

Dear Sir/Madam,

I own [REDACTED], Blueys Beach, NSW 2428 and hereby object to the proposed NSW Coastal Management Reforms.

My objection is based on the following significant deficiencies and concerns:

The proposed Coastal Management Framework does not address in any real way the issue of existing settlements in regional coastal areas.

- There is no specific section in the Act that addresses adaptation to climate change and any adaptation planning
- The overall focus is on the prohibition and constraint of new development in new greenfield sites
- The issue of between 60 000 and 80 000 existing homes along the NSW Coastline that are impacted by coastal management is ignored.
- The proposed framework should mitigate the projected threat of current and future coastal hazards for existing families and communities, but this issue alone is not properly addressed by these proposals
- This legislation despite the assertions of the NSW State Government and its agencies, is not fit for the future in any way, shape or form. It is almost entirely punitive of existing regional coastal settlements and offers no relief from the unrelenting attack on their wellbeing and livelihood that has been carried out by Councils and NSW government agencies for up to 25 years.
- NSW regional coastal communities need a fresh and optimistic approach to coastal management that does build resilience and encourages economic prosperity and the maintenance of wellbeing for all coastal communities. These proposals do not and cannot achieve such an outcome while they are driven by outdated methodologies and ideologies that have no place in a modern country such as Australia.

The Proposed Coastal Management Act is designed to remove, prohibit and constrain the rights and normally, lawful activity of landowners and coastal communities in regional areas.

- Sydney coastal communities have different less onerous requirements that will have negligible impact on coastal areas that are already fully developed and well resourced. The coastal zone will extend from 50 to 200 metres from the high water mark in Sydney coastal communities.
- The Coastal Zone in regional coastal communities will extend from 500 metres up to 1500 metres landward of the high water mark
- Highly biased towards the environment and against the social, cultural and economic values of individuals and communities impacted by coastal hazards
- Complexity and high levels of technical and legalistic jargon will enable Councils to do as they wish. It will be difficult to challenge them when they apply these proposals according to the ideals of those undertaking the task
- Massive increases in fines from \$250 000 to \$5million will end any good working relationship that currently exists between affected coastal communities and their local council. All councils will comply with the determination of the Minister based on the advice of the Coastal Council
- The Act has 12 objects and 22 objectives that will be impossible to challenge.
- The Coastal Management SEPP has 5 policy objectives, carries forward 12 goals of the Coastal Policy and includes 70 development controls across the four new management area that have the potential to end all future development activity in the Coastal Zone
- The Coastal Zone becomes 4 new coastal management areas each with its own objects, objectives and development controls: Coastal Littoral forests and Wetlands; Coastal Environment – all open and enclosed marine waterways; Coastal Vulnerability – all land threatened by coastal hazards; Coastal Usage – existing and future developed areas.

Management areas will overlap resulting in communities and individuals being required to comply with all objects, objectives and development controls with combinations of only one or two, three or four coastal area for all development including exempt development, renovations and extensions and new developments

New mapping is to be provided for the 4 new management areas but the management areas can be modified and extended through a Local Environmental Plan approved by the Minister

There are 100 metre extension zones for littoral forests, wetlands and coastal usage areas under the proposed SEPP (doesn't apply to Sydney)

There will be a minimum 500 metre landward extension of the coastal environment zone around coastal lakes and lagoons (doesn't apply to Sydney)

A New and Untouchable Coastal Management Authority – the Coastal Council

The Minister appoints the members of the Coastal Council

The Coastal Council will report to the Minister only

Minister determines the Chair

Minister can replace members at any time

Will advise the Minister on compliance of Draft CMP's prior to certification by the Minister

Will advise the Minister on changes to the Manual

Will conduct compliance audits of Councils to ensure compliance with their CMP's

Will police the operations of Councils related to coastal management

Is not subjected to independent oversight and review

Will not include a community representative

Punitive Management Options to become a priority

Planned retreat as a preferred option for coastal management because there is "no cost"

No funding for hard protection works – only planned retreat will be funded

Time limited development consent is resurrected – e.g. where a limit of 40 years is agreed as the time that a development can be retained for and then all evidence of the development to be removed or relocated

New S149 Planning Certificate notations for both S149(2) and 149(5) Planning Certificates

In the proposed coastal vulnerability area – any area threatened by coastal hazards (erosion and flooding/inundation), there will be unsurmountable constraints and prohibitions on any coastal protection

Must use natural defences first and wherever possible by restoring or enhancing natural defences – dunes, vegetation and wetlands

Coastal protection works must avoid any significant degradation or disruption to all aspects of the surrounding environment, amenity, social and cultural values and surrounding public and private assets.

Where coastal protection works cause any damage to the beach and adjacent land, they must be fully restored

Coastal beaches are redefined to be at a distance seaward until the water depth is 40 metres – around 2 kilometres offshore

Beaches in closed waterways and estuaries are defined as extending to a depth of 10 metres

No provision for sourcing off shore sand deposits to support beach renourishment and repairs to beaches

Sand for coastal protection must be approved and then potentially transported in some cases well over 100 kilometres, driven onto a beach and then placed without damaging the beach

There is no opportunity for the involvement of Parliament in any review of the proposed framework of legislation and guidelines

The Manual can be changed by the Minister at any time with changes simply being gazetted

No underpinning regulation to clarify complex issues

The new Coastal Management SEPP can be amended by an LEP to change coastal management areas

Emergency Provisions are still non-existent. Councils will continue to ignore any obligation to protect property

No emergency protection – must be approved by a development approval process and removed after 30 days

Property owners must rely on the local authority to plan for emergency protection and to construct temporary emergency works before the emergency situation becomes too hazardous

No emergency services during a a hazardous coastal storm event

Consultation and engagement with coastal communities has become non-existent in any planning process and remains so under the proposed Coastal Management Act

A failure to comply with Section 16 Consultation, does not invalidate a coastal management program

No absolute requirement to consult when developing a Coastal Management Plans

No minimum periods for consultation

No requirement to advertise or promote consultation processes

No mandatory requirements in the Manual

I trust that the above significant deficiencies in the proposed reforms are considered and addressed.
Yours sincerely,

Fred Grimwade
Fawkner Capital

