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To Whom it May Concern

Please find below my submission re the proposed Coastal Management Reforms.

The idea of refining and improving the current coastal management regime which supports ecological sustainability and the public interest is supported.

However, it appears that the draft reforms as they stand, look very much like a new house which is being built very carefully with lots of good materials and inclusions but with no plans to actually build the roof that will protect the good work that has been done. As a consequence, what we will be left with is a pretty edifice which will very quickly turn into a ruin.

The first test question is – will the environment be more effectively protected as soon as the changes are brought in?

The answer to this question would appear to be a clear and resounding NO. It seems that many of the protections are conditional on the preparation of accurate maps, an effective (yet to be revealed SEPP) and multiple Coastal Management Plans, which may or may not ever be created and/or adopted and, even in the most favourable case, may take many years to be developed. In the mean time, relatively effective protections will be removed and nothing will be in their place.

Test question 2

Are there effective compliance/ enforcement provisions in the reforms (including details of who is responsible for this and funds to carry out these functions). Can the community notify any breach and ensure it is acted upon? Are there clear and commensurately sized sanctions for any breaches which will act as a deterrent and punish those who seek to act against the public interest?

There are also no effective enforcement provisions or sanctions for breaches which would make these reforms workable. So It would seem the answer is no to all the above questions.

Test Question 3

Will there be adequate resources to implement the reforms.

Again, given what we know about Council finances the answer would appear to be No.

Test question 4

Are all the relevant documents on exhibition so that their collective impact can be assessed as part of this consultation process.

It seems not – the single SEPP is not available, there are not compliance provisions. The maps are not available.

These are the big factors which need to be addressed in the drafts.

I also submit the following detailed points which are generally consistent with those compiled by the NCC for consideration:

Coastal zone/coastal management areas

1. The proposed new Coastal Management Areas must be further refined to provide **clear and consistent protection for coastal environmental and public interest values**, including within the Coastal Use Area.
2. **Existing protections for coastal wetlands and littoral rainforests should be retained and enhanced in the new SEPP**, including important **concurrence and assessment requirements**.
3. **Protections for other land and water bodies** identified as being ecologically sensitive to impacts from coastal development activity (coastal environment area) should be consistent with the protections for coastal wetlands and littoral rainforests, and **the management objectives for these areas should be accorded higher priority** than Coastal Vulnerability and Coastal Use Areas.
4. Objectives for **protecting and enhancing the environment should be included in the Coastal Use Area**. The existing coastal zone boundary (generally 1km inland) should be used to retain current protection measures, and be fixed (unable to be increased or decreased).

Coastal Management Programs

5. **Requirements for councils developing coastal management programs** set out in the proposed new Manual **must be mandatory, enforceable within a specific timeframe** to ensure that councils are using the best science, engaging local communities and adequately assessing and responding to threats to the coastal environment.

NSW Coastal Council

6. **A newly established Coastal Council is generally welcomed**, however its functions and membership should be expanded to provide advice on an integrated approach to coastal management, including policy, strategic functions in relation to the new Act, and community engagement. **It should include at least 2 representatives with strong scientific experience and qualifications.**

Climate change impacts

7. The coastal reform package must provide **clearer requirements and guidance for climate change adaptation and mitigation**, including in relation to flora and fauna species migration, more extreme weather events, increased flooding and inundation and sea level rise.

Compliance and enforcement

8. Key elements of the coastal management package, including crucial requirements under the Coastal Manual, **must be mandatory and enforceable.**

Reform process

9. The Government must publicly exhibit key elements of the coastal reform package, including the **coastal zone mapping and the draft text of the proposed new State Environmental Planning Policy prior to the Bill being finalised**. Mapping must be based on robust techniques at a meaningful scale and be ground-truthed.

Coastal Management Bill 2016

- The draft Bill itself does not establish any legislative protections for sensitive coastal environments. It does not set any limits on development or include mandated requirements for decision makers. In order to achieve effective and meaningful protection for the coast, key controls and decision making requirements must be established in legislation.

