Submission No 132

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Collingwood Beach Preservation Group

Date received: 30 August 2016

Our ref: CBPG 1900
30th August 2016

Hon Paul Green MLC
Chair
General Purpose Standing Committee No. 6
Enquiry in to Crown Land
By email: gpsc6@parliament.nsw.gov.au

PRESERV
PO Box 107
Vincentia N

Dear Paul

SUPPLEMENTARY SUBMISSION TO ENQUIRY

Please find attached the supplementary submission from the Collingwood Beach Preservation Group resulting from questions arising from the evidence given to the Committee at Nowra on 1st August 2016. The file is large and is sent in four parts.

Yours faithfully,

John Stuchbery
Chair, Collingwood Beach Preservation Group

SUPPLEMENTARY SUBMISSION TO

GENERAL PURPOSE STANDING COMMITTEE NO. 6

INQUIRY INTO CROWN LAND

BY

COLLINGWOOD BEACH PRESERVATION GROUP

PO Box 107
Vincentia NSW 2540

29 AUGUST 2016

Background

Three members of the Collingwood Beach Preservation Group (CBPG) appeared before the General Purpose Standing Committee No. 6 (Committee) at its sitting in Nowra on Friday 29 July 2016.The CBPG submitted that an amendment should be made to Section 11 Principles of Crown land management of the Crown Lands Act 1989 No 6 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.

A number of requests were made to the CBPG members for additional information which this supplementary submission addresses. Also, further particulars are included in this submission of matters raised by the CBPG members.

Questions on Notice

Letter from the Minister for Planning

The CBPG informed the Committee of the visit by the NSW Minister for Planning Rob Stokes to Collingwood Beach on 24 May 2016 and the subsequent correspondence received by the CBPG from the Minister which stated that Councils need to balance the environmental and stability benefits of vegetation on dunes against the visual amenity for adjacent landholders, in consultation with local communities.

Mr David Shoebridge requested a copy of the correspondence. A copy of the correspondence is included (Attachment A). It is relevant to note that in addition to the commentary in the letter the Minister's handwritten message states in part *'Appropriate dune management is vital to ensure that dunes are stabilised in accordance with community support and aspirations'.*

Capture of Wind Blown Sand

Mr Shoebridge stated that Mr Mark Corrigan of the Save Collingwood Beach group spoke to the author of the 'Tasmanian study' who allegedly stated that the CBPG interpretation of the Tasmanian study was unsustainable and in fact incorrect and that the study does not support the CBPG position. The Tasmanian study referred to by Mr Shoebridge is of course the Tasmanian Coastal Works Manual. The manual can be downloaded from:

http://dpipwe.tas.gov.au/Documents/Tasmanian_Coastal_Works_Manual_Full.pdf

Section 7.3 page 11 of the manual states in part:

Low-growing plants, such as grasses, are more effective at stabilising sand than trees or shrubs. This is because 90% of wind-borne sand is transported in the 0.5m closest to the ground.

Unfortunately, neither Mr Shoebridge nor Mr Corrigan stated who was spoken to and provided no information on why the person spoken to believed that the CBPG interpretation was unsustainable and incorrect. As such it has not been possible for the CBPG to corroborate Mr Corrigan's statement and address any specific concerns that may have been mentioned by the author.

The fact of the matter is that there has been no interpretation (emphasis added) by the CBPG of what is stated in the manual. The CBPG has simply repeated the words in the manual which are self-explanatory.

Mr Shoebridge further stated that reference to a single scientific study makes it very difficult to accept the CBPG conclusions. There are of course other publications that support the science of low growing plants being more effective at stabilising sand than trees or shrubs, for example the Dune Restoration Trust of New Zealand Technical Article No. 2.2. This publication addresses storm cut and erosion. A copy of the publication is included (Attachment B).

The publication states that a critical factor is to ensure the protective dune has a good cover of native sand trapping vegetation on the seaward dune face. The publication also states that native sand binders are very effective at trapping sand and naturally repair dunes after erosion. There is no mention of trees and trees are not shown in the diagrammatic representation of the storm cycle.

