

Submission to Draft SEPP

I object to the draft coastal management SEPP

"Draft Coastal Management SEPP and Mapping

The draft Coastal Management SEPP and associated mapping will be the primary environmental planning instrument that will set the land use planning framework for coastal management in NSW. It aims to ensure the planning objectives of The Act are implemented." [BSC]

The deleterious impacts will be vast and negative. It will strike at the heart of coastal land evaluations and the economic wellbeing of thousands of coastal residents.

"The draft Coastal Management SEPP specifies the development controls that will apply to particular forms of development or within particular coastal management areas, as defined by the 4 maps. It also defines the consent process and requirements for public authorities and private landowners who propose to construct coastal protection works." [BSC]

It is a total overreach by the State to introduce such controls when it is known that the relevant key mapping is outdated, inaccurate and biased. In the extract from Byron Shires submission below these elements are clearly pointed out.

Coastal Vulnerability Mapping:

Extract BSC:-

The coastal vulnerability area is not defined by any key parameters other than by either the:

- Coastal Vulnerability Area Map,
- Land identified as "coastal hazard land" on the Local Government Coastal Hazard Map.

The area is undefined in terms of planning timeframes, sea level rise benchmarks etc.

The Coastal Vulnerability Area Map is yet to include any land at present, and will require a long timeframe to identify areas based on local coastal modelling and technical studies. The present map referred to in the Draft SEPP Coastal Management 2016 for coastal hazard lands for Council is based on the mapping in LEP (1988), which broadly follows the DCP (2010) - Part J coastal planning precincts area. The mapping is not based on current coastal hazard mapping as there is no such zone in the current LEP (2014) that covers 'coastal lands'. All coastal lands subject to coastal hazards are considered a 'deferred matter' in the current LEP (2014) and thereby revert back to the previous LEP (1988) and accompanying DCP (2010). The Part J coastal planning precinct area of the DCP (2010) is based on a study of coastal process completed in 1978 and the mapping of coastal hazards is completely out-dated. The mapping includes beach erosion and shoreline recession, but does not include consideration of sea level rise, which is a requirement of State coastal zone management plans (CZMPs) as per the Guidelines (OEHL, 2013). Beach erosion, shoreline recession and sea level rise have been considered and incorporated into the recent technical study completed by BMT WBM in 2013 which has produced hazard lines for the immediate, 2050 and 2100 timeframes. Council has made request to have a new zone added to the

current LEP (2014) based on the most recent hazard mapping undertaken by BMT WBM in 2013. However, no resolution/response has been received by the Minister. Implications for Council regarding the Draft SEPP Coastal Vulnerability Area Map is that the area is based on out-dated mapping (influenced by a higher recession phase and stormy erosion loss period), and more contemporary data and analyses (based on a lower recession rate) is available.

This will mean that two legally binding planning documents will revert to out-dated hazard mapping, for which Council has more technically robust information available.

To add to the critical comments above, it would have been useful for the Council to have added the information about the recent Supreme Court settlement, which has effectively ensured that Belongil Beach will continue to have the benefit of effective rock walls (via clear terms of settlement

endorsed by the court) to protect it from the past and future impacts of Council's protection works on State coastal land managed by Byron Council.

This has effectively removed Belongil Beach urban area (residential land) from any "coastal vulnerability" but the SEPP still has it mapped so.

Similar court action can be expected at other so called erosion "Hotspots" over the impact of the State's training walls at Ballina, Brunswick Heads (from New Brighton Residents) and the Cudgen Creek training walls at Kingscliff etc and subsequent coastal realignment impacts.

The significant impact of man-made structures on coastal processes was clearly pointed out to the State via a 2001 Coastal Council's report by Dr Peter Roy, delivered to Professor Bruce Thom. This "smoking gun" report has not been widely disseminated. A long line of experts before and since this "Roy" report have echoed these findings which fly in the face of the continued multi decadal misleading advice about Northern NSW coastal processes given to the State.

Wetland Buffers and Mapping:

In the draft SEPP, Belongil Beach has also largely been mapped as wetland buffer, despite it being a totally developed residential area with a thriving adjacent wetland.

The current 7F2 coastal urban zoning is now basically a strictly residential zone with other potential commercial uses being removed via LEP amendments in 2002.

It is also a deferred matter under the current LEP processes, yet the area has been overlaid in the SEPP, as a wetland buffer. Why, when other residential areas as outlined in the Byron Shire extract below have been excluded from "Wetland Buffers"?

It is totally unacceptable that SEPP mapping is both inaccurate and discriminatory when the logical and likely future zoning of Belongil Beach will be residential with the current large non conforming commercial and tourist uses once again made conforming uses.



Figure 1 Coastal wetland proximity area mapped over Ocean Shores shopping village in the north of the photo, but not over the new residential subdivisions in the south.

Extract

The ramifications of such obvious such errors in the SEPP mapping State wide must be significant, no doubt effecting tens of thousands of unknowing residents.

The economic impact will be vast and any government can expect a significant backlash and legal confrontation when these backdoor changes are properly exposed.

John Vaughan

Belongil Beach 20 January 2017