

Nicola Wakefield Evans

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20 January 2016

The Director
Environment & Building Policy
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

COASTAL REFORMS - DRAFT COASTAL SEPP BLUEYS BEACH

I am the owner of 44 Newman Avenue, Blueys Beach which is one of the properties affected by Part 7.4 of the Great Lakes Local Environmental Plan 2014 as approximately half of my land is affected by the Coastal Hazard Map as shown in Attachment 1.

I note that this is my 3rd submission to Governmental bodies on this issue - and a copy of this is attached.

In short, this issue will go away by the simple removal of Coastal Risk Planning Map CRA_012A from the Great Lakes Local Environmental Plan 2014.

As the Government is going through an extensive process on coastal management, start with a fresh slate by removing the offending map and apply one consistent State-wide process to all NSW coastal areas. This will save everyone a lot of angst, time, money and legal expenses and will result in a fair, consistent and non-discriminatory outcome for all NSW residents.

In support of this submission, I make the following comments:

- In the entire former Great Lakes Council Area, there are only 3 areas which is within a "Coastal Risk Planning area" - Blueys Beach, Boomerang Beach (both located on map CRA_012A) and Jimmy's Beach.
- In the nearly 3 years since, no other beach has been made the subject of a "Coastal Risk Planning area".
- The listing of these 3 beaches in April 2014 was as a result of an inconsistent and discriminatory process based on insufficient information and flawed conclusions.

Based on the Draft Great Lakes Coastal Zone Management Plan - Options Study Report written by BMT WBM dated November 2014, none of the beach side residences on Blueys Beach is within the "yellow" medium immediate coastal erosion risk area.



However, Main Beach at Forster has significant areas within the "yellow" medium immediate coastal erosion risk areas - yet none of the properties on Head and North Streets between Beach Street and West Street are within a "Coastal Risk Planning area". All I can do is ask "WHY"?



There are many more instances where a discriminatory and inconsistent approach can be shown - this is one example.

Yours sincerely

Nicola Wakefield Evans

Nicola Wakefield Evans

Draft NSW Coastal Management State Environmental Planning Policy Maps

NSW Department of Planning and Environment

Sign in



Functions



Tools

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Submission Great Lakes DCP Draft Amendments- Coastal Planning



Nicola Wakefield Evans
44 Newman Avenue
Blueys Beach

I wish to make a submission regarding the Great Lakes DCP Draft Amendments - Coastal Planning Areas.

I am the owner of 44 Newman Avenue, Blueys Beach which is one of the properties affected by Part 7.4 of the Great Lakes Local Environmental Plan 2014 as approximately half of my land is contained in the "Coastal Planning area".

I note that this is the second time that I have made a submission this year and I also note that I received absolutely no acknowledgement of my first submission. This submission is re-attached as many of the submissions made still have relevance.

It is my understanding that the purpose of the Great Lakes DCP is to provide detailed planning and design guidelines to support the planning controls in the Great Lakes LEP.

Accordingly, the draft amendments to the DCP being proposed should go a lot further than they currently do and further than the amendments currently proposed to:

- clarify the requirements that developments need to comply with to satisfy Clause 7.4 of the Great Lakes LEP;
- remove inconsistencies between Great Lakes implementation of coastal risk planning and NSW Government policies - for example Council should adopt a regionally relevant sea level rise planning level;
- remove the discrimination which Council has imposed only on the owners of houses on Jimmy's Beach, Blueys Beach and Boomerang Beach.

1. Discrimination

Clause 7.4 of the Great Lakes LEP was adopted on 4.4.2014. This was over 18 months ago. At the time that LEP was adopted, it only applied to land identified as "Coastal Risk Planning area" on the Coastal Risk Planning Map. When the LEP was adopted, there were only 2 maps and that remains the situation today. Only 3 beaches were shown on the maps - Jimmy's Beach, Blueys Beach and Boomerang Beach.

This means that for all other coastal areas in the Great Lakes area since 4 April 2014, there has been no requirement to comply with Clause 7.4 of the LEP.

The process of drawing the lines for the "Coastal Risk Planning area" is therefore of critical importance and must be done consistently, must be based on consistent assumptions and criteria and considered science.

I would like to refer to Appendices A & B to the Draft Great Lakes Coastal Zone Management Plan - Options Study Report written by BMT WBM dated November 2014.

I would like to point out the following:

- Figure A-13 of Appendix A, titled "Erosion and Recession Risk Map Immediate Planning Horizon - Forster Main Beach" shows houses along North Street as being in the yellow coloured area - which equates to a medium immediate coastal erosion risk.



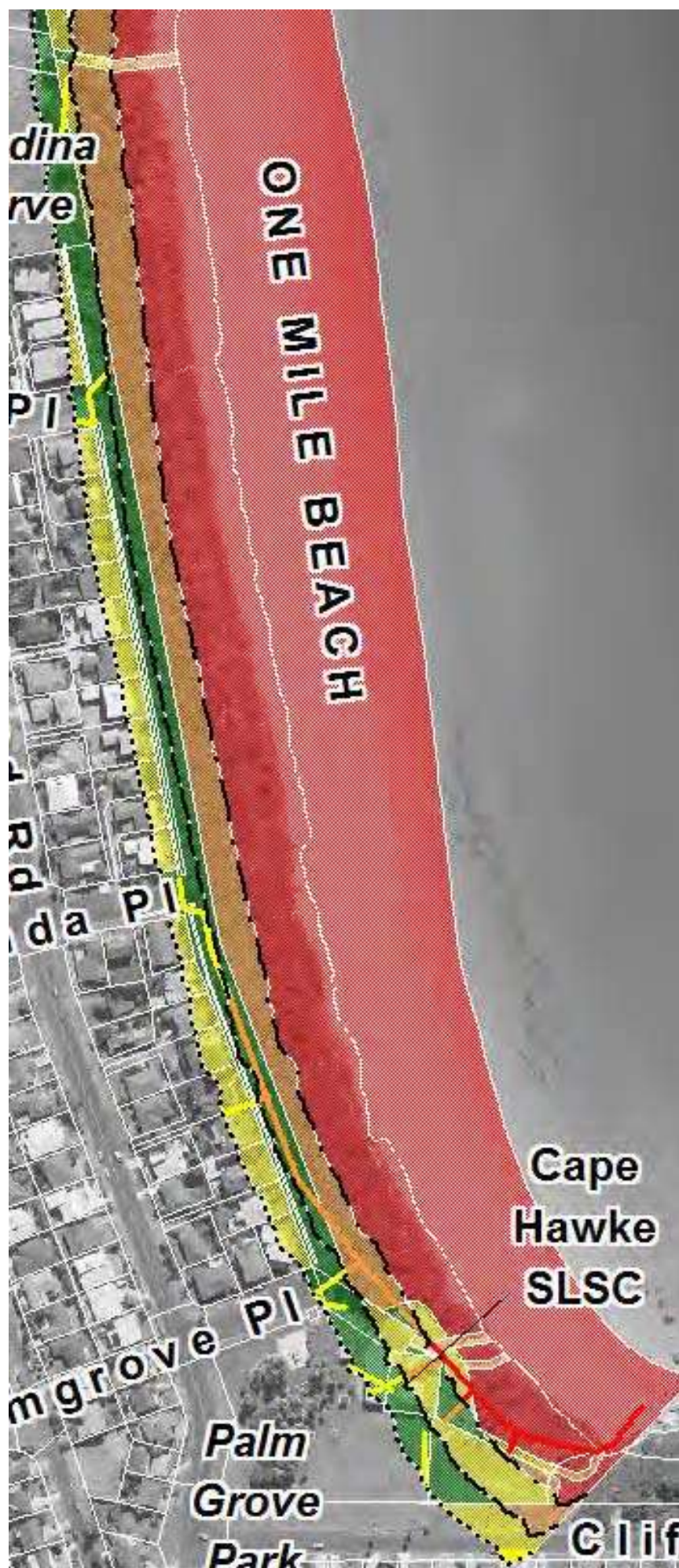
- Figure A-07 of Appendix A, titled "Erosion and Recession Risk Map Immediate Planning Horizon - Blueys Beach" only shows 80, 82 & 84 Newman Avenue as having some of their land in the yellow coloured area - No other property along Newman Avenue is within the yellow coloured zone.