It is also relevant to note that the NSW Coastal Dune Management Manual at page 46 recommends sand traps to be constructed at a height of 910mm above the sand surface. The manual can be downloaded from:

http://www.environment.nsw.gov.au/resources/coasts/coastal-dune-mngt-manual.pdf

Finally, from an historical perspective there is no difference in dune build up at Collingwood Beach between areas that have high growth trees and areas that do not. However, all areas do have low growth vegetation that captures sand.

The Role of Trees in Dune Stabilisation

Mr Shoebridge drew attention to page 82 of the 'coastal management plan' referred to by the CBPG representative and noted that it showed mature trees, followed by smaller shrubs, followed by the incipient front of the dune. The coastal management plan referred to by Mr Shoebridge is of course the NSW Coastal Dune Management Manual.

Mr Shoebridge stated if all of the trees are chopped down there will not be any mature trees between properties and the incipient dune. In relation to Mr Shoebridge's comment it is relevant to note that page 83 shows a hind dune, foredune, and incipient dune together with suitable vegetation for planting on each section of the dune system.

Each beach and associated dune system must be considered in its own context. The Collingwood Beach dune system consists of a very narrow foredune and incipient dune that were created after major storms experienced in the 1970s.

There is no hind dune at Collingwood Beach. Houses have been constructed in the area normally occupied by a hind dune. This is stated in displays along the coastal walkway (see photo).

Undertakings were given to the community in the 1990s by the Department of Conservation and Land Management (among others) that the vegetation being planted at the time will be low growth varieties which will not obstruct views. The flyer circulated at the time was included in the bundle of documents tabled by the CBPG representatives at the hearing.

However, contrary to the undertakings given, self interest groups illegally planted banksia trees on the dunes. Reference to page 83 of the manual will show that banksia trees are only recommended for planting on the hind dune.

Trees cannot sustain attack by constant wave action. This is stated in publications such as the Queensland Government Environmental Protection Authority and Beach Protection Authority Coastal Technical Series 2. A copy of the publication is included (Attachment C).

The publication states in part:

While a good vegetation cover helps increase the volume of sand in the frontal dune and prevents wind erosion, the presence of the vegetation itself provides little resistance to wave erosion. The roots of plants and trees have virtually no capacity to reduce the loss of sand from the beach caused by wave attack. The role of dune vegetation is restricted to building the frontal dunes and preventing sand loss from the beach system by wind erosion.

There are no records of trees planted at Collingwood Beach resisting wave action and overseas experience demonstrates that planting trees on foreshore dunes has catastrophic consequences, as evident from the adjacent photo of Culbin in the northeast of Scotland.

The Impact of Beach Accretion

Mr Shoebridge stated that the section of the manual shown to the Committee made it clear that mature trees are required as part of a protective, sustainable dune system and that the absence of trees would be deeply damaging to the coastal dunes.

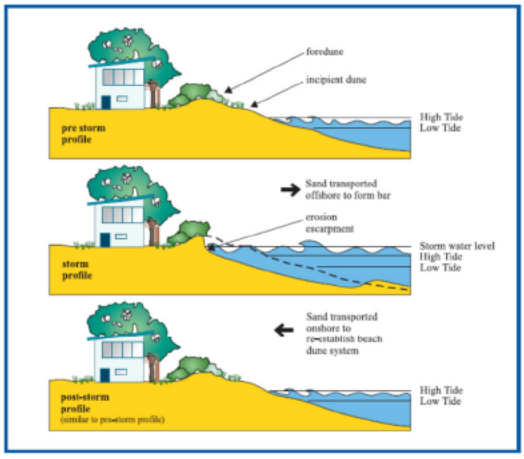

Figure 2.3 Beach erosion/accretion cycle - no permanent sand loss or shoreline retreat.

As noted above each beach and associated dune system must be considered in its own context. Collingwood Beach is an 'accreting beach' which means that it recovers naturally from storm erosion over time as sand deposits are gradually returned to the beach.

