



Fingal Head Coastcare Inc.

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Fingal Head 2487

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Coastal Reform Team
NSW Office of Environment and Heritage
NSW Government
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Dear Members of the Coastal Reform Team

Fingal Head Coastcare welcomes the opportunity to comment on the changes to NSW coastal protection laws which include

- A) Replacing existing State Environment Planning Policies (SEPP 14 - Coastal Wetlands, SEPP 26 Littoral Rainforests and SEPP 71 – Coastal Management) with a new Coastal SEPP.
- B) Replacing the current *Coastal Protection Act* with a new *Coastal Management Act*
- C) Replacing the current *NSW Coastal Policy* with a new *Coastal Manual*
- D) Redefining the coastal zone with new mapping and new coastal land use categories.
- E) Replacement of Current NSW Coastal Panel with NSW Coastal Council

About Us

Fingal Head Coastcare Inc. (FHC) is a voluntary, incorporated landcare group which has been operating continuously for 30 years revegetating crown land on the Fingal Peninsula. FHC has 166 financial members and has members working four days a week to maintain 33 hectares of regenerated native vegetation which had been destroyed by sandmining during the 1950's and 60's.

The area we manage includes coastal woodlands, dunal and headland vegetation, heath and littoral rainforests and wetlands some of which have been classified as SEPP 26 and SEPP14. All of this is under SEPP 71 and a large part of our area will be classified as Coastal Vulnerability and Coastal Environment Areas so we are obviously very interested in the changes in legislation which will affect the management of these areas.

FHC achievements have been recognised by a large number of awards including 2015 and 2014 state finalists in the NSW State Peabody Environment and Landcare Award. Winning the 2012 NSW Keep Australian Beautiful Award for Environmental Protection and runners up in 2015, 2014, 2013, 2011 and 2008. Runners up in the 2013 Catchment Management Authority Northern Rivers Landcare Award – Coastcare and winners of the 2011 NSW Coastal Conference Community Involvement Award.

General Comment

Fingal Head Coastcare generally welcomes the emphasis on ecological sustainable development, environment protection and community engagement but have concerns about a number of aspects of these reforms.

A. Replacing existing State Environment Planning Policies with a new Coastal Management SEPP.

I. Coastal Wetlands and Littoral Rainforests.

- FHC welcome new mapping of SEPP areas as we consider some of our current SEPP 26 and SEPP 14 boundaries are inaccurate and need to be expanded. However this mapping should include extensive ground truthing and use local knowledge including local landcare and Aboriginal knowledge and experience.
- This mapping and the draft of the the new State Environment Planning Policy needs to be publicly exhibited before the Bill is finalised.
- The new SEPP should retain and enhance the existing protection, assessment techniques and build in compliance measures including maintaining the concurrences from the Secretary of Planning Department or similar body in relationship to wetlands and littoral rainforests.
- The 100m buffer area for coastal wetland and littoral rainforest should be maintained and also apply to land zoned for residential use. For example many of our mature littoral rainforest trees are found on residential land adjacent to the Littoral Rainforests – the buffer zone could provide some protection for these trees.
- Protections for other ecological communities and water bodies identified as being ecologically sensitive to impacts from coastal development activity in coastal environment area should be given the same protections as coastal wetlands and littoral rainforests.
- The Coastal Management SEPP should include Development Controls to ensure these apply to all councils.
- The existing provisions of SEPP 50 – Canal Estate Development, which prohibits any new canal estate development throughout NSW, must be retained in this coastal reform package.

B. Replacing the current Coastal Protection Act with a new Coastal Management Act.

- Replacing the words *coastal protection* with *coastal management* indicates a downgrading of the environmental protection included in this Bill.
- The draft Bill needs to specify legislative protections for sensitive coastal environments. It needs to set limits on development and have mandatory requirements for decision makers in order to achieve effective and meaningful protection for the coast.
- The new Bill needs to include definite compliance and enforcement measures which are not present in the current draft.
- The new Bill needs to ensure that coastal planning and assessment is carried out by qualified experts and subject to rigorous external review.

C. Replacing the current *NSW Coastal Policy* with a new *Coastal Manual*

- The Coastal Manual's key components and development of Coastal Management Programs must be obligatory for councils and enforceable via the legislation.
- The Coastal Manual should ensure that Councils use recognised experts, community input and

appropriate assessment.

- Councils should not be able to move directly from Stage 1 (scoping study) to Stage 4 (exhibition and adoption of a Coastal Management Program) without addressing Stage 2 (detailed studies of vulnerabilities and opportunities) and Stage 3 (response identification and evaluation).
- Greater emphasis should be given to climate change and sea level rise impacts in the Coastal Manual

D) Redefining the coastal zone and defining new coastal land use categories.

- The current coastal zone boundary of approximately one kilometre inland of the coastline, bay, estuary, lake or lagoon and three nautical miles out to the edge of the state coastal waters appears to be the most appropriate definition of a coastal zone and should be fixed.
- The objectives for all the proposed new Coastal Management Areas must include strong protection for coastal environments.
- Once mapped any changes to coastal use areas outside of regular map reviews should be limited and supported by clear scientific evidence. Proposed changes should go through a process of public consultation.

Specifically

i. Coastal Wetland and Littoral Rainforests – (See above)

ii. Coastal Vulnerability Area

- The proposed controls should require that development consent is required for any change to coastal dunes, foreshores, vegetation and wetlands.

iii. Coastal Environment Area

-All vulnerable environmental features in this area should be given the same protection as coastal wetlands and littoral rainforests.

- Cumulative impacts must be considered by consent authorities.

iv. Coastal Use Area

- Objectives should include protecting and enhancing the environment.

- The existing coastal use zone boundary and protections once set should remain unchanged.

- Councils not be able to expand this zone

- Changes to the zone need to be made through Regional Planning Processes and LEP reviews

E) Replacement of Current NSW Coastal Panel with NSW Coastal Council.

The NSW Coastal Council should maintain a development consent role to ensure independent and unbiased decision making

Conclusion: FHC generally support the changes to the NSW coastal protection laws which emphasise protecting and enhancing environmental values, acknowledgement of Aboriginal cultural heritage and use and ecologically sustainable coastal development and land use planning. However FHC request that our above concerns are considered and suggest that compliance and enforcement needs to be addressed at all stages and at all levels.

Submitted for Fingal Head Coastcare Inc. by
Kay Bolton
President