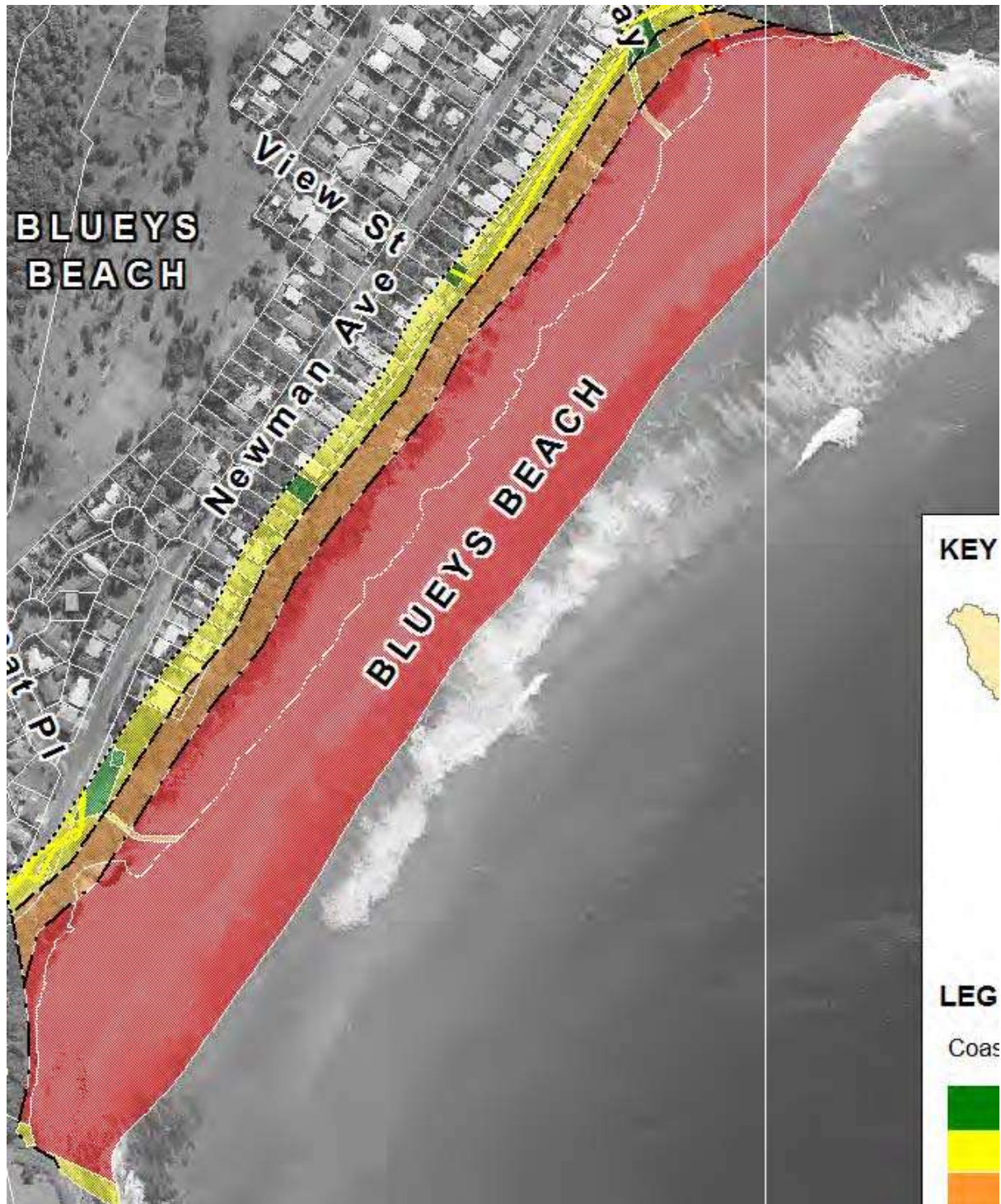
- Figure B-13 of Appendix B, titled "Erosion and Recession Risk Map 2060 Planning Horizon - Forster Main Beach" shows houses along North Street as being in the orange and yellow coloured area - which equates to a high and medium 2060 coastal erosion risk.



- Figure B-12 of Appendix B, titled "Erosion and Recession Risk Map 2060 Planning Horizon - One Mile Beach" shows houses on Bennetts Head Road at One Mile Beach as being in the yellow coloured area - which equates to a medium 2060 coastal erosion risk.



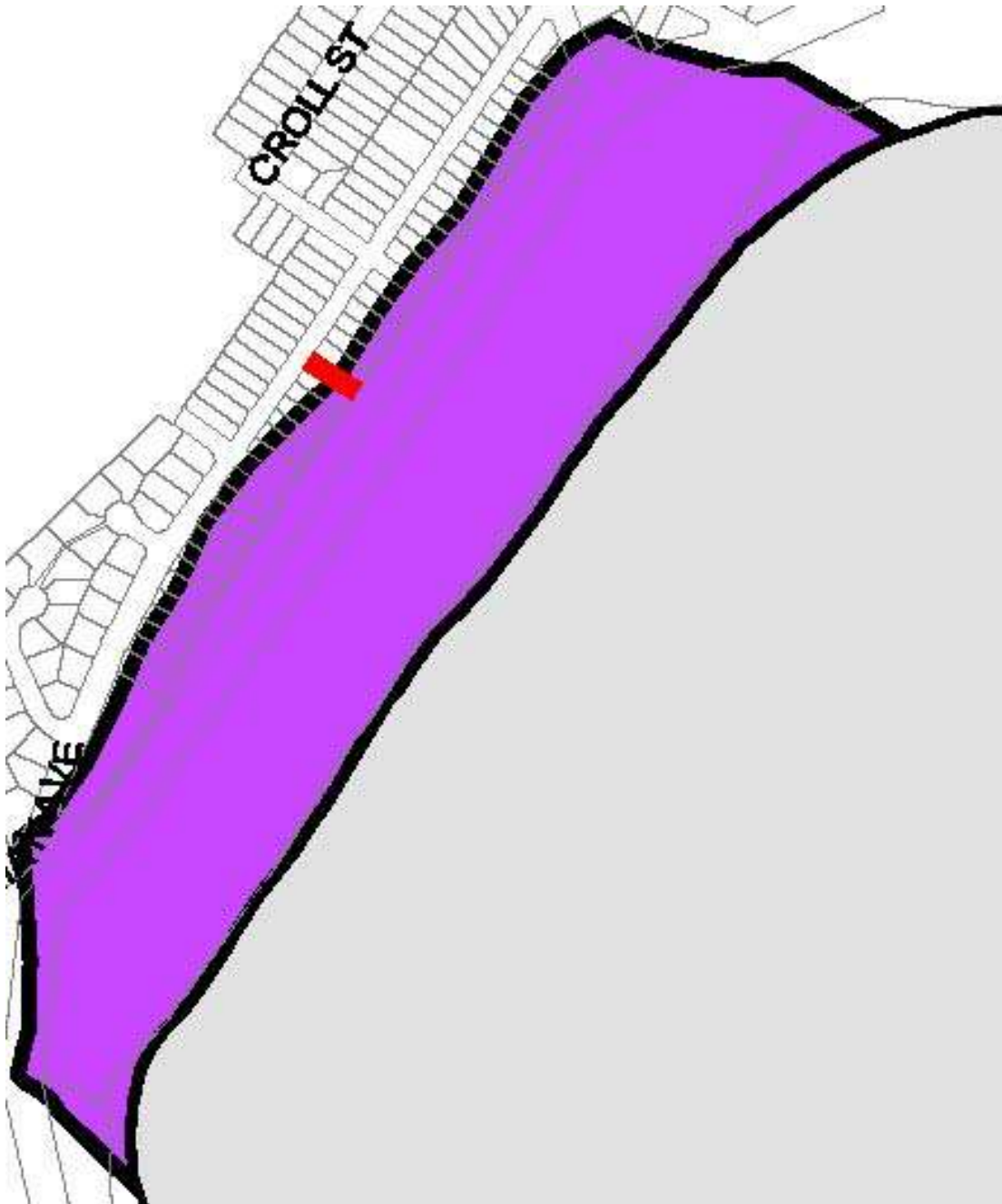
- Figure B-07 of Appendix B, titled "Erosion and Recession Risk Map 2060 Planning Horizon - Blueys Beach" only shows 80, 82 & 84 Newman Avenue as having some of their land in the orange and yellow coloured areas and the remainder of the ocean side of Newman Avenue all have parts of their land in the yellow coloured area.



