

NSW Coastal Management Reforms - zoning

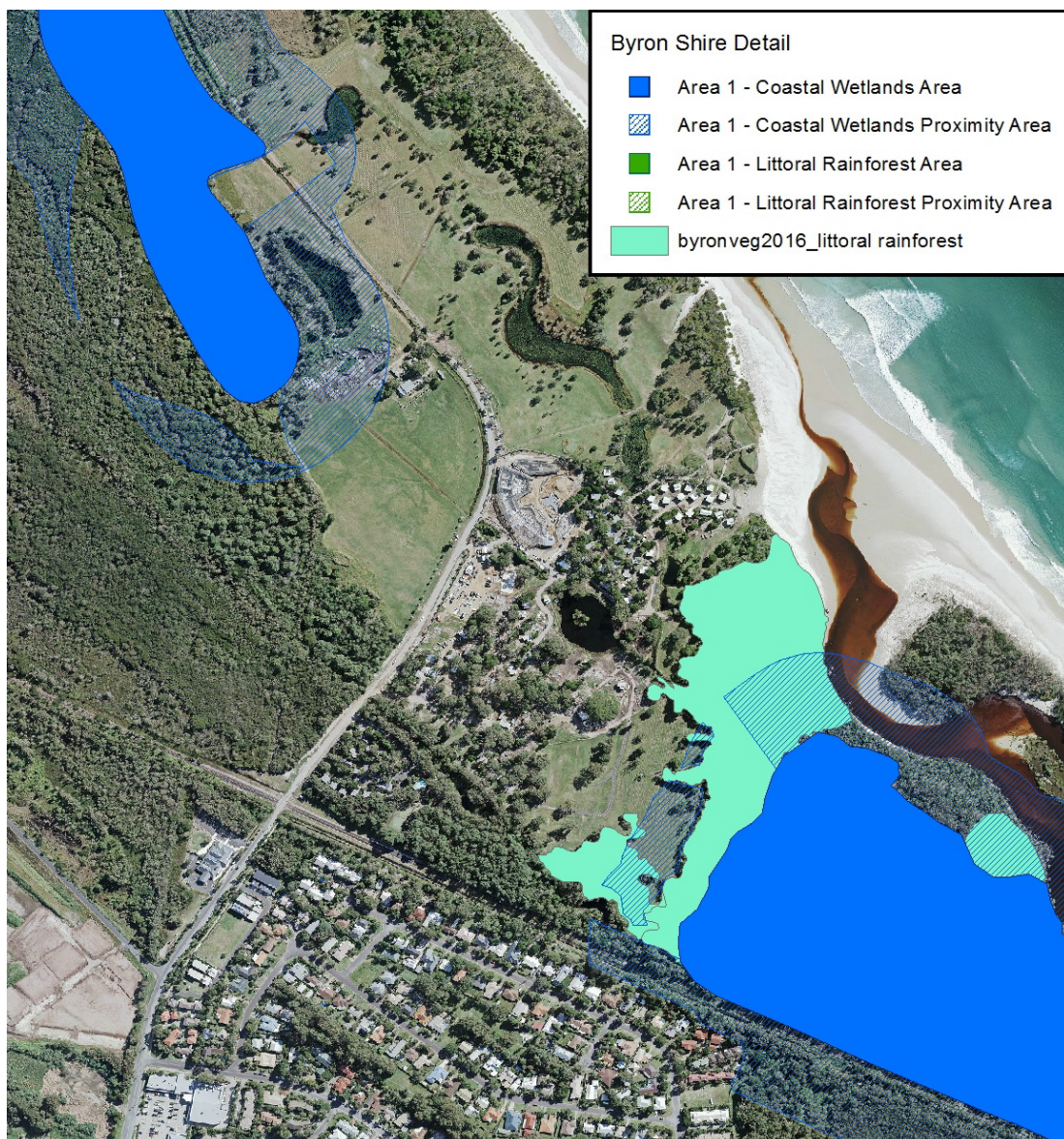
Submission, Dailan Pugh, BEACON, January 2017

The NSW Government is proposing to create 4 coastal areas comprising land within 500-1000m of sea and estuarine waters. The intent is only to zone some wetlands and some rainforests, along with some buffers around estuaries and lakes, for protection. Most high conservation value vegetation is proposed to be put into a general Coastal use area where anything goes.

