

3 March 2014

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

Lodged by email 3 March 2014

Dear Director-General

Coastal Hazards Draft Planning Circular

1. This submission is presented under the following headings:
2. INTRODUCTION
3. DETAILS ABOUT US
4. SUBJECT MATTER OF PLANNING CIRCULAR
5. MANDATORY, NOT DISCRETIONARY
6. DETAILED DEFINITIONS MUST BE EXPANDED
7. ADOPTION OF CURRENT, NOT FUTURE COASTAL HAZARDS DOCUMENTATION
8. PANEL OF EXPERTS
9. EXISTING VERSUS GREENFIELD DEVELOPMENTS
10. CHANGE TO EXISTING REQUIREMENTS
11. CONCLUSION

2.Introduction.

My wife and I wish to commend the NSW Government for their initiative in reviewing the manner in which Coastal Hazards information is reported by NSW councils. We strongly support this initiative.

3. Details about us.

We are both in our mid to late seventies and have a beachfront home at Boomerang Beach 2428, and are currently affected by the Great Lakes Council (GLC's) current approach and procedures relating to Coastal Hazards. This submission only seeks to cover beachfront Coastal Hazards.

Council actions in respect of Coastal Hazards have caused a significant loss of value to our property and severely affected the future potential for us to sell our home to pay for, current commitments, future medical and health expenses, and future specialized retirement and nursing home accommodation. Apart from this loss of value, it is likely that our property is currently not saleable at a reasonable price.

4. Subject matter of Planning Circular

This submission deals with beachfront Coastal Hazards issues, and also covers the under noted related documentation and action areas;

- * SECTION 142 CERTIFICATES
- * DA'S
- * LEP'S
- * CZMP'S

Whilst we understand the current proposal deals with Section142 Planning Certificates, we believe the NSW government (NSWG) must also deal with the issues of DA'S, LEP'S, CZMP'S as failure to deal with Coastal Hazards as included in these additional documents will render the effectiveness of the Section 142 initiative, significantly reduced. Whilst it is early days, indications are that current policies and procedures of GLC will enable the GLC to continue to carry on with their draconian and discriminatory actions against beachfront property owners.

5. Mandatory not discretionary

Policies laid down by NSWG in respect of Coastal Hazards must be mandatory and not discretionary. Policies to be implemented by NSWG, in respect of the four areas listed in paragraph (4) above should be consistent in content, and drafted in such a way that they can be made mandatory, not discretionary, in respect of all affected NSW Councils.

It appears that currently Councils are being advised by their lawyers and possibly insurance brokers to ignore current pronouncements by the NSWG on the basis that such pronouncements do not have the force of the law. This then enables councils to continue adopting earlier global climate change projections and prepare coastal risk maps based on these projections which are hugely uncertain as to their future accuracy

and renders such actions by council as discriminatory and damaging to beachfront owners.

6. Detailed definitions must be expanded.

Every Item included in the proposed policy should have comprehensive definitions so that both councils and property owners have no doubt as to the meaning of all terms. If this is not done, both Councils and property owners will find ways to interpret such terms to suit their own intentions and requirements.

Failure to have such comprehensive definitions will potentially result in costly legal advice for parties wishing to dispute the actions of the other side.

7. Adoption of current, not future Coastal Hazards documentation.

In respect of the four documents listed in paragraph (4) above, these should only deal in detail with current and likely immediate Coastal Hazards. They should not include any detailed provisions, relating to potential future Coastal Hazards except for "buyer beware" type wording. The subject of future potential Coastal Hazards should be deferred and subject to exhaustive study by the relevant Government departments and a selected body of independent, objective & scientific experts on Coastal Hazards and should be based on actual, local evidence and only then should decisions on future Coastal Hazard issues be made by local councils.

8. Panel of experts

A panel of highly qualified independent and objective experts from all disciplines dealing with Coastal Hazards should be set up by the NSWG. This panel should be charged to the duty of coordinating and processing all aspects of Coastal Hazards and related erosion subjects. They should have independent legal status and answerable to NSWG.

Initially they should be responsible for researching all areas covered in this submission and related areas. This initial research should be carried out before adoption of any policies in respect future Coastal Policies, by NSWG and Councils. Clearly, Councils will need to adopt some policies in respect of immediate Coastal Hazard issues. However such immediate policies should be adopted so as to assist property owners, not to penalize them.

This panel of experts must be responsible to supervise and endorse all work on Coastal Hazards for the NSWG and Councils and replace costly, inconsistent, and duplicated work being carried out by each of Coastal Councils. Councils must be obliged to consult with this body on all matters of policy, direction and detail on issues relating to Coastal Hazards and relating subjects. This process will enable consistency between NSW Councils.

It is noted that the Coastal Hazard study of Boomerang & Blueys beaches carried out 2 to 3 years ago by Consultants on behalf GLC has a major qualification as to the basis of their work, and recommends significant additional work before adoption.. Despite these

facts the GLC has not carried out this work and has adopted the study in its flawed state. Further, GLC based its discriminatory Coastal Hazards provisions on this flawed study. A panel of experts, with the backing of the NSWG as proposed, would help ensure that this unjust outcome is reversed by Council and does not happen in future.

9. Existing versus Greenfield developments

Policies designed to be used in respect of Greenfield coastal developments should not be applied to existing beach front areas, which are currently more than 50% developed. Purchasers of beach front properties should not be required to meet numerous recent Council requirements for projected future risks which were not in operation when these areas were initially developed. Such discriminatory requirements, if introduced or required on existing or future beachfront DA's could render current and future beachfront properties valueless.

10. Change to existing requirements

Unfair existing requirements of Councils relating to Coastal Hazards, included in any of four documents mentioned in paragraph (4) above, and which do not confirm with policies proposed to be developed in respect of Coastal Hazards, and particularly as included in this submission, should be required to be removed immediately, from existing documentation as set out paragraph (4) above.

11. Conclusion

We look forward to your review of the foregoing and related matters and to their resolution, in a manner which is realistic, fair and equitable to all stakeholders.

Yours faithfully,