



## **Central Coast Council comments on the Draft NSW Coastal Management State Environmental Planning Policy**

The Central Coast Council welcomes the opportunity to comment on the Draft NSW Coastal Management State Environmental Planning Policy and supports legislative changes to enable a simpler, consistent and more streamlined approach to coastal planning across the NSW.

This submission provides comment relating specifically to the Coastal Management State Environment Planning Policy (SEPP), associated mapping and documentation to support the exhibition process.

The former Wyong and Gosford Council's have had a strong tradition of planning for coastal hazards, evident in the completed 2011 Coastal Zone Management Plan (CZMP) for Wyong Coastlines and the 2015 Gosford Beaches CZMP and Council now has up-to-date plans for all geographic coastal catchments and beaches and coastal policy within the environmental planning instruments applying to the Central Coast Region.

Council believes the streamlining of coastal and rainforest related State Environmental Planning Policy (SEPP) into a single new coastal management SEPP will remove duplication when managing development activities across coastal catchments. Council supports the establishment of a new Coastal Management SEPP to replace the existing SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection). Streamlining the existing SEPPs will remove duplication and confusion when managing development and relevant activities across coastal catchment. However, the establishment of the four Coastal Management Areas and associated development controls requires further consideration due to data gaps, duplication of controls across multiple management areas and coverage of coastal hazards (i.e. hazard type and hazard area).

Council's key recommendations are as follows:

### **Coastal Management Areas**

1. The Coastal Environment Area should include the entire catchment of coastal waterways including non-developed sections of catchments which are integral to the maintenance of water quality and estuarine/waterway health. The coastal reforms should promote total catchment management as a stated aim of the Policy.
2. The mapping of Coastal Vulnerability needs to be reviewed to ensure consistency in approach by the various individual local government Councils



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and removal of any data gaps to enable completeness across the entire NSW coastline.

3. The Coastal Use Area should be defined based on zoning and development patterns within the catchment area of coastal waterbodies rather than some arbitrary buffer. This could be taken straight from local planning instruments and could be reviewed in association with future reviews of the LEP.
4. Localised mapping held by Council be utilised to help determine the extent of the proposed Coastal Vulnerability Area across Central Coast's beaches, lakes, and estuaries.
5. Regional CMP/CZMPs should be supported for neighbouring local government areas in order to reduce the cost, minimise inconsistencies, and reduce the length of the certification process.
6. Mapping of the four Coastal Management Areas, including technical advice on sea level rise needs to incorporate all identified coastal hazards, not merely erosion/recession.
7. Where a relevant coastal map has gone through community consultation as part of the CZMP process, further consultation during the Plan making (Amending the SEPP) should not be required. The need to re-exhibit the maps at this stage would cause confusion and duplication in the process.
8. The SEPP must recognise the role of Floodplain Risk Management Planning processes in identifying coastal vulnerability areas.
9. The NSW Government should provide policy direction in relation to sea level rise projections and climate change adaptation planning.
10. The NSW Government should provide clear and consistent instructions across NSW on the requirements, application and wording of Coastal Management Areas and the Coastal Vulnerability Areas in Section 149 Planning Certificates (property messaging).
11. The proximity area for wetlands should be expanded to include the upstream catchment.
12. Changes to the natural hydrological regime of a wetland through filling, draining or through the construction of levees should be prohibited under this policy rather than permissible with consent.
13. Development controls on certain land within the Coastal Vulnerability Area (Clause 13) be reviewed to account for risks from all of the hazards identified under the legislation.

### **Coastal Protection**

14. Clarity as to responsibility of agencies when dealing with non-compliant development where Council does not have an Authorised Officer (i.e. does compliance stay with Office of Environment and Heritage).
15. The Joint Regional Planning Panel (JRPP) should be the consent authority for all permanent coastal protection works proposed by private landowners on public and private land.

16. For the coastal protection works by public authority, the period of 90 days for the placing of sandbags on public land be removed or extended.
17. In the assessment process the JRPP refer applications to the Coastal Council and the NSW Office of Environment and Heritage for technical coastal engineering advice and expertise.

## 1. GENERAL COMMENTS

### 1.1. Coastal Management Areas and Spatial Mapping

Council supports the concept of establishing coastal management areas under the SEPP. Some issues that need to be addressed include:

- the determination of coastal management areas, including the source of map data;
- layering and integration of policy objectives across planning instruments; and
- the application of development controls.