Coastal Manual

- Greater emphasis should be given to climate change and sea level rise impacts in Part A and Part B, Stage 1 of the Coastal Manual.
- It is of concern that councils could 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), particularly given that the consideration of important issues, such as social and cultural values, vegetation, biodiversity and ecological integrity, hydrology, and water quality is required at Stage 2.
- Part B, Stage 5 should provide further guidance on how feedback provided during public exhibition will be responded to or incorporated into the final Coastal Management Program.
- The Coastal Manual provides **far too** much discretion for local councils. Key components of the Manual must be obligatory for councils and enforceable via the legislation.
- The Coastal Manual must ensure coastal management programs are strategic, adopt an integrated approach, consistent with ESD principles, are consistent with an hierarchy of objectives which accords priority to assessment of and planning for Coastal Wetlands, Littoral Rainforests and Coastal Environment Areas ahead of and as the foundation for Coastal Vulnerability and Coastal Use Areas.
- The Coastal Manual should also ensure that Councils are relying on recognised expert, peer-reviewed evidence and advice and appropriate assessment in responding to existing and predicted threats to the coastal environment, whilst providing for community engagement throughout the process.

Quality Control

- Mechanisms should be established under the new framework to ensure that coastal management planning and impact assessment is carried out by qualified experts and subject to rigorous external review.

Cumulative Impacts

- The new framework must include mechanisms for ensuring that the cumulative impact of development on sensitive environments is taken into account in coastal management planning and development assessment.

Floodplain management issues

- The reform package provides limited integration between coastal management and floodplain management. This is a significant gap, given the overlap between increased coastal flooding and inundation, with threats of sea level rise and increased storminess and more intense catchment runoff arising from climate change.

Land acquisition provisions

Given the significant environmental values and the vulnerability of the coastal zone, existing coastal land acquisition provisions need to be retained.

SEPP 50

The existing provisions of SEPP 50 – Canal Estate Development, which prohibits any new canal estate development throughout NSW, must be transparently retained in the coastal reform package !!!

Coastal Management State Environmental Planning Policy

The following points respond to the nine questions outlined in the 'Coastal Management State Environmental Planning Policy - Statement of Intended Effect'

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

Given that substantial research and analysis will be undertaken to prepare the initial maps, there should be limited need for councils to change maps. Any changes outside of regular map review should be strictly limited and supported by clear scientific evidence. Proposed changes must also go through a process of public consultation.

- **Question 2. Should the development controls be included in the proposed Coastal Management SEPP or as a mandatory clause in Council LEPs?**

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

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

The existing controls for mapped coastal wetlands and littoral rainforests should be maintained, including concurrence provisions.

- **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. Further, the 100m buffer area of a coastal wetland should apply to land zoned for residential use.

- **Question 5. Are the proposed development controls for mapped coastal vulnerability areas appropriate for the land?**

Further development in coastal areas that are vulnerable should not be allowed.

- **Question 6. Are the proposed development controls for coastal environment areas appropriate for that land?**

The proposed development controls are appropriate, but can be strengthened by requiring that the consent authority establish that the proposal meets the criteria, and requiring the consent authority to consider cumulative impacts [and to apply the precautionary principles.](#)

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

Yes, it is very important that the conservation value and sensitivity of these lakes and lagoons are recognised by constraining development that would adversely impact on these values. **However the coastal zone applicable to other coastal lake catchments should remain at 1 kilometre .**

Question 8. Which is the best option for mapping the Coastal use Area?

The existing coastal zone boundary would be the most appropriate, given that no case for change has been made. Therefore the current boundary should be used to retain current protection measures, and be fixed.

- **Question 9. Should councils be able to propose variations to the Coastal Use Area maps over time to take into account local characteristics and conditions?**

Generally NO . If Councils wish to expand the development footprint in parts of their Region, this should be done consistent with Regional Planning Processes and review of LEPS.

Yours sincerely

Sue Ellis