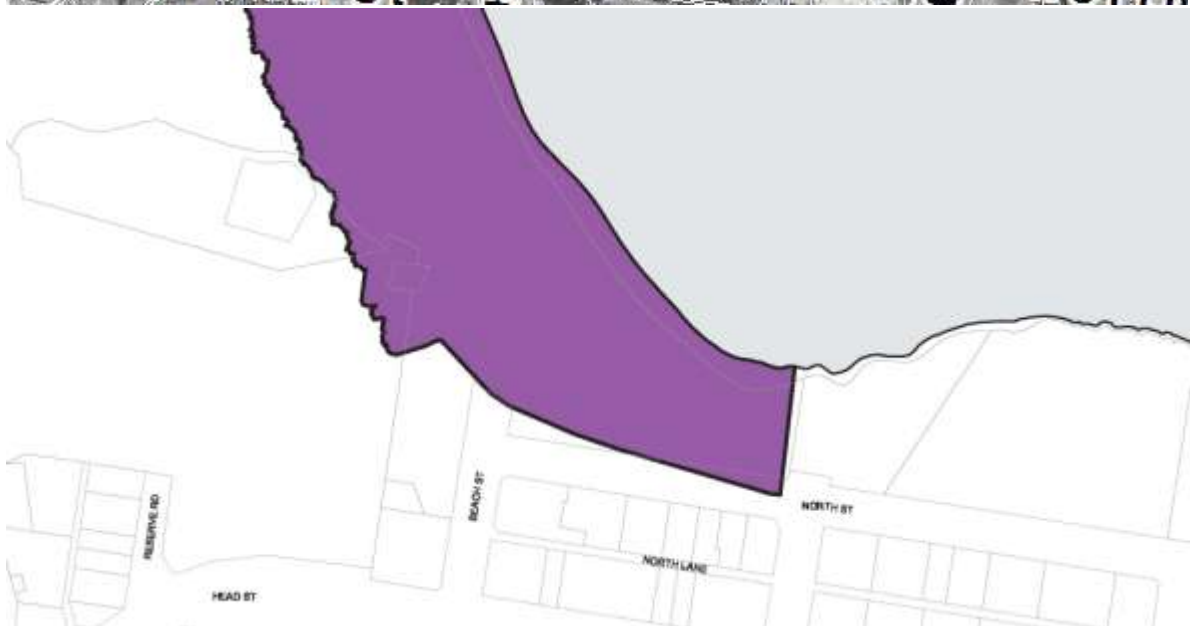
Copies of these are attached for your reference.

Turning now to the coastal planning areas draft maps exhibited with the amended DCP and comparing map CRA_012A (Blueys & Boomerang Beaches) to Figure B-07 of Appendix B. Approximately 50% of my property is within the "Coastal Risk Planning area" in draft map CRA_012A, but only approximately 20% of my property is within the yellow medium 2060 coastal erosion risk

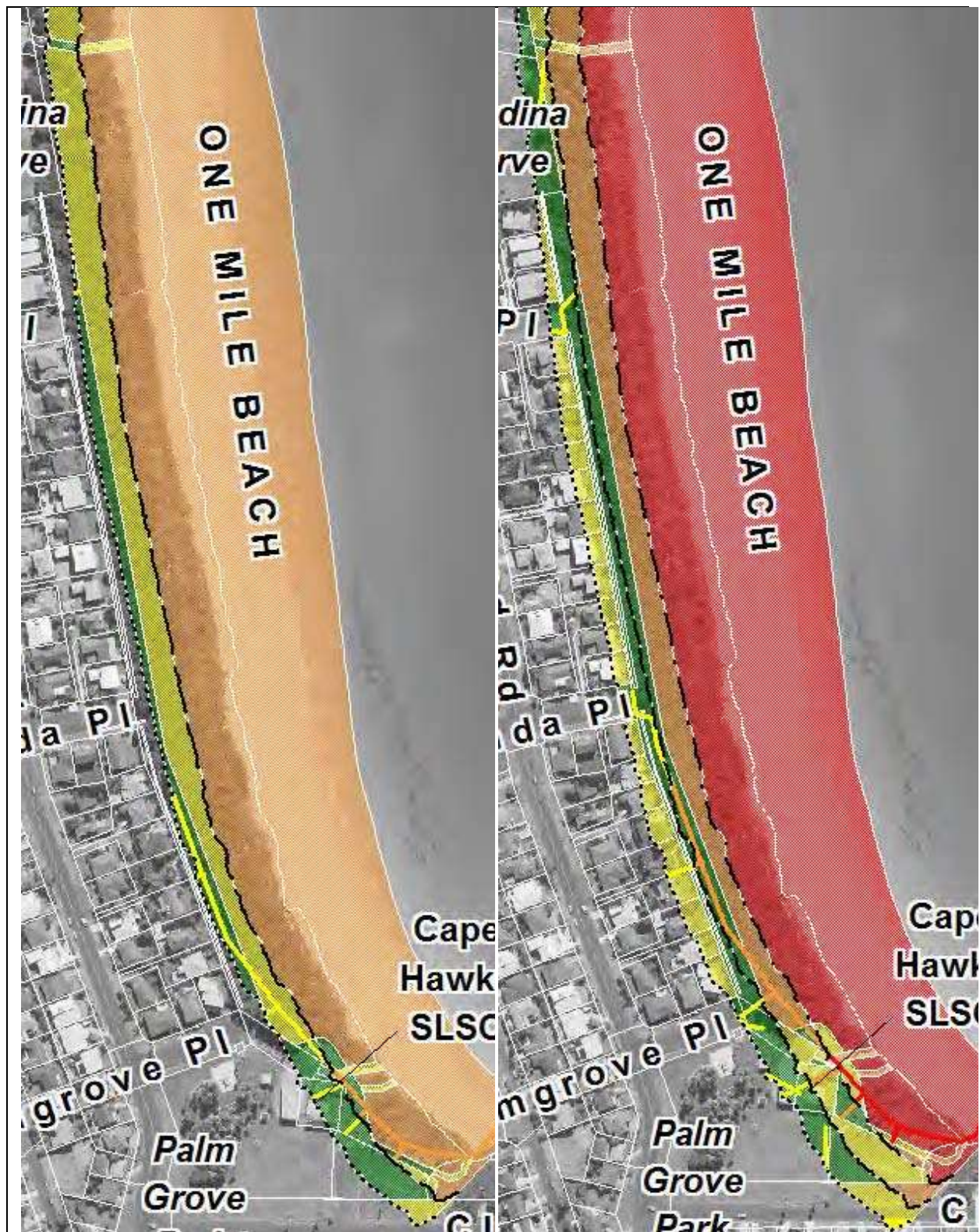
area. In the official map 3320_COM_CRA_012A_040_2014_117, approximately 70% of my property is within the "Coastal Risk Planning area".

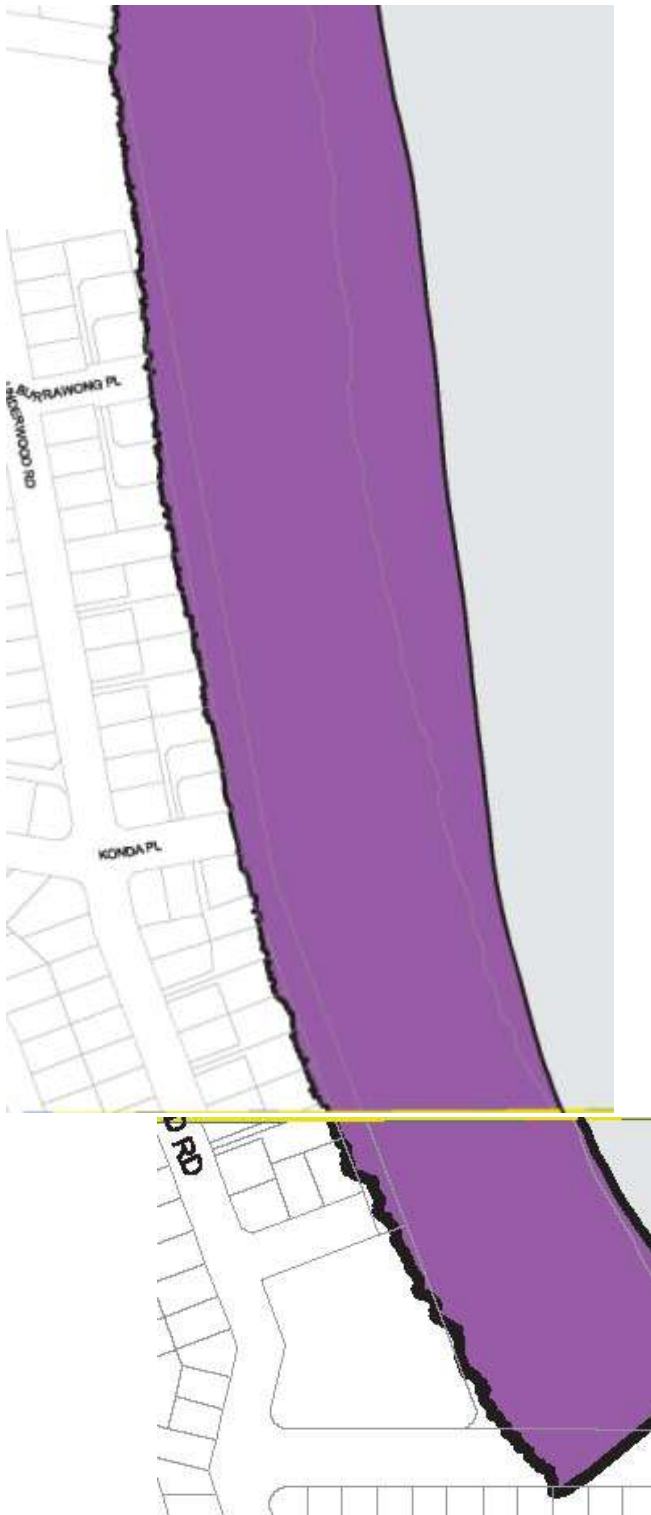


Doing the same comparison for Forster Main Beach and One Mile Beach highlights some glaring inconsistencies. Based on the Blueys Beach precedent, virtually all of the properties on Head and North Streets between Beach Street and West Street should be within the "Coastal Risk Planning area". Instead, surprisingly, in draft map CRA_011D, not one property in North or Head Streets is contained within the "Coastal Risk Planning area".



