

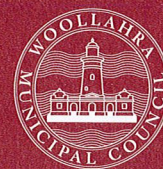
Council Ref: SC2593
Your Ref: NSW Coastal Management State Environmental Planning Policy

20 January 2017

Director Environment and Building Policy
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Woollahra
Municipal
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**Woollahra Municipal Council Submission:
Draft Coastal Management State Environmental Planning Policy**

Council staff provide the following submission on the Draft Coastal Management SEPP (the Draft SEPP) to the NSW Department of Planning and Environment for consideration. Staff from the Strategic Planning and Environment and Sustainability teams have reviewed the documentation and have raised the following comments. A number of these issues were raised previously in our submission dated 4 April 2016 to the NSW Coastal Reform package. Accordingly, we have attached that submission for your consideration.

1) Overarching comment

The aim of this policy is stated as follows:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 by:

- a) Managing development in the coastal zone and protecting the environmental assets of the coast, and*
- b) Establishing a framework for land use planning to guide decision-making in the coastal zone; and*
- c) Mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the Coastal Management Act 2016.*

However, the existing provisions in the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) already suitably address land use planning issues within the Sydney Harbour and provide an effective and coordinated approach to managing development.

As mentioned in our previous submission, we do not support the duplication and overlapping of controls through multiple state policies. The controls should be limited to those areas that are not currently covered by the SREP.

Furthermore, no guidance has been provided which identifies how the Draft SEPP and the SREP are to interrelate. Will land use planning for Sydney Harbour require the assessment of both of these State policies? Which policy will prevail?

2) Delete the Coastal Environment Area and Coastal Use Area from the Woollahra LGA

Council staff do not support the application of the Coastal Environment Area and Coastal Use Area to the Woollahra LGA. These areas have been crudely identified based on proximity to the foreshore, and are not supported by scientific research or site specific evidence.

Due to the arbitrary nature of these areas, the inland boundary bisects property parcels and has included parcels which we propose should not be the subject of the coastal zone (e.g. a parcel of land that is across a street from a foreshore property).

The inclusion of these properties (without appropriate justification) unnecessarily adds cost and time to the development application process, which is contrary to the aim of stream lining the planning application process.

Council staff recommend that if the Coastal Environment Area and Coastal Use Area are to be applied to the Woollahra LGA then these areas should be evidence based. Until this work is completed, the Coastal Environment Area and Coastal Use Areas should be removed from the Woollahra LGA.

3) Lack of stakeholder consultation

The Draft SEPP applies to a large number of harbour side properties, and once finalised will have significant implications on the development assessment process. Yet the property owners affected by the Draft SEPP have not been directly consulted.

The State Government should take responsibility for consultation with coastal residents and contact each property owner affected by the coastal zone providing them the opportunity to comment on the Draft SEPP.

4) Clause 14 development on land within the coastal environment area

We query the merit of the development controls identified in division 3, and how the 'adverse' or 'significant' impacts are to be assessed.

For example:

(1) Development consent must not be granted to development.... unless the consent authority is satisfied that the proposed development:

a) Is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment.

What additional information is required from the applicant to address these matters? How should Council's assessment officers assess the information submitted?

We understand that the NSW Office of Environment and Heritage will be releasing the Coastal Management Manual which will provide assistance on the nature of this assessment process. However, we are yet to see this information.

If a complex assessment of the impacts is required, Council staff are concerned that the assessment of these criteria will involve expertise that is not currently held within Councils. What additional resources will be provided to Council's to assist with the assessment process?

Alternatively, if the impacts only require a preliminary assessment, we are concerned that the proposed controls will only be given a superficial consideration and therefore facilitate little in the development assessment process.

5) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

We again raise the issue that complying development cannot be carried out on land within an “environmentally sensitive area” 1.17A of the SEPP).

We seek confirmation that land classified as Coastal Environment Area and Coastal Use Area would not fall within the definition of “environmentally sensitive area”.

6) Guidance documents between the SEPP and other environmental legislation

We are not aware of any guidance documents that explain how the Draft SEPP will interact with other State legislation.

For example, the Biodiversity Conservation Act (2016) states that the purpose of the Act is:

- (g) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales*

This is in contradiction to the Draft SEPP which states:

- (1) Development consent must not be granted to development.... unless the consent authority is satisfied that the proposed development:*
 - d) is not likely to have an adverse impact on native vegetation and fauna and their habitat, undeveloped headlands and rock platforms,*

We recommend that the State Government provide guiding documentation to show how the different environmental legislation should interact.

7) Mapping the Coastal vulnerability area

The Draft SEPP contains four divisions, each of which are mapped on the NSW Department of Planning and Environment online mapping tool:

http://webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=Coastal_SEPP_Viewer

However, unlike the other divisions, division 2: coastal vulnerability area is not mapped.

We recognise that the *coastal vulnerability area* is any of the following land:

- a) Land identified as such by the Coastal Vulnerability Area Map,
- b) Land identified as “coastal hazard land” on the Local Government Coastal Hazard Map.

We note that the local government coastal hazard is mapped. However, the coastal vulnerability is not. This approach is confusing and inconsistent. We recommend a consistent approach and the maps should identify the coastal vulnerability area.

8) Include a glossary or simplify the language

Some of the words used in the Draft SEPP require specialist knowledge to understand and interpret (e.g. biophysical). We recommend that the document is either simplified by using plain English statements or is supported by a glossary.

If you have any queries please contact Anne White, Council's Acting Team Leader - Strategic Planning on (02) 9391 7086.

Yours faithfully

A handwritten signature in black ink that reads "Chris Bluett". The signature is written in a cursive style with a large initial 'C' and a stylized 'B'.

Chris Bluett
Manager, Strategic Planning