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Submission

to

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on

Draft Coastal Management Bill 2015

Compiled by John Edwards
For the Clarence Environment Centre
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Submission to Draft Coastal Management Bill 2015 (CMB)

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 26 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

To that end we are making this submission expressing our views on the Draft Coastal Management Bill (CMB), in the hope our comments will be taken on board.

Mapping

At the outset we wish to convey our concerns over the fact that, while the Draft document generally displays a satisfactory emphasis on ecologically sustainable development, and has been guardedly welcomed by peak environment groups, no mapping has yet been provided, something we are told will be revealed in due course.

Almost a decade ago, citizen groups across NSW gave a guarded tick of approval to the exhibited Regional Strategies. Sensitive areas, and areas containing high conservation value native vegetation, particularly in more remote coastal communities were seemingly off-limits to future development, with climate change and subsequent sea-level rise figuring strongly in the presented rationale. Growth areas were identified in generally appropriate locations, close to existing administrative centres, on flood-free land with easy access to public transport and other essential services and facilities. However, as with this Draft Bill, mapping was supposedly unavoidably delayed.

Weeks later, that mapping was released revealing large swathes of land adjacent to coastal villages, such as Iluka, had been added to those areas previously identified for future growth. We do not want this happen again. **Therefore we ask that the exhibition period for this Bill be extended, or put on hold, until such time as the mapping is released and stakeholders have had an opportunity to examine the finer details.**

Climate Change

We find it odd that despite the early statement (Section 3f of the Consultation draft) that one aim of the Bill is: ***(f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change",*** there is no mention of the most serious impact of climate change – sea level rise. There are multiple mentions of future "storm events", "erosion of foreshores caused by tidal waters" and damage from "flood waters", but it's almost as though the threat of sea-level rise doesn't exist.

Does the failure to consider sea level rise have anything to do with the fact that the flagged storm and flood mitigation initiatives will be shown to be futile exercises when everything ends up under water in the long term?

The science tells us that we are locked into a warmer world for thousands of years, warming which we are hoping to keep below 2 degrees C, but will nevertheless ensure the melting of ice caps and glaciers which will result in many metres of sea level rise. Current coastal planning regulations require the consideration of sea level rise in determining development approvals, but only to the end of this century, a level fixed about 0.9 of a metre, tens of metres short of the long-term predictions.

This failure to recognise the threat of sea level rise is a real concern to us, and we ask that the Bill be rewritten to reflect those long-term impacts.

Local Council involvement

While generally in favour of delegating planning powers to local councils, we believe that any legislation dealing with the impacts of global warming must be the responsibility of a central government.

We refer to clauses such as:

"Section 10 Matters relating to identification of coastal management areas
(1) LEPs may amend SEPPs to identify coastal management areas

> *For the avoidance of doubt, a local environmental plan under the Environmental Planning and Assessment Act 1979 may amend a State environmental planning policy under that Act to identify a coastal management area (or part of such an area) for the purposes of this Act."*

This leads us to offer a local case as an example of why, a) sea level rise must be taken seriously and, b) Councils should not be given the opportunity to amend SEPPs.

Last year, in response to a strong campaign by landowners in the village of Wooli, whose homes are constructed on a sand dune which is slowly being eroded away beneath them, the Clarence Valley Council put forward a plan to ameliorate the problem.

That plan involved the pumping 600,000 cubic metres of sand every five years for 20 years from Yuraygir National Park to repeatedly replenish the beach (Council resolution 07013/15 June 2015). We believe this ludicrous knee-jerk solution, which everyone knows will, at best, merely delay the inevitable, will be facilitated by the changes proposed by the Bill.

The above case also places a focus on another glaring omission from the Draft CMB, the national park estate, a land tenure that dominates much of the coast line of northern NSW. This omission has to be corrected or acknowledged in some way.

The Clarence Valley Council's **Draft Wooli Beach Coastal Zone Management Plan,** if or when it is implemented**,** will have hugely negative impacts on other areas of the coastal zone, specifically Yuraygir National Park. The anomaly being that these are "risks" to coastal zones that the Draft CMB aims ***"to mitigate"*** **against**, not exacerbate.

In the Wooli case, Council had previously announced a policy of planned withdrawal, a policy that, while probably realistic, did not go down well with the community which mounted a strong campaign against it. This case clearly demonstrates that local councils will bow to pressure, so **we strongly urge the Department to emend the Bill to retain powers relating to management of coastal zones in the face of climate change, instead of off-loading that responsibility on to local councils.**

Weasel words

It must be understood that the effectiveness of any piece of legislation in achieving its desired outcomes, depends to a great extent on its administration, and its compliance monitoring and enforcement.

With this in mind, the legislation must be written in precise language to avoid loopholes that allow interpretations that are not in the spirit of the legislation. For example when we see discussion on critically important issues like - *The management objectives for the coastal vulnerability area,* we expect to read clear-cut directives such as 7(2)(a) asserting that the aim is, *"to* ***ensure*** *public safety and prevent risks to human life".*

However, just 3 subsections later we read the aim [S7(2)(e)] *"to* ***encourage land use that reduces exposure to risks from coastal hazards****,including through siting, design, construction and operation decisions,"* What does an administrator do with that clause? Encourage what? Are those administrators expected to make their own value judgements on suitable "siting and design" which they are only expected to "encourage", not **require**, developers to follow.

Then we have the aim [S7(2)(f)] "*to adopt coastal management strategies that reduce exposure to coastal hazards,*

> ***(i) in the first instance and wherever possible, by restoring or enhancing natural defences including coastal dunes, vegetation and wetlands, and***
> ***(ii) if that is not sufficient, by taking other action to reduce exposure to those coastal hazards,***

Why include the words *"wherever possible"*? It is **always** possible to *"reduce exposure to coastal hazards".* Unfortunately these weasel words always seem to appear whenever new legislation is introduced, almost as though they have been put there deliberately to encourage inappropriate development. We believe elements of the Bill must be mandatory and enforceable, so his 'wishy-washy' language has to be tidied up and the weasel words eliminated.

We thank the Minister for the opportunity to comment.

Yours sincerely

John Edwards
Honorary Secretary