

Jervis Bay Regional Alliance

VINCENTIA 2540

Coastal Reform Team,
Office of Environment and Heritage,
PO Box A290,
Sydney South,
NSW 1232.

Jervis Bay Regional Alliance Submission to the NSW coastal reforms

Dear Coastal Reform Team,

The Jervis Bay Regional Alliance (JBRA) is an environmental advocacy group covering the coast from Culburra Beach to Sussex Inlet and the catchments and ecosystems of Lake Wollumboola, Jervis Bay and St Georges Basin. The JBRA appreciates the opportunity to comment on the proposed coastal reforms because, as our area of interest will indicate, coastal zone management is a key issue for our group and our area of interest is biologically diverse and of great economic importance to the region.

There are several elements of the draft Bill that we support. In particular it is positive that:

- The Government is being proactive and showing leadership in ensuring strategic planning is required in the coastal zone;
- The principles of Ecologically Sustainable Development are to be applied;
- The objectives of the Bill identify protecting and enhancing environmental values; acknowledge Aboriginal cultural heritage and use; consider future as well as present risk; require consideration of climate change and require consideration of the dynamic nature of the coast;
- An independent Coastal Council is proposed which will audit council's implementation of the reforms.

In contrast, there are some elements of the draft Bill that raise immediate concerns. Such as:

- The lack of provision in the draft Bill for the acquisition of high conservation value land, which is provided for in the current Act. This provision should be retained, as developing habitat corridors to ensure resilience in the face of climate change is unlikely to be achieved solely through voluntary means (for example). Additionally, the Comprehensive, Adequate and Representative reserve network is well developed but not yet complete. Provision to purchase land to build the reserve system is therefore important.
- The draft Bill appears to be light on compliance and enforcement. Given the coastal zone will experience much of the projected population growth of NSW in the next 30 years, it is essential that the requirements in the Coastal Manual are mandatory and enforceable, not at the discretion of councils.
- Potential to improve consideration of the protected area network in Management Zones (expanded on below).

Table of recommendations

For convenience, we have inserted a table of recommendations at this point. The reasons for each recommendation are discussed more fully in the text.

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We would like to make several suggestions on other elements of the draft Bill that we believe the Government should consider when finalising the Bill. These are outlined in turn below.

1. The name of the new Act

The new title (Coastal Management Act) does not reflect an objective as did the old title (Coastal Protection Act). Although the objects are what outline the intention of an Act, it is useful for a piece of legislation to have a title appropriate to its intention too. Management in and of itself can result in good or bad outcomes, depending on the quality of management. Therefore, simply managing the coast is not the objective of the Act. We suggest the Government consider an alternative title, such as the Coastal Resilience Act; the Coastal Conservation Act; or, preferably, stick with the Coastal Protection Act.

2. The objects of the new Act

The overall objective is broadly laudable, however emphasising exclusively the wellbeing of people excludes the wellbeing of nature. There is a rich diversity of plants and animals that share the coastal zone, and they have an intrinsic right to persist on the coast alongside people. We suggest an amendment to the overall objective along the lines of: "to manage the coastal environment of NSW consistent with the principles of ESD for the social, cultural and economic wellbeing of the people of the State and for the protection of biodiversity."

There is no specific object in the draft Bill to identify and protect Aboriginal cultural heritage sites in the coastal zone. Information is lacking on Aboriginal sites and values, and a key object of the Bill should therefore be to 'comprehensively investigate, document and protect Aboriginal sites in the coastal zone'.

Object 'd' refers to supporting 'sustainable coastal economies'. This is a good example of how the word 'sustainable' no longer refers to 'ecological sustainability'. It is very important to have sustainable coastal economies (i.e. coastal communities where inhabitants can derive ongoing income), but this economic success cannot come at the cost of the natural environment. In fact, local economies in our area derive much of their income from tourism, which is dependent on the maintenance of the natural values of the area. Therefore we believe that this objective needs to be amended to better reflect the need to ensure economic development does not come at the cost of the environment. For example: 'healthy and thriving coastal economies are supported by ecologically sustainable coastal zone management that maintains the natural values indefinitely.'

3. Definitions

Accurate definitions are welcomed. However, we believe that there are inadequate definitions that pertain to ecological communities and ecological processes. For example, coast-specific ecological communities and species could be detailed, as could processes such as ecological connectivity and terminology relating to protected areas on land and in the ocean.

Intermittently Closing and Opening Lakes and Lagoons (ICOLLs) do not appear to have been considered in the definitions of estuary and foreshore. ICOLLs are a peculiar habitat type and their intermittent nature means they may not fit comfortably into the above definitions. Specific reference should be made to ICOLLs to ensure there is no ambiguity that may result in failure to adequately consider ICOLLs.

