

Nina Robinson

From: angusczmp [REDACTED]
Sent: Sunday, 8 December 2024 2:51 PM
To: Planning Panels Mailbox
Subject: Land and Environment Court Proceedings No.2023/109048 (DA2021/2173)
Attachments: Supplementary Submission regarding Newport Surf Club Application DA2021 FINAL.pdf

Dear Sir/Madam

Please find attached my submission as invited by letter dated 27th November 2024. As noted the closing date is 10th December 2024.

Yours faithfully

Angus Gordon OAM

**Supplementary Submission regarding Newport Surf Club Application
DA2021/2173
Angus Gordon OAM**

The NSW Resilience and Hazards SEPP clearly states, at clause 2.12: **“Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land”**. Clearly the proposed seawall will cause increased risk of coastal hazards on other land being properties to the north and south (Bilgola and South Newport) of the Clubhouse and so approval of the seawall component would be an ultra-virus act of any consent authority.

As my previous submissions have stated the Newport/Bilgola beaches are within the defined “Coastal Zone”. The combined beaches that form the “Newport/Bilgola compartment” are contained by the two major headlands of Bungan Head and Bilgola Head. Offshore the compartment is ringed by reefs. The compartment only contains a set quantity of sand within its overall active beach fluctuation zone. The term “Beach Fluctuation Zone” is defined by the Coastal Management Act 2016. In the past properties in the northern sector (Bilgola) and the properties to the south (southern Newport) of the Clubhouse, and the clubhouse, have experienced damage from erosion due to the limited volume of sand available to be involved in the three-dimensional response of the coastal processes of the compartment to wave action. Removal of sand from the beach fluctuation zone by locking it up behind a seawall and thereby reducing the volume of sand available to accommodate the three-dimensional coastal processes of the compartment will cause **increased risk to properties in the north and south sectors that is Bilgola and South Newport** and hence Clause 2.12 applies.

This **FUNDAMENTAL MATTER** seems to have become **LOST** over the time it has taken to consider the Newport Surf Club Development Application and the confusion generated by the many reports, meetings and supplementary reports. It is important to note that all the experts, both those engaged by Council and the independent experts, including those on the original Planning Panel that refused the Application, **AGREE** that the Clubhouse is in a vulnerable location and that coastal recession will in time result in new headland if not protected by a seawall. The argument for a seawall is that it is necessary to extend the life of the building. However, this argument is clear evidence that those experts supporting the seawall are of the view the Clubhouse is in the Beach Fluctuation Zone, otherwise a seawall would not be necessary. They have however unfortunately failed to take into account the fact that coastal processes are three-dimensional, not the two-dimensional approach they have relied on. A three dimensional analysis indicates a seawall is **“likely to cause increased risk of coastal hazards on other land”** within that compartment, that is, to the properties to the north and south of the Clubhouse.

Further, the evidence presented by all the experts indicate that over time the beach will recede as demonstrated by the following figure which is featured in various of the reports including those by the Council’s experts. It is sourced from a Council adopted document and shows that the Clubhouse is located on the beach dune. This figure clearly indicates

the considered future shorelines, without the clubhouse seawall and it can be readily seen that any seawall aimed at protecting the clubhouse will lock up a considerable volume of sand that would be otherwise available to reduce the impact of recession on properties to the north and south and would have the Clubhouse and seawall emerge as a new headland significantly impacting on the coastal processes of the compartment.