Council notes that the coastal management areas do not cover the entire catchment of coastal waterways. It is not possible to achieve the stated aims (Part 1 Preliminary, Clause 3 Aim of Policy), in particular 3(a), without consistent governance and development controls over the entirety of the catchment. ***Council recommends that the Coastal Environment Area should include the entire catchment of coastal waterways including non-developed sections of catchments which are integral to the maintenance of water quality and estuarine/waterway health. The coastal reforms should promote total catchment management as a stated aim of the Policy.***

The State Government should show some leadership and complete consistent mapping for the Coastal Vulnerability Area to ensure consistency along the coast. Controls for development in the Coastal Vulnerability Area should be State based to ensure consistency between LGAs.

The local hazard maps are all different between LGAs, and in many cases the map is only available for part of local coastline. For example, there is no hazard map for the northern coast of Wyong (from Budgewoi to the Deep Cave Bay). In case of former Gosford City Council, the hazard map is only available for Wamberal Beach, Terrigal Beach, Avoca Beach, and part of beach at Allagai Bay.

***Council recommends that the mapping of Coastal Vulnerability needs to be reviewed to ensure consistency in approach by the various individual local government Councils and removal of any data gaps to enable completeness across the entire NSW coastline.***

Council supports the application of a 1km extent from a tidal water body. However, ***Council recommends that the Coastal Use Area should be defined based on zoning and development patterns within the catchment area of coastal waterbodies rather than some arbitrary buffer. This could be taken straight from local planning instruments and could be reviewed in association with future reviews of the LEP.***

Council is encouraged by the use of its DCP mapping for coastal frontage areas as the basis for the mapping of Coastal Vulnerability Areas. This adequately addresses risks for land exposed to current or future coastal hazards for beach locations. ***Council recommends that the localised mapping held by Council be utilised to help determine the extent of the proposed Coastal Vulnerability Area across Central Coast's beaches, lakes, and estuaries.***

***Council recommends that Regional CMP/CZMPs should be supported for neighbouring local government areas in order to reduce the cost, minimise inconsistencies, and reduce the length of the certification process.***

However the current local coastal hazard maps do not adequately encompass all coastal hazards as defined in the Coastal Management Act 2016. In particular the mapping is deficient in regard to the impacts of the following coastal hazards and their impacts on estuaries:

- the risk from coastal inundation
- tidal inundation and/or erosion and
- inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters

***Council recommends that mapping of the four Coastal Management Areas, including technical advice on sea level rise needs to incorporate all identified coastal hazards, not merely erosion/recession.***

Planning proposals and other studies and information that will be required to modify the maps can place great resource demands on local government, especially when they are already facing significant financial pressures in meeting day to day functions. Further, the suggested process would require Council to exhibit mapping at least twice, being once during the planning process (potentially also at adoption of hazard information, exhibition of a CMP, exhibition of a planning instrument) and additionally as part of a Planning Proposal. ***Council recommends that where a relevant coastal map has gone through community consultation as part of the CZMP process, further consultation during the Plan making (Amending the SEPP) should not be required. The need to re-exhibit the maps at this stage would cause confusion and duplication in the process.***

As proposed, Councils can only amend the State Government mapping via a Gateway Process. This process needs to be reconsidered where Councils currently have maps that are more advanced and locally specific compared to the state maps. In addition, this mapping would already have been subjected to public scrutiny and comment during lengthy coastal planning processes and exhibition of updates to planning instruments. To require Councils to re-exhibit maps may be an inefficient use of limited resources of local government.

Current coastal hazard maps for the Central Coast LGA (Wyang and Gosford Beaches) are limited to coastal erosion, recession and inundation for the coastline only. This approach fails to recognise the importance of mapping derived through peripheral flood plain risk management planning processes (e.g. Wyong River, Tuggerah Lakes and Brisbane Water catchments). ***Council recommends that the***

***SEPP must recognise the role of Floodplain Risk Management Planning processes in identifying coastal vulnerability areas.***

## **1.2. Policy Direction on Climate Change**

The coastal management reforms make no changes to the current NSW Government approach to align sea level rise projections and ensure consistency in planning for climate change on the NSW coast. This therefore continues the localised sea level rise projections across Local Government Areas (LGA) as Councils arbitrarily select their own projections using a risk management approach.

