23.1	32.2	2059	2071
	180	26.5	35.7	2063	2076
	182	26.1	35.3	2063	2075
	184	28.8	38.0	2067	OK BEYOND 2100
	186	28.5	37.7	2066	OK BEYOND 2100
	188	26.3	35.4	2063	2076
	190	23.8	33.0	2060	2072
192	45.9	55.0	OK BEYOND 2100	OK BEYOND 2100	
194	21.9	31.1	2057	2070	
196	24.1	33.3	2060	2073	
198	18.6	26.7	2053	2064	
200	27.6	37.3	2065	OK BEYOND 2100	
202	21.2	32.4	2056	2071	
PRECINCT A (Public Assets)	Gravity Main	-6.5	4.9	CURRENTLY BREACHED	2021
	Rising Main	-7.5	3.9	CURRENTLY BREACHED	2018
	Pump Station	Location not known	Known to be at risk		
	Cycleway	-7.5	3.9	CURRENTLY BREACHED	2018
Minimum Precinct A	Private Properties	16.9	26.1	2050	2063
	Public Infrastructure	-7.5	3.9	2050	2018