This is an opportunity to achieve the identification and protection of all high-conservation value coastal lands, though it is not being pursued.

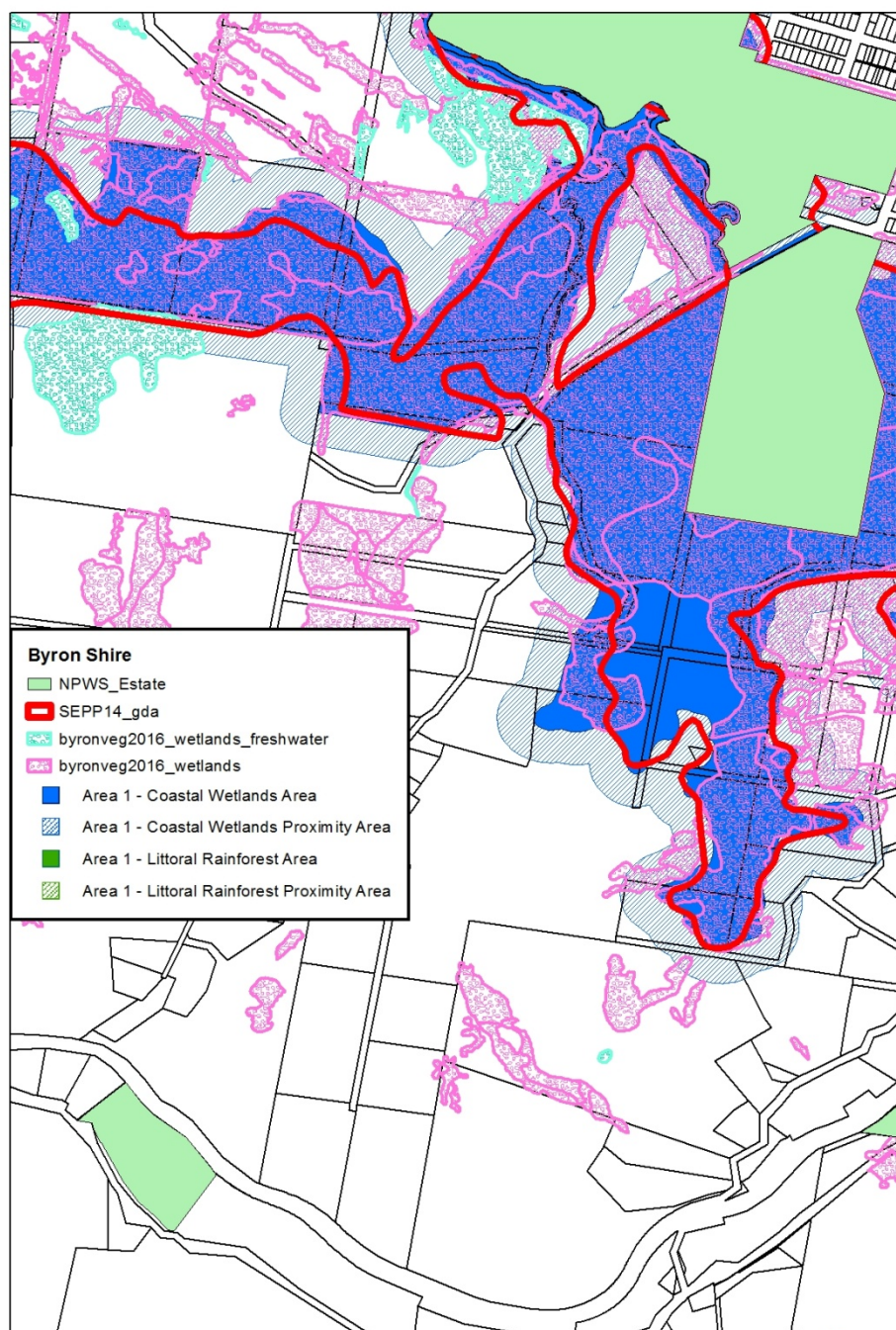
The proposed protection of select (SEPP) wetlands and littoral rainforest, including 100m buffers around them, are strongly supported, but must be expanded to include all coastal wetlands and rainforests. The removal of the need to prepare EISs for designated development within them is not supported.

