



## PRESS RELEASE

24 June 2016

### FOR IMMEDIATE RELEASE

For more information contact  
Collingwood Beach Preservation Group  
Phone: John Stuchbery 0414 808 259  
Email: [jstuch@bigpond.net.au](mailto:jstuch@bigpond.net.au)

### **NEW SOUTH WALES MINISTER FOR PLANNING ROB STOKES SUPPORTS BALANCE BETWEEN ENVIRONMENTAL AND STABILITY BENEFITS OF VEGETATION ON DUNES AND THE VISUAL AMENITY FOR ADJACENT LANDHOLDERS.**

Vincentia, Australia

On 23 May 2016 the NSW Minister for Planning, Rob Stokes, at quite short notice, requested a meeting with the Collingwood Beach Preservation Group at Collingwood Beach to take place the following day. On 24 May 2016 Minister Stokes visited Collingwood Beach and met with a number of members of the Collingwood Beach Preservation Group. The Minister viewed the vegetation on the dunes and discussed the science behind dune resilience. The CBPG members pointed out to the Minister the inadequacies of the draft Collingwood Beach Dune Vegetation Management Plan ("Plan") and the amendments proposed by the CBPG.

The Minister has subsequently written to the CBPG summarising the current status of coastal reforms and has confirmed 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.

The views held by the Minister align with those put forward by the CBPG in submissions made to Shoalhaven City Council (SCC) Councillors. Councillors have acknowledged the submissions by allowing the CBPG to exhibit its proposed amendments in conjunction with the exhibition of the draft CBPG.

Recently there has been a social media campaign of misinformation about the draft Plan and the CBPG proposed amendments to the draft Plan. Those involved in the campaign refer to the "science" and "privilege of views not rights to views" however they do not provide any support for their statements.

Over recent months those opposed to altering the existing dune vegetation and in fact supporting the planting of more trees have put forward arguments that insult the intelligence of the community. To obtain an informed understanding of the situation it is necessary to know the history of Collingwood Beach and understand the science of dune resilience. Some Frequently Asked Questions are attached to this Press Release.

The Collingwood Beach Preservation Group wishes to better inform the media and general public after the massive amount of misinformation being spread by opponents to the proposed dune vegetation management plan for Collingwood Beach.

Firstly, beachfront residents on Collingwood Beach are not greedy rich people as portrayed but include pensioners, retirees, business people, trades people, public and private sector

employees. Many of the residents are long term, some are original residents involved in the planting of grasses and small shrubs after the re-establishment of the dune in the 1970s.

The dune between Moona Moona Creek and Susan St was formed as a result of beach scraping and the planting of grasses and shrubs after the storm events of the 1970s. It is not a natural dune formation with primary, secondary, and tertiary zones and related vegetation, which can be seen in the section to the south, between Susan and Church Streets. It is narrow in width and has become overgrown with naturally seeding fast growth banksia which those opposing the Council plan portray as "old growth" being subject to destruction.

Current Shoalhaven City Councillor Greg Watson, who was Shire President (Mayor) from 1977 to 1983, played a major role in gaining the support and assistance of the State Government to rebuild and replant the dune. Councillor Watson has stated it was never the intention to block the views of the Bay from the residents and general public, and that grasses and low growing shrubs were sufficient to build and stabilise the dune formation. It was never intended that tall growing trees be part of the planting.

It was agreed between the Council and State Government in 1978 that plantings would be low level, maintaining views from the foreshore for both residents and the general public. In the year 2000 a shared pedestrian path/cycle way was established between the houses and dune so that both locals and tourists could enjoy the views, scenery, water, and activities of the Bay.

The argument that tall trees are required to capture wind-blown sand for the formation of a dune has been scientifically proven to be incorrect. Ninety percent of wind-blown sand is collected by grasses and small shrubs under 50 cm in height.

Anyone walking along the pathway at Collingwood Beach will see the dune formation is consistent, regardless of whether there are small shrubs and grasses alone, or clusters of tall banksias and dense scrub.

