



## **Fingal Head Coastcare Inc.**

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NSW Department of Planning and Environment  
NSW Government  
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Dear Members of the Coastal Reform Team

### **Subject: *Draft Coastal Management State Environmental Planning Policy (SEPP) and Draft Coastal Mapping***

Fingal Head Coastcare welcomes the opportunity to comment on the draft *Coastal Management State Environmental Planning Policy (SEPP)* and draft coastal mapping.

#### **About Us**

Fingal Head Coastcare Inc. (FHC) is a voluntary, incorporated landcare group which has been operating continuously for 30 years revegetating crown land on the Fingal Peninsula. FHC has 166 financial members and has members working four days a week to maintain 33 hectares of regenerated native vegetation which had been destroyed by sandmining during the 1950's and 60's.

The area we manage includes coastal woodlands, dunal and headland vegetation, heathland, littoral rainforests and wetlands some of which have been classified as SEPP 26 and SEPP14 so we are obviously very interested in the changes in legislation which will affect the management of these areas.

FHC achievements have been recognised by a large number of awards including 2015 and 2014 state finalists in the NSW State Peabody Environment and Landcare Award. Winning the 2012 NSW Keep Australian Beautiful Award for Environmental Protection and runners up in 2016, 2015, 2014, 2013, 2011 and 2008. Runners up in the 2013 and winners in 2008 of the Catchment Management Authority Northern Rivers Landcare Award – Coastcare. Also winners of the 2011 NSW Coastal Conference Community Involvement Award

#### **General Comment**

Fingal Head Coastcare are concerned that:

- the maps on which the new instruments are based are not complete and are based on out-of-date scientific methods, do not include ground truthing and /or are not consistent with the mapping by the department of primary industries.

- it is unclear exactly how coastal wetlands have been mapped. Existing SEPP 14 mapping is difficult to access and no assistance has been provided to assist communities to compare previous mapping of SEPP 14 wetlands with the new mapping.
- these maps are not consistent in the inclusion or exclusion of waterbodies and mudflats
- in the mapping of the Coastal Environment Area the 100m section does not adequately cover the full beach and dune system as is specified in the management objectives of the coastal environment area in the *Coastal Management Act 2016*.
- there is no comprehensive definition of what constitutes a wetland
- Eucalypt dominated wetlands and wet heath communities are not included as wetlands.
- Only 17 sensitive coastal lakes and lagoon of the 70 that do exist have been included. However including the whole catchment of these 17 lakes and lagoons is an excellent development.
- there is no provision by the state to ensure compliance so that this becomes yet another responsibility of local government.
- some of these reforms and proposed development controls for the four new Coastal Management Areas reduce the protection given by the current policies of State Environmental Planning Policy No 14—Coastal Wetlands (SEPP 14), State Environmental Planning Policy No 26—Littoral Rainforests (SEPP 26) and State Environmental Planning Policy No 71—Coastal Protection (SEPP 71), or in Clause 5.5 of the Standard Instrument—Principal Local Environmental Plan.
- the new reforms do not give the protection that SEPP 71 provided for wildlife corridors, and threatened species, populations and endangered ecological communities
- provisions dealing specifically with subdivision, and sewage effluent and stormwater disposal have not been carried into the new SEPP (c.f. clause 8, subsections (g), (h) and (i) of SEPP 71)
- considerations in clause 5.5(2) of the Standard Instrument, and the prohibitions in clause 5.5(3) of the Standard Instrument that relate to public access and water quality, have not been carried over into the Draft SEPP.
- Concurrence provisions, which are currently in SEPP 14 and SEPP 26, have been removed. This is unjustified and will lead to poorer outcomes for the environment.

#### **FHC request that the Department of Planning and Environment:**

- Publicly exhibits all mapping before the Bill is finalised.
- Demonstrates that the mapping method used is consistent with industry best practice standards including field validation.
- Makes public the results of its full accuracy assessment and provides a clear statement of the accuracy of the boundaries
- Demonstrates that the mapping is consistent with *NSW Wetland Policy* definition of a wetland and or the *RAMSAR* definition of a wetland.
- Demonstrates 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* such as Swamp Sclerophyll Forest on Coastal Floodplains and additional areas of Coastal Saltmarsh identified in the NSW North Coast.
- Include a comprehensive definition of wetlands consistent with *NSW Wetland Policy* and *RAMSAR* definition of wetlands and endorsed by scientific experts.
- Ensure that the new SEPP retains and enhances the existing protection of wetlands, Littoral Rainforests, other EECs and environmentally sensitive areas
- Include compliance measures to be enforced at a state level including maintaining the

- concurrences from the Secretary of Planning Department or similar body.
- Includes Development Controls in the Coastal Management SEPP to ensure that these compliance measures apply to all councils.
  - Include in this policy other ecological communities and water bodies identified as being ecologically sensitive to impacts from coastal development so that they are given the same protections as coastal wetlands and littoral rainforests.
  - Ensure that the 100m buffer area for coastal wetland and littoral rainforest is maintained and should be extended to apply to land zoned for residential use. For example many of our littoral rainforest remnants and mature littoral rainforest trees are found on residential land adjacent to the Littoral Rainforests. If the buffer zone included residential land the buffer zone could provide protection for these remnants and trees.
  - Restrict development in these sensitive areas to limit the ongoing impacts on coastal wetlands and littoral rainforests from urban expansion, biodiversity loss and climate change.
  - Development in proximity areas require the declaration of designated development as is the case in the coastal wetland and littoral rainforest area.
  - Development controls for coastal environment area be strengthened by alignment with the development controls for the Coastal Wetland and Coastal Rainforest Area, declaring development in the coastal environment area to be designated development and establishing a proximity area for the coastal environment area.
  - Consideration be given to strengthening the development controls in the coastal use zone by adding an additional requirement to clause 15 that the consent authority be satisfied that development in the coastal use area does not significantly impact on coastal environment.

FHC request that our above concerns are considered and strongly suggest that compliance and enforcement needs to be addressed at all stages and at all levels of government.

FHC are concerned about some of the mapping but welcome the new mapping of SEPP areas being undertaken in the Tweed Shire as we consider some of our current SEPP 26 and SEPP 14 boundaries are inaccurate and need to be expanded. However we believe this mapping should include not only extensive ground truthing but also use local knowledge including local landcare and Aboriginal knowledge and experience.

FHC request that measures be included to enhance the protection of the environmentally sensitive areas of the coast as well as Wetlands and Littoral Rainforests.

Submitted for Fingal Head Coastcare Inc. by  
Kay Bolton  
President