

NSW Stage 2 Coastal Reforms

Submission by Coffs Harbour City Council

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1. Local Context

Coffs Harbour City Council is one of 30 coastal Councils spread across the NSW coastline. The Coffs Harbour Local Government Area has 79 kilometres of coastline stretching from Pebbly Beach and Red Rock in the north to Bundagen in the south. Coastal hazard risks, such as coastal erosion, are currently managed by Council and the State Government under the established framework including the *NSW Coastal Policy* (1997), the *Coastal Protection Act 1979* (NSW), and the *Coastal Protection Regulation 2011* (NSW).

As part of the process of establishing a management approach to the issue of coastal hazard risks, Council has developed and adopted a *Coffs Harbour Coastal Processes and Hazards Definition Study* (2011), a *Coffs Harbour Coastal Zone Management Study* (2012) and a *Coffs Harbour Coastal Zone Management Plan* (2013). Council has also adopted a *Climate Change Policy* in October 2013. These documents provide a basis for the prediction of impacts from coastal hazards, and a range of management strategies to inform the community about how coastal erosion will be dealt with in the locality. The Coastal Zone Management Plan was adopted by Council in 2013 and is currently awaiting certification by the Minister for Planning.

Following on from this work, Council has prepared a suite of draft coastal hazard planning control documents (Planning Policy, Planning Proposal incorporating a new coastal hazard clause to the Coffs Harbour Local Environmental Plan 2013, as well as amendments to the Coffs Harbour Development Control Plan 2015) as recommended by the CZMP. The draft planning control documents were placed on public display in early 2015. No decision has been made by Council yet on moving forward with the draft planning control documents in light of the 111 public submissions received by Council in response to the public exhibition.

2. General Comments

Coffs Harbour City Council acknowledges the issues associated with coastal hazard management and welcomes the opportunity to respond to the proposed coastal reforms. Council commends the initiative of the NSW Government in developing the new coastal management framework to address coastal challenges and opportunities.

A modern, integrated framework that suits the unique environmental, social and economic coastal values of NSW is clearly a strong step forward and its introduction is supported by Council.

Council is encouraged that the reforms acknowledge that a disconnect exists between current coastal hazard management processes and the Integrated Planning and Reporting process. It is noted that the reforms will attempt to rectify this issue by placing a strong emphasis on implementation by requiring coastal management programs to be given effect within the local government IP&R framework. This has the potential to give weight to Council's decision-making process regarding coastal management and assessment of development.

3. Asset Maintenance

Under the current State Environmental Planning Policy (SEPP) 14 - Coastal Wetlands and SEPP 26 - Littoral Rainforests, it is very difficult for Councils to maintain infrastructure as the policies prohibit works in these areas. In particular Councils have existing storm-water systems that are located, and discharge in wetland areas.

The regular maintenance of open storm-water channels and outlets is critical to maintaining a properly functioning storm-water system. If Councils are not able to undertake this maintenance it potentially reduces the efficiency of the storm-water system, increasing drainage and flooding problems and can result in flooding of property.

Build-up of mangroves can also lead to ponding of storm-water at outlets and reduce natural flushing resulting in poor water quality. The review of the SEPPs needs to take the maintenance of the various assets that are located in these areas into account and include provisions that permit regular necessary maintenance of those assets.

4. Need to incorporate consideration of local factors and information

While the deliverables of the coastal reforms are intended for state-wide application, local factors will mean that the interplay of various aspects of coastal hazards, including sea level rise, and the diversity and uniqueness of local conditions is likely to result in quite different outcomes and risks in different places.

Coastal policies that address land use planning in the context of the potential impacts of climate change and coastal hazards should take into account:

1. the diversity of physical outcomes that may eventuate from coastal hazards in general;
2. the significant social, economic and environmental impacts that such outcomes may have on the whole local community; and
3. the importance of local research, education and actions.

While the reforms acknowledge these facts, Coffs Harbour City Council feels that it is important that the detailed science based information already acquired in the local area be given due consideration, especially in the application of the SEPP mapping. This information should be considered up front and not as part of a subsequent amendment, as indicated by the reforms.

Coffs Harbour City Council has undertaken a significant amount of work into formulating specific and appropriate risk based coastal hazard (coastal erosion and inundation) mapping and management strategies for the LGA. The work undertaken by Council in accordance with the Coastal Management Manual guidelines and with OEH funding and support should be accessed and consideration given to its inclusion when undertaking the initial SEPP mapping.

