

Boomerang & Blueys Beach Group

PO Box 88 Pacific Palms NSW 2428
02 6552 9333
boomerang128@bigpond.com

3 March 2014

Mr Sam Haddad
Director-General
NSW Department of Planning & Infrastructure
23-33 Bridge Street
Sydney NSW 2000

Dear Director-General

Coastal Hazards Draft Planning Circular

The Boomerang & Blueys Beach Group (BBBG) commends the NSW government for initiating a review of the way Councils disclose coastal hazard information and notations in Section 149 Planning Certificates – as outlined in the 30 January draft Planning Circular.

BBBG further commends the NSW government for requiring a rational and consistent approach by Councils, based on evidence based data and information, available current research and technical advice.

However we continue to have serious concerns about the coastal hazards process in NSW – particularly in relation to draft Great Lakes Council (GLC) LEP, currently being processed by your Department – including

- ❖ Flawed coastal hazard provisions in draft LEPs – and Clause 7.4 of the draft GLC LEP (previously 7.9), should be deleted until objective evidence based studies are completed, professionally reviewed and adopted
- ❖ Any reference to removal, relocation or removal of a development should be deleted from LEPs – particularly following the recent successful Hawks Nest / Jimmys Beach Land & Environment Court appeal
- ❖ Minimal community consultation by GLC – and use of the Boomerang & Blueys precedent to recently apply similar controls to all other GLC coastal communities and properties

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- ❖ GLC consider their studies and policies are evidence based – even when BBBG has comprehensively illustrated that the 2011 Boomerang & Blueys study was not evidence based and was in fact a desk top study based on inadequate data, false assumptions and IPCC projections

In relation to the draft Planning Circular we provide the following comments and recommendations

- ❖ Coastal Councils, including GLC, should support this NSW initiative – such that all 149 Certificates are evidence based and consistent state wide
- ❖ 149C to be evidence based – and include beachfront and hinterland coastal zones similar to attached Queensland government approach
- ❖ 149C to only refer to any genuine exposure to a present hazards – as it is unreasonable for an evidence based approach to consider exposure to future hazards
- ❖ 149C to be essentially 'buyer beware' in relation to coastal hazards etc – with relevant and appropriate investigation etc the responsibility of the land owner rather than the Council
- ❖ 149C to replace the need for expensive and inconsistent coastal studies currently being prepared by Councils – eg GLC studies are based on IPCC projections rather than evidence based local conditions
- ❖ The NSW government should provide accurate and comprehensive scientific advice on coastal hazards, clearly define evidence based criteria & provide formal directions to Councils – with related LEP provisions & 149 Certificates on hold pending resolution of this state wide initiative

We are available to discuss any aspect of this submission at your convenience.

Regards



MICHAEL FOX AM
Chair

Representing 75+ Boomerang & Blueys beach front property owners

Boomerang & Blueys Beach Group

(Draft amended) Coastal Management Plan

Part 1—Introduction

Purpose

The Coastal Management Plan is prepared under the *Coastal Protection and Management Act 1995* (Coastal Act) to describe how the coastal zone of Queensland is to be managed (see figure 1 – Coastal zone). This plan provides direction and guidance for activities that may affect Queensland's coastal resources to achieve the objects of the Coastal Act, which are to:

- provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity
- have regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone
- ensure decisions about land use and development safeguard life and property from the threat of coastal hazards, and
- encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

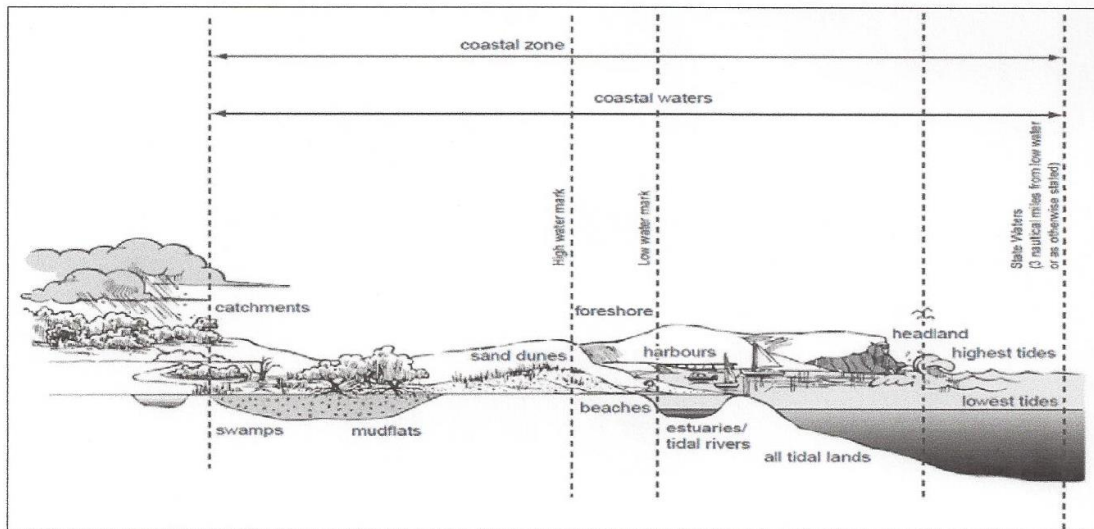


Figure 1: Coastal zone

Coastal resources consist of the natural and cultural resources of the coastal zone and include physical features, processes, places or objects that have ecological, economic or social value.

Queensland's coastal resources include Queensland's coastal waters, 1165 offshore islands and cays, and land along its 6900 km of coastline. They also include matters of state environmental significance (MSES) such as the conservation estate (national and marine parks and world and national heritage areas); listed threatened or migratory species; regional ecosystems or ecological communities; internationally significant or high value wetlands and waterways; roosting and nesting areas and areas set aside to satisfy an obligation to provide an environmental offset. MSES are more specifically defined in the glossary. Maps of areas where MSES are likely to be located are available on the Department of Environment and Heritage Protection website at www.ehp.qld.gov.au.

Coastal resources have significant natural resource and ecosystem service values that support the state's economic and social prosperity (see Table 1: Coastal resources, values and pressures).

Coastal environments are constantly changing because of dynamic natural processes such as tides, waves and storms; creating a unique set of management challenges. However, it is the community's high demand to use coastal resources including land on the coast that puts the greatest pressure on coastal environments. This can result in coastal resources becoming degraded, or used for purposes contrary to the objects of the Coastal Act. The Coastal Management Plan is one of the tools used to address these pressures.