Again, based on the Blueys Beach precedent where the "Coastal Risk Planning area" extends further inland than the medium 2060 coastal erosion risk area, I was expecting that all properties along Bennetts Head Road at One Mile Beach would be within the "Coastal Risk Planning area". Again, I was extremely surprised that the line for the "Coastal Risk Planning area" essentially runs along each properties' boundary with Bennetts Head Road.





Could Council explain the process for determining where the boundaries of "Coastal Risk Planning areas" are located and can Council confirm that the process has been identically followed for each area?

The disparate treatment of the 3 beaches - Blueys Beach, Forster Main Beach and One Mile Beach show that the process of drawing the "Coastal Risk Planning area" has been inconsistent and has discriminated against properties on Blueys Beach.

Council can use this opportunity to get consistency in the process of determining all "Coastal Risk Planning areas" throughout the Council area.

2. No Guidance in DCP

Under Section 74AB of the Environmental Planning And Assessment Act 1979, the purpose of a DCP is to provide guidance on giving effect to the aims of the Great Lakes LEP.

Clause 7.4 of the Great Lakes LEP provides:

7.4 Coastal risk planning

...

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:*
- (a) is likely to be adversely affected by the impacts of coastal hazards, and*
 - (b) is likely to cause detrimental increases in coastal risks to other development or properties, and*
 - (c) is likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
 - (d) incorporates appropriate measures to manage risk to life from coastal risks, and*
 - (e) avoids or minimises potential adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the 2060 hazard line, and*
 - (f) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and sea level rise planning benchmarks.*
- (4) *A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.*
- (5) *In this clause:*
2060 hazard line means the landward extent of erosion, recession and stability hazards consistent with the projected 2060 sea level rise of 0.5 metres above the 1990 mean sea level.

In speaking with Council staff at the information evening on Thursday 29 October, it seemed that the effect of the LEP and the DCP was that in the coastal risk planning area, any developments would have to have deeper foundations. I do not think that there is any fundamental objection to this proposition, but it raises the following questions about the draft DCP 4.3:

- It may be possible to locate a new building / addition or alteration to an existing building outside the coastal planning area, but it may not be desirable for the maximum efficient use of land for buildings to be located outside the coastal planning area. Also, if buildings in a coastal planning area have to have deeper foundations into the stable foundation zone, why does it matter that the building is in a coastal planning area?

RECOMMENDATION 1

- Delete sub-clause 1 under the New Buildings heading

- Delete sub-clause 1 under the Additions and Alterations heading.
- Delete sub-clause 1 under the Ancillary Structures heading.

of clause 4.3 of the draft DCP.

- Under clause 3 of the Additions and Alterations heading of clause 4.3 of the draft DCP, does this mean that if additional load is placed on the existing footings (even if they are capable of taking the extra load), then the development must be refused (except if it is an exempt development)? Why should this be the case?

RECOMMENDATION 2- Sub-clause 3 under Additions and Alterations heading of clause 4.3 of the draft DCP should be amended to read as follows:

3. Alterations to an existing building within the coastal planning area (in whole or part), other than those permitted as exempt development, are to be accompanied by a report from a coastal engineer to certify that the foundations are adequate to support alterations ~~do not place~~ any additional load on the existing footings of the building or that the modifications to the design of the foundations and footings are designed to ensure safe bearing into the stable foundation zone.

The DCP does not give any guidance regarding how to comply with LEP 7.4(3)(f)

RECOMMENDATION 3 - The DCP should state that if the foundations and footings of a development are designed to achieve safe bearing into the stable foundation zone then this will be sufficient to:

- satisfy LEP 7.4(3)(e); and
- that there is no need to provide for the relocation, modification or removal of the development as the foundations are sufficient.

3. Sea level Rise

The current DCP provides in Control 3:

3. A linear sea level rise of 0.9m to the year 2100 is to be taken into account.

I note that Gosford Council's website contains the following statement:

The NSW Government released the NSW Sea Level Rise Policy Statement in 2009. This document stated "The best national and international projections of sea level rise along the NSW coast are for a rise relative to 1990 mean sea levels of 40cm by 2050 and 90cm by 2100".

These projections are in line with a relatively high population growth and greenhouse gas scenario, referred to as the Representative Concentration Pathway (RCP) 8.5. In response to this, Gosford City Council adopted a sea level rise projection of 0.4m by 2050 and 0.9m by 2100.

The state government has now removed the state-wide sea level rise planning level. Instead, they recommend that local government adopt a regionally relevant sea level rise planning

level, providing flexibility for council to consider local conditions when determining future hazards.

On the 10 March 2015, council adopted a medium sea level rise benchmark with localised sea level rise projections of 0.2m by 2050 and 0.74m by 2100. A medium sea level rise benchmark is considered a balanced and reasonable approach by council.

I note that Great Lakes Council has not adopted a regionally relevant sea level rise planning level - instead, Council has not diverted from the state government's previous position.

RECOMMENDATION 4 - Council should adopt a 0.2m sea level rise to 2050 and redraw all coastal risk planning area maps on that basis.

It is my submission that until Council has considered and adopted a regionally relevant sea level rise planning level, the current draft DCP is flawed and along with it the current coastal risk planning area maps are also flawed.

I have raised some very serious issues regarding fairness, process and ultimately that until Council has adopted a regionally relevant sea level rise planning level, the current process for a new DCP and coastal risk planning area maps is flawed. Based upon the response that I received from Council to my last submission, I don't hold out much hope that I will get an acknowledgment, much less that this submission will be read and even less expectation that I will receive any meaningful correspondence about the issues that I have raised.

A handwritten signature in black ink that reads "Nicola Wakefield Evans". The signature is written in a cursive, flowing style.

Nicola Wakefield Evans

Submission Great Lakes Coastal Zone Management Plan



Nicola Wakefield Evans
44 Newman Avenue
Blueys Beach

I wish to make a submission regarding the Great Lakes Coastal Zone Management Plan.

I am the owner of 44 Newman Avenue, Blueys Beach which is one of the properties affected by Part 7.4 of the Great Lakes Local Environmental Plan 2014 as approximately half of my land is contained in the "Coastal Risk Planning area".

I am a member of the Boomerang and Blueys Beach Group and support and endorse their submission.

My family and I love our house on Blueys Beach. It was not until I was alerted to the fact that my house is affected by Part 7.4 of the GGLEP 2014 that I started to realise how unique both Blueys and Boomerang Beaches are. It seems that Blueys and Boomerang Beaches are in fact the two most unique oceanside beaches in Australia in that any development on the beach must provide for the removal of the development.

My submission has to do with the discriminatory process adopted by Council - in breach of Council's Code of Conduct - based on questionable facts, analysis, assumptions and conclusions. The many deficiencies of the Worley Parsons desktop report into Blueys and Boomerang Beaches have been adequately identified numerous times to Council by BBBG - and to my knowledge have been totally ignored by Council. I suggest that Council's actions in not adequately acknowledging or addressing the deficiencies in that report put Council squarely in conflict with Parts 3.4 and 3.5 of Council's Code of Conduct.

I note that when the issue of the new LEP was being discussed at Council on 28 May 2013, Councillors Summers and Roberts moved an amending motion to defer the section in relation to coastal risk management. The amendment motion was only lost upon the casting vote of the Mayor after the votes were equally split 4 - 4, with one Councillor absent from the vote.

I would like to submit that the process of targeting Blueys and Boomerang Beaches for special treatment was not equitable, fair and has shown itself to be discriminatory.

Council had an opportunity to revisit the Worley Parsons report when commissioning SMEC to do its Great Lakes Coastal Hazards Study. Instead Council chose to engage SMEC to do a study of all Great Lakes beaches other than Blueys and Boomerang beaches. Again, this is evidence of the unfair process.

To highlight a few examples where the Worley Parsons and the SMEC reports are inconsistent, SMEC noted that

"that numerical modelling techniques are not able to represent storm erosion volumes, due to the complexity of the beach environment (rip cells and other currents) and varying conditions"

Yet, Worley Parsons were able to come up with the very precise figure of 250m³/m for only Boomerang and Blueys Beaches without even visiting the site!

From the BMT WBM Options Study paper, they clearly have grave concerns about the quality of the Worley Parsons report.

