

COASTAL REFORMS

The Far South Coast Branch of the National Parks Association is located in the Bega Valley Shire, where much of the coastline is protected in national parks such as Mimosa Rocks NP and Ben Boyd NP.

We welcome the opportunity to comment on the proposed coastal management reforms.

SUBMISSION

1. Coastal Management Bill:

- * More specific definition of coast into four types is an improvement over the previous definition. However, the four areas should more clearly provide consistent protection for coastal environment and public interest values, including the Coastal Use Area
- * Why are beaches not specifically listed in any of the management areas?
- * Emphasis on protecting and enhancing our natural coast is welcome, as is the planning for hazards, which are predicted to increase with climate change and sea level rise. There must be clear requirements and guidance for climate change adaptation and mitigation.
- * Recognising the significant impact of humans is pleasing, which should lead to improved management, to enhance all coastal areas.
- * We are especially pleased that the overriding management is consistent with the principles of ecologically sustainable development, and that the first object of the Coastal Management Bill is “to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience”. Acknowledgement of Aboriginal cultural heritage and use is also welcome.
- * Establishment of a Coastal Council is essential for independent advice. It should also provide advice for an integrated approach to coastal management.
- * Scope of objects and management objectives are generally good.
- * Within the Coastal Environment area, areas that are ecologically sensitive such as water bodies and remnant vegetation should be given management objectives similar to coastal wetlands and littoral rainforests.
- * Within the Coastal Use area, the existing coastal zone boundary (one kilometre inland) should be maintained to protect and enhance the coastal area.
- * There is some concern over the term “appropriate” for development in the ‘coastal use’ area. Who determines what is “appropriate”?
- * The cumulative impact of developments in each coastal area must be taken into account.
- * The repeal of provisions for temporary coastal protection works is also welcome. The new Act will require councils and other consent authorities to be satisfied that proposed coastal protection works do not unreasonably limit public access to or use of beaches and headlands, or pose a threat to public safety.
- * Increased public awareness and education is also pleasing, and must be acted upon.
- * Use of the new manual for Councils to develop their Coastal Management Program must be mandatory and enforceable through legislation.
- * The prohibition on any new canal developments must be maintained explicitly.

2. Coastal Management SEPP

There are 13 questions specific to the proposed SEPP (FSC NPA comments in blue):

Question 1: Should councils be able to propose changes to the maps for all or some of the coastal management areas?

Only if the changes are due to on-site inspections by council officers which show greater protection is required. Any changes should not increase the coastal use area.

Any changes should ensure the first object is fulfilled: “to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience”

The public should be consulted over any changes.

Question 2: Should the development controls be included in the proposed Coastal Management SEPP or as a mandatory clause in council LEPs?

To ensure the application of controls across Councils is consistent with the Objects of the Act and SEPP, the Development Controls should be included in the SEPP.

Question 3: Do the proposed development controls for mapped coastal wetlands and littoral rainforests remain appropriate for that land?

Yes. Concurrence provisions should also be included.

However, what are “sufficient measures proposed to protect the biophysical, hydrological and ecological integrity”?

Who will determine this?

See comment below about buffer zones for both wetlands and rainforests.

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

Yes.

However, if land has been zoned for residential in the buffer zone for both wetlands and rainforests but development has not yet occurred, the land zoning should be changed to protect the buffer zone. There are too many complaints from residents near rainforests about flying foxes, and too great a threat to dwellings from flooding wetlands.

Question 5: Are the proposed development controls for mapped coastal vulnerability areas appropriate for that land?

Yes, however they should be strengthened to protect coastal dunes, foreshores, vegetation and wetlands by specifically requiring development consent for any damage or impact on these areas.

Question 6: Are the proposed development controls for coastal environment areas appropriate for that land?

Yes, if they are strengthened to protect coastal dunes, foreshores, vegetation and wetlands by specifically requiring development consent for any damage or impact on these areas.

Question 7: Is the inclusion of the catchments of the 15 sensitive lakes (listed in Schedule 1) within the coastal environment area appropriate?

Yes. However all ICOLLS need protection, and their catchment protection should be maintained at one kilometre.

Please note Yuraygir National Park has two “y”s. (Schedule 1, page 31).

Question 8: Which is the best option for mapping the coastal use area? Is the proposed approach to mapping of the coastal use area for the Sydney metropolitan area appropriate?

Generally one kilometre landward of mean high water mark. Councils should not be allowed to propose to decrease it.

The minimum distance for the Sydney Metropolitan area should be greater than 50 metres - at least 500 metres.

Question 9: Should councils be able to propose variations to the Coastal Use Area maps over time to take into account local characteristics and circumstances?

Only if it increases protection, and does not allow development that would threaten any nearby other coastal management area types.

Any changes must be advertised.

Question 10: Are the proposed development controls for mapped coastal use areas appropriate for that land?

Yes, Please to see restriction on scale and size of buildings, and that the cumulative impact of developments has to be taken into account, as well as the conservation of biodiversity and ecosystems.

Question 11: Should the current exempt development and complying development provisions be retained for coastal management areas?

Yes

Question 12: Should consideration be given to applying other controls for these areas? For example, what types of exempt and complying development might be appropriate in coastal wetlands and littoral rainforests or in the catchments of sensitive coastal lakes and lagoons?

Yes. We are not qualified to give details, but any development that has the potential to impact on the wetland or rainforest should not be allowed.

Question 13: Should any provisions be retained to allow the use of emergency coastal protection works in emergency situations? What limitations should be put on such works being undertaken by private individuals or public authorities?

The limitations as proposed seem adequate. Restrictions are definitely needed.

However, we have concerns that if works become unauthorised (ie not removed after 30 days), compliance and enforcement is up to the EP&A Act. Proponents need to know they will be prosecuted if emergency works are not removed and become unauthorised.

3. Coastal Management Manual.

An integrated, uniform approach for the entire state is welcome, and should be enforceable and consistent with ESD principles, as should an emphasis on protection and enhancement of coastal values.

Councils must use expert evidence and advice in assessing hazards, while also engaging the community.

Climate change and sea level rise impacts should be given increased emphasis in Part A and Part B, Stage 1 of the Coastal Manual.

Council should have to proceed through all four stage in developing their CMP, even if they are well advanced on current coastal management plans.

In Part B, Stage 5, there should be explicit guidance for integrating community consultations and feedback into the final CMP.