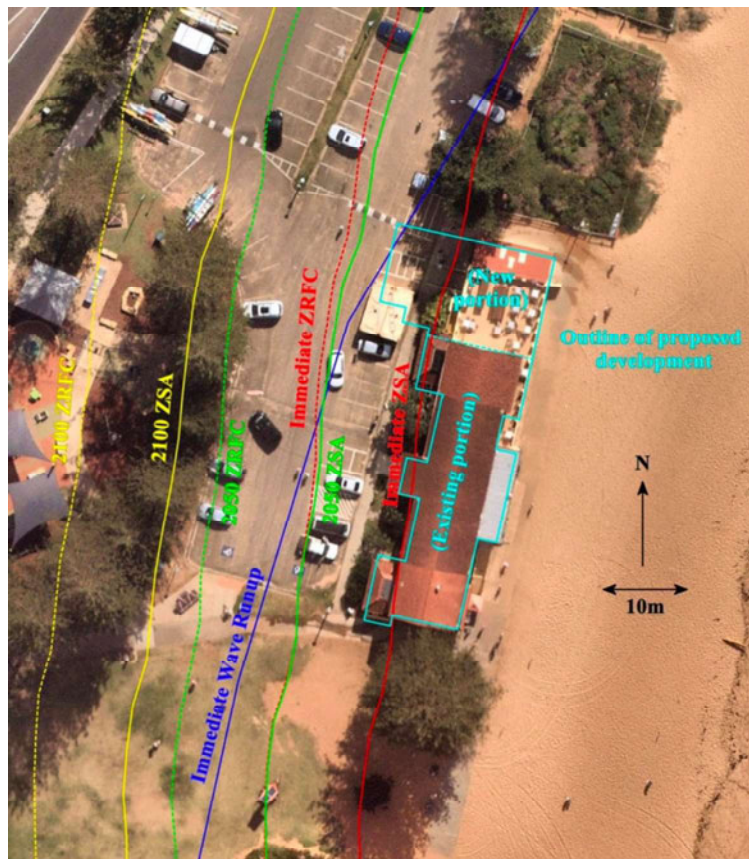


Figure 20: Erosion/recession coastal hazard lines, and Immediate Wave Runup Line, at Newport SLSC

The point of difference between the experts is that those paid for by Council (the proponent) believe the life of the building can potentially, but not certainly, be extended by the construction of a very expensive seawall that will damage the beach. Those opposed to the seawall point out that the proposed seawall can't be guaranteed to provide a 50 year life (in fact a 1% event has the statistical probability of 40% of being equaled or exceeded in a 50 year life). The independent experts, not paid for by Council (nor engaged anybody else), believe that rather than sacrifice the beach for the sake of the building and threaten the other properties to the north and south of the Clubhouse it would be far more responsible to adopt a plan of managed retreat, **leaving the existing building where it is for as long as it is viable** and constructing any extension on its landward side, as has been the practice elsewhere in the Northern Beaches area. It is argued that an extension on the landward side could be designed to be adaptable so as to accommodate future shoreline retreat.

This managed retreat approach is in keeping with the Objects of the Coastal Management Act, in particular recognizing “the inherent ambulatory and dynamic nature of the

shoreline” It is also in alignment with the Governments stated position that there should be **no intensification of assets in hazardous areas.**

In addition, the most recent reports (those listed on the Council website at 27/11/2024) should raise significant red flags for any Consent Authority. For example, in regard to wave overtopping the Water Research Laboratory of the University of NSW (WRL) report based on wave studies documents that during a major storm event **waves can reach the windows of the upper floor of the building** and there will be substantial wave forces on the seaward wall of the bottom floor of the Club House. It is relevant to note that WRL reports the basic results of the modelling it undertook but, unusually, provides no conclusions or advice. It is also worth noting that the supplementary structural report provided to supposedly manage wave impacts on the building is dated the same as that of the wave pressure and overtopping report by WRL.

An interesting omission is that the proposed seawall has not been configured to deal with the outflanking that will develop with the future beach recession as presented in the above figure. The current design seems to attempt to deal with this by extending the length of the wall however experience dictates that in similar circumstances additional return walls will also be required. This has not been factored in.

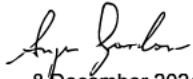
So, one group of experts are saying manage Newport Beach in a sustainable matter with regard to nature by implementing a managed retreat approach for the Clubhouse facility whereas the other group are saying spend significant amounts of money fighting nature, with no guaranteed outcome (40% probability of the design event being equaled or exceeded in the nominated design life and the potential for outflanking) and don't take into account the consequences for other properties in the compartment to the north and south even though they will become exposed to increased risk if sand is locked up behind a seawall.

It is interesting that the Council website lists 24 documents added on the 27/11/2024 most of which, according to the dates shown on the actual documents are between one and two months old. Some indicate they contain supplementary information, but many simply re-present previous material. Clearly this is an attempt to divert attention from the key consideration of the application of clause 2.12.

In summary, all the expert evidence demonstrates that in the future the Surf Club will sustain damaged regardless. What remains of the seawall will undoubtedly emerge as an unsightly headland with an associated loss of beach. The only differences of opinion amongst the experts are the lack of an overall assessment of the impact of the seawall on adjacent properties and the eventual timing of the demise of the building. Solid concrete seawalls are not adaptable and certainly have a “life” after which it is difficult to alter or upgraded them to accommodate changed conditions.

Finally, this supplementary submission is not arguing against an upgrading of the Club's facilities rather that it not be associated with the construction of an expensive seawall that will cause an adverse impact on adjacent properties and only provide limited

protection to the Clubhouse. Hence, there is no objection to an upgrade of facilities rather than any building extension be located on the landward side of the existing building in an adaptable structure and **the EXISTING BUILDING be RETAINED, AND MODESTLY RENOVATED UNTIL IT EVENTUALLY BECOME NON-VIABLE.**



8 December 2024

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