

#### BRIEFING DETAILS

<b>BRIEFING DATE / TIME</b>	Wednesday, 21 June 2023, 9am – 12pm Site inspection undertaken after briefing.
<b>LOCATION</b>	<b>Briefing:</b> Bay Pavilions, 12 Vesper Street, Batemans Bay <b>Site Visit:</b> On-site at 2A Myamba Parade Surfside 2536

#### BRIEFING MATTER(S)

PPSSTH-243 – Eurobodalla – DA0548/23- 2A Myamba Parade Surfside - Coastal Protection Works

#### PANEL MEMBERS

<b>IN ATTENDANCE</b>	<b>Briefing &amp; Site Visit:</b> Chris Wilson (Chair), Doug Lord, Bruce Thom, Lindsay Usher, Amber Shutz
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

#### OTHER ATTENDEES

<b>COUNCIL ASSESSMENT STAFF</b>	<b>Briefing and Site Visit:</b> Kristy Patouklias, Gary Bruce
<b>APPLICANT REPRESENTATIVES</b>	<b>Briefing:</b> Elizabeth Slapp (Planned), John Palasty (on behalf of The Whale Hotel), Charles Boumoussa (Project Manager), Michael Petherbridge (Builder) <b>Site Visit:</b> John Palasty (on behalf of The Whale Hotel), Charles Boumoussa (Project Manager), Michael Petherbridge (Builder)
<b>OTHER</b>	<b>Briefing &amp; Site Visit:</b> Amanda Moylan (DPE)

#### KEY ISSUES DISCUSSED

##### *Council Briefing*

Council assessment staff provided a background to the development approval history for the site and discussed the current development application including the following matters:

- Site context and location.
- Coastal processes and extent of storm erosion.
- Proposed coastal protection works within existing erosion zone.
- Extent of excavation and source of sand.
- Land ownership – works are proposed entirely within boundaries of the site.
- Aboriginal cultural heritage including location of aboriginal middens.
- Concurrence and referrals.
  - NPWS - a new AHIP is required as previous permits have expired.

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- Fisheries – referral required under s56 of the *Marine Estate Management Act (2014)*. Concerns regarding the methodology proposed in the engineering report which is inconsistent with Councils adopted CMP. The engineering report contains assumptions that are not consistent with the studies that support the CMP.
- Beach profile changes and potential impact on the public pathway and public access.
- Public notification – 1 submission received.
- Flora and Fauna assessment – impact on threatened ecological community (coastal swamp forest) located adjacent to revetment wall must be considered.
- Uncertainty around proposed approval pathway for the eco-tourism development on the site.
- Justification for the coastal protection works and their relationship to the existing development consent. In particular, the Intent to protect the site and extend the life of the glamping units, which are understood to be the subject of a development consent for temporary use.
- Ongoing management of coastal works at the end of life of approved temporary tourist accommodation.
- Consideration of 50 and 100 year coastal recession rates.
- Sediment systems and changes in beach profile and recession rates for the compartment from Hawkes Nest (adjacent to site) through to Cullendulla Creek.
- Impact of proposed coastal works on rate of recession within compartment from Hawkes Nest through to Cullendulla Creek complex (refractory impact).
- Coastal vulnerability and impacts over time, including offsite impacts.
- Insufficient information regarding acid sulphate soils along the location of the wall.

### ***Applicant Briefing***

The applicant provided a background to the site, its context and the active DA for the eco-tourist facility and addressed the following:

- Future management of works to be undertaken by landowner.
- Receding beach along the Cullendulla Creek and concerns around further loss of private land.
- Future amendments proposed for development of the site, confirming that the existing DA (not temporary use consent) for tourist accommodation is to be amended by removing the 22 hard stand tourist accommodation units and possibly the pool as approved and replaced with additional eco-tourism glamping tents over most of the site (i.e. in addition to those approved under the temporary use consent)..
- Confirmation that cultural teaching tent will be located outside midden.
- Source of sand for importation for beach nourishment (local material).
- Class 1 granite to be sourced locally and approved for use in the revetment.
- Hind dune reinstatement and revegetation proposed in rear of proposed rock revetment wall.
- Rip wrap design, refilling of area to the east of the proposed rock revetment wall and frequency and volume of renourishment required.
- Options for temporary coastal protection measures to prevent further loss of land.
- Concerns regarding vegetation removal for culvert maintenance to sewerage pump station on adjacent land along NPWS boundary.

### ***Panel Comments***

The Panel requested Council seek further information from the applicant in relation to the following:

#### ***Engineering Design***

- Limited details are contained within the design report and there is a reliance on design values from previous studies by others. Clarification of the adopted assumptions, their origin and level of confidence for each value used is required.
- The design report is required to adequately address recent studies underpinning the Gazetted CMP and Coastal Vulnerability area. Evidence of consistency of the design with the most recent assessment

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(CMP) and requirements of the NSW Resilience and Hazards SEPP (2021) addressing coastal vulnerability areas is required.

- Further details as to how the revetment will prevent and therefore protect the property against wave erosion of and over the property during severe storms during the design period. This is important noting:
  - the design proposed is unconventional (e.g., completely wrapped in geotextile, not extending to the design scour level adopted, crest level determined by existing ground level, covering only portions of the property boundary, etc.); and
  - noting the crest level proposed has been determined by the existing ground levels while the construction depth has been determined by assumed groundwater levels.
- Assessment of the wave overtopping (level, volumes, area impacted landward of the revetment) immediately following construction and at the end of the design period, is to be provided, noting that the seaward side of the revetment is to be covered in geotextile, essentially presenting a smooth surface, relatively impervious and which may reduce wave dissipation and increase runup during storms, beyond a conventional rock revetment.
- Further geotechnical analysis is requested to determine the ground structure at and below the assumed scour level (future toe level) and between the proposed revetment location and the ocean water (particularly for the proposed southern boundary wall). A geotechnical slope stability assessment for the designed revetment at present and at the end of the design life is to be provided by an appropriately qualified and experienced geotechnical engineer.
- An assessment of the rock properties and source/type is required.

