

26 February 2016

Coastal Reforms Team
Office of Environment and Heritage
PO Box A290
Sydney South NSW 1232

Dear Sir/Madam

Public Consultation – NSW Coastal Management Reforms

I refer to your release of the draft framework for coastal management for public consultation. The public consultation documents included the following:

- Draft Coastal Management Bill;
- Explanation of Intended Effect for the proposed new Coastal Management State Environmental Planning Policy (SEPP); and
- Draft Coastal Management Manual.

The City of Botany Bay (Council) notes that the maps of the four coastal management zones have not been released for comment as part of this public consultation. Council understands that these will be released with the draft Coastal Management SEPP and Council reserves its right to amend its submission based on the contents of these maps.

Council has reviewed the documents and broadly support the changes proposed however note the following key issues.

1. Partnerships & CMP Implementation

Two of the desired outcomes of the reforms are:

- to encourage coastal communities to forge strong partnerships and shape their own future on the coast, and
- to ensure that councils, and other public authorities with a role in the coastal zone, collaborate to ensure that actions at all levels reflect the objects of the new Act and are compatible with the long-term strategy of the coast.

Emphasis has been placed on coastal management strategic activities on a regional scale and Council will be required to consult with the local community, as well as relevant public authorities and adjacent coastal councils.

Although all public authorities will be required to have regard to relevant coastal management programs when carrying out their functions, there does not appear to be any strict requirement for them to be responsible for being involved in preparing or implementing a Coastal Management Program (CMP), in providing any information on their current or proposed works, or providing expertise in coastal zone management to assist in the preparation or implementation of a CMP.

City of Botany Bay does not have care and control of the foreshore area of Botany Bay in its local government area, which includes Penrhyn Estuary and Foreshore Beach. The area includes land and assets which are State or Commonwealth owned. The foreshore areas are managed by the Port Authority of NSW however some areas are also managed by private entities such as NSW Ports and Sydney Airport Corporation Limited. Additionally Sydney Water, a state-owned corporation, also has considerable land and infrastructure in the potential coastal zone that Council does not manage. The Port Authority of NSW is currently proposing building groynes out from Foreshore Beach to help manage beach erosion and stormwater issues in the catchment. Council is unsure how this is captured in the current proposed coastal management reforms which is proposing a regional approach with consultation and implementation of CMPs by Councils.

Based on these scenarios Council is concerned that if there is no legal requirement to provide council with input and details, Council may potentially be unable to prepare a CMP for the entirety of its local government area. Implementation of a CMP by Council in accordance with Section 22 of the Bill that includes these areas will likely not be possible as it does not have care or control over these areas. Potentially if there is no legal requirement for public or privately managed state or commonwealth entities with foreshore and coastal zone management responsibilities to provide information and expertise, and additionally be involved in the implementation of the CMP where applicable, there may be gaps in the regional approach to coastal management.

Council feels that this issue could hinder the regional implementation of coastal management in areas that have similar land ownership and management dynamics and should be addressed.

2. Technical Support

There appears to be a considerable level of responsibility placed on local government with little direct technical support, advice or funding for preparing or implementing a CMP. The Bill indicates that the proposed function of the Coastal Council Committee is to provide advice to the Minister and at the request of the Minister provide advice to another public authority and will not be available to offer technical advice or assistance to councils. Council would like to see an additional tier of support, potentially from the Office of the Environment and Heritage (OEH) in the form of a liaison team to provide technical advice and guidance to councils for preparation of CMP's and their review and implementation.

3. SCCG Submission

Council would also like to direct attention to the Sydney Coastal Councils Group submission of which City of Botany Bay is a member. With the exception of the last point below on wetland

buffer zones, Council also supports all matters raised in the submission. Council has provided this additional submission to highlight the issues especially relevant to our local government area.

- Question 4: Do you support the inclusion of a 100m perimeter area around the Mapped wetlands, including the application of additional development controls?

Council does support the inclusion, however would like to make a recommendation that there is an alternative option to use a catchment approach where applicable. Following submissions received in the exhibition of Councils LEP in 2013 the City of Botany Bay adopted a catchment boundary for its wetlands management rather than a 100m buffer zone. The reason was that whilst 100m is applicable in larger catchments, for Botany Wetlands this 100m buffer zone included properties that were not in the catchment and missed properties that had potential to impact on the catchment.

Should you have any queries concerning this matter, please contact Judith Betts, Environmental Scientist, on 9366 3705.

Yours faithfully



C McMahon
MANAGER STRATEGIC PLANNING