

20 January 2017

NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Carolyn McNally, Secretary – Department of Planning and Environment

Coastal Reforms

Thank you for the opportunity to comment on the NSW Government's new coastal management framework (the coastal reforms). The proposed framework responds to existing and emerging coastal challenges and opportunities. Four documents are available for public comment, these are:

- Draft Local Planning Direction – Coastal Management under *Section 117 of the Environmental Planning & Assessment Act 1979*
- Standard Instrument (Local Environmental Plans) Amendment (Coastal Management) Order 2016
- *State Environmental Planning Policy (Coastal Management) 2016* (Coastal Management SEPP)

Our comments are provided below for your consideration.

Application of development controls is excessive

The Coastal Management SEPP introduces 4 coastal management zones (or coastal management areas), with accompanying maps to indicate areas affected by each of these zones. Each of these CMZs have separate development controls. Individual sites may be subject to one or more coastal management areas. This would require the consent authority to consider more than one set of development controls under the Coastal Management SEPP.

Clause 19 of the Coastal Management SEPP states that if a single parcel of land is identified in this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, 'the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- a) The coastal wetlands and littoral rainforest area
- b) The coastal vulnerability area
- c) The coastal environment area
- d) The coastal use area.

This hierarchy of coastal management zones means that in certain circumstances development on a site subject to more than one coastal management area will be required

to adhere to the more onerous development controls within another CMZ higher on the hierarchy identified in Clause 19.

For example, a very large parcel of land could have a small proportion that is within the coastal wetland and littoral rainforest area, and another portion which is in one of the other management areas. There is no requirement for development consent (at least under the Coastal Management SEPP) for any works in areas other than the wetlands and littoral rainforest area.

However, in that area, development consent is required for any earthworks (for example) and that development is designated development. This means that even if the earthworks are proposed in another area of the large parcel, and may have no impact on the wetland or littoral rainforest portion of the site, development consent will be required, and an Environmental Impact Statement will need to be prepared. This requirement is an excessive burden upon a property owner / developer, with no resulting environmental, social or economic benefit.

A neighbouring property could have none of its parcel within the wetlands and littoral rainforest area, and hence avoid the requirement for development consent and an EIS for similar works in a similar location.

In order to avoid these excessive regulations, owners of large properties partially within the wetland and littoral rainforest area would have to subdivide their land to prevent application of the controls for that area affecting the remainder of their land, before the CM Act and CM SEPP commence operation.

This places additional cost and burden upon the property owner with no positive environmental, social or economic outcome. We recommend the application of the coastal management areas should be based on percentage of site coverage (for example, if a site was affected by 2 coastal management areas and the coastal management area which is higher on the hierarchy provided in clause 19 affected more than say, 70% of the site, all of the site could be considered to be affected by that coastal management area) or apply strictly to the portion of the site directly affected.

Mapping of coastal management areas should not hold up planning decisions

New mapping of the coastal vulnerability area includes local coastal hazard mapping undertaken by a number of local councils. Local councils that have not undertaken local coastal hazard mapping will do so over the next five years.

During the time when the coastal reforms are adopted and councils which have not undertaken local coastal hazard mapping complete this process, development assessment and planning proposals must not be unnecessarily delayed or rejected on the basis that this mapping is not complete. The state government should ensure local councils have sufficient resources to undertake this comprehensive mapping in an expedient manner.

Regular updates of the maps must be kept up to date

The coast of NSW is constantly changing and as such the mapping of this area must be kept up to date in order to remain relevant and effective. Additional information on the state of the NSW coastal area will become available as councils undertake studies and mapping technology improves. The Coastal Management SEPP maps must be updated accordingly.

The property industry should be invited to provide feedback in the performance review of the Coastal Management SEPP

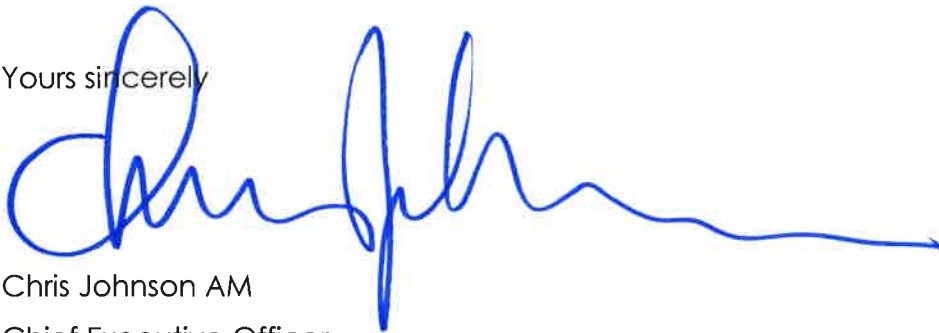
We note that the Coastal Management SEPP will be subject to a review in the first year of operation. The property industry would like the opportunity to be consulted with and provide feedback to the Department of Planning and Environment on the performance of the Coastal Management SEPP, in order to raise concerns and issues and suggest potential improvements.

Adoption of spatial data sets for mapping is welcomed by the property industry

The Urban Taskforce understands that it is the intention of the state government to ensure all four of the four coastal management areas under the Coastal Management SEPP and are mapped in a digital format which will become available online through the Department of Planning's Planning Portal. This is supported by the property development industry as this will ensure this information is readily available to all stakeholders and can be easily updated and maintained.

The Urban Taskforce is always willing to work closely with the Government to provide a development industry perspective on the coastal reforms. Please feel free to contact me on telephone number 9238 3927 to discuss this further.

Yours sincerely



Chris Johnson AM

Chief Executive Officer

Urban Taskforce Australia