Tall trees do not support the dune in storm surges any more than small shrubs and grasses. This is evidenced by the significant erosion of the dune at Currarong after the recent storms despite the presence of large banksias, whereas Spinifex root systems were able to sustain the sand on the dune at Moona Moona Creek in the same storm. The key to natural protection from storm surge is the continued accumulation of a significant volume of sand (forming a foredune) prior to the storm event. The more sand the more protection, Jervis Bay retains huge reserves of sand which reform the dune after each storm event. Collingwood Beach has grown (accreted) since the original developments in the 1950's as a result of this natural replenishment process and the planting of grasses and small shrubs in the late 1970s. Using the beach foreshore measurements from the time of the original development Collingwood Beach has grown (accreted) 8m seaward, despite the effects of past and recent significant storms.

Shoalhaven City Council recognises that there needs to be action to better balance the needs of residents and the general public, whilst first and foremost protecting public and private assets through the long term stabilisation and integrity of the dune.

Council has adopted a cautious and thorough approach to this matter over a two year period, engaging the community on numerous occasions for inputs to seek a balanced outcome between dune sustainability and visual amenity. Part of this process includes the preparation of a small demonstration site so that the public can better understand the Plan. Opponents to the plan now seek to disrupt and prevent this process by engaging others with extremist views to support their cause.

The opponents of the Council plan state that results of the comprehensive onsite and online surveys conducted by Consultants and Council prior to the preparation of the plan were manipulated by local residents to appear to have greater public support than actually existed. Yet they now claim to have broad local support by using the extensive Green Network and Shoalhaven bush-care groups to support their cause. With such support a petition has been generated that has the potential to disrupt a plan that came about through a proper consultative process, many meetings of both a Community Reference Group and a Council working-party, then a formal Council vote. Many of the signatories to the petition have little or no knowledge of the background issues affecting Collingwood Beach, and have merely clicked a mouse button.

Residents of Collingwood Beach have a vested interest in the maintenance of a stable dune formation that protects their properties. They do not need, as stated by opponents, to be “saved from their own stupidity”. There may at some stage in the future be storm events that might endanger beachfront properties and council infrastructure, however reducing the amount of tall trees will not have a deleterious effect on the ability of the dune to provide protection.

## FREQUENTLY ASKED QUESTIONS

### ***Do tree roots bind sand more effectively than shrubs?***

The key factor to consider is the impact of wave action. The Queensland Environmental Protection Authority and the Beach Protection Authority state in their Coastal Technical Series 2 that the roots of plants and trees have virtually no capacity to reduce the loss of sand from the beach caused by wave attack.

Sections along the foreshore dune at Collingwood Beach consist of some areas that have trees and other areas that do not have trees. There is however no difference between the two areas in relation to sand build-up.

The adjacent photo taken at Collingwood Beach near MoonaMoona Creek in November 2015 clearly demonstrates that tree roots do not provide any additional protection to dunes from erosion. It is also relevant to note that the root formation is not extensive.



There are no records of trees planted at Collingwood Beach resisting wave action and CBPG members who have owned waterfront properties for over 60 years have no recollection of such events either. 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.



### ***Will pruning trees expose them to disease?***

Council has planted a number of tree varieties in public areas which have been maintained as hedges. The following photos of hedges at Vincentia and Culburra are typical of the hedges that can be found in the Shoalhaven area.



Vincentia



Culburra

The hedge at Vincentia was planted by Council 14 years ago and has been trimmed annually. There is clear evidence that the trunks of trees included in the hedge have continued to thicken and the trees grow profusely in the spring and summer months.

### ***Are trees required to capture wind borne sand?***

The Tasmanian Department of Primary Industries, Parks, Water and Environment Coastal Works Manual states that low-growing plants, such as grasses, are more effective at stabilising sand than trees or shrubs as 90% of wind-borne sand is transported in the 0.5m closest to the ground.