#### *Seawall Impacts*

- A detailed assessment of the impacts of the revetment on the beach at present and at the end of the design (planning) period is required which also includes:
  - Justification for relying on the assumption that the “end erosion” will be managed by terminating the seawall prior to the northern and southern property boundaries.
  - Consideration of the impacts beyond the adopted design period given the development consent sought is not time limited (Information to establish a clear understanding as to how the works are to be managed beyond 50 years).
- Details regarding the proposed renourishment including;
  - maintenance of the sand levels at the property boundaries for the design life/planning period.
  - the source and frequency of renourishment in relation to the proposed filling and;
  - the method to be used to renourish including how materials will be delivered to the site and how machinery will access the site.
- Description of a final design shape of the revetment as proposed (after slumping) to be provided and/or shown in the figures provided so it is clear how the original constructed revetment is intended to adjust.

#### *Legislative Considerations*

- The proposed revetments are within a gazetted coastal vulnerability area and should be assessed in terms of the requirements for Coastal Vulnerability areas as included in the NSW Resilience and Hazards SEPP (2021), with particular reference to Section 2.9 (b)(i) and (ii) *Development of Land within the Coastal Vulnerability Area* .
- As the stated objective of the works proposed is to provide permanent protection to the boundaries of the site which is currently being used for approved temporary development, broader consideration of the potential impacts of the works proposed having regard to the requirement in the NSW Coastal Management Act (2016) for a Coastal Management Plan and the mandatory requirements for

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consideration in the Coastal Management Manual (Part A), with regard to the potential impacts of the works over time is required to demonstrate the works will not result in any future legacy issues.

- The mandatory considerations contained in s27(1) of the *Coastal Management Act (2016)* (CMA (2016)) must be addressed and the application must demonstrate how they are met over the life of the development.
- Details as to how the arrangements to secure funding for the works, including restoration and maintenance as set out in Section 27(2) of the CMA (2016) are met.
- Clarification must be provided as to whether that part of the land which is currently defined by the damaged fence line at Cullendulla, and which is not underwater at high tide is the “right-line boundary”, or an ambulatory boundary designated by MHWS.

### *Aboriginal Cultural Heritage*

The Panel acknowledges the cultural significance of the area and its importance as a place for resource collection to the local Aboriginal people. In particular, the adjacent Cullendulla Nature Reserve forms part of the broader culturally sensitive landscape. The Panel highlights the importance of consideration of both tangible items of cultural heritage and intangible cultural heritage impacts within the landscape context in the prepare of the ACHAR. The NSW Heritage Guidelines set out the required process and consultation and the applicant is encouraged to comprehensively address impacts within the broader cultural landscape.

### *General Comments*

The Nature Reserve represents land that by definition should be managed to experience natural conditions. As it lies within a defined sediment compartment undergoing longshore sand transport, any structure that intersects the transport pathway is likely to generate effects that may be detrimental to the integrity of the natural system. The proposed structure is designed to interrupt the natural recession process over its life of 50 years. This length of time will embrace a period of sustained sea level rise as noted by the consultant engineer (lowest estimate 0.3m by 2072). Hazard lines derived from different models applied to the site suggest continued recession and the Panel agrees that any terminal rock wall is likely to exacerbate existing and future recessional trends.

Plans to restore the “ends” of the terminal walls from “imported sand” raise questions as to the frequency, source and type of infill and revegetation that would satisfy s 27 (2) of the CMA (2016).

One of the key elements of the CMA (2016) relates to public access, use and amenity of beaches and foreshores (s. 7(d)). The Panel must consider how the proposal will make provision for such in the Cullendulla beach embayment and how public access to the Nature Reserve will be provided.

The terminal wall on the Surfside will be buried on property landward of public land. While there is no immediate threat to property the possibility of inundation may occur in the future. The Surfside compartment is recognised in the CMP as a location for sand nourishment and an inundation levee (noted by the consultant in SEE of 3/5/23). This raises the question as to how the east end of the compartment may best be managed by the Eurobodalla Shire Council under the CMP to mitigate erosion and inundation hazard which will independently benefit the landowner. Given this, the need for the terminal wall at the Surfside end must be adequately justified.

In addition to the above, consideration should be given to the objectives contained within the *Cullendulla Creek Nature Reserve Plan of Management* (NSW NPWS, February 2004), particularly in relation to the northern revetment wall and its impacts on Cullendulla beach and creek area.

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The panel notes that Council has a certified Coastal Management Program which has identified the Coastal Vulnerability Area, however the Eurobodalla LEP has not been amended to identify this area as required under the *Coastal Management Act (2016)*. This matter will be raised separately with Council.

### ***Next Steps***

- Council to issue a request for further information (RFI) having regard to matters raised above.
- Council to request clarification of amended plans in relation to proposed changes to DA181/13.
- Council to confirm (or action) comments sought from NSW NPWS coastal engineers for comment.
- To ensure the application is progressed in a timely manner, the Panel requires an update briefing from Council assessment staff following the receipt of the response to the RFI.

**TARGET STATUS UPDATE BRIEFING (COUNCIL ASSESSMENT STAFF): OCTOBER 2023**

**TARGET DETERMINATION DATE: FEBRUARY 2024**

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