

## Addressing Reasons for refusal

- 1) *Resilience and Hazards SEPP - the proposal development not likely to cause increased risk of coastal hazards on that land or other land.*

The panel noted that degradation in *the area proposed to be protected* is partially attributable to existing works to the south - eg illegal hard revetment seawalls continuing to be erected in front of properties built on the dunes between Kendall Street and the estuary outlet. (See image below)



It is common knowledge that erosion is increased at the end of any protective beach works (hard and soft seawalls locking away the natural dunes). Hence we see increased erosion north of Main Beach carpark followed by pockets of erosion after each wall erected at Belongil to protect homes built on the frontal dunes.

All these barriers along the embayment sculpt pockets of deep erosion and send sand that should be sticking (to natural dunes) further north.

This north growing **sand spit** then blocks the creek's current passage to the sea and pushes it back against *the area proposed to be protected* and beyond. (See image below)







The creek then erodes the bushland on its south bank, **the area proposed to be protected**, AND the old northwest dunes which currently protect all the flood prone land behind them, from the privately owned developed land at Elements up to Tyagarah and Greys Lane.

Following are photos illustrating this ongoing erosion, *primarily* caused by the creek being forced to run parallel to the beach as the sand spit grows.









2) s.27 Coastal Management Act - there should be no risk that the new works will increase “end effects” erosion to the adjacent dunes.

The last of this embayment’s original dunes on the northern side of the Belongil estuary, are being slowly undermined and eaten away.

The sand spit will continue to grow, blocking the creek opening and pushing it into both the southern creek embankment and dunes to the north.

The most important thing as I see it, is to divert the creek away from the northern dune frontage.

These old dunes are not only under attack from the creek being pushed into them at this juncture, but from beachgoers forging new pathways onto the beach and youngsters sliding, jumping and digging on them - destroying the grasses and plants which accelerate sand accretion, build and bind the dunes and form a delicate ecosystem.



Over the last 2 decades I’d guess several hundred metres of high dunes have been lost as the growing sand spit blocked the creek from entering the sea directly and forced it to run parallel to the beach. Instead of emptying where there is low lying land, the creek has been turned toward the high dunes to the west(north).

This DA proposal is a temporary measure designed to slow the erosion not only of the wooded southern embankment of the creek and the low lying developed resort land, but of the protective dune front to the north.

By extending the current geobag wall on the creek’s eroded southern bank around the northern dune front, the creek will be directed diagonally across the beach and out to sea, thereby preventing further dune collapse.



### 3) Coastal Management Program

Council have been at Stage 3 of preparing a Coastal Management Plan for many years now. A holistic approach is a given for a continually changing coastline, yet there is no clear date for finalisation of a CMP.

The NRPP, while noting the land north of the Belongil estuary, which would suffer 'end effects', is largely undeveloped and "natural", were still concerned about approving an isolated proposal, albeit it providing only a "temporary" solution to a fast eroding section of the Bay.

Given it may be many years before a holistic CMP is approved and acted upon, I would like to see this interim proposal, to redirect the opening of Belongil creek and save the old northern dunes from further erosion, be reconsidered.

Yes Belongil Creek opening is an intrinsic part of any CMP, but if left as is for another decade or so, we will continue to lose beach and dunes to the north, opening up the industrial, commercial and suburban land behind open to an increased possibility of flooding.

There has also been a suggestion of creating a "tripper wall" to make a permanent exit pathway for the Creek, thus saving and rebuilding the dunes beyond. Hopefully this will form part of the CMP when prepared, but only time will tell. In isolation or included in a coastal plan of management, if it could save the last of our old dunes it would be a good thing. As Council submitted in their report -

*Geobag structure is designed to slow down dune recession and accelerate sand accretion in this location.*





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[REDACTED]

sent to you, the email's content, and whether it can be disclosed to a third party.

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[REDACTED]

**Sent:** Wednesday, 19 February 2025 3:43 PM  
**To:** Docherty, Patricia  
**Cc:** [submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au)  
**Subject:** Re: DA No. 10.2023.287.2 Review of Determination (refusal) - Temporary extension to existing coastal protection works

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Fwd: DA No. 10.2023.287.2 Review of Determination (refusal) - Temporary extension to existing coastal protection works  
**Date:** 19 February 2025 at 2:58:17 pm AEDT  
**To:** [pdocherty@byron.nsw.gov.au](mailto:pdocherty@byron.nsw.gov.au)  
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[REDACTED]

[REDACTED]

**Subject: DA No. 10.2023.287.2 Review of Determination (refusal) - Temporary extension to existing coastal protection works**

**Date:** 19 February 2025 at 2:37:01 pm AEDT

**To:** [submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au)

I am submitting a submission to support a review of the Elements DA application 10.2023.287.2 for a temporary extension to earlier coastal protection works on their beachfront property.

In the attachment, I have responded to the reasons given by the NRPP for their initial refusal. ***Please let me know if you cannot open the attachment.***

In summary I believe time is of the essence if we are to save the North Byron dunes from being undermined and degraded by Belongil creek as it seeks to find a new pathway to the sea.

The NRPP noted in their refusal that '*degradation of the area proposed to be protected is at least partially attributable to existing works to the south*'. I'm unsure whether they are referring here to earlier protection works on the southern bank of the creek and before the low lying open area of the Elements Resort or to the coastal protection works at Belongil Beach (legal, illegal and continuing...) I took them to mean Belongil works. Should this not be the case, I have photos over the years showing before and after the current geobag protection works done by Elements and I believe the current protection works have improved the beach line and all the southern side of the creek.  
Should the panel wish to see these photographs I am happy to provide them.

As I see it the continuing hard revetment of Belongil is indeed redirecting sand northwards - extending the sand spit on which it sits and blocking the entrance to Belongil creek.

The creek needs to enter the sea at this low lying delta area. To the north of the present creek opening the beach remains backed by a largely undisturbed high bank of dunes. It is these dunes which are being undermined and eaten away as Belongil creek is pushed northwards due to the growth of the sandspit.

I believe we need to maintain these original dunes at all costs - given the buffer and protection they provide to the low lying flood lands behind them. We need them for the beach, we need them for protection, as development continues behind.

The NRPP also noted that this section of the embayment must form part of a holistic Coastal Management Plan or Program. Obviously any works taken independently will cause further damage at “end of works” (see in town to the east).

And it is to be hoped the CMP, when it comes, will deal with the Belongil creek opening, securing it (with a “tripper wall”?) close to its current location. There is however no timeline for a completed CMP and I have hundreds of photos, taken over the last 20 years, showing what has been lost on the northern side of the Belongil estuarine opening. It takes my breath away to see how much of the Northside beach and dunes has been lost.

Temporary protection works, as proposed by Elements of Byron in DA 10.2023.287.2, are the only way to prevent further loss of beach sand levels and dune erosion in the meantime.

I therefore ask that the reviewing panel reconsider the initial refusal and allow this proposal to go forward as a temporary protection measure, thereby slowing down the monumental degradation currently in play.

[REDACTED]