At Collingwood Beach there is no discernible difference between areas where Banksia trees have flourished and areas where Banksia trees have failed to grow or have been removed. This provides objective evidence that the Banksia trees have not acted as a mechanism to capture windborne sand and build up the dunes. Further, in areas where there are no Banksia trees there is no evidence of wind borne sand on the coastal walkway.

### ***Are trees required to reduce salt load on houses?***

Building codes require houses close to the ocean to be designed for salt in the atmosphere. For example, the Australian Standard for Concrete Structures nominates specific design requirements for structures within 1km of the coast.

Technical experts have determined that salt attack is possible beyond the immediate vicinity of the ocean irrespective of what barriers are put in place. It is also relevant to note that the Council Development Control Plan requires materials for residences in coastal areas to be selected on the basis of ability to resist salt attack.

Since houses are designed and constructed to resist salt attack to meet building codes there is no need for trees to reduce salt load even if it could be demonstrated that they could perform such a function. A member of the CBPG Executive built a compliant house on the waterfront 27 years ago and to this day has not had to replace any building materials.

### ***Is there a legislative entitlement to views?***

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 Council trim or remove rows of trees that obstruct views. For example, in *Johns v Breur* [2012] NSWLEC it was 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.

Another relevant Land and Environment Court decision that establishes the principle for maintaining views is *Tenacity Consulting v Warringah* [2004] NSWLEC. Although related to building developments the underlying principle is that where there is an alternative that affords views then that alternative needs to be given preference.

As grasses and low growth vegetation provide a more effective means of stabilising sand and growing sand volume there is no reason why high growth trees need to be maintained especially when trees can be pruned without causing them harm.

### ***Is there a legislative restriction to pruning or removing trees?***

In 2000 Council constructed a coastal walkway along Collingwood Beach. A Statement of Environmental Effects (SEE) was prepared for Council by Maunsell McIntyre Pty Ltd. The SEE states that the location of the walkway targets tourists, the disabled and wheelchair users (among others).

The SEE also states that the walkway is expected to develop into a scenic path where people can view Jervis Bay to its greatest advantage. The SEE further states that it is not expected that the walkway will be threatened by coastal hazards. In fact during the construction of coastal walkway up to 20 trees were removed.

Whilst the SEE was conducted with respect to the exclusion provisions of the *Native Vegetation Act 1997* those exclusion provisions have not been changed in the current *Native Vegetation Act 2003*.

The SEE concluded that the area was excluded from the Act because it was classified as a 'village'. Schedule 1 Part 3 Urban Areas of the 2003 Act (14) includes the same provision and makes reference to land within a zone designated as 'village' being excluded from the Act. It follows that there is no legal obstacle under the Act to remove the native trees.

### ***Did waterfront residents previously have unobstructed views?***

The photos below show the vista enjoyed by residents and tourists prior to the current planting of Banksia trees.



68 Elizabeth Drive  
Vincentia 1992



1A Susan Street  
Vincentia 2001

The adjacent photo from outside 1A Susan Street Vincentia taken in April 2015 provides a clear demonstration as to how Banksia trees grow into thickets that block views.

It is relevant to note that the Council Foreshore Reserves Policy states:

*'Where Council is required to revegetate foreshore lands in response to erosion or other identified environmental threat, it shall revegetate with a mix of tall and low growing plants with a view to preservation of amenity for residents'.*



1A Susan Street Vincentia April 2015

Council has failed to comply with its own policy allowing the planting of a row Banksia trees along the coastal walkway that it knew or ought to have known would grow into thickets blocking views.

***Were thickets of Banksia trees always present at Collingwood Beach?***

Although Banksia trees arenative vegetation there is no evidence that Banksia trees were common at Collingwood Beach when subdivision for waterfront properties occurred in the early 1950s (see photo). It appears that Banksia trees were initially extensively planted in conjunction with the 1978 beach restoration and subsequent planting in the 1990s.