It is also interesting to note that the 2060 erosion risk and inundation risk maps attached to the Options Study are significantly different to the Great Lakes Coastal Risk Planning Map. Using my property as a relevant example, under the 2060 erosion risk map, only a small portion of my land is classified as having a medium risk of erosion and all of my land lies outside the "unlikely" erosion likelihood line. Similarly, none of my land is at risk of inundation. This is totally inconsistent with Council's Coastal Risk Planning Area which has the 2060 hazard line running approximately half way through my property.

With 45 years to go to 2060 and with sand accreting at Blueys Beach there is sufficient time to monitor what is going on at Blueys Beach which is the essence of the option at page D2. In addition, the 2060 hazard line affecting Blueys Beach should be moved to be consistent with the 2060 Erosion and Inundation Maps appended to the Options Summary (this is in effect recommended at page D9 and page D16).

I support the dune management recommendation at page D24 and the beach access management recommendation at page D25.

What I do not support is the arbitrary nature that Blueys and Boomerang Beaches have been targeted in a discriminatory way under a flawed process (why weren't all beaches considered by one organisation at the same time) and using a report which is incapable of standing up to peer review, followed by a knee jerk reaction by fewer than a majority of Councillors which gave rise to a coastal risk planning area that has severely affected the value of my property.


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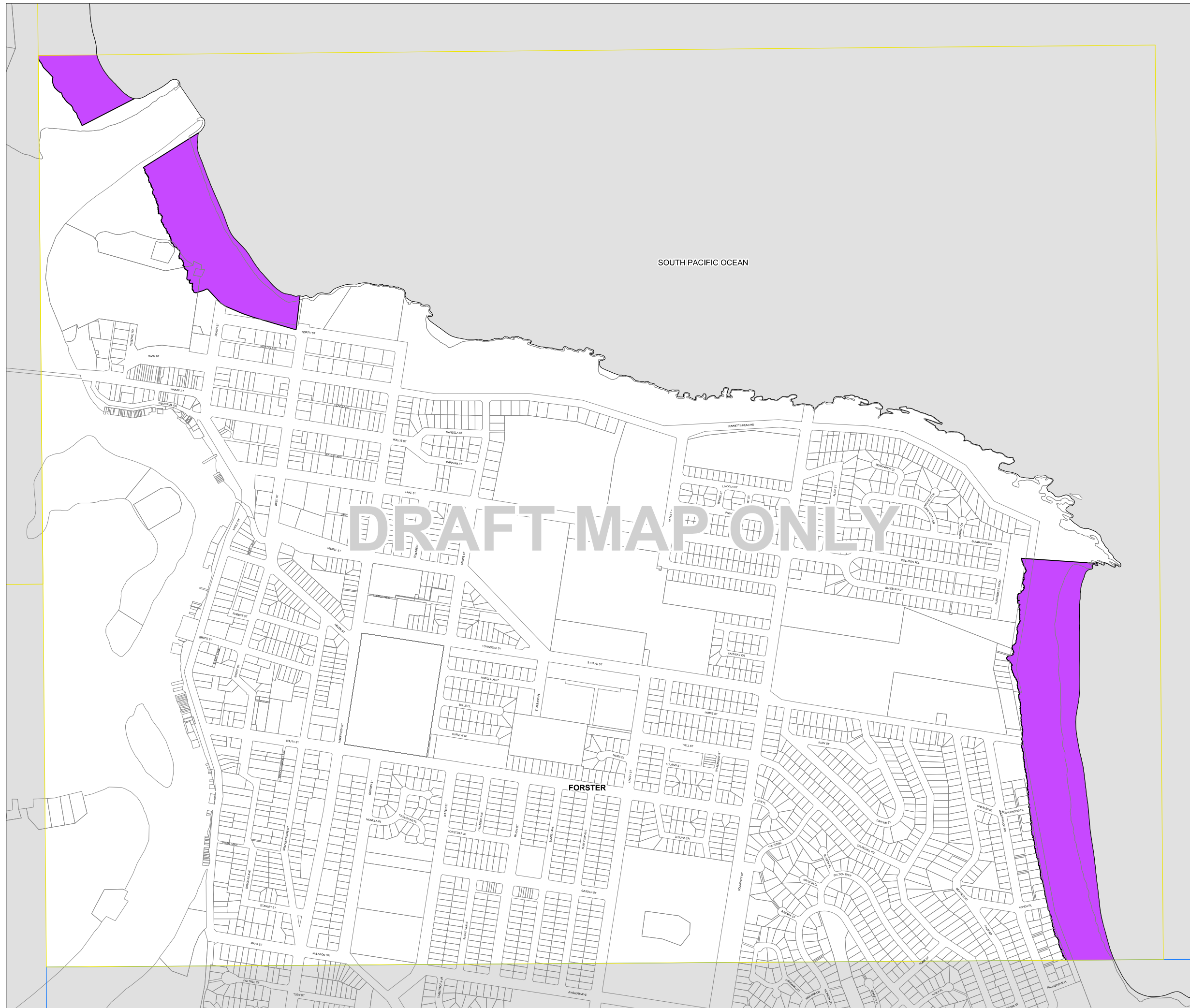
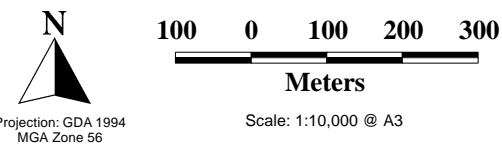
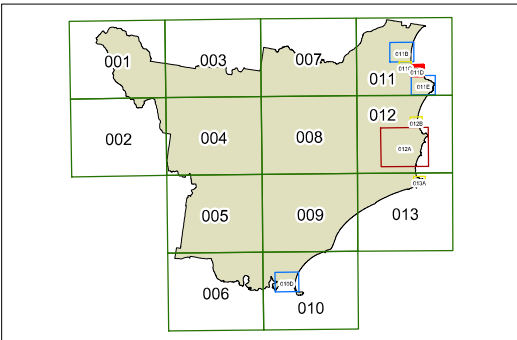
Nicola Wakefield Evans