The biggest challenge for coastal Councils relates to existing developments along the coast. The reforms do not provide tools to address issues such as sea level rise and associated permanent inundation of properties. Planned retreat/rolling easements, voluntary purchase, beach nourishment and the ability for local government to finance long term management options require greater consideration in the reform package.

The lack of stewardship by the State in providing a state-wide approach to sea level rise results in varying approaches being adopted from council to council. This may be at odds with the objects of the proposed new *Coastal Management Act* which aspire for consistent, coordinated and sustainable management of the coastline across the state. ***Council requests that the NSW Government should provide policy direction in relation to sea level rise projections and climate change adaptation planning.***

## **1.3. Implications for Section 149 Planning Certificates**

The implications of potentially new and different Coastal Vulnerability Areas being identified through the reform process, which may not be as robust as councils own records, on Section 149 notifications need to be clarified. ***Council requests that the NSW Government should provide clear and consistent instructions across NSW on the requirements, application and wording of Coastal Management Areas and the Coastal Vulnerability Areas in Section 149 Planning Certificates (property messaging).***

## **1.4. Proposed Coastal Management SEPP Objectives**

The proposed information released during exhibition of the SEPP must provide improved clarity as to how the proposed SEPP will transition through to the local planning instruments.

Whilst the proposed coastal vulnerability areas will apply across all of the Central Coast beach embayments, the degree of risk is vastly different across the Central Coast coastline. Councils need to be provided with appropriate policy guidance but yet still be able to apply flexibility in development controls that build upon those proposed with the Stage 2 reform package.

## **1.5. Transferring of clauses from Infrastructure SEPP**

Council supports the transfer of clauses from the existing Infrastructure SEPP to a new Coastal Management SEPP. There are many management actions within

existing CZMP's relating to restoration works in tributaries of estuaries which currently fall under clause 128(a) and 128(b) of SEPP infrastructure. The provisions being transitioned from SEPP infrastructure should include riparian works within tidal reaches of rivers and creeks. Riparian works are considered to be coastal management works and as such should be included within the coastal SEPP.

Catchment influences need to be better considered within the new planning instrument including riparian corridor, bank and instream management activities. Council therefore suggests that waterway and foreshore management activities (Clauses a) to c) of Section 128 of the Infrastructure SEPP) are included in the proposed Coastal Management SEPP. This will assist in ensuring the new coastal planning instrument sufficiently address threats to ecosystem values within coastal catchments. Furthermore, consent should be required to control impacts of such activities, to achieve proper foreshore management practice and to minimise downstream impact.

The new SEPP will refer to the CMP instead of the CZMP. Council recently completed the Gosford Beaches CZMP in 2015 and now has until the end of 2021 to translate this document into the CMP format. During the transition period from 2015 to 2021 it is still unclear as to which document, SEPP and management actions will prevail. Will the recent CZMP be applicable over the coming years until such time as a new CMP is completed?

## **2. PART 2 DIVISION 1: COASTAL WETLANDS AND LITTORAL RAINFORESTS AREA**

### **2.1. Mapping**

Council supports the proposal to transfer the definition of the wetland and littoral rainforest areas from the existing SEPP 14 and SEPP 26 mapping. However, it is a concern that Littoral Rainforest parcels of <1 hectare have not been included in the mapping.

The proximity area for wetlands is arbitrary and would not provide for sufficient protection from development that may be undertaken upstream of a wetland if that development is outside of the proximity area. ***Council recommends the proximity area for wetlands should be expanded to include the upstream catchment.***  
Clause 12, subclause (1)

Council notes that the coastal wetlands in Chittaway Point and Berkelley Vale within catchment of Tuggerah Lakes are significantly enlarged compare to the areas mapped in SEPP 14 Coastal Wetlands. Meanwhile, a number of coastal wetlands within the Gosford catchment areas which are not currently covered or are only partly covered by this layer including the following:

- Corumbine Creek at Point Clare
- Maitland Bay
- Wamberal Lagoon
- Terrigal Lagoon
- Erina Creek

- Narara Creek
- Kahiba/Ettymalong Creek
- Pearl Beach Lagoon
- Mullet Creek
- Mooney Creek

In order to provide consistency with existing State policy and other legislated definitions (e.g. *Threatened Species Conservation Act 1995* Final Determinations) it is recommended that the Coastal Management SEPP:

- Define Coastal Wetlands in line with the NSW Wetlands Policy (DECCW, 2010) as ecological communities occurring in, adjoining and connected to estuarine lakes, lagoons, waterways and groundwater systems extending inland and characterised by their position in the landscape, floristic assemblages and habitat values including coastal floodplain forests and woodlands, mangrove, saltmarsh and freshwater swamps.
- Adopts a simplified version of the NSW Scientific Committee (2004) Final Determination for Littoral Rainforests. For example Littoral rainforest is *'generally a closed forest, the structure and composition of which is strongly influenced by proximity to the ocean. Littoral rainforest occurs on both sand dunes and on soils derived from underlying rocks. Most stands occur within 2 km of the sea, but may occasionally be found further inland, but within reach of maritime influence. The plant species in this ecological community are predominantly rainforest species with evergreen mesic or coriaceous leaves. Stands may be regrowth or in the process of regenerating.'*

Further, the NSW Wetlands Policy and updated research needs to be reflected in the mapping. So that coastal wetlands include:

- Estuarine lakes and lagoons
- Coastal floodplain forests
- Mangrove
- Saltmarsh swamps.

Similarly, there is scope to expand the coverage of the littoral rainforest layer to include other coastal rainforest variants which have all been listed as Endangered Ecological Communities since the SEPP 26 was enacted. This would allow for consistent regulation of activities affecting rainforest communities and is consistent with Object a) of the Coastal Management Act 2016 being: 'to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience'.

These include communities such as:

- Dry Rainforest of the South East Forests in the South East Corner Bioregion
- Illawarra Subtropical Rainforest in the Sydney Basin Bioregion
- Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions
- Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions  
Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion.

## 2.2. Development Controls

Council commends the NSW Government on the inclusion of development controls that require impact of development be considered in terms of the function of wetland complexes and wetland types in maintaining biological connectivity and ecological diversity across coastal environments.

Council assumes that the damage or removal of marine vegetation will still require a licence under Part 7 of the Fisheries Management Act as well as consent under the SEPP. Clause 11, subclause 1(b)

The requirement for consent authorities, prior to granting consent, to be satisfied that sufficient measures have been, or will be, made to protect the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest is a positive inclusion in the Draft SEPP. However, the protections would be enhanced if all exempt and complying development should be excluded from the Coastal Wetlands and Littoral rainforest Area.

***Council recommends that changes to the natural hydrological regime of a wetland through filling, draining or through the construction of levees should be prohibited under this policy rather than permissible with consent.*** This would exclude environmental works aiming to fill existing man made drainage canals or removal of levees to restore the natural hydrological regime. Clause 11, subclause 1(c)

## 3. PART 2 DIVISION 2: COASTAL VULNERABILITY AREA

### 3.1. Mapping

The mapping for the Coastal Vulnerability Area needs to be released. The State Government needs to show some leadership in this space and ensure that a consistent approach to managing this area is adopted along the entire NSW coast.

Given that there is currently no mapping for the coastal vulnerability area how are Clauses 13(2) and 13(3) applied? It will be very difficult for a consent authority to grant consent (Clause 13, subclause 2). And time limited consents would not be well received by beach front owners (Clause 13, subclause 3).

The information released as part of the Draft SEPP exhibition identifies that mapping will be applied that has been derived from Coastal Management Program processes. It also states that the NSW Government will work to include relevant hazard mapping from “adopted studies” into the Coastal Vulnerability Area. ***Council seeks clarification as to the use of mapping data derived from the NSW floodplain risk management planning framework and recommends the SEPP be expanded to include specific reference to this data source.***

### 3.2. Development Controls

It should be noted that, while each of the coastal hazards defined under the Coastal Management Act 2016 presents different requirements for development assessment, the development controls proposed in the new Coastal Management SEPP appear to be directed mostly to the hazard relating beach erosion and shoreline recession.



***Council recommends development controls on certain land within the Coastal Vulnerability Area (Clause 13) be reviewed to account for risks from all of the hazards identified under the legislation..***

Clause 13 (3)(b) requires should include reference to the Environmental Planning & Assessment Act 1979 as opposed to “*the Act which provides for the imposition of conditions on development consents*”.

## **4. PART 2 DIVISION 3: COASTAL ENVIRONMENT AREA**

### **4.1. Mapping**

In consideration of the objectives for the Area the mapping and boundary of the Coastal Environment Area should logically extend to include:

- the catchment areas (beyond the proposed buffer) where development pressures impact sensitive areas; and
- areas of natural vegetation within the catchments of coastal wetlands and include buffers along upstream riparian zones.