Figure 2.3 on page 7 of the NSW Coastal Dune Management Manual shows the beach accretion cycle with no permanent sand loss or shoreline retreat (see adjacent extract). It is clear that trees serve no purpose in this environment.

The CBPG has set up a land based survey monitoring regime at Collingwood Beach that has confirmed the edge of the dune vegetation is now 8m further seaward of what was the Mean High Water Mark on the original sub division papers in 1952.

Other Relevant Matters

Entitlement to Views

The bundle of documents submitted by the CBPG to the hearing included a Council minute related to reforming and revegetating the dune at Mollymook Beach which in essences stated that vegetation should be such as to minimise the effect on adjacent property views. It is of significance to note that the Land and Environment Court recognises residents' rights to views. There is ample case law in this matter under the *Trees (Disputes Between Neighbours) Act 2006* to sustain a principle that SCC trim or remove rows of trees that obstruct views.

For example, in 2012 Commissioner Judy Flake found that a hedge of cypress trees ranging in height from 6 metres to 11 metres blocking a view at Bellevue Hill in Sydney had to be removed as the trees could not be pruned. The decision was based on the principle that water views are critical to a property's amenity and value.

Councils are however not bound by the *Trees (Disputes Between Neighbours) Act 2006* and therefore continue to exercise personal preference rather than relying on the principles set out by the Land and Environment Court.

The Land and Environment Court has also established a principle for building developments that where there is an alternative that affords views then that alternative needs to be given preference (see Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29).

Misleading Information

Height of vegetation

The submission by the Save Collingwood Beach group authorised by Mr Mark Corrigan states that in a new dune vegetation management plan for Collingwood Beach, Council is now proposing to lop trees and tall shrubs to 1m height across at least half the dune length. This statement is not correct.

The plan proposes that trees and tall shrubs be lopped to 1.5m in some areas and that tall trees be underpruned in other areas. The 1m level is an option proposed by the CBPG but is not included in the current Council draft dune vegetation management plan.

Sea level rise

The submission by the Save Collingwood Beach group states that Council assumes a sea level rise of just 360mm by 2100, contrary to the more commonly accepted International Panel on Climate Change and coastal engineering assumptions of a report commissioned from Whitehead and Associates. This statement is incorrect.

With the abandonment of the Sea Level Rise Policy Statement Council was obliged to undertake its own assessment of sea level rise. The Intergovernmental Panel on Climate Change has determined a number of Representative Concentration Pathways (RCPs) derived from computer modelling that can be utilised to predict sea level rise.

Council engaged Whitehead & Associates to produce the South Coast Regional Sea Level Rise Policy and Planning Framework. The Whitehead & Associates report documented predicted sea level rises based on RCPs with a number of scenarios spaning to the year 2100. Council elected to adopt the upper range of RCP 6.

The Whitehead & Associates report at Table 10 states that the sea level rise by 2050 will be 230mm and by 2100 will be 720mm (not 360mm as stated in the Save Collingwood Beach submission). Council has also adopted a 7 year review policy, which the Save Collingwood Beach submission fails to acknowledge.

Dune vegetation principles

The submission by the Save Collingwood Beach group states that, despite clear advice in the NSW Government's Coastal Dune Management Manual, Council continues to consider broad-scale removal of trees, avoidance of remediation, and planting of invasive weeds such as buffalo grass. This statement is incorrect.

Neither Council's draft dune vegetation management plan nor the CBPG proposed amendments breach in any way what is prescribed in the NSW Coastal Dune Management Manual, and certainly do not propose the planting of any invasive weeds.

As outlined above, when considered in the context of the beach environment, the proposed dune system complies with the provisions of the manual. Unfortunately organisations such as Save Collingwood Beach do not have an understanding of the science related to dune resilience, or an understanding of what is stated in the manual.

The attachments to this Supplementary Submission to the Inquiry into Crown Land have been submitted as separate electronic files Attachment A, Attachment B and Attachment C.