Coastal Risk Planning Map
- Sheet CRA_011D

 Coastal Risk Planning Area


Cadastral

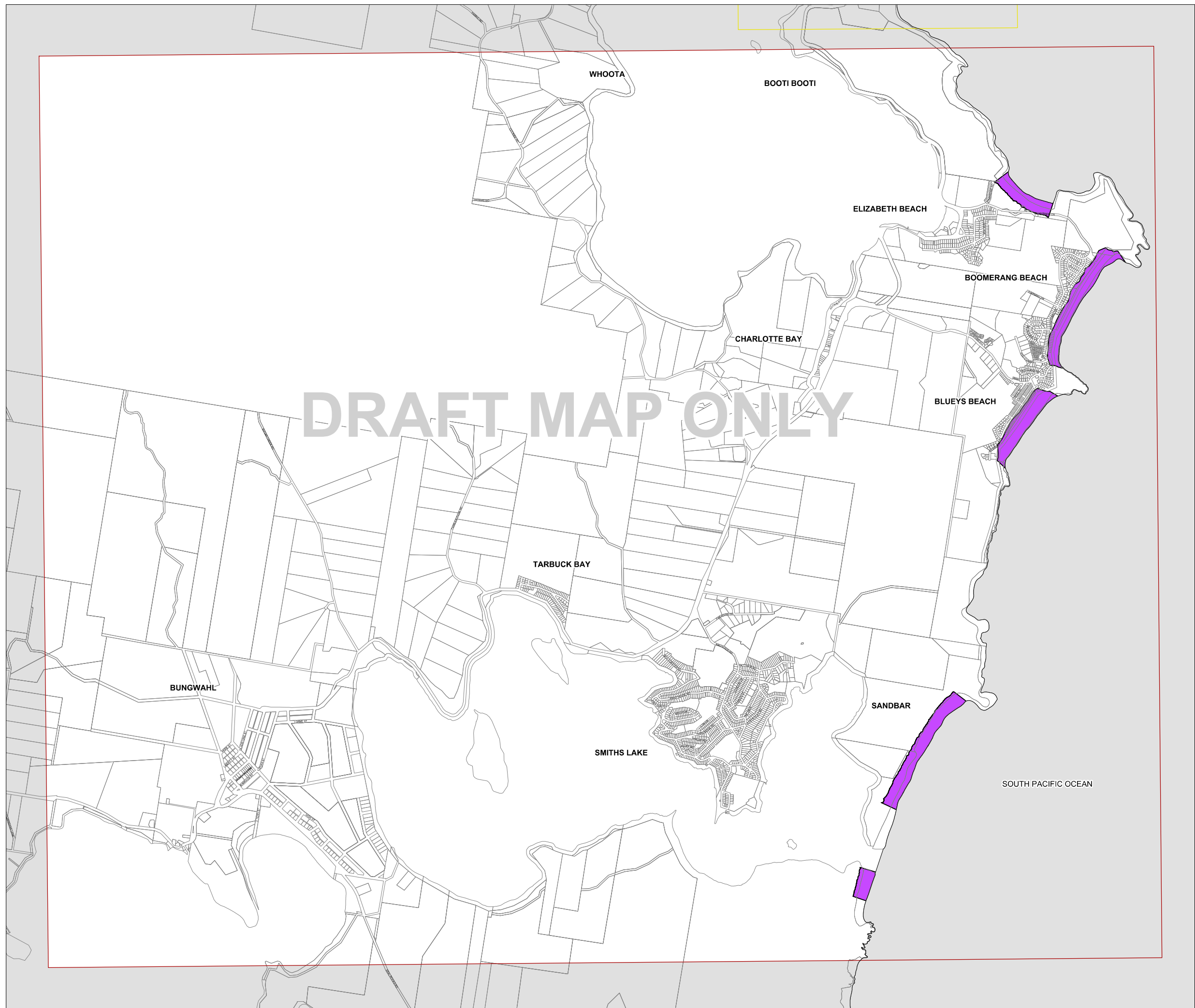
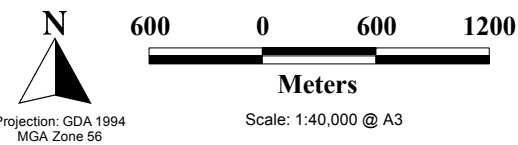
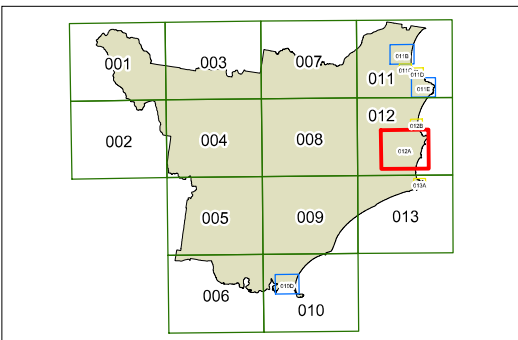
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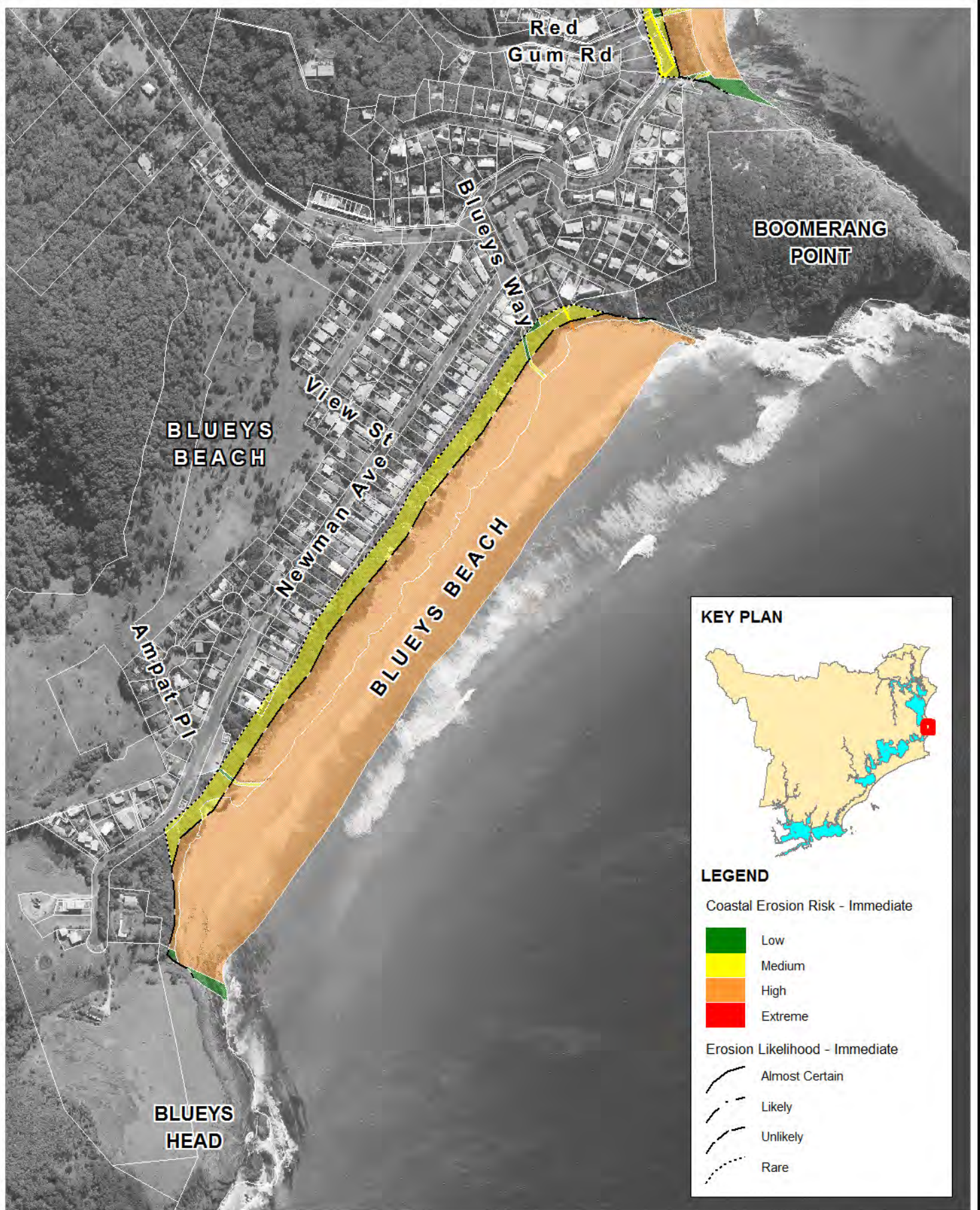


Coastal Risk Planning Map
- Sheet CRA_012A

 Coastal Risk Planning Area

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Title:

Erosion and Recession Risk Map Immediate Planning Horizon - Blueys Beach

Figure:

A-07

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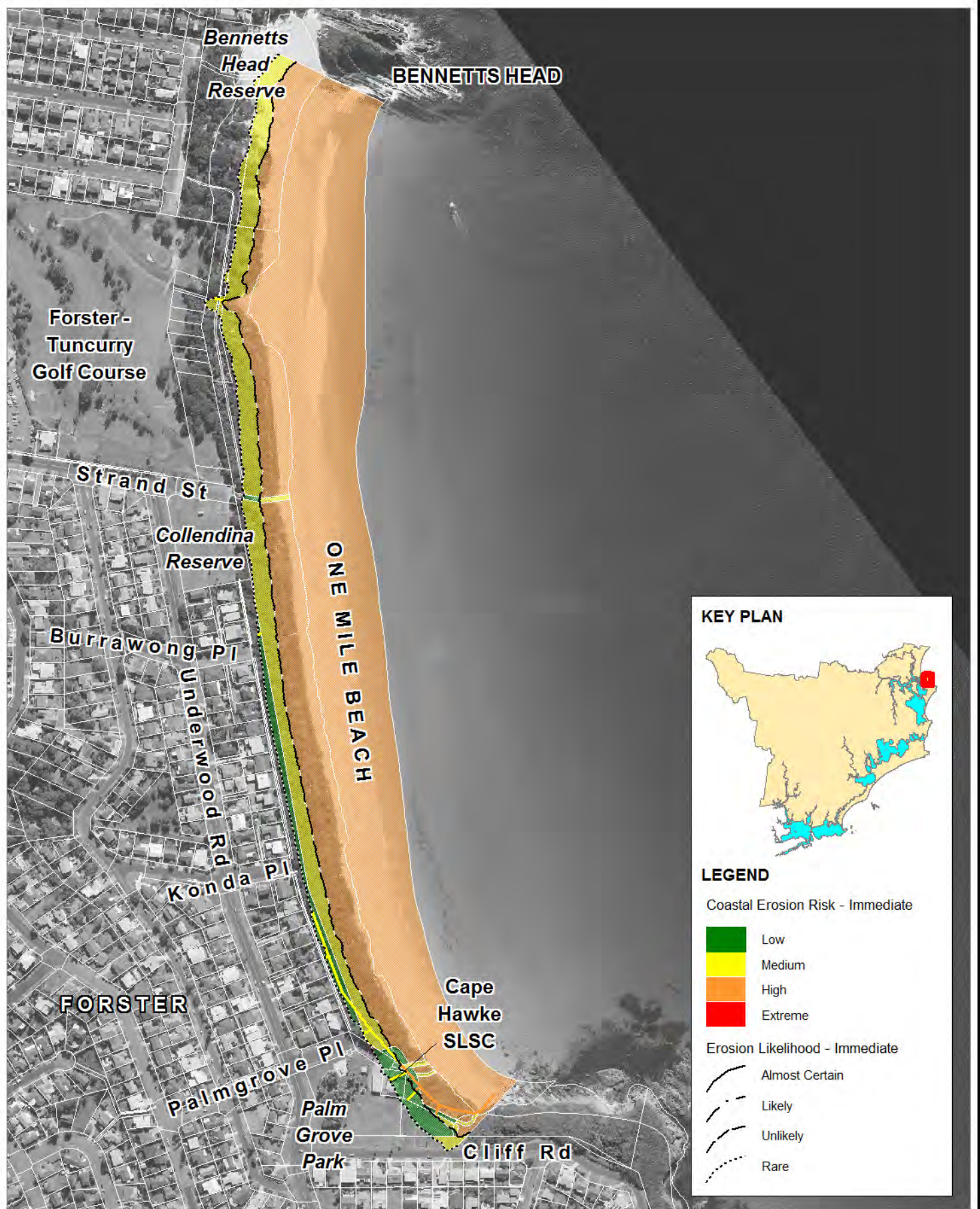
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Title:

Erosion and Recession Risk Map Immediate Planning Horizon - One Mile Beach

Figure:

A-12

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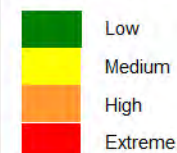
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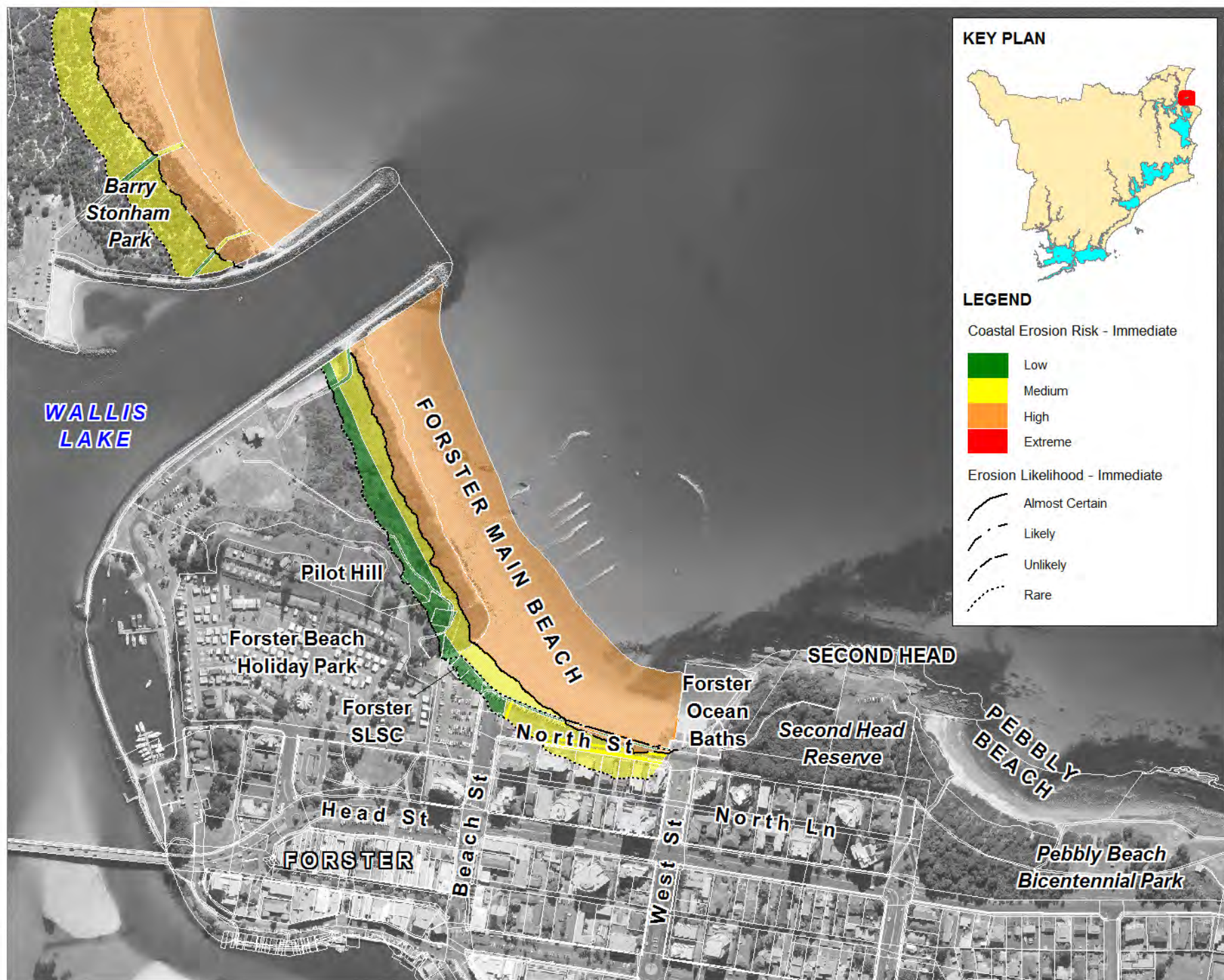
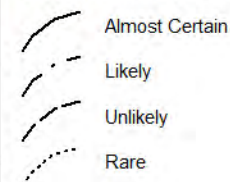


LEGEND

Coastal Erosion Risk - Immediate



Erosion Likelihood - Immediate



Title: Erosion and Recession Risk Map Immediate Planning Horizon - Forster Main Beach

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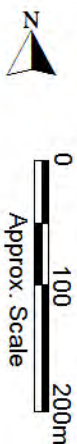


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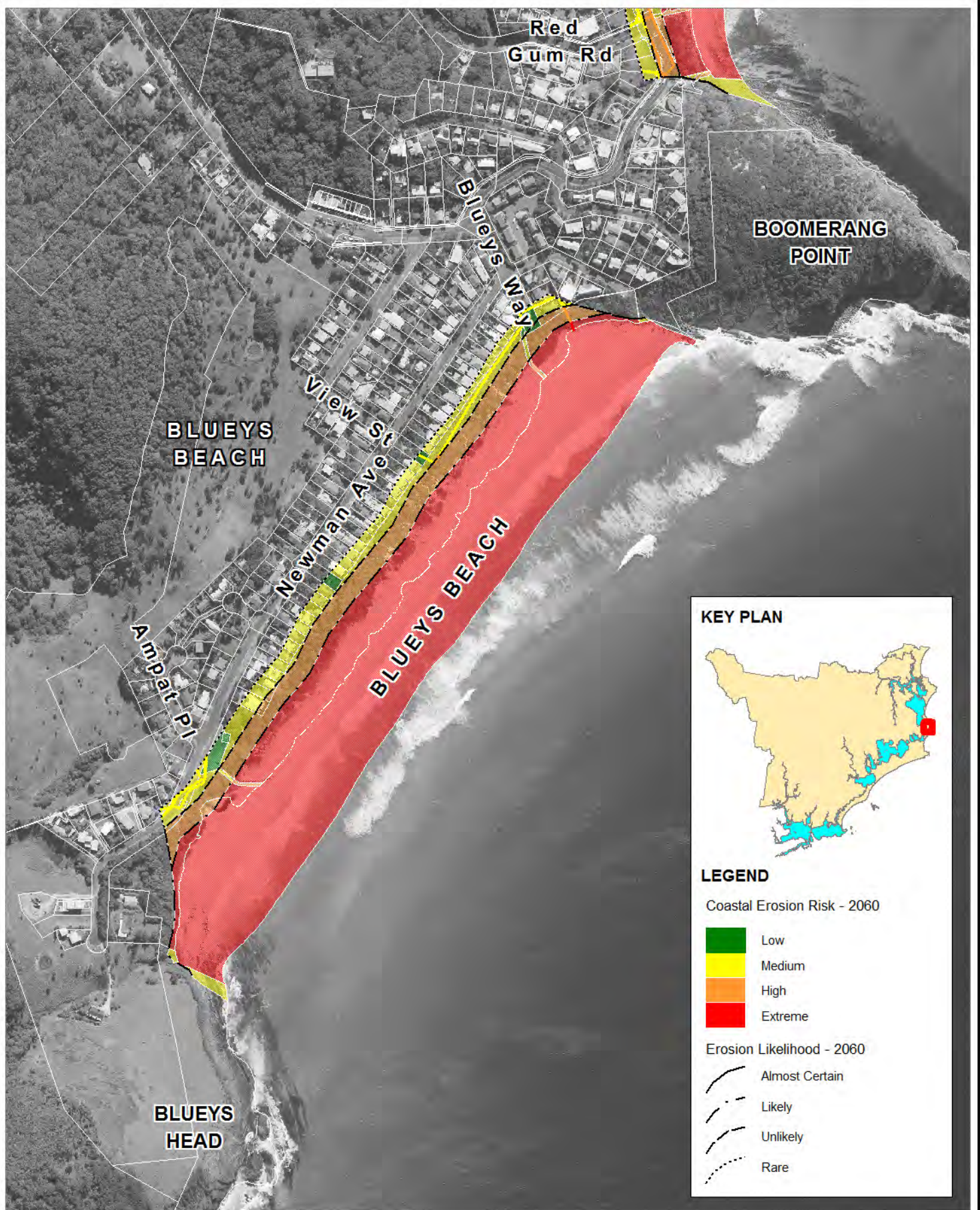
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Title:

Erosion and Recession Risk Map 2060 Planning Horizon - Blueys Beach

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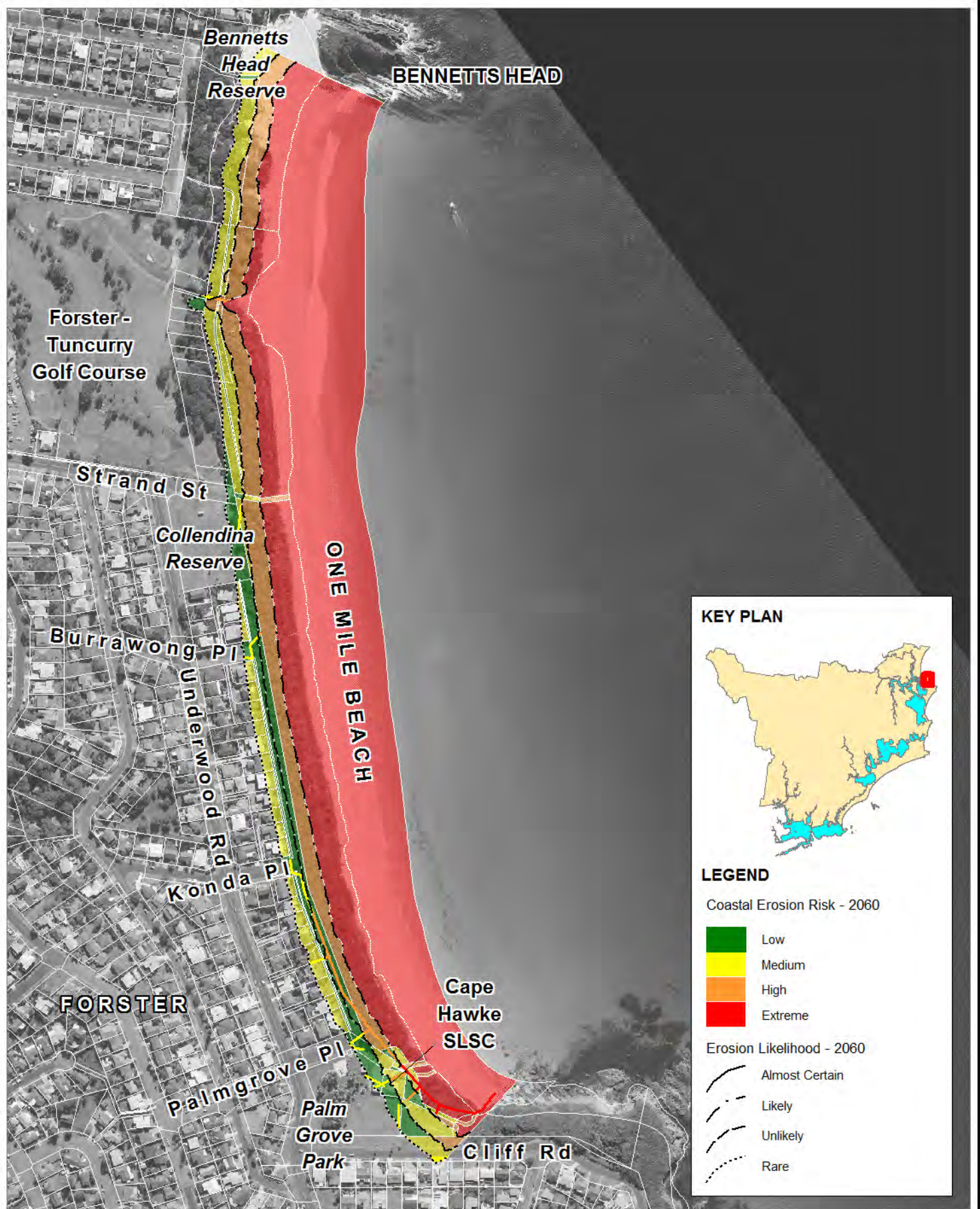
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Erosion and Recession Risk Map 2060 Planning Horizon - One Mile Beach

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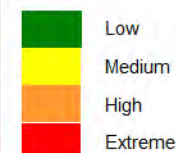
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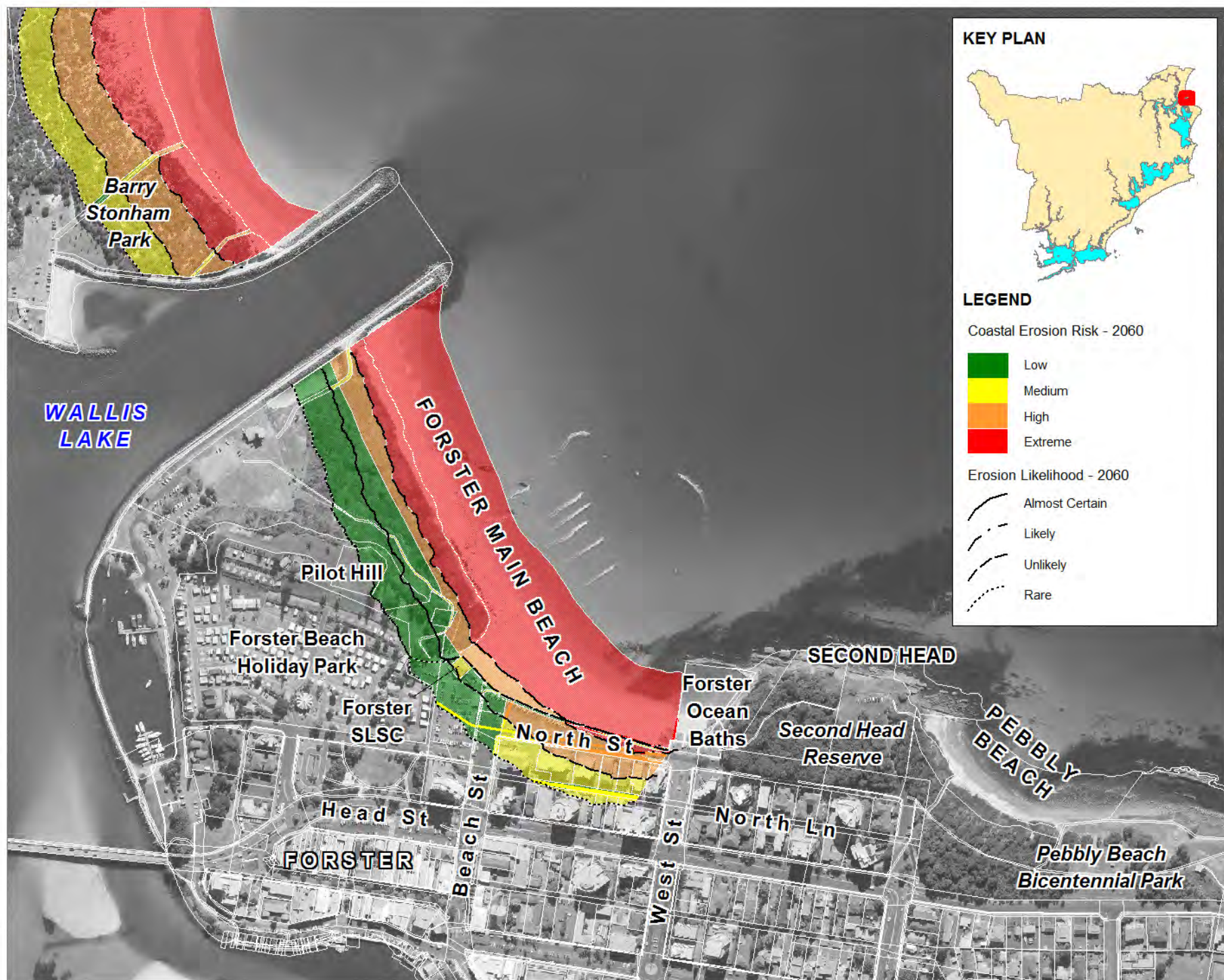
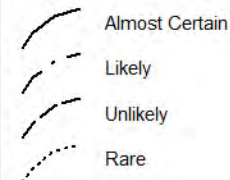


LEGEND

Coastal Erosion Risk - 2060



Erosion Likelihood - 2060



Title: Erosion and Recession Risk Map 2060 Planning Horizon - Forster Main Beach

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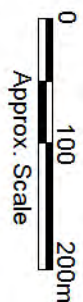


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