Extending the coastal environment area will assist in managing ecological connectivity and the risks to ecological values. Further consideration should be given to the catchments of coastal wetlands that have been recognised as nationally important (discussed further below). The extension of this mapped area as suggested in this submission would significantly enhance the ability of managers to meet the Area objectives.

The alignment of proposed development controls to those currently applying under clause 5.5 of the Standard Instrument LEP is supported. The focus is broad and considered by Council to include all major threats to environmentally significant locations.

### **4.2. Development Controls**

Clauses 14(1) states that development consent must not be granted to development on land that is wholly or partly within the Coastal Environment Area unless the consent authority is satisfied the development does not affect certain elements of that area.

Clause 14, 1(c) requires that a development should not likely 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. For reasons stated above and the value of all coastal lakes/lagoon systems cumulative impacts must also be considered for systems identified in Schedule 2.

As mentioned above, the Coastal Environment Area needs to be significantly expanded to include important, forested areas of coastal catchments. The subclauses in Clause 14 will be completely ineffectual if they are applied across such a narrow area without any consideration of the impacts caused by development in the broader catchment.

The inclusion of 'sensitive lakes' within the coastal environment is limited. All coastal lakes and lagoons are under increasing pressures and should be managed appropriately. The indicators selected, paucity of data and comparison to large permanently open estuaries are problematic for small ICOLLs and the results are not considered reflective of the actual conditions of the Central Coast Coastal Lagoons.

The identification of specific and a limited number of locations may impact the availability of funding for coastal lakes and/or lagoons which are not listed in Schedule 1. It is hoped that this will not reduce the ability of Council and community to manage environmental and community values within lagoon catchments.

In addition to being listed by the Healthy Rivers Commission, Central Coast's estuaries are included in the Directory of Important Wetlands in Australia. This is on the basis that:

- They provide a good example of a wetland type occurring within a biogeographic region in Australia;
- They are wetlands important as the habitat for animal taxa at a vulnerable stage in their life cycles, or provides a refuge when adverse conditions such as drought prevail; and
- These wetland support native plant or animal taxa or communities which are considered endangered or vulnerable at the national-level.

## **5. PART 2 DIVISION 4: COASTAL USE AREA**

### **5.1. Mapping**

The minimum 1km boundary from a tidal water body should be able to be increased only where information or circumstances warrant. Any extension to the Coastal Use Area boundary should be determined through the establishment of criteria across the NSW coast.

Urban areas have a profound, negative impact on the health of estuaries and applying controls to an arbitrary buffer of between 100 and 200m fails to consider catchment dynamics.

### **5.2. Development Controls**

The controls are all appropriate but should include water sensitive urban design/wastewater controls (consistent with the Coastal Environment Area). This is important across the entire catchment areas as the any development can have significant impact on receiving water. Inclusion of such controls better support a catchment management approach.

Surely maintaining and improving the health of coastal waters, estuaries, coastal lakes and coastal lagoons is a public interest criterion which should be addressed when considering development within the coastal use area?

## **6. PART 2 DIVISION 5: GENERAL CONTROLS**

Council supports the inclusion of Clause 16 (1) which will require that development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. However it is unclear why Clause 16 (2) has been included whereby Clause 16 (1) ceases to have effect at the end of 31 December 2021.

The need for consent authorities to consider relevant CMPs/CZMPs prior to granting development consent is an important inclusion in the Draft SEPP. However, this wording should be strengthened to ensure that any proposed development is consistent with such planning documents. Additionally, and as stated earlier in this submission, there is a need to ensure that relevant Floodplain Risk Management Plans developed under the NSW Floodprone Lands Policy. The SEPP, as proposed, does not currently align these complimentary planning processes, to ensure optimal benefit for management of coastal hazards.

The *Coastal Management Act 2016* defines coastal protection works to mean:

- (a) beach nourishment activities or works, and*
- (b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.*

The Minister for Planning stated at the 2016 NSW Coastal Conference that Councils would be able to undertake beach scraping without approval. However, the Act and the SEPP do not currently provide clarity on the permissibility of undertaking of beach scraping. This management action is an important tool in the management of beaches, including access and amenity. This process serves to assist nature in beach enhancement by systematically speeding up the natural dune recovery process.

