

20 January 2017

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

Dear Sir/Madam

Draft Submission on the Public Exhibition of the NSW Coastal Management Reforms – Draft State Environmental Planning Policy (Coastal Management) 2016 and Maps.

The Cooks River Alliance (the Alliance) is a voluntary regional organisation of five Councils working towards a common mission to improve the health of the Cooks River. The Alliance covers 89% of the 110km² catchment and represents around 850,000 residents.

The river flows through Sydney for 23 kilometres from Bankstown to Botany Bay with tributaries extending into Hurstville and Sydney. It is a highly urbanised catchment and is 75% impervious. The highly urbanised nature of the catchment means that the receiving water quality into the River and Botany Bay is poor, adversely affect ecological communities, including the Ramsar listed Towra Point Wetlands.

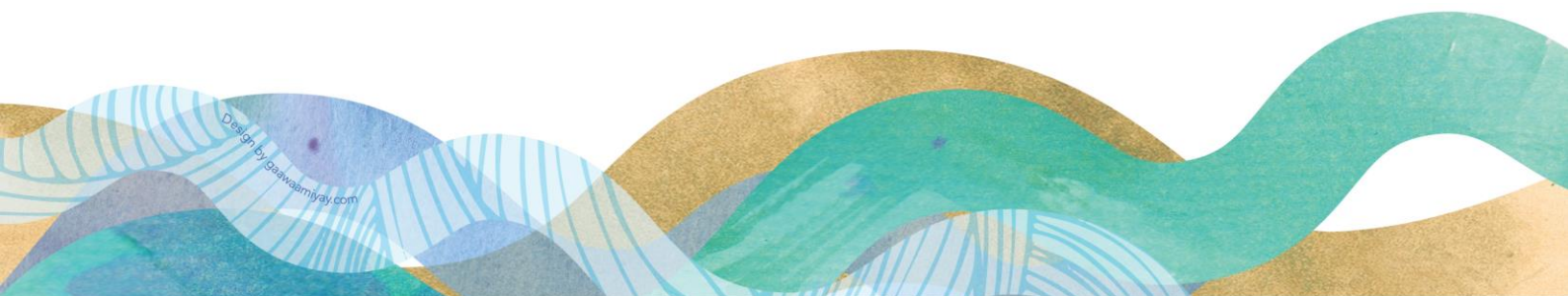
The Alliance welcomes the opportunity to comment on the draft State Environmental Planning Policy (Coastal Management) 2016 that aims to implement the management objectives set out in the *Coastal Management Act 2016* and integrate it with the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Alliance also supports matters raised in submissions from our member councils. These are: Bayside Council, Inner West Council, Strathfield Council and Canterbury–Bankstown Council.

The Alliance has provided this additional submission to highlight catchment-wide issues as coastal management that meets the ESD objects in the Coastal Management Act 2016 requires an integrated approach across a whole catchment.

1. Cumulative impacts

The current NSW Coastal Management Framework considers cumulative impacts in both Clause 8 of State Environmental Planning Policy No.71 (Coastal Protection) and in Clause 5.5 of the Standard Instrument (Local Environmental Plans).



The lack of consideration in the SEPP of the cumulative impacts of development in both the coastal area and the catchment may weaken the implementation of the Coastal Management Act 2016.

This is of concern in Clause 12.2 where the SEPP does not apply to residential land zonings R1, R2, R3, R4, R5 or RU5. The cumulative impact over time on the adjacent coastal wetlands and littoral rainforest would degrade the ecological function and lessen the environmental significance of coastal wetlands and littoral rainforest.

Recommendation One

Part 2 Development Controls for all coastal management areas of the Draft SEPP incorporate a requirement to consider the cumulative impacts of developments in the entire coastal zone.

Recommendation Two

Clause 12 should clearly apply to residential areas to the extent that the consent authority has 'considered' that the proposed development will not have an adverse impact on 12 1 (a) and 12 1 (b).

2. An entire catchment approach

Effective coastal protection for urbanised catchments requires a catchment-wide consistent approach to the reduction of impervious surfaces, improvement in stormwater quality, protection and enhancement of riparian zones and adjacent open space, and protection from coastal hazards.

Under the Draft SEPP and Coastal Management Bill 2016 the "coastal zone", as currently mapped and/or identified in *Part 2 Estuaries of Schedule 1 – Local government areas, coastal sediment compartments and border estuaries* of the Bill does not include the entire catchment areas of estuaries. Consequently the Draft SEPP does not provide catchment-wide environmental protection.

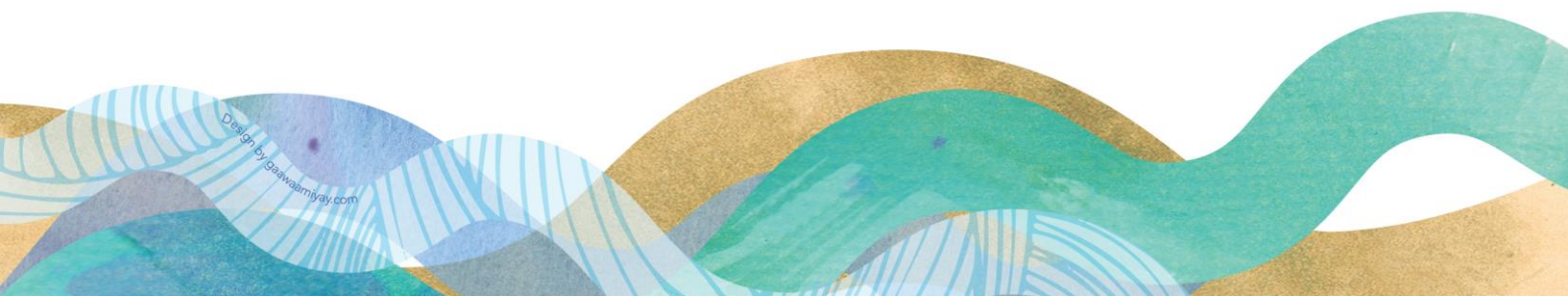
A primary principle in catchment management is to protect the headwaters of any catchment. For example the area identified as the "Cooks River" estuary does not include the headwaters of the Cooks River catchment (above the tidal area). Those headwaters are located in the local government area of Strathfield. Strathfield is not one of the local government areas listed in Part 2 Estuaries of Schedule 1 of the Bill for that estuary.

