



15 December 2016

Director Environment and Building Policy
GPO Box 39
SYDNEY NSW 2001

Contact: Bo Moshage
Our Ref: DOC2016/067852
Your Ref:

Dear Sir/Madam,

Coastal Reforms

Council is making this submission in response to the Department seeking feedback on the draft Coastal Management State Environmental Planning Policy (SEPP) and its accompanying Coastal Management Area mapping.

While on the surface, it would appear that the exhibition material, including Planning Circular - Notification on Section 149 Planning Certificates for land affected by the draft Coastal Management SEPP (PS16-003) has omitted the Cessnock City Council from the list of Local Government Areas affected by the proposed reforms a review of the supporting draft SEPP mapping identifies two areas within the Cessnock LGA where it applies: Pambalong at Stockington (Figure 1) and Wallis Creek at Clifftleigh (Figure 2).

The Pambalong area at Stockington supports the Pambalong Nature Reserve, which covers 34.674 hectares on the western side of the of the M1 Motorway, 2km north of Minmi and approximately 20km north-west of Newcastle. The Reserve was gazetted on 1 December 2000 over former farmland acquired by (then) Roads and Traffic Authority during construction of the motorway.

Pambalong Nature Reserve is a freshwater wetland at the lower end of the Blue Gum Creek catchment, just before the creek enters Hexham Swamp. The entire area of the Reserve lies below the 10m contour, and most of the Reserve is marshland or open water. The Blue Gum Creek catchment is relatively undisturbed and runs from the slopes of Mount Sugarloaf, approximately 8km south-west of the reserve, north-east to Pambalong Swamp and Hexham Swamp. The catchment is still largely forested and provides bushland views of ridges and mountains from the Reserve. Historic information and recent experience shows the swamp dries out during extended dry periods.

Prior to its gazettal as a Nature Reserve the wetland was listed under State Environmental Planning Policy 14 (SEPP 14), which controls developments at or near coastal wetlands. The area shown as yellow in Figure 3 represents the only areas of SEPP 14 wetland within the Cessnock LGA and is accurately identified as 'Coastal Wetlands' on the supporting maps. The 'Proximity Area for Coastal Wetlands' around Pambalong at Stockington is also correctly applied as shown in Figure 4. The inclusion of the Coastal Wetlands and Proximity Area for Coastal Wetlands around Pambalong at Stockington in the draft SEPP is supported.

The Wallis Creek catchment is situated inland from the coast, about 30km due west of Newcastle. The catchment has a history of flooding, particularly in their lower reaches near Maitland. The lower reaches of Wallis Creek is also susceptible to flooding from the Hunter River, which can spill into adjoining floodplain areas during major events.

At Cliftleigh, the upper reaches of the Wallis Creek has been identified as 'Coastal Environment Area' and mapped accordingly as shown in Figure 5. However, the application and relevance of the 'Coastal Use Area Map' as it applies to this area is confusing and is not supported by Council.

For example, while it appears that the Coastal Use Area has been omitted from large parts of the Pambalong Wetland at Stockrington, the Coastal Environment Area identified for Wallis Creek at Cliftleigh incorporates an approximately 900m Coastal Use Area buffer. Figure 6 and Figure 7 shows the Coastal Use Area as they apply to Stockrington and Cliftleigh respectively.


Council is concerned that the application of the Coastal Use Area, in particular Clause 15 of the draft SEPP, is not relevant to the Cessnock LGA. For example, Clause 15 applies to development on land within the coastal area. However, considerations relate to traditional coastal aspects (beaches, headlands rock platforms and surf zones) and not those of a floodplain.

Council believes that the direct application of the E2 - Environmental Protection zone in Cessnock Local Environmental Plan 2011 provides a targeted response to the wetland protection. For example, in addition to the sites described above, a number of significant wetlands within the Cessnock LGA including Ellalong Lagoon, Mill Swamp, Wentworth Swamps, Testers Hollow and John Browns Lagoon/Colliery Dam were identified in Council's City Wide Settlement Strategy for protection through land use zoning, including the establishment of a 50m buffer area to minimise impacts from surrounding land uses. This approach is consistent with the requirements of the Hunter-Central Rivers Catchment Action Plan in relation to rivers and freshwater wetlands. Figures 8 and 9 shows the application of the E2 zone in the Stockrington and Cliftleigh Areas respectively.

In reviewing the coastal reform documents, a strong planning framework responding to existing and emerging coastal challenges and opportunities are vital and is supported by Council. However, the application and relevance of the Coastal Use Area in the Cessnock LGA is questioned, and it is recommended that this should be removed from the mapping supporting the draft SEPP in the Stockrington and Cliftleigh areas in favour of the targeted response to the wetland protection provided by the E2 - Environmental Protection zone.

If any further information is required, please do not hesitate to contact Council's Coordinator Strategic Land Use Planning, Mr Bo Moshage on telephone 4993 4241.

Yours faithfully



Martin Johnson
A/ Director Planning and Environment