## **7. PART 3 MISCELLANEOUS**

### **7.1. Coastal protection works (Clause 21)**

Council highlights that there is a need for more stringent and consistent assessment of coastal protection works including emergency coastal protection works. Council supports the need for works (undertaken by anyone other than a public authority) to be assessed through a development assessment process. However, the SEPP should specify that a development assessment will only be considered when:

- environmental and coastal engineering assessments accompany the development assessment application
- landowners consent accompanies the development application where works occupy land of adjoining landowners

It should also be mandatory for applicants of emergency coastal protection works and coastal protection works to submit a Construction Environmental Management Plan (CEMP) to the consent authority. The CEMP is to detail how the works will be undertaken to minimise the risk to public safety and the environment. As a minimum, the CEMP shall include:

- Description of the works
- Schedule of works
- Access points to the beach
- Public exclusion zones including location of any temporary fencing
- Traffic control measures
- Materials stockpiling
- Emergency/incident management

All works must be undertaken in accordance with the approved CEMP.

Recent examples of beachfront residents constructing non-compliant emergency coastal protection works have highlighted confusion and inconsistencies in the way Councils are able to respond such works. ***Council recommends that clarity as to responsibility of agencies when dealing with non-compliant development where Council does not have an Authorised Officer (i.e. does compliance stay with Office of Environment and Heritage).***

Part 3 Clause 21 of the Draft SEPP provides detail in regard to the undertaking of coastal protection works by public authorities and private landowners. However, Council is unclear as to the application of the following outdated control mechanisms going forward:

- Coastal Protection Regulation 2011
- Code of Practice under the Coastal Protection Act 1979
- A guide to the statutory requirements for temporary coastal protection works

***Council requests that the application of these documents, including compliant materials and specification for emergency coastal protection works, is clarified by the NSW Government.***

Clause 21 Coastal Protection Works refers to works “identified in a Coastal Management Program (or continuing CZMP)” but there is no detail or how the works need to be identified. Is it enough for a CMP or continuing CZMP to simply state that protection works or terminal structure are to be investigated, designed, costed, etc. for the works to be “identified”. It would be good if the SEPP outlined that “identified” means it has been investigated, is feasible, designed, costed and is ready for the construction phase?

## **7.2. Coastal protection works by person other than public authority**

Given that terminal protection (such as seawall) is identified as an option for many locations along NSW coastline. This may give the impression that lodging an application to build a seawall to protect one or several properties is in accordance with the CMP/CZMP. However this is misleading as the CMP/CZMP would be referring to a continuous structure to protect multiple properties. ***Council recommends that the Joint Regional Planning Panel (JRPP) should be the consent authority for all permanent coastal protection works proposed by private landowners on public and private land. Part 3, Clause 21 (1)***

### 7.3. Coastal protection works by public authority

Is an environmental assessment required under Part 5 of the EP&A Act for emergency coastal protection works (beach nourishment, scraping, relocation or sand bag walls) if the actions are identified in an Emergency Action Sub Plan? Exempt would appear to insinuate that no approvals are required and this may be taken by high level management to mean no design work is necessary. This is particularly an issue for sandbag structures which can have negative impacts on the adjacent beach and require detailed design by appropriately qualified engineers.

Council notes that the 90 day timeframe for emergency coastal protection works is unrealistic. This would not allow for sufficient recovery of beaches to enable removal of works or for the development and implementation of longer term options.

Sandbag walls take a long time to build too, for example it took 3 months to build a 100m long temporary sandbag wall at Ocean Beach (Ettalong Point) to protect a public road. After 12 months the beach has not recovered sufficiently to remove the wall. Therefore, ***Council recommends that for the coastal protection works by public authority, the period of 90 days for the placing of sandbags on public land be removed or extended. Part 3, Clause 21, 2(a),(iii).***

Council suggests that a period of 2-5 years should be considered for these types of temporary structures as this would allow time for the public authority to develop a longer term solution in accordance with the relevant coastal management program or CZMP.

### 7.4. Changes to approval pathways (Clause 22)

Council supports the complimentary consent functions proposed for the JRPP as this will provide transparency for Councils in decision-making. However, it is essential that the JRPP possess sufficient expertise to make decisions relating to the management of coastal risk. This is not currently the case in most JRPPs established across NSW.

To assist this consent process ***Council recommends in the assessment process the JRPP refer applications to the Coastal Council and the NSW Office of Environment and Heritage for technical coastal engineering advice and expertise.***