

Coastal Reforms Team

Office of Environment and Heritage
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RE: Submission on NSW Draft Coastal Management Reforms

Byron Residents' Group welcomes the changes to coastal management, which appear to have a strong emphasis on ecologically sustainable development, community engagement and environmental protection.

We support the overarching objective to manage the coastal environment of New South Wales in accordance with the principles of ecologically sustainable development, as defined in section (2) of the *Protection of the Environment Administration Act 1991*.

We generally support the specific objectives of the draft Bill, particularly protecting and enhancing environmental values, special acknowledgement of Aboriginal cultural heritage and use, ecologically sustainable coastal development and land use planning, mitigating future as well as current risks from coastal hazards, taking account of climate change, local and regional scale of coastal processes and implications of dynamic nature of the coast and managing use and development accordingly.

We believe, however, that further consideration needs to be given to the process and to specific details of the new legislation.

We are also concerned that the draft Bill itself does not establish any legislative protections for sensitive coastal environments. It does not set any limits on development or include mandated requirements for decision makers. In order to achieve effective and meaningful protection for the coast, key controls and decision-making requirements must be established in legislation.

Overview:

1. Reform process

Before the Bill is finalised, key elements of the coastal reform package must be exhibited—especially the coastal zone mapping and the draft text of the proposed new State Environmental Planning Policy. Mapping must be based on robust techniques at a meaningful scale and be ground-truthed.

2. NSW Coastal Council

newly established Coastal Council is a good initiative. We believe its functions and membership should be expanded to provide advice on an integrated approach to coastal management, including policy, strategic functions in relation to the new Act, and community engagement.

3. Climate change impacts

Clearer requirements and guidance for climate change adaptation and mitigation must be part of the coastal reform package. This must include in flora and fauna species migration, more extreme weather events, increased flooding and inundation and sea level rise.

4. Compliance and enforcement

Key elements of the coastal management package must be mandatory and enforceable, including crucial requirements under the Coastal Manual.

Coastal zone/coastal management areas

1. Coastal Management Areas must be further refined to provide clear and consistent protection for coastal environmental and public interest values, including within the Coastal Use Area.
2. Existing protections for coastal wetlands and littoral rainforests should be retained and enhanced in the new SEPP, including important concurrence and assessment requirements.
3. Protections for other land and water bodies identified as being ecologically sensitive to impacts from coastal development activity (coastal environment area) should be consistent with the protections for coastal wetlands and littoral rainforests, and the management objectives for these areas should be accorded higher priority than Coastal Vulnerability and Coastal Use Areas.
4. Objectives for protecting and enhancing the environment should be included in the Coastal Use Area. The existing coastal zone boundary (generally 1km inland) should be used to retain current protection measures, and be fixed (unable to be increased or decreased).

Coastal Manual and Management Programs

- The Coastal Manual provides too much discretion for local councils. Key components of the Manual must be obligatory for councils and enforceable via the legislation.
- Requirements for councils developing coastal management programs set out in the proposed new Manual must be mandatory and enforceable to ensure that councils are using the best science, engaging local communities and adequately assessing and responding to threats to the coastal environment.
- Greater emphasis should be given to climate change and sea level rise impacts in Part A and Part B, Stage 2 of the Coastal Manual.
- It is of concern that councils could move directly from Stage 1 (scoping study) to Stage 4 (exhibition and adoption of Coastal Management Program) without addressing Stage 2 (detailed studies of vulnerabilities and opportunities) and Stage 3 (response identification and evaluation), particularly given that the consideration of important issues, such as social and cultural values, vegetation, biodiversity and ecological integrity, hydrology, and water quality is required at Stage 2.
- Part B, Stage 2 should provide further guidance on how feedback provided during public exhibition will be responded to or incorporated into the final Coastal Management Program.
- The Coastal Manual must ensure coastal management programs are strategic, adopt an integrated approach, consistent with ESD principles, are consistent with an hierarchy of objectives which accords

priority to assessment of and planning for Coastal Wetlands, Littoral Rainforests and Coastal Environment Areas ahead of and as the foundation for Coastal Vulnerability and Coastal Use Areas.

- The Coastal Manual should also ensure that Councils are relying on recognised expert, peer-reviewed evidence and advice and appropriate assessment in responding to existing and predicted threats to the coastal environment, whilst providing for community engagement throughout the process.

Quality Control

- Mechanisms should be established under the new framework to ensure that coastal management planning and impact assessment is carried out by qualified experts and subject to rigorous external review.

Cumulative Impacts

- The new framework must include mechanisms for ensuring that the cumulative impact of development on sensitive environments is taken into account in coastal management planning and development assessment.

Floodplain management issues

- The reform package provides limited integration between coastal management and floodplain management. This is a significant gap, given the overlap between increased coastal flooding and inundation, with threats of sea level rise and increased storminess and more intense catchment runoff arising from climate change.

Land acquisition provisions

Given the significant environmental values and the vulnerability of the coastal zone, existing coastal land acquisition provisions need to be retained.

SEPP 50

The existing provisions of SEPP 50 – Canal Estate Development, which prohibits any new canal estate development throughout NSW, must be transparently retained in the coastal reform package.