Council has detailed mapping of Wetlands, littoral rainforests and coastal hazards, and strongly recommends that this information be incorporated into the proposed mapping of the different SEPP Coastal Management Areas. Further to this point, Council is interested to know whether a draft version of the 'Coastal Management SEPP' will be put on public exhibition?

5. Community education on coastal hazards and Climate Change

Council considers that there is a significant level of uncertainty within local government and the wider community in understanding and dealing with the implications of coastal hazards and climate change in particular. Government policy directions to this point, generally have not provided the framework for the community to make informed decisions. Further, many in the community are unsure about the issue of climate change and sea level rise and much misinformation is circulating throughout the community. A comprehensive community education and engagement program is required.

The State Government should initiate education and engagement programs to facilitate a more consistent community understanding of the proposed reforms and the accepted impacts of coastal hazards, sea level rise and climate change impacts generally. This should be undertaken through appropriate community education and capacity building programs that are guided, resourced and supported by the State Government.

6. Resourcing implications for Council when funding CMPs

Many coastal Councils have already devoted considerable resources to developing Coastal Zone Management Plans, as well as initiatives born out of those plans including development control provisions.

The coastal review documentation mentions that *“The NSW Government is reviewing how it contributes to the costs of coastal planning and management so that future funding programs are aligned with the coastal reforms. The review and any resulting changes to current funding programs will be completed in mid-2016, in line with the finalisation of the new legislation and other elements of the reforms.”*

The documentation also states that the proposed NSW Coastal Management Manual will also *“provide guidance on selecting and funding affordable management strategies through local coastal management programs (CMPs).”*

Whilst any assistance is welcomed by the often stretched budgets of local government, it is disappointing that the above-mentioned funding program review is yet to be finalized when the transition to the CMP process will require the commitment of further resources by all of the relevant coastal council areas.

7. Removal of Clause 5.5 from LEPs – implications for existing or proposed planning provisions ie. LEP and DCP controls

As mentioned in point one above, Coffs Harbour City Council has recently undertaken a lengthy process in determining strategies and planning controls for activities within an identified coastal hazard planning area. The process has demonstrated that there is a need and a role for strong planning and land use decision making tools to appropriately manage activities within these areas.

Coffs Harbour City Council considers that the reforms should provide robust and useful information on protecting both public and private property and reducing the potential risks of coastal hazards and climate change.

The reforms have proposed the removal of clause 5.5 from local environmental plans, the insertion of management objectives for each of the four coastal management areas in the proposed Coastal Management Act and the introduction of development controls

for each coastal management areas in the proposed Coastal Management SEPP. This would also suggest that the introduction of additional coastal hazard specific clauses, such as the one proposed by Coffs Harbour City Council as noted in point one above would not be supported by the State Government.

Further, the absence of LEP clause(s) renders any proposed development control plan provisions as meaningless and without local context.

Therefore, given the dynamic nature of the NSW coastline and the differences experienced from one coastal location to another, Council questions whether state-wide development controls as proposed in the SEPP, especially within the “Coastal Vulnerability Areas” will provide an appropriate response to local conditions.

8. Exempt and complying development within all four Coastal Management Areas

Coffs Harbour City Council feels that the current exempt and complying development provisions should be reviewed within all four Coastal Management Areas. Consideration should be given to reviewing, and potentially applying other controls to these areas.

For example, some exempt development such as fuel tanks and gas storage or fowl or poultry houses may not be appropriate in coastal wetlands or in the catchments of sensitive coastal lakes or lagoons.

9. Support for comprehensive risk management strategies

Coffs Harbour City Council supports the concept of a comprehensive risk management approach, whereby the risk of adverse impacts on future development is appropriately shared by all levels of government and the wider community.

While acknowledging the work undertaken at state and local level to date, the proposed reforms should continue to encourage communities to develop a comprehensive approach to risk management, through collective risk management plans that involve education, community engagement and comment; and ensure that the risks of sea level rise are shared by both government and the wider community in relation to future planning and development decisions.

The work undertaken by Coffs Harbour City Council mentioned in point one above has involved this kind of comprehensive approach to risk management.

10. Sea level rise planning benchmarks

Whilst the short-lived 2009 NSW Policy on Sea Level Rise has been criticised by many in the community, it did provide leadership and guidance from the State Government in a challenging area of local governance. Much of the criticism stemmed from misinformation and misinterpretation of data collected locally and otherwise.

The Coastal Reforms provide a modern, integrated framework that suits the unique environmental, social and economic coastal values of NSW. It is considered that a state-wide approach to sea level rise planning benchmarks (or some sort of similar mechanism) would also provide strength and substance to the framework, and should be revisited in light of the myriad of conflicting information on sea level rise circulating within the wider community.