



Community Environment Network Inc.

An alliance of community and environment groups from Lake Macquarie, Wyong and Gosford.

20 January, 2017

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

SUBMISSION ON DRAFT COASTAL MANAGEMENT SEPP AND DRAFT MAPS OF THE COASTAL MANAGEMENT AREAS

Dear Sir/Madam,

The Community Environment Network (CEN) is an alliance of individuals, community and environment groups from Gosford, Wyong and Lake Macquarie. Our aim is to work *for* ecologically sustainable development and *against* threats to it. CEN is a not-for-profit, community based organization with approximately 400 members including around 90 groups with an affiliated membership of 5,000.

Thank you for the opportunity to comment on the Draft State Environmental Planning Policy (Coastal Management) 2016 and Draft Maps of the Coastal Management Areas. We commend the NSW Government in seeking to improve coastal management however, remain concerned about many elements of the proposal SEPP and Draft mapping.

We note the significant pressures on our coastal areas and are concerned that the draft SEPP will do very little to ensure the protection and appropriate management of sensitive environments and ecosystems.

We strongly oppose separating the coastal zone into four hierarchical coastal management areas and in particular that new development controls for the coastal use area do not include any requirement to consider environmental impacts.

We consider that that the coastal mapping is flawed and significant improvement must be made to the maps before the Coastal Management Act 2016 can commence. There is no clear map methodology and arbitrary boundaries that have not been ground-truthed leading to inadequate mapping of each of the four coastal management areas. In particular, the mapping for the coastal environment area must be ground-truthed as the arbitrary distances used to map the coastal environment area have not adequately captured all sensitive environmental areas.

We are concerned that the hierarchy of management objectives arbitrarily places the coastal vulnerability area above the coastal environment area.

The SEPP represents weaker management objectives and development controls for the coastal area, particularly the coastal use area.

We are also concerned with the failure of the new laws to explicitly recognise sea level rise.

We strongly urge the Government to delay finalising the Draft SEPP and mapping and commencing the new coastal management regime until these issues are resolved.

Please find attached other key points of concern.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JS' followed by a flourish.

Jane Smith
CEO

Community Environment Network - Points of concern:

1. We oppose the separation of the coastal zone into **four distinct areas as it will result in inconsistent and weaker provisions**. The development controls are less stringent than the provisions currently set out in SEPP 14—Coastal Wetlands, SEPP No 26—Littoral Rainforests and SEPP 71—Coastal Protection, or in Clause 5.5 of the Standard Instrument—Principal Local Environmental Plan (Standard Instrument).
2. The Draft SEPP should **define ‘coastal zone’ in clause 4 of the SEPP**, with reference back to section 5 of the *Coastal Management Act* 2016. A note is not appropriate.
3. Each of the four coastal management areas is defined in clause 6 of the Draft SEPP with reference to the relevant map. However, there are **no provisions in the Act or the Draft SEPP that clearly specify the methodology underpinning the mapping** of these areas, making the definitions uncertain and arbitrary.
4. There should be **overarching development controls** that give effect to the objects of the *Coastal Management Act* 2016 consistently across the Coastal Zone.
5. The Draft SEPP does **significantly weaken environmental protections** particularly in the **coastal use area and the coastal vulnerability areas**. Development controls that have not been directly carried across into the new Coastal Management SEPP Include:
 - The broad range of considerations in clause 5.5(2) of the Standard Instrument, and the provisions in clause 5.5(3) of the Standard Instrument that relate to **public access** and **water quality**
 - Existing provisions of SEPP 71 that specifically require consideration of **wildlife corridors**, and **threatened species, populations and endangered ecological communities** (c.f. clauses 15, 16 and 18 of SEPP 71).
 - Provisions dealing specifically with **subdivision**, and **sewage effluent** and **stormwater disposal** (c.f. clause 8, subsections (g), (h) and (i) of SEPP 71).
6. **Removal of concurrence provisions** - Concurrence provisions which are currently in SEPP 14 and SEPP 26 **must be retained**. The concurrence of the Secretary of Planning and Environment, or the Minister for the Environment, should be required for all development proposals within the Coastal Wetland and Littoral Rainforest Area as currently required, including proximity areas.
7. **Concurrence requirements** should be **extended to the Coastal Environment Area**, similar to current provisions for significant coastal development in SEPP 71.
8. We are concerned that the **coastal vulnerability area is given higher priority** than the coastal environment area under the *Coastal Management Act* 2016.
9. **Failure to increase protections for coastal wetlands and littoral rainforests** - We are concerned that development remains permissible in areas of coastal wetland and littoral rainforest. Consideration should be given to providing additional protection by now restricting development in these areas.
10. **Clause 12(2) - exclusion for residential zones** - We support the inclusion of proximity areas for both coastal wetlands and littoral rainforests, but do not support clause 12(2) of the SEPP which provides that the requirements set out in clause 12(1) do not apply in land Zoned R1, R2, R3 R4, R5 or RU5.
11. The proposed development controls for **coastal vulnerability areas** should be strengthened to ensure that new development is discouraged in areas of high risk from coastal hazards and provision

is made for planned retreat along coast as well as including provisions relating to environmental protection.

12. The **definition of 'coastal hazard'** does not adequately capture anticipated **impacts of climate change**, including sea level rise and increased and more intense storm activity.
13. The failure of the **coastal environment area** to adequately cover the complete beach and dune systems consistent with the management objectives for that area
14. **Development controls for the coastal environment areas** could be strengthened, for example by:
 - better 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;
15. There is nothing in the **development controls for the coastal use area** that requires specific consideration to be given to **impacts of development on the environment**. This is a significant backward step from the current application of SEPP 71 and clause 5.5 of the Standard Instrument that require a broad range of considerations to be applied to the entire Coastal Zone. This is inconsistent with objects of the draft Bill and the principles of ecologically sustainable development.

DRAFT COASTAL SEPP MAPS

16. There is **no map methodology** that clearly specifies how the coastal management areas be mapped. The Fact Sheets provide a brief explanation of how the maps have been developed, but these are not legal requirements.
17. **Mapping of Coastal Environment Area** - It is unclear where **the 100m landward area** is measured from. Applying an arbitrary 100m fails to take into account the natural variations along the coast. It appears that the Government has not ground-truthed the mapping to ensure that the coastal environment area actually covers the area it is meant to protect. This is inconsistent with the management objectives of the coastal environment area in the *Coastal Management Act 2016*
18. **Other types of sensitive environments**, such as National Parks and endangered ecological communities (EECs), are **not included in the coastal environment area**, and consequently fall into the coastal use area. The Draft SEPP may lead to inappropriate development in these areas. We suggest that the criteria for mapping coastal environment area be expanded to cover other environmentally sensitive areas, such as National Parks and EECs.
19. **Mapping of Coastal Vulnerability Area** - We are concerned that mapping of the coastal vulnerability area **is incomplete**. At this stage, the Draft Maps have simply adopted existing coastal hazard mapping already developed. Existing coastal hazard mapping does not necessarily cover the full extent of coastal hazards as defined in the new *Coastal Management Act 2016*.