4. Coastal Zone management areas

The division of the environment into 'coastal wetlands and littoral rainforest' and 'coastal environment area' is a carry-over from previous SEPPs. However, incorporating this division into the new Bill appears to imply that coastal wetland and littoral rainforest are being given greater weighting than other environments—a perception supported by the hierarchy of management objectives. Although coastal wetlands and littoral rainforest are undoubtedly of great ecological value, we believe that it would be more appropriate to consider the conservation status of all coastal ecosystems and their underlying abiotic features holistically and afford them the highest priority. We have already heavily fragmented and cleared much of our coastal habitats, and conservation of what is left should be a key focus. Note, this is not a suggestion to disregard the existing SEPPs in the new Act, rather to adequately consider protection for other ecosystems not subject to a SEPP.

In order to achieve this, we recommend that the advent of a new Bill should be used to remap all coastal ecosystems using the best available technology (see mapping section). The SEPPs relevant to littoral rainforest and wetlands are now old, so simply carrying those SEPPs, including their mapping, over into a new Bill would be very unlikely to achieve the best conservation outcomes. For example, since SEPP 26 was adopted, littoral rainforest has been listed as an Endangered Ecological Community under the NSW Threatened Species Act. It is also a critically endangered ecological community under Federal legislation. The determination by the NSW Scientific Committee (2004) stated that:

"Littoral Rainforest occurs in numerous, small stands and in total comprises less than 1% of the total area of rainforest in NSW. The largest known stand occurs in Iluka Nature Reserve, which is approximately 136 ha. Many, but not all, stands of Littoral Rainforest have been included in mapping for State Environmental Planning Policy 26 Littoral Rainforest, but degradation of the ecological community is still occurring."

This highlights the need to take the opportunity of a new approach to coastal zone management to re-assess the conservation status of all coastal ecosystems using the best available mapping technology and on-ground assessments.

Consideration should then be given to creating a new Management Area 'Coastal Protection Area' or 'Coastal Conservation Area' which would consider all ecosystems, their conservation status and appropriate management, and afford them the highest priority in the management hierarchy.

The Government should also consider specific consideration of the protected area network. In the Jervis Bay area (as in much of coastal NSW), there are several national parks that fringe the ocean, as well as a Marine Protected Area (MPA). Although MPAs are managed under a separate Act, there is a strong interaction between terrestrial National Parks and MPAs, in that National Parks buffer MPAs by reducing sedimentation and maintaining water quality. Because national parks are public land, have been the subject of much public investment, are integral to the local economy and of key importance for both conservation and recreation, their protection is of paramount importance.

We therefore suggest the Government include a separate management area: 'Coastal Protected Area Network and Zone of Influence'. The 100m buffer zone that is proposed for coastal wetlands should also apply around terrestrial protected areas and any water bodies feeding MPA. This would ensure that threats such as weed invasion into protected areas are minimised and reduce the risk of pollution into marine protected areas, thus maintaining water quality. It would also serve the function of enhancing connectivity, therefore increasing resilience to climate change.

Note that were the previous recommendation (create a Coastal Protection Area) correctly designed and implemented it could potentially adequately cover protected areas. However, in the current format the draft Bill does not adequately address protected areas.

5. Climate change

Although it is very welcome that the draft Bill mentions climate change in the objectives, we believe that climate change considerations should be dramatically strengthened. For example, climate change should be explicitly included in the objectives of Management Areas (including our proposed Coastal Protected Area Network and Zone of Influence). This is particularly important in the Coastal Vulnerability Area, as climate change, associated sea level rise and increased storm severity will only serve to increase vulnerability.

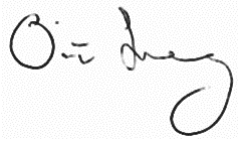
The reforms should also provide clearer guidance (and enforceable requirements) on climate change adaptation in regards the environment. For example, provisions to ensure high quality east-west and north-south migratory habitat corridors are included in coastal management programs are vital to ensure species can persist in the face of climate change and can seek refuge in times of extreme weather events.

6. Mapping

We are not sure what mapping techniques the government proposes to use in its coastal zone mapping. For example, is it proposed to map to the scale of Plant Community Types, or a broader vegetation class? What will these maps be subsequently use for? Mapping is a vexed issue in NSW and there is no state-wide vegetation map currently available. Maps produced by local councils therefore have the potential to be extremely variable in quality. The Government should consider how it will determine whether the maps produced in a coastal management program are accurate enough to ensure adequate protection of coastal zone assets. One way could be to prioritise and fund the mapping of the coastal zone using expert digital aerial photographic interpretation and on-

ground verification so that the Government can be confident that maps in all management programs are produced using a standard, reliable methodology.

Please do not hesitate to contact the JBRA either by post or via the contact details below if you wish to discuss an elements of this submission:

A handwritten signature in black ink, appearing to read "Oisín Sweeney". The signature is written in a cursive style with a large, looping 'S' at the end.

Signed on behalf of the Jervis Bay Regional Alliance by Dr Oisín Sweeney

