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GERRINGONG NSW 2534

20 January 2017

The Director  
Planning Framework  
NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir

**Re: Draft State Environmental Planning Policy (Coastal Management) 2016**

I note the new definition of the coastal zone:

- (a) Coastal wetlands and littoral rainforests area
- (b) Coastal vulnerability area
- (c) Coastal environment area
- (d) Coastal use area

My concerns relating to the draft SEPP are:

1. Werri Lagoon (Kiama Municipality) needs to be listed as a Schedule 1 Sensitive Coastal Lake for the reasons outlined in the Submission of the Concerned Residents Group, Gerringong.
2. **Division 3 Coastal environment area**  
**14 Development on land within the coastal environment area**

- (a), (c), and (d) state "is not likely to cause adverse impact".

I am concerned by the words "not likely", especially when discussing surface and groundwater, water quality of the marine environment, and native vegetation and fauna and their habitats.

I would have thought that it would be more appropriate that development consent within the Coastal environment area should not be granted unless the consent authority is satisfied that the proposed development 'will not adversely impact'.

- "(b) is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features."

I am wondering why "likely to significantly impact" has been used when "likely to adversely impact" and "will not adversely impact" has been used in (a), (c), (d), (e) and (g)?

- "(c) is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes".

As practically all coastal lakes are already degraded due to the cumulative impacts of development, '(c)' should also include Coastal Lakes that are listed in Schedule 2, not just Schedule 1 Sensitive Coastal Lakes.

- The 500 m buffer for Schedule 2 Coastal Lakes is an inadequate buffer for a number of coastal lakes and should be extended to one (1) kilometre, especially considering that practically all coastal lakes are degraded, and also considering that it is a reduction to the one (1) kilometre currently shown in the old cadastral boundary mapping.

This would not be as important if 'Division 4 Coastal use area' contained environmental considerations but it does not contain any. If a Coastal use area is in the catchment area of a Schedule 2 Coastal Lake it is particularly worrisome.

### **3. Division 4 Coastal use area**

#### **15 Development on land within the coastal use area**

The list of things for consent authorities to consider mentions access to the foreshore, overshadowing, view loss from public places, visual amenity and scenic quality of the coast, impact on Aboriginal cultural heritage, and bulk, scale and size of buildings. That list is superficial if serious consideration is to be given to protection of Coastal Environment areas, a number of which contain creeks, wetlands, and coastal lakes, which are already polluted.

The Aims of Policy of the draft Coastal Management SEPP, as well as the Objects of the Coastal Management Act 2016 are clearly about protection, however any consent authority looking to avoid responsibility to Coastal Environment areas will disregard those Aims and Objects and rely instead on what is stated in '15 Development on land within the coastal use area'.

I have already witnessed a consent authority dismissing responsibility to the Coastal Environment area by citing the list of considerations in '15 Development on land within the coastal use area' of the draft SEPP which do not contain any environmental considerations.

The list of things for consent authorities to consider in the coastal use area should include a list of environmental considerations due to coastal use areas in many places directly affecting coastal environment areas.

The 'Explanation of Intended Effect for the Coastal Management SEPP described the 'Coastal use area' as land containing important coastal values, and that the heads of consideration within the new buffer area would be less substantial than those applicable to the wetland itself.

The above does not make sense to me, because if it is acknowledged that the Coastal use area is land that contains important coastal values, why would the heads of consideration be less substantial than those applicable to the wetland itself? Both areas are equally important, and it is remiss of the draft SEPP to not contain a more comprehensive list of things for Councils to consider, including environmental considerations, especially when a number of Coastal use areas would be in catchment areas of Coastal Environment areas.

The 'Explanation of Intended Effect' for the Coastal Management SEPP stated that it was "unlikely that land within a Coastal Use Area will be identified as environmentally sensitive land given the features of the land".

The above underlined statement is nonsensical when you consider that the same document stated that the Coastal Use area was land that contained important coastal values.

As already stated, many lands within Coastal use areas are in the catchment of wetlands and coastal lakes and therefore contain watercourses, and those watercourses are not only 'environmentally sensitive', but are a 'feature' of the land, and also 'important coastal values'.

Division 4 - 15 Development on land within the Coastal Use area, should contain similar wording to Division 3 - 14 Development on land within the Coastal Environment area, to state that development consent must not be granted to development on land that is wholly or partly within the Coastal Use area unless the consent authority is satisfied that the proposed development would not adversely impact, on the same/similar things that are listed in Division 3.

This is especially important for coastal use areas that are catchment areas for both Schedule 1 and 2 Coastal Lakes, as well as coastal lakes not mentioned in either of the Schedules.

#### **4. Ecologically Sustainable Development**

The 'Aims of Policy' of the draft SEPP states:

"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*".

The Object of the Coastal Management Act 2016 is:

"To manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development."

To reinforce the principle of ecologically sustainable development, the 'Aims of Policy' of the final SEPP should state 'ecologically sustainable development', rather than merely state 'consistent with the objects of the *Coastal Management Act 2016*".

It is also a shame that the concept of 'maintain or improve' has disappeared from the language of planning as it is a concept worth pursuing.

I respectfully request that the final SEPP reflect the following:

1. Lists Werri Lagoon as a Schedule 1 Sensitive Coastal lake in order to mirror its status in the Illawarra Shoalhaven Regional Plan.
2. Division 3 Coastal Environment area - 14 Development on land within the coastal environment area:

That (c) include Coastal Lakes listed in Schedule 2, not just Sensitive Coastal Lakes listed in Schedule 1.

3. That the 500 m buffer for Schedule 2 Coastal Lakes be extended to one (1) kilometre around the coastal lake.
4. Division 4 Coastal use area - 15 Development of land within the coastal use area:  
  
That meaningful environmental considerations be included for consent authorities to consider when assessing development within the coastal use area, especially in areas where development within the coastal use area will directly impact on a nearby coastal environment area due to the connection of watercourses from the coastal use area to the coastal environment area.
5. That the words 'maintain or improve' be considered to be included in the final SEPP.
6. That Ecologically Sustainable Development be incorporated into the 'Aims of Policy' of the final SEPP to reinforce the principle.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Moore'.

Debra Moore