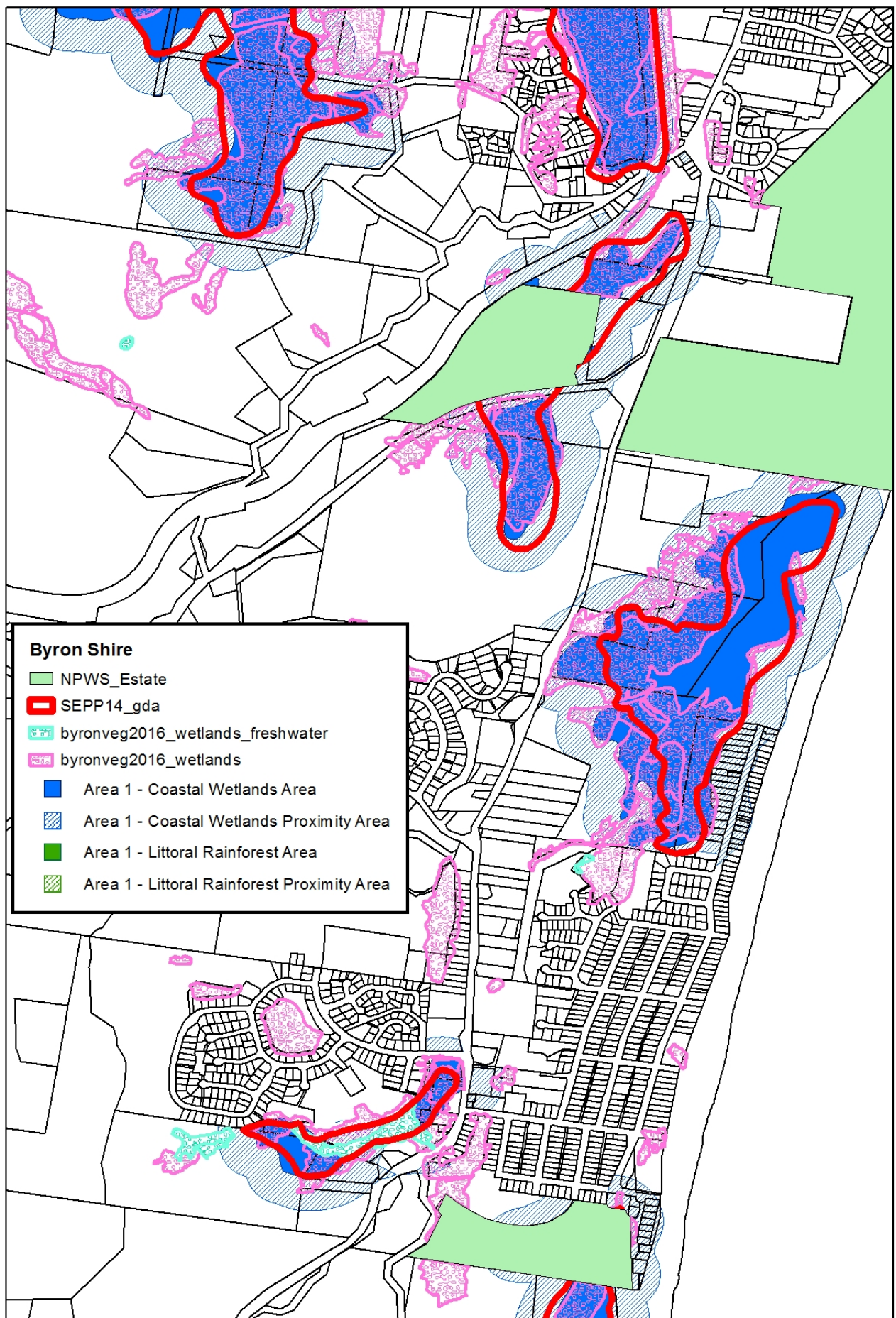
The mapping being used is of a poor standard, inaccurate, missing extensive areas of littoral rainforest and coastal wetlands, and riddled with errors. It does not encompass the major stands of littoral rainforest, with important stands missing. It excludes vast areas of coastal wetlands. The Coastal Wetlands Proximity Area is a dogs breakfast, with numerous parts of the buffers removed in an arbitrary manner for no apparent reason.



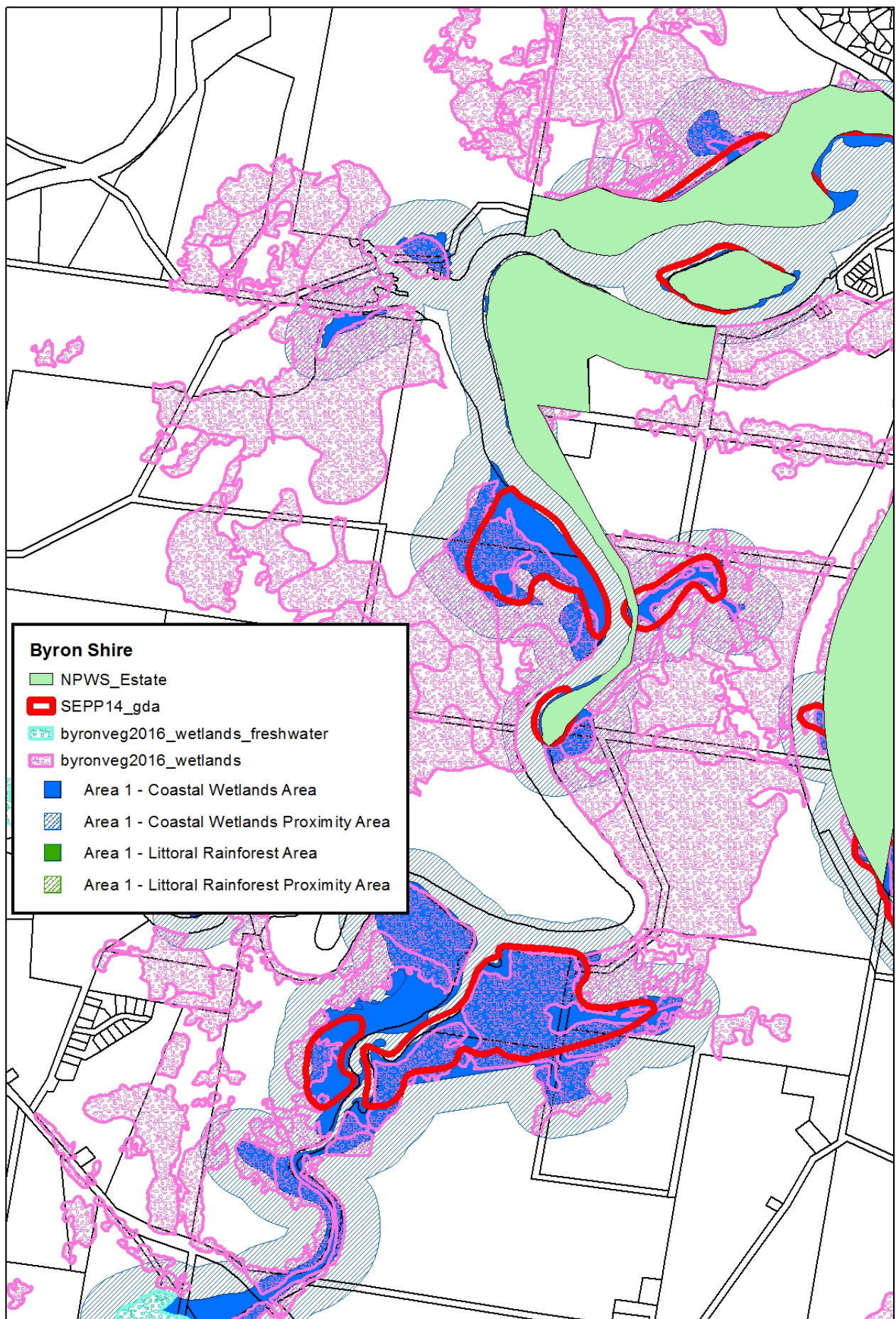
ABOVE: An example of poor quality mapping from Byron Shire (mouth of Belongil Creek). Note the mapped Littoral rainforest excluded from the State's incomplete mapping, and the inexplicable gaps in the mapped 100m buffer (coastal wetlands proximity area) to the coastal wetlands area. Such randomly deleted areas are common and totally unjustified.

Below are examples comparing Council's recent vegetation mapping (for freshwater and forested wetlands) with new Government mapping and SEPP14. Note the extensive wetlands excluded, as well as the inclusion of some non-wetlands. The Government's mapping is not an attempt to comprehensively map wetlands or rainforest. There are no criteria or applicable decision rules for the mapping because it is just a political process aimed at making minimal adjustments to existing SEPP 14 and 26 boundaries. Extensive wetlands and littoral rainforest is to be included in the Coastal Use Zone with no protection. The whole process is a rort.





Tallow Creek



Brunswick River

The proposed Coastal wetlands and littoral rainforest area needs to be reclassified as a Coastal Conservation Area, and expanded to include endangered ecological communities (ie all vegetation remaining on coastal floodplains), all wetlands and all rainforests (including outside existing SEPP areas), oldgrowth forest, heathland, key threatened species (including koala) habitat, >70% cleared ecosystems and Mitchell Landscapes, Aboriginal and non-Aboriginal culturally significant lands, vegetated wildlife corridors, and all other high conservation value coastal lands. Strong development controls aimed at protecting and enhancing their conservation values need to be applied across all such areas.

The implementation of extensive 100-500m buffers around shorelines, estuaries, lakes, and lagoons is supported, but they need to be designed to account for sea-level rises and expanded to include buffers to all coastal rivers and streams.

The Coastal environment area should not be limited to water buffers, but be specifically expanded to include the dynamic interface between terrestrial and marine environments, including beaches, sand dunes, seagrass, mangroves, saltmarsh, sedgeland, swamps, turtle nesting beaches and shorebird foraging, roosting and nesting sites. These are all particularly vulnerable to rising seas and coastal squeeze.

Development on land within the coastal environment area (clause 14) should not be allowed to detrimentally affect public access and recreational use of foreshores.

The Coastal use area should exclude all high conservation value vegetation, and map the constraints of high scenic values, floodprone lands, acid sulfate soils, water catchments, farmland and wildlife corridors for appropriate consideration.

Development consent must not be granted to development on land that is wholly or partly within coastal use area unless the consent authority is satisfied that the proposed development is not likely to have an adverse impact on native vegetation and fauna and their habitats.

The Government's taking over the identification of, and setting of rules for, Coastal vulnerability areas is a big concern. There needs to be detailed and explicit criteria, and an independent scientific process, to stop the identification of Coastal vulnerability areas becoming a corrupted political process. The vulnerability areas should be expanded to include areas at risk from sea-level rise around estuaries and other coastal waterbodies.

The mapping of Coastal vulnerability areas is a sick joke because only a few areas are identified.

The bill needs to clarify that the laws relating to ambulatory boundaries prevail and that lands below the Mean High Water Mark revert to the Crown.

The new NSW Coastal Council should be responsible for identifying boundaries and requirements for the Coastal vulnerability areas and overseeing the preparation of Coastal Management Plans (CMPs). The NSW Coastal Panel/Council (rather than the Joint Regional Planning Panel) should remain as the consent authority for coastal protection works until CMPs are prepared.

We strongly object to Council consent functions being exercised by joint regional planning panel for coastal protection works and the determination of development applications.

There needs to be oversight of the implementation process by a State body responsible to the Planning Minister, involving agencies, experts and a range of stakeholders (including councils and community groups).