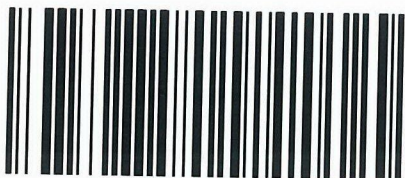


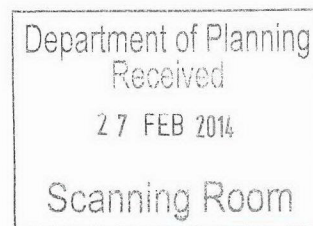
EMPIRE BAY PROGRESS ASSOCIATION INC
PO BOX 5018 EMPIRE BAY NSW 2257
'Caring for the Community'



PCU51632

25th February, 2014.

Ms Santina Camroux,
Coastal & Natural Resources Policy Branch,
NSW Department of Planning & Infrastructure,
GPO Box 39,
Sydney NSW 2001.



Dear Ms Camroux,

**Submission – Planning Circular,
Coastal Hazard Notations on Section 149 Planning Certificates.
Submitted by Empire Bay Progress Association.**

Empire Bay is a small community located on the Brisbane Water Estuary in the Gosford NSW LGA.

A few years ago Gosford Council encoded a large number of properties in the Gosford LGA with Section 149(5) with warnings of sea rise level projections of 90cm by 2100. This had unforeseen consequences on people affected by this zoning. Following complaints and a public protest, Gosford Council withdrew its 149(5) encoding. Upon further investigation of the Flood / SLR hazard, Council now acknowledges the affects would be not as devastating.

After reading the Minister's planning circular we feel there are some shortfalls. We wish to list some points of concern below.

1. The Section 117 Ministerial Directive seems critical to the outcome of the process yet the content or intent of such directive seems to remain unstated. Further, it is our belief that a Section 117 holds no weight under the legislative framework of this planning circular, so is null and void.
2. We feel there is a significant conflict in the criteria in the Placement of a Notation on a Section 149(5) Certificate as stated by the Minister, as opposed to that stated on page 14 of the ESD Principles in the NSW Coastal Policy 1997.
3. The recent Federal Productivity Commission Review of “Barriers to effective climate change adaptation” focused on the importance of the government ensuring the wellbeing of communities projected to be affected by climate change.
Your proposal does nothing the enhance this concept and seems to be distancing the State from future liability while placing councils in a lead role. We feel local councils are poorly resourced and will find it hard to address these issues in the future. In recent years councils have brought in punitive actions against residents to mitigate any future liability, which is most unfair.

President: Jan Consoli. Ph: 4369 3195 Mob: 0402 246 427


Secretary: Pam Clifton Ph: 4369 5418

4. The two most negative policies brought in by NSW coastal councils, Time Limited Development Consent and Planned Retreat are not mentioned by the Minister.

5. In Gosford LGA our council is about to complete its Flood Management Study for Brisbane Water, and will then commence a Climate Change Management Plan to address future challenges. The Minister's instruction to encode properties with Section 149(5)/SLR warnings will lead to negative impact on local property owners.

We hope you will give consideration to our concerns.

Yours faithfully,

A handwritten signature in cursive script that reads "Jan Consoli".

Jan Consoli,
President.

Empire Bay Progress Association,
P O Box 5018,
Empire Bay. 2257.