

**Submission
No 215**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Name: Tony and Dawn Thompson

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Tony and Dawn Thompson

SUBMISSION FOR AN AMENDMENT TO THE CROWN LAND ACT 1989 No 6

The purpose of this submission is to propose an amendment to Section 11 Principles of Crown land management of the Crown Lands Act 1989 No 6. or any other section where it may apply.

THE ACT

For the purposes of this Act, the principles of Crown land management are -

- (a) that the environmental protection principles be observed in relation to the management and administration of Crown land,
- (b) that the natural resources of Crown land (including water, soil, flora and fauna and scenic quality) be conserved wherever possible,
- (c) that public use and enjoyment of appropriate Crown land be encouraged
- (d) that where appropriate, multiple use of Crown land be encouraged,
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustainable in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interest of the State consistent with the above principles

PROPOSED AMENDMENT

An additional item to be included in Section 11 with words to the effect:

that, where possible, Crown land in coastal areas be managed in such a way that the impact on the amenity of adjacent property owners is minimised and that coastal views are protected.

SUPPORTING REASONS

Many Crown land areas adjoining urban development along the NSW coastline have been overplanted with inappropriate vegetation. In many areas planted and natural vegetation, tall trees and dense shrubs have profusely regenerated to form dense thickets and hedges that have taken away the amenity of adjoining property owners, local residents and tourists.

When we purchased our home on Collingwood Beach Vincentia in 1995, we had panoramic views across Jervis Bay, we had one small *Banksia integrifolia* in front of our property. Over the years Shoalhaven Council allowed and supplied the plants for a volunteer bushcare group to indiscriminately over plant the dune area along Collingwood Beach. As a result, over time with regeneration and no maintenance other than weeding and planting, our once panoramic views of the bay have gradually been taken away from us and many other beach front residents. We now have a forest/thicket of 15m high *Banksia integrifolia* over towering our home that now forms a dense hedge in front of our home and adjoining properties. The openness and amenity of the area has been completely changed. Regretfully, at Collingwood Beach Jervis Bay this vegetation has enclosed areas that were once open to unique panoramic views and were drawcards to the area. Council either knowingly allowed this to happen, or they were negligent in their duty to appropriately monitor what was being done by a volunteer group that were endorsed by council. The dune area should have been maintained in an appropriate manner for a beach side residential village area where the iconic view is one of the main attractions.

On many occasions we and other residents have approached council staff at the Council Administration building, and by letters. Our concerns were always dismissed with comments like "there is nothing that can be done" This resulted in many frustrated residents attempting to maintain the amenity of their homes and acts of civil disobedience along the dunes occurred in attempts to restore some of the views that had been blocked.

This has been an ongoing problem since the 80s. Unless this problem is addressed practically, the disobedience will continue. This has been a fact. Common sense should prevail and a vegetation plan that promotes the resilience of the dunes and reinstates the iconic view for residents, the community and tourists alike is the obvious answer, not too difficult to achieve practically. However, getting the extreme environmentalists to agree is the stumbling block, in their opinion only a thick, tall green wall of vegetation will be acceptable. We say this after having experienced interaction with this group.

In many circumstances a more appropriate species of vegetation could have been utilised other than tall dense vegetation to maintain resilience of dunes, protect vulnerable areas and restore the scenic value to areas. This view is supported by The Shoalhaven Coastal Zone Management Plan March 2009 prepared by Umwelt (Australia) Pty Ltd. The Executive Summary, Priorities for a Sustainable Shoalhaven Coastline states (in part):

VA2.2 Consult with residents and beach users about:

"The ecological functional values of different vegetation assemblages (noting that different species may perform similar ecological functions)." This comment shows that a more appropriate species could be utilised on the dunes and not block views.

"Collingwood Beach is an example of a foreshore reserve where dune surface stability / erosion buffer and recreational / visual amenity are key functions of vegetation in the coastal landscape, with biodiversity a less important value."

A similar story could be told by many 1000s of homeowners along the NSW coastline and lakes. It appears that well organised green groups have more sway with council staff than the individual ratepayers. We need to have the amenity of our homes protected. Taking away our view is not going to impact on the dune area, there are other motives.

The area along Collingwood Beach where there has been no trees planted, and there are low growing shrubs, groundcover and grasses (Spinifex), the sand has been allowed to move across the dune maintaining the resilience of the dune system.

Regular dune survey and monitoring undertaken by the adjoining foreshore residents group, the Collingwood Beach Preservation Group (CBPG), has proven that Collingwood Beach is an accreting beach. Survey carried out after the recent major storm in June 2016 showed minimal loss of sand from the dune system.

Minister Rob Stokes, at a recent meeting with the CBPG in May this year, stated that the height of the vegetation was not relevant to stopping the sand so tall trees were not necessary to stabilise the beach and that low growth vegetation would do the job. He acknowledged that he had received his advice from Angus Gordon from the Coastal Panel, the same person who had given members of the CBPG the same advice at a Coastal Reforms meeting. In a recent letter to the CBPG, Minister Stokes stated "Councils need to balance the environmental and stability benefits of vegetation on dunes against the visual amenity for adjacent landholders"

In the 90s homeowners were told in publications produced by the Collingwood Beach Dunecare Group, Vincentia Ratepayers and Residents Association inc (VRRRA) (both were council managed groups) and the Department of Conservation and Land Management Nowra, that " the shrubs now being planted on the dunes in adjoining areas are low growing varieties which will not obstruct peoples view." Document attached : Are you aware of the importance of sand dunes? P4

Another document put out by Collingwood Beach Dunecare Group under the direction of the VRRRA states that "the shrubs to be planted are to be Coastal Wattle and Coastal Rosemary which have a growth height of less than 2m. Trees may be planted later in carefully selected positions." At least two families that were involved in this planting still reside along the beachfront, they had been told they were planting low vegetation that would not obstruct views. Document attached :Revegetation of Collingwood Beach Sand Dunes Vincentia These affirmations of low level vegetation that would not obstruct views were not honoured and Banksias were planted.

Mentioned above are some of the reasons we consider that an amendment/addition should be included in the Crown Land Act. Mainly to acknowledge and protect the amenity of homes and property that adjoins Crown land. This would provide a specific direction and intention of the Act for councillors, council management and staff in the justification of appropriate management of lands entrusted to their care. It is a pity that more Councils have not demonstrated the forward thinking and scientific/practical approach to dune management as Wollongong Council.

Attached photos show 1995 compared to 2015 images supporting our recommendation.



FROM FRONT FENCE
APRIL 2015



BEACH FROM FRONT FENCE
2001

2001



FROM FRONT LOUNGE

APRIL 2015