Recommendation Three

An entire catchment-based approach be adopted to manage the coastal environment. The NSW Government considers one SEPP that covers the entire catchments of the Cooks River and other rivers within the Sydney region

3. A standard approach to implementing best practice water-sensitive design

The SEPP should enable consistent best practice water-sensitive design development controls across the coastal zone. This would provide a measurable standard that can support targets set in documents such as



the Botany Bay Water Quality Improvement Plan. We note that mandatory water-sensitive urban design standard controls are business as usual in Victoria, South Australia, Queensland and the ACT.

Clause 14 requires that water-sensitive design is incorporated including consideration of effluent and stormwater. However Clause 14 also states that:

‘Development consent must not be granted...unless the consent authority is satisfied that the proposed development:

- (a) is not likely to cause adverse impacts..
- (b) is not likely to significantly ...

The use of the term ‘is not likely’ is subjective and open to interpretation. Elsewhere the term ‘will not adversely impact’ has been used and this provides more certainty that water sensitive design is effective.

Similarly Clause 12.1 implies water-sensitive design is required ‘if the proposed development will not significantly impact on ...quantity and quality of surface and ground water flows.’

The statement is ambiguous – what is a “significant impact”? Surface water may leave the site and go elsewhere in a sensitive coastal zone.

Recommendation Four

There is a standard requirement for all development in the entire Coastal Zone and its catchment areas to implement water sensitive design (including stormwater and effluent management).

Recommendation Five

That guidelines be developed that identify compliant water sensitive design for the full range of developments.

4. Mapping that incorporates all coastal management areas.

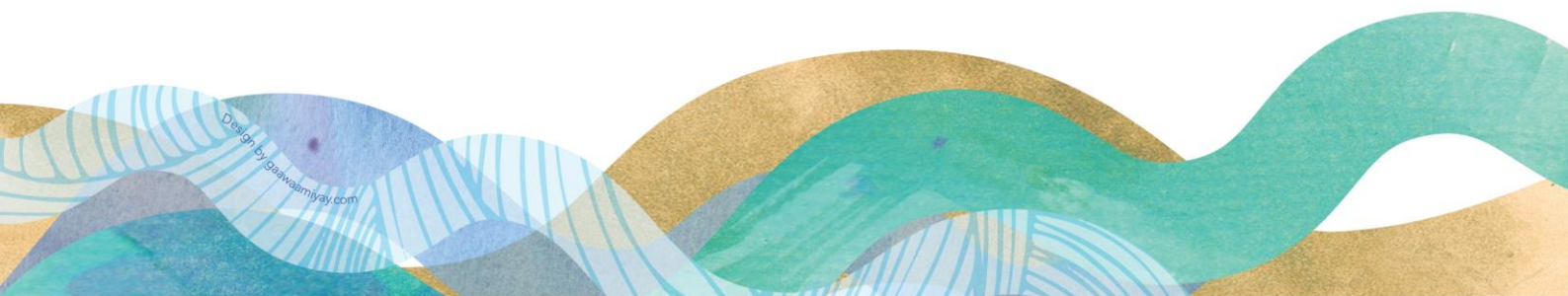
Member Councils in their submissions have identified inadequacies in the mapping of the four coastal zones.

Part 1 .4 (2) identifies land containing coastal hazards however it does not include mapping undertaken by councils. As a consequence, mapping undertaken by member councils that identifies hazards, and that are incorporated into LEP’s and DCP’s are not part of the SEPP.

Recommendation Six

All hazard studies endorsed by councils to be included under Sub Clause 2, ie those undertaken as part of the NSW flood management program that address ‘coastal hazard’.

The Coastal Wetlands and Littoral Rainforests Area maps do not recognise key areas and vegetation that OEH, member Councils and other authorities have mapped. For example, seagrass, while recognised by OEH as part of a wetland system, is not covered in the Map.



Recommendation Seven

The Coastal Wetlands and Littoral Rainforest Area maps utilise councils' and other authorities existing mapping and include seagrass.

There is no clear methodology about how the maps were developed and how maps may be amended.

Recommendation Eight

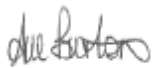
An objective approvals process for changing the Coastal and Littoral Rainforest Area Maps is detailed.

5. Resource Councils to achieve the Act's objects.

The impact on Council resources to undertake mapping and implementation is significant. This needs to be taken into consideration on the level and types of resources made available.

The final endorsed submission from the Cooks River Alliance will be provided shortly.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Sue Burton".

Sue Burton, Executive Officer
Cooks River Alliance

