

From S.S. @ Kogarah - 20 Jan 2017

Submission to Department of Planning and Environment

Re: Coastal Reforms, legislation Coastal Management Act 2016

Recommendation 1: The title of the Bill should be changed to the **Coastal Protection Bill 2017**.

Recommendation 2: the chapeau to the objects provision should be replaced with the following: The principal object of this Act is to protect the coastal environment of New South Wales by implementing the principles of ecologically sustainable development. This includes...

Recommendation 3: object 3(d) should be replaced with the following: to recognise the coast as a vital economic zone and support ecologically sustainable coastal economies, without detriment to sensitive coastal environments...

Recommendation 4: Amend the Bill to create a single 'coastal conservation area' definition that merges the 'coastal wetlands and littoral rainforests area' with the 'coastal environment area'. The proposed 'coastal conservation area' would include all sensitive coastal environments, whether natural or man-made environments. It would also maintain the management objectives for the 'coastal wetlands and littoral rainforests area' and be subject to the highest level of protection under the Bill and proposed Coastal Management SEPP.

Recommendation 5:

There is no clear and detailed definition of what constitutes a wetland or a sensitive coastal environment. We do not want a situation where it is possible to deem in an ad hoc fashion what is and what isn't to be included as a wetland or other sensitive coastal environment, and could well be used by developers to obtain approvals for inappropriate development in sensitive coastal environments.

Amend the Bill to include a definition of 'coastal conservation area' inclusive of what categories of sensitive environments are included, and clear detailed definitions for each category (e.g. wetlands, littoral rainforest, etc). These definitions should be drafted on the basis of advice provided by the NSW Coastal Council. An overarching general description is completely insufficient.

Recommendation 6: Amend the Bill to create an explicit link between coastal management areas and relevant catchments. To that end, mapping must include catchment-level overlays. This is to ensure that assessment and approval processes consider impacts on environmental processes across the entire catchment.

Recommendation 7: Amend the Bill to designate red flag areas in the proposed 'coastal conservation area'. That is, no development is permissible in the coastal wetlands and littoral rainforests area, as well as in any sensitive coastal environment.

Recommendation 8:

Further problems include inconsistencies in the inclusion or exclusion of waterbodies and mudflats in the maps provided for comment.

Mapping of the coastal zone must be based on best available science, include catchment-scale overlays and identify important wetland restoration sites.

Recommendation 9: Regulations must set out consultation processes in relation to any map changes proposed by local councils.

Recommendation 10: Do not place the onus on local councils to identify map errors and to confirm boundaries.

Recommendation 11: Do not proceed with this bill until it is very clear that no unintended loopholes exist. Rushing this work, without taking into consideration all our submissions and incorporating changes, will not provide a satisfactory outcome.

Recommendation 12: After making all the changes required, make the contents of the bill (including updated and corrected mapping detail) once again available for public comment, before finalising it.

Additionally, I request that you:

- make available the methods statement used in your mapping so that the public and scientific community can properly assess the quality of the mapping
- demonstrate that the mapping method is consistent with industry 'best practice' standards including the use of field validation for all maps
- make public the results of your full accuracy assessment and provide a clear statement of accuracy (how accurate and precise are the boundaries)
- demonstrate that the mapping method makes use of the best available science and data sets to determine wetland boundaries. This should include a. the alignment of a wetland definition and methods with the *NSW Plant Community Type Vegetation Classification* system, b. related tools for on-ground determination of wetland boundaries, and c. industry 'best practice' mapping techniques with high resolution spatial data sets which are already available
- demonstrate that the mapping is consistent with *NSW Wetland Policy* Definition of a wetland/ and or the *RAMSAR* definition of a wetland or even just provide a clear definition of wetland that has been endorsed by policy and science experts; and
- demonstrate that the mapping includes and protects wetlands that were excluded in the earlier mapping including Eucalypt-dominated wetlands, wet heath, and the more recently identified *NSW Endangered Ecological Communities* consistent with the *NSW Wetland Policy* and *RAMSAR* definition of wetlands including a. Swamp Sclerophyll Forest on Coastal Floodplains and b. additional areas of Coastal Saltmarsh in the NSW North Coast not